



NAPA COUNTY DISTRICT ATTORNEY'S OFFICE  
CRIMINAL DIVISION

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District Attorney

**FILED**

JUN 14 2013

Clerk of the Napa Superior Court  
By: [Signature]  
Deputy

June 6, 2013

The Honorable Mark S. Boessenecker  
Supervising Judge  
Napa County Superior Court  
825 Brown Street  
Napa, CA 94559

SUBJECT: Response to the Grand Jury 2012-2013 Final Report on the Integrity of Grand Jury Investigations

Dear Judge Boessenecker,

As Napa County District Attorney, I have reviewed the findings and recommendations contained in the 2012-2013 Final Report. The Grand Jury is to be commended for its work on behalf of the citizens of Napa County. This letter is intended to respond to the Findings and Recommendation.

**Finding 1.** Certain witnesses interviewed by the Grand Jury, knowingly, repeatedly and willfully, violated their lawful secrecy admonition.

RESPONSE: I have no personal non-privileged information related to this finding and thereby I am unable to agree or disagree with this finding.

**Finding 2.** The conduct of the witnesses in repeatedly violating the Grand Jury's lawful secrecy admonition created an atmosphere of apprehension and intimidation which impeded the proper investigation of the Grand Jury.

RESPONSE: I agree that if witnesses repeatedly violated the Grand Jury's secrecy admonition, as the Grand Jury implies in its findings, this would tend to create an atmosphere of apprehension and intimidation which could seriously impede the proper investigation by the Grand Jury.

**Finding 3.** The conduct of the witnesses who violate the secrecy admonition is punishable as contempt of the Superior Court.

RESPONSE: I agree that should such conduct be substantiated, the Superior Court has the remedy of contempt available should it so determine to be appropriate to exercise.

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Napa Superior Court

**Recommendation No. 1:** That the County Board of Supervisors, the City Council of each incorporated jurisdiction, the County Counsel and every publicly elected official not under the authority of the foregoing provide instruction to all county employees within their jurisdiction regarding their duties and responsibilities towards the grand jury process and that said instruction be completed prior to the end to this calendar year.

RESPONSE: I agree to implement this recommendation this year.

Thank you for assistance in working with the Grand Jury with the evaluation of designated Napa County departments. If you have any questions regarding my responses, or if I can provide any further information, please feel free to contact me at (707) 253-4292 or [gary.lieberstein@countyofnapa.org](mailto:gary.lieberstein@countyofnapa.org).

Respectfully,



Gary Lieberstein

Napa County District Attorney