

**BILL LOCKYER**  
Attorney General

State of California  
**DEPARTMENT OF JUSTICE**



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November 18, 2002

Gregg Cohen  
Tehama County District Attorney  
P.O. Box 519  
Red Bluff, CA 96080

*Gregg*  
Dear Mr. Cohen,

We have reviewed the investigative reports relating to TAGMET Agent David Kain and Corning Police Officer David Pryatel. We believe their conduct in fabricating a basis for the stop of Lucio Altamirano Gomez was irresponsible and unethical, and we are also troubled by the fact that other officers were aware of what was being done. Nonetheless, we are declining to charge either officer with a criminal violation for filing a false report (Pen. Code § 118.1). As you know, that section requires that the false statement be material. In light of the fact that the officers were trying to protect a confidential informant and that they did, in fact, have an unarticulated basis which would have provided probable cause for the stop, we do not believe that criminal charges are warranted.

As we discussed, we believe these reports (or a version redacted to exclude the names of suspects) should be available for discovery under *Brady v. Maryland* in future cases where the officers are witnesses. Please call me if you would like to discuss this matter further.

Sincerely,

*Jo Graves*

JO GRAVES  
Senior Assistant Attorney General

For **BILL LOCKYER**  
Attorney General

cc: Jeff Lierly, DLE  
Clay Parker, Tehama County Sheriff  
Antony F. Cardenas, Police Chief, Corning  
Christy McCampbell, Chief BNE