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9 Attorneys for Defendant  
10 JASON FLETCHER

11 SUPERIOR COURT OF THE STATE OF CALIFORNIA

12 IN AND FOR THE COUNTY OF ALAMEDA

13 PEOPLE OF THE STATE OF CALIFORNIA,

14 Plaintiff,

15 v.

16 JASON FLETCHER,

17 Defendant.

**CASE NO. 20-CR-011755**

Complaint Filed: September 2, 2020

**DECLARATION OF AMILCAR  
CABRAL FORD IN SUPPORT OF  
MOTION TO DISQUALIFY THE  
ALAMEDA COUNTY DISTRICT  
ATTORNEY'S OFFICE (Penal Code §  
1424)**

Hearing Date: May 12, 2023

Time: 9:00 a.m.

Dept.: 8

Judge: Honorable Thomas Reardon

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20  
21 I, Amilcar Cabral Ford, submit this Declaration in connection with the Motion made on  
22 behalf of former San Leandro Police Officer Jason Fletcher to disqualify the Alameda County  
23 District Attorney's Office from prosecuting the criminal case currently pending in the County  
24 of Alameda, and if called to testify, I would testify to the following:

25 1. I am an Assistant District Attorney 1 in the Alameda County District Attorney's  
26 Office, and have been employed in that office as a Deputy District Attorney for 23 years. I was  
27 placed on administrative leave by District Attorney Pamela Price on January 17, 2023 pending  
28 an administrative investigation for as of yet unspecified "prosecutorial misconduct."

1           2. I have filed a formal discrimination complaint against Ms. Price, naming, in  
2 addition to her, Otis Bruce and Kwixuan Maloof.

3           3. In that complaint, I discuss and describe three separate discussions I had with Mr.  
4 Maloof, all of which occurred in person, between the dates of January 5, 2023 and January 11,  
5 2023, concerning the criminal prosecution of Jason Fletcher by the District Attorney's Office.  
6 The statements made in that discrimination complaint will be discussed in this Declaration as  
7 well.

8           4. The first conversation I had with Mr. Maloof concerning the prosecution of former  
9 Officer Fletcher occurred on January 5, 2023, to the best of my memory. During that  
10 conversation, I had explained to Mr. Maloof that Officer Fletcher had the same "right of self-  
11 defense" that any charged defendant would have. In response, Mr. Maloof stated something to  
12 the effect that "if it were up to me, I would charge him with murder." This seemed strange me  
13 since Mr. Maloof had not apparently read through the case file.

14           5. During the same conversation, Mr. Maloof asked me who in the office he could  
15 assign the case to for purposes of trial. I informed him that he would first have to find an  
16 attorney in the office who actually believed they could get a conviction in the case. He looked  
17 at me with a confused look and asked, "What do you mean?" I told Mr. Maloof that a  
18 prosecutor could not ethically go forward with trying a case that they did not believe they could  
19 win, which appeared to further confuse him.

20           6. I told Mr. Maloof that he should read the Preliminary Hearing transcript before  
21 deciding to charge anyone with murder and left his office. It was clear to me he had no idea  
22 where the Preliminary Hearing transcript could be found and I believe I emailed him a copy of  
23 the transcript the following day.

24           7. A few days later, I had another brief conversation with Mr. Maloof concerning the  
25 Fletcher prosecution. During this conversation, Mr. Maloof told me he had read the transcript  
26 and said, "I don't give a damn what (Judge) Don Clay said."

27           8. Mr. Maloof again asked me who he could assign the case to in order to prosecute  
28 Fletcher at trial. I responded by saying, "Given Judge Clay's statements during the Preliminary

1 Hearing, you're going to have a hard time assigning it."

2 9. In response to this, Mr. Maloof said, "I came here to charge cops. They better be  
3 ready. They better Google me."

4 10. I responded to that statement by saying something to the effect that the cops already  
5 know why he was brought here by DA Price, and reminded him that prosecutors still had an  
6 ethical obligation to only go forward on cases that they believed they could prove beyond a  
7 reasonable doubt.

8 11. The third and final conversation I had with Mr. Maloof concerning the Fletcher  
9 prosecution occurred a few days before January 13, 2023. The issue of assigning the case to a  
10 lawyer for trial came up again and I reminded him that it was a question of "ethics." Mr.  
11 Maloof responded by stating that he was known for trying "hard cases" and asked me, "So  
12 you're saying that everyone here is afraid to try a hard case?" I laughed, and told him that "it  
13 wasn't about trying a hard case." Mr. Maloof then stated, "Well, I'm not trying it (meaning the  
14 Fletcher case)."

15 12. I laughed again and walked out of his office. I was placed on administrative leave  
16 by DA Price on January 17, 2023, although the letter placing me on leave was dated January  
17 13, 2023, just a few days after my last conversation with Mr. Maloof concerning this case. I  
18 was not physically in the office on January 13<sup>th</sup> to be placed on leave that day and did not  
19 return to the office until the 17<sup>th</sup>.

20 13. I learned after I had been placed on leave that DA Price did not assign a Deputy DA  
21 from Nancy O'Malley's staff to prosecute Jason Fletcher – instead she hired a former Contra  
22 Costa County Deputy Public Defender and had assigned him to prosecute the case to trial.

23 I declare under penalty of perjury that the foregoing is true and correct and that this  
24 Declaration was executed at Pleasant Hill, California, on April 17, 2023.

25 

26 Amilcar Cabral Ford

1 **PROOF OF SERVICE**

2 I am employed in the City of Pleasant Hill, State of California. I am over 18 years of  
3 age and not a party to this action. My business address is Rains Lucia Stern St. Phalle & Silver,  
PC, 2300 Contra Costa Blvd., Suite 500, Pleasant Hill, California 94523.

4 On the date below I served a true copy of the following document(s):

5  
6 **DECLARATION OF AMILCAR CABRAL FORD IN SUPPORT OF MOTION TO  
DISQUALIFY THE ALAMEDA COUNTY DISTRICT ATTORNEY’S OFFICE**

7 upon all parties addressed as follows:

8 **Counsel for the People**

9 Pamela Price, District Attorney  
10 Zachary Linowitz, Deputy District Attorney  
11 **c/o Catherine H. Kobal, Assistant District Attorney**  
12 Alameda County  
13 Rene C. Davidson Courthouse  
14 1225 Fallon St., Suite 900  
Oakland, CA 94612  
[Pamela.Price@acgov.org](mailto:Pamela.Price@acgov.org)  
[Zachary.Linowitz@acgov.org](mailto:Zachary.Linowitz@acgov.org)

15 **PERSONAL SERVICE VIA FIRST LEGAL**

16 **Attorney General’s Office**

17 Rob Bonta, Attorney General  
18 Geoffrey Lauter, Supervising Deputy Attorney General  
19 Appeals, Writs & Trials  
20 Office of the Attorney General  
455 Golden Gate Avenue, Suite 11000  
San Francisco, CA 94102  
[SFAGDocketing@doj.ca.gov](mailto:SFAGDocketing@doj.ca.gov)  
[Geoffrey.Lauter@doj.ca.gov](mailto:Geoffrey.Lauter@doj.ca.gov)  
[Sharon.Loughner@doj.ca.gov](mailto:Sharon.Loughner@doj.ca.gov)

22 **VIA EMAIL & FED EX**

23 on the interested parties to said action by the following means:

24  
25  **(BY MAIL)** By placing a true copy of the above, enclosed in a sealed envelope with  
26 appropriate postage, for collection and mailing following our ordinary business  
27 practices. I am readily familiar with this business’s practice for collecting and  
28 processing correspondence for mailing. On the same day that the correspondence is  
placed for collection and mailing, it is deposited in the ordinary course of business  
with the United States Postal Service, in a sealed envelope with postage fully prepaid.



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- (BY OVERNIGHT DELIVERY)** By placing a true copy of the above, enclosed in a sealed envelope with delivery charges to be billed to Rains Lucia Stern St. Phalle & Silver, P.C., for delivery by an overnight delivery service to the address(es) shown below.
- (BY FACSIMILE TRANSMISSION)** By transmitting a true copy of the above by facsimile transmission from facsimile number (925) 609-1690 to the attorney(s) or party(ies) shown below.
- (BY MESSENGER)** By placing a true copy of the above in a sealed envelope and by giving said envelope to an employee of First Legal for guaranteed, same-day delivery to the address(es) shown below.
- (BY HAND DELIVERY)** By personal delivery of a true copy of the above to the attorneys or parties shown below
- (BY E-MAIL or ELECTRONIC TRANSMISSION)** Based on a court order or an agreement of the parties to accept service by e-mail or electronic transmission, I caused the documents to be sent to the persons at the e-mail addresses listed below. I did not receive, within a reasonable period of time, after the transmission, any electronic message or other indication that the transmission was unsuccessful.

I declare under penalty of perjury under the law of the State of California that the foregoing is true and correct.

DATED: April 26, 2023

  
Sharon Abrahamson