



Holla

COUNTY COUNSEL'S OFFICE
Dennis A. Marshall
County Counsel

December 17, 2004

RE: December 8, 2004 Letter Re Fresno Police Lieutenant Jose Moralez

Dear [REDACTED]

Your December 8, 2004 letter to Fresno County Sheriff Richard Pierce regarding the suicide of Fresno Police Lieutenant Jose Moralez has been referred to this office. I previously spoke by telephone with your reporter [REDACTED] in connection with his request for access to Moralez' suicide note.

Sheriff Pierce has made the decision not to disclose under the Public Records Act department records relating to Moralez' death. That nondisclosure is authorized by Government Code section 6254(f) as interpreted by the California Supreme Court in *Hanie v. Superior Court* (2001) 26 Cal.4th 1061 and *Williams v. Superior Court* (1993) 5 Cal.4th 337. That is, law enforcement investigatory records are exempt from mandatory disclosure albeit the statute does require disclosure of a summary of police activity. The summary information required to be disclosed has been disclosed to the media as reflected in the news coverage to date of Moralez' death.

The *Williams* case also specifically held that the section 6254(f) exemption does not terminate with the conclusion of the investigation.

I would be happy to discuss this matter further with you or your counsel at your convenience.

Very truly yours,

DENNIS A. MARSHALL
County Counsel

D. Wesley Merritt

By J. WESLEY MERRITT
Chief Deputy County Counsel

cc: Sheriff Richard Pierce
Assistant Sheriff Jeff Hollis

A. Kandanian