

GRAHAM E. BERRY
LAW OFFICE OF GRAHAM E. BERRY
3384 McLAUGHLIN AVENUE
LOS ANGELES, CA 90066
Telephone and Facsimile: (310) 745-3771
Email: grahamberryesq@gmail.com

November 10, 2015

The Los Angeles City Attorney's Office
200 North Main Street, Room 800
Los Angeles, CA 90012-4131

By Hand to the D30 arraignment attorney

Attention: Discovery Section

Re: **People of the State of California vs. Donald James Myers**

Birth date: 07/31/1965

Booking No. 4495025 (*Private Prosecution*)

Case Number: _____

To Whom It May Concern:

I represent the defendant Donald J. Myers who was arrested on Saturday, November 7, 2015, on a private prosecution alleging a sexual battery upon a Church of Scientology employee while the defendant was exercising his first amendment rights to protest the Scientology organization in and around the scientology facilities at L. Ron Hubbard Way and Sunset Boulevard. There is a long history of first amendment protesting and scientology "fair game" retaliation between the scientology organization and this defendant. After being arrested upon the alleged misdemeanor the defendant was then held without bail from Saturday evening November 7, 2015, until the afternoon of Tuesday, November 10, 2015, when he was arraigned.

DEFENDANT'S REQUEST FOR DISCOVERY

The defendant Donald James Myers hereby makes his informal request that the alleged victim, prosecution, private prosecutor, the Church of Scientology, and their respective counsel disclose, within 15 days, all of the materials and information described in Penal Code section 1054. 1 (and not previously disclosed at defendant's initial appearance herein).

Defendant further requests that the prosecution obtain and disclose, within 15 days, the following:

- (1) All CCTV footage recorded on the night of the incident by the various CCTV cameras located at and in the vicinity of the location where the incident is alleged to have occurred.
- (2) All CCTV footage recorded on the night of the incident by the various CCTV cameras located at the scientology facilities at L. Ron Hubbard Way, Sunset Boulevard and Fountain Avenue and encompassing the entire time period the defendant was present at the location and protesting the scientology organization and including the time period during the citizen's arrest and detention of the defendant.
- (3) The existence of any felony conviction of any material witness;
- (4) The unedited 911 operator and police radio dispatch tapes and/or recordings of the calls for a period one half hour before and one half hour after any event mentioned in the police report however recorded, or preserved, requesting police assistance at the scene of the incident on the night of the incident;
- (5) Any and all tapes, print-out, or other communication from any police, fire, ambulance, or other dispatch regarding this incident;
- (6) Any and all recordings, printouts or other memorialization of any point to point communications of any persons involved in this matter.
- (7) NOTICE IS HEREBY GIVEN THAT THE DEFENSE REQUESTS ANY AND ALL ORIGINAL TAPES OF COMMUNICATIONS REGARDING THIS EVENT BE PRESERVED FOR INSPECTION.
- (8) Any and all police reports, supplemental reports or the like made in conjunction with this case;
- (9) Any and all re-booking, booking, or post booking communications reports or supplements regarding this defendant.
- (10) Any and all statements, oral, written or otherwise recorded or preserved in any manner, attested to, signed by or not, alleged to have been made by the Defendants to any person at any time regarding the facts or circumstances of this case INCLUDING but not limited to all requests the Defendant made of the arresting officers and any subsequent custodial officers.

- (11) Any and all names, current addresses and current phone numbers of any person who may be called to testify against the Defendant at trial or any other hearing regarding this case;
- (12) Any and all names, addresses and phone numbers of any percipient witnesses to any aspect of the alleged incident, offense, investigation, or analysis conducted in this case, whether favorable or unfavorable to the defense, regardless of the prosecution's intent to call these persons as witnesses in any hearing herein;
- (13) Any and all statements made by any of the aforementioned witnesses, oral or written, recorded in any manner, attested to or signed, or not, by them.
- (14) Any and all audio or visual recordings of the Defendant, the scene, or any other facts or circumstances related to the above offense however recorded or maintained.
- (15) Any and all criminal records (including arrest records) of any witness the prosecution intends to call at trial whether felony or misdemeanor, and the probation status, if any, of these persons or any other relevant impeachment of a witness.
- (16) Any and all other favorable or exculpatory evidence, information, and documents, in the possession of the prosecution, any police department, or other agency or person available to the prosecution through due diligence.
- (17) A copy of any notes made by the citing officer or any other officer regarding the incident and charged offenses;
- (18) Any and all communications between representatives of the scientology organization and/or the alleged victim regarding the defendant.
- (19) Any and all communications between representatives of the scientology organization and/or the alleged victim and/or the prosecution regarding the defendant.
- (20) Any and all documents, photographs, video recordings, audio recordings, communications, other information or data received from any source, person or entity regarding the defendant, the defendant's history in any respect, the alleged victim, anyone associated with the Defendant, the Defendant's attorney, and/or the alleged incident.

Defendant asks that this request be treated as a continuing request through completion of trial (see Pen. Code section 1054.7)

Very Truly Yours,

/s/

Graham E. Berry