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## Miraloma Park Improvement Club

June 2, 2014

Hon. George Gascón  
District Attorney of San Francisco  
850 Bryant Street, Room 322  
San Francisco, CA 94103

Re: 4/30/14 Burglary of [REDACTED] Marietta Drive SFPD Report #140357816

Dear Mr. Gascón,

We are writing on behalf of the Board of Directors and general membership of the Miraloma Park Improvement Club (MPIC), as well of all of our residents concerning the decision made by your office not to file charges against the two suspects arrested in connection with and at the scene of the April 30, 2014 burglary of [REDACTED] Marietta Drive in Miraloma Park.

We are appalled by this decision.

Following are the compelling accounts of this crime by the SFPD and by the burglary victim: these clearly indicate that burglary charges should be filed in this case. Here is the Ingleside Station Newsletter report of this crime posted 5/6/14:

**Incident Date:**  
**Wednesday, April 30<sup>th</sup>, 2014**

**8:30am [REDACTED] Blk Marietta Burglary**

A vigilant neighbor helped nab two burglary suspects early this morning. The neighbor told Officers Sullivan and Padilla that he happened to be looking out his front window when he saw an unfamiliar looking SUV parked in front of his neighbor's driveway. He then saw one subject lingering around the driver side of the vehicle. The neighbor was suspicious, so he grabbed his camera and started taking pictures of the subject the vehicle and the license plates. The neighbor then decided to go and open his garage door to take a closer look. While standing in the open garage he heard what sounded like wood breaking from the back of his neighbor's house. Fearing his neighbor was being burglarized he immediately called the police. Several units, including Officers Leong, Tillan, Ng, Chang, Wong, Hopkins, Uang, Wilson and Sergeants McDevitt quickly responded to the burglary in progress and set up a perimeter. Officer Chang and Wong tactfully made their way to the back of the house and came in contact with one of the suspects as he was trying to make his escape. Suffice to say he was taken into custody. A second suspect was caught by Officer Tillan and Ng hiding by a parked vehicle just down the block. Both suspects were identified as the burglars and taken to Ingleside Station where they each were booked on several felony charges. The suspect vehicle was towed from the scene. Report Number: 140357816.

We were notified of the District Attorney's decision not to file charges via the following message sent on 5/27/14 to MPIC by the victim, [REDACTED];

I wanted to alert the MPIC that my house was burglarized on 4/30/2014. Unbelievably, the burglars were caught in the act by the police and arrested. However, all charges against these men have since been dropped.

There were two men that drove up in the middle of the day and brazenly broke into my house. They were able to pry open a kitchen window, breaking it open and slid in. Unfortunately I didn't have a security system.

A vigilant neighbor saw the act and called 911 immediately. In a truly amazing display of police action, the police arrived in moments and caught them in the act. One man ran out the back and was apprehended by officers, one jumped off of my balcony which is about 20 feet high, and tried to limp away and was caught. All of this was witnessed by the police and neighbors.

Before the burglars were caught they ransacked my house, rifling through drawers and collecting items to steal throughout the house. If they had another few minutes, they no doubt would have been able to escape with laptops with irreplaceable photos as well as family heirlooms. We don't own anything too expensive but the loss of these items would have been devastating.

Thanks to my neighbors and the police the men were caught red handed. However, I just learned today that the DA assigned to this case has decided to drop all charges against them. The police officer I spoke to was not able to fully explain why, but said the burglary charge may be hard to prove because they were caught before they could steal anything. As outrageous as that sounds, the DA also decided to drop any lesser charges such as trespassing or breaking and entering, for some unknown reason. This is truly shocking to my family and neighbors.

One of the men has already been released, which is scary to me, my wife, my two year old daughter, and the neighbors who now know the felons are emboldened to further stake out our community. We are further alarmed by the fact that the second suspect was not released due to outstanding charges of attempted murder.

I'm writing to the MPIC to ask for their support. I'm not sure what kind of support the MPIC can offer, but as I've read in Miraloma Life, the club has some rapport with the police. If the DA's office knows there is outrage over this that may help persuade them to reconsider their stance toward the felons. What have you done in the past in similar situations? What can I do?

At the very least it would be nice if the community was alerted to this. I now believe everyone should have a security system. Also, I believe that any suspicious activity should be reported immediately.  
Thank you,



MPIC Board Safety Chair Karen Wood confirmed the accuracy of these reports in conversation with the investigating officer, Ingleside Station Sergeant Aaron Lozada.

We have reviewed California Penal Code Sections 459 and 460 and are unable to understand the reason for which, given the circumstances of the arrests made in this case, your office has declined to file charges against the suspects who were caught under highly incriminating circumstances.

MPIC, in continuous operation since its incorporation in 1935, represents more than 2000 homes on the slopes of Mt. Davidson and has a voluntary annual membership of more than 500 residents. As you may recall from our previous correspondence with you, we have a stated policy of zero-tolerance of illegal activity in Miraloma Park, and we do our utmost, in partnership with Ingleside Station and other City agencies both to prevent and to respond appropriately to criminal activity in our neighborhood.

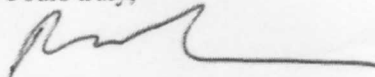
Over the last many years, we have consistently urged our residents to call police whenever they observe suspicious activity, although residents' general reluctance to do so has been difficult to overcome. Now, with this event—an observant and caring neighbor calls police about suspicious activity, police swiftly respond, and arrest the suspects, but the District Attorney refuses to file charges—our efforts and any progress achieved have been repudiated. Under these circumstances, how can we continue to assert that conscientious citizen involvement has value? ◀

Miraloma Park Improvement Club

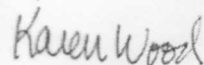
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We ask, therefore, 1) that you review and reverse this decision and 2) that you meet with us in the near future to discuss this matter. We will gladly make ourselves available to accommodate your schedule. Thank you for your consideration.

Yours truly,



Robert Gee  
President



Karen Wood  
Chair, Board of Directors Safety Committee

Cc: Chief of Police Gregory Suhr; Captain Timothy Falvey; Supervisor Norman Yee.