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March 10, 2016

By Certified Mail Return Receipt Requested

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

Attention: Discovery Section – Amended Informal Discovery Request

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

Birth date: 07/31/1965
Booking No. 4495025
Case Number:
LAC6CJ06496

**Pre-Trial Conference:
April 13, 2015
Department 54
0-30 (5/13/16)**

To Whom It May Concern:

On March 9, 2016, a prior version of this discovery request was hand-served upon the People's representatives. Prior to this date it was understood that the alleged victim was Odo Huber a Church of Scientology minister/bi-cycle security guard believed to be from North Africa and who was "handling" the defendant during his picket of against Church of Scientology civil rights abuses outside several Scientology administrative office buildings. Instead, the alleged victim is a higher ranking Scientology staffer (Ken Long) who has been/is a member of its intelligence/legal/public relations department known as the Office of Special Affairs

(“OSA”).

For your convenience, the amendments to the previous Informal Discovery Request have been made in italics.

I represent the defendant Donald J. Myers who was arrested on Saturday, November 7, 2015, apparently upon a citizen’s arrest, falsely 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. 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 to be arraigned. Instead, on November 10, 2015, the case was dismissed by the City Attorney’s Office and the defendant was released from the jail without him having to make any appearance in court. The defendant had spent three nights in jail on this trumped up charge of sexual battery.

On January 15, 2016, presumably upon the request of the Church of Scientology, a further three new charges were filed against Mr. Myers and he was mailed a summons for his appearance on March 9, 2016. The three new charges arising from the same November 7, 2015, first amendment protest by the defendant, are battery, disturbing a gathering for religious worship and trespass. Like the earlier dismissed charge they are purely pre-textual.

There is a long history of first amendment protesting and scientology “fair game” retaliation between the scientology organization and this defendant, among many others. *There is also a significant history between the defendant, the alleged victim (Ken Long) and his attorney Kendrick Moxon, Esq. [Google ‘Kendrick Moxon’ and “Ken Long Scientology”]*

There is also a long and documented history of the Scientology organization misusing the laws and law enforcement personnel to try and deter and/or punish the exercise of first amendment rights of other activists to protest alleged Scientology human rights and other abuses in and around its facilities. This so called

Scientology “Fair Game” activity against first amendment protected speech has been particularly aggressive since on or about February 10, 2008, when world-wide protests commenced against Church of Scientology related to its human rights abuses, civil rights abuses, and other wrong-doing. Kendrick Moxon, Ken Long and Odo Huber have been very active and visible in efforts to deter and punish such lawful first amendment activity and to “investigate,” chill and intimidate those involved.

DEFENDANT’S INFORMAL REQUEST FOR DISCOVERY

The defendant Donald James Myers hereby makes his informal request that: (1) the alleged victim, (2) the prosecution herein, (3) the Church of Scientology International and any of its related/affiliated entities, employees, volunteers or members, and/or (5) their respective counsel disclose, within 15 days, copies of all of the materials and information described in Penal Code section 1054. 1 (and not previously disclosed at defendant’s initial appearance herein). Defendant asks that this request be treated as a continuing request through completion of trial (see Pen. Code section 1054.7).

Defendant also demands a privilege log (s) for any documents being withheld from production herein for any reason by any person or entity. The privilege log should provide sufficient date, sender, recipient, description of document and privilege claimed in order to enable a proper evaluation of any privilege (s) being asserted.

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

The defendant further informally requests that, inter alia, the prosecution obtain (from the alleged victim, any representative of any Church of Scientology related entity, and any Church of Scientology related entity, and disclose, within 15 days, the following documents, statements, writings and/or materials (as defined, inter alia, in Evidence Code Sections 225 and 250):

- All CCTV footage recorded on the afternoon and night of the incident, and for a period of one hour before and after the incident, by the various CCTV and other cameras located at and in the vicinity of the location where the incident is alleged to have occurred.
- All CCTV footage of the defendant recorded on the afternoon and night of the incident , and for a period of one hour before and after the incident, by the various CCTV and other 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.
- All audio recordings recorded on the afternoon and night of the incident, and for a period of one hour before and after the incident, by the various microphones and other listening devices located at and in the vicinity of the location where the incident is alleged to have occurred.
- All audio recordings recorded on the afternoon and night of the incident , and for a period of one hour before and after the incident, by the various microphones and other listening 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's abuses) and including the time period during the citizen's arrest and detention of the defendant at that location.
- All video and/or audio recordings recorded on the afternoon and night of the incident by the various law enforcement officers who arrested the defendant including but not limited to any body-cams or dash-cams.
- 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.

- Any and all tapes, print-out, or documents memorializing, referring to or recording any other communications from any police, fire, ambulance, or other dispatch regarding this incident.
- Any and all recordings, printouts or other memorialization of any point to point communications of any persons involved in this matter.
- Any and all police reports, supplemental reports or the like made in conjunction with this case.
- Any and all re-booking, booking, or post booking communications reports or supplements regarding this defendant.
- 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 Defendant 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.
- 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.
- 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.
- 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.
- 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.

- 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.
- 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.
- A copy of any notes (handwritten, digital or otherwise recorded) made by the citing officer or any other officer (s) regarding the incident and charged offenses.
- A copy of any photographs or medical reports regarding any alleged injury suffered by the alleged victim as a result of the alleged battery by the alleged defendant along with the dates of any such photographs of any such alleged injury and who took any such photographs.
- Any and all communications between any and all representative (s) of the scientology organization and/or any representative of the LAPD regarding the defendant, from February 10, 2008 to the present day.
- Any and all communications between any representative (s) of the Church of Scientology organization and/or the LAPD and/or the Los Angeles City Attorney's Office and/or the Los Angeles District Attorney's Office between February 10, 2008 and the present day regarding the activities of first amendment protestors in and around any of the Church of Scientology related buildings in Los Angeles.
- Any and all records of the same officers who arrested the defendant being previously called to a Church of Scientology related organization and arresting other first amendment protestors thereat, between February 10,

2008 and the present day.

- Any and all communications between representatives of the Church of Scientology and/or any related organization and the alleged victim regarding the defendant, between February 10, 2008 and the present day.
- Any and all communications between representatives of the scientology organization and/or the alleged victim and/or the LAPD and/or the prosecution regarding the defendant, between February 10, 2008 and the present day.
- Any and all documents, photographs, video recordings, audio recordings, communications, other information or data held by any Church of Scientology related entity or person and/or 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, between February 10, 2008 and the present day
- Copies of any and all Church of Scientology related schedules and/or publications indicating the activities occurring at the location of the alleged incident on the day that the defendant was arrested.
- Copies of any and all Church of Scientology related schedules and/or publications indicating the activities occurring at the location of the alleged incident on each and every preceding Saturday afternoon and evening for the thirty-six (36) months prior to the date that the defendant was arrested in connection with this proceeding.
- All documents relating to *[delete-the alleged victim's-delete]* Scientology bicycle security/minister's Odo Huber immigration status, the location of his passport, and his actual post or employment as a bicycle security patrol guard.
- All communications of any date between the alleged victim and any other person or entity regarding the defendant.

- All communications of any date between February 10, 2008 and the present day, between the alleged victim and any other person or entity, including but not limited to any Church of Scientology or law enforcement officials or entities, regarding the presence and/or handling of and/or arrest of protestors in and/or around any Church of Scientology related premises.
- NOTICE IS HEREBY GIVEN THAT THE DEFENSE REQUESTS ANY AND ALL ORIGINAL TAPES OF COMMUNICATIONS REGARDING THIS EVENT BE PRESERVED FOR INSPECTION.
- *All audio, video and photographic recordings recorded in and around the lobby of the building located at 1308 L. Ron Hubbard Way, Los Angeles, CA 90027 on the afternoon and night of the incident, and in particular between the hours of 1730 and 1930 hours.*
- *The signed Declaration executed on 1/13/2016 and purportedly bearing the signature of Declarant and Complainant CARRILLO #4054. [being the upper half of the discovery package provided to the defendant's counsel on 3/9/16].*
- *The original and complete unedited "video copy of the incident" that "[T]he security guard West stated he can provide. [See Arrest Report, Continuation Sheet 2].*
- *With reference to the Arrest Report, page 1, just below "Clothing Worn" please provide a copy of that "connecting report" appearing to be "AFDR# 25096036.*
- *With reference to the Arrest Report, page 1, at the foot of the page, please provide a copy of the two documents identified as INC#151107003647 and efile 237324.*
- *A copy of the notes of the incident recorded by LAPD officers Asuncion (# 36248), Carrillo (#40854), Lopez (#38805) and Stauber (#41178).*

- *A copy of arrest file no. 15-11-19481 as identified on the Probable Cause Declaration.*
- *A copy of any written statements or reports by the alleged victim Kenneth D. Long regarding the alleged incident whether made to: (a) any law enforcement agency, officer or official, or to; (b) any person or entity within any of the Church of Scientology related entities including but not limited to the Church of Scientology Office of Special Affairs.*
- *A copy of any notes referring to any oral statements by the alleged victim Kenneth D. Long regarding the alleged incident other than the arrest report itself.*
- *A copy of any other written statements, or notes of oral statements, made by the alleged victim Kenneth D. Long to the LAPD or LA City Attorney's Office between February 10, 2009 and the present day.*
- *A copy of any reports or other communication (s), whether maintained by the LAPD, the LACA or any Church of Scientology related entity, that lists the names of all and/or any persons present within sight of the defendant (and their addresses and telephone numbers if identified) when any part of the alleged incident occurred whether or not the prosecution intends placing any one or more, or none, of those persons on its witness list herein.*
- *Any other communications, or notes of any other communications, by any person to the Los Angeles Police Department or the Los Angeles City Attorney's Office regarding the defendant including but not limited to communication with or from Kenneth L. Moxon, Esq.*

Very Truly Yours,

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