

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

STEVEN ANGELL, MILES AVERY,
MOLLY BATCHELDER, SRI LOUISE
AKA LOUISE COLES, CICILY COOPER,
SHAREEF ELFIKI, THEODORE
HEXTOR, and LINDSAY WEBER,
individually and on behalf of others similarly
situated,

Plaintiffs,

vs.

CITY OF OAKLAND, COUNTY OF
ALAMEDA, HOWARD JORDAN,
JEFFREY ISRAEL, ERIC BRESHEARS,
RON YELDER, DARREN ALLISON,
STEVE TULL, EDWARD TRACEY,
ANTHONY RACHAL, SEAN WHENT,
GREGORY J. AHERN, BRETT KETELES,
CARLA KENNEDY, DAVID BRADY,
GREGORY L. MORGADO, KERRY
JACKSON, DOES 1-250,

Defendants.

Case No. C13-0190 NC

~~[PROPOSED 3rd]~~ THIRD
ORDER OF EXONERATION AND FOR
SEALING AND DESTRUCTION OF
ARREST RECORDS, AND FOR
WITHDRAWAL AND DESTRUCTION OF
DNA SAMPLES

Pursuant to the Stipulation of the City of Oakland and Chief of Police Whent on behalf of the arresting agency, the Oakland Police Department; this Court hereby EXONERATES and finds each of the persons listed below FACTUALLY INNOCENT of all charges for which they were arrested by the Oakland Police on January 28, 2012.

This Court, having found the below-listed persons to be factually innocent of the charges for which the arrests were made, orders Defendants, the Department of Justice, and any other law enforcement agency which participated in the arrest of the below named individuals on January 28, 2012, to seal all records of their arrest on January 28, 2012, and to destroy said records. [Cal. Penal Code §858.1 (b)]

1 The destruction of arrest records pursuant to this Court's order shall be accomplished
2 by permanent obliteration of all entries or notations upon the records pertaining to the arrest,
3 and the record shall be prepared again so that it appears that the arrest never occurred.
4 However, where the only entries on the record pertain to the arrest and the record can be
5 destroyed without necessarily affecting the destruction of other records, the document
6 constituting the record shall be physically destroyed. [See Cal. Penal Code §851.8(j)]

7 For those individuals who were charged with a felony and were required to provide a
8 DNA sample prior to release, said DNA profiles shall be expunged and all such DNA
9 samples withdrawn and destroyed.

10 The arrests of the below-listed persons on January 28, 2012 are deemed not to have
11 occurred and pursuant to this Court's order, the below-listed persons may answer accordingly
12 any question relating to its occurrence. [See Cal Penal Code §851.8(f)]

13 Plaintiffs are ordered to file, under seal, a more detailed list of the below-listed persons
14 which will include their dates of birth and Alameda County Sheriff's identification numbers
15 provided (PFN numbers). Plaintiffs shall serve a copy to Defendants for the sole purpose of
16 facilitating arrest expungement and DNA withdrawal pursuant to this Court's
17 order. Defendants will provide a copy of the Court order to the California Department of
18 Justice, along with the detailed list of Plaintiffs and of all Claimants, and advise said agency
19 of the fact that the records of their January 28, 2012 arrests have been rendered obsolete on
20 the basis of a finding of factual innocence pursuant to Penal Code § 851.8, which shall
21 include expungement of all DNA profiles obtained and to request that any DNA samples be
22 withdrawn and destroyed.

23 PERSONS WHO ARE FOUND FACTUALLY INNOCENT AND EXONERATED:

24 A. Charged with Misdemeanor(s)

25 Miles Avery

26 Molly Batchelder

27 Cicily Cooper

28 Shareef Elfiki

Theodore Hexter

1 Sri Louise Aka Louise Coles
2 Lindsay Weber
3 Emily Elizabeth Algire
4 Ward Robert Anderson
5 Amanda Armstrong-Price aka Matthew Palmer Armstrong
6 Ariella Aronstam-Powers aka Ariella Powers
7 Joseph Michael Barrett
8 Anna Basalaev-Binder aka Anna Basalacy-Binder
9 Russell George Bates
10 Sarah Baracks
11 Dixon Beatty Aka Ramsey Dixon Beatty
12 Kimberly Michelle Beavers
13 Stella Fay Beckman
14 Jeremy James Begin
15 Philip Bene
16 Kelsey Elisabeth Berg
17 Noah Kenney Berlove
18 Barbara Anne Bettenburg
19 Sarah Danielle Bird
20 Lara Bitar
21 Dan Sigurl Borgstrom
22 Kevin Brackett
23 Michael Shane Boyle
24 Benjamin James Braley
25 Benjamin Drew Breedlove
26 Mengesha Lee Brody aka Brody Mengesha Lee
27 Kristopher Halliday Brown
28 Claire Megan Buss

- 1 Rachael Jennifer Byrne
- 2 David Ryan Cantor
- 3 Angel Faith Castellon
- 4 Vanessa Zoe Ceja
- 5 Yael Chanoff
- 6 Louis Dominic Chavez
- 7 Christopher Chitty
- 8 Honest Chung
- 9 Michael Thomas Clemmons
- 10 John Piers Cliffe Aka Bobby Donnehoo
- 11 Joshua Clover
- 12 Laura Elizabeth Copeland
- 13 Angela Marie Coppola
- 14 Marjorie Coshnear
- 15 Shalin Mikkol Craig
- 16 Evan Cassidy Cross
- 17 Rebecca Crump
- 18 Lisa Curran
- 19 Isaac Walker Dalto
- 20 Clara Sage Daims
- 21 Michael Kahoku Damaso
- 22 Kristopher L. Daum
- 23 Dylan O'Brien Davis
- 24 Carl John Davison
- 25 Allison Christine Deger
- 26 Sarah Denton
- 27 Eric Ernesto DeSouza
- 28 Zerena Yesenya Diaz
- Florence Lewbel Dickerson

- 1 Cannon Dill
- 2 Sandy Park Dimalanta
- 3 Tyler James Disney
- 4 Nicholas Doliber
- 5 Robert Larry Donohoe
- 6 Charles Power Dubbe
- 7 David Kenneth Easlick
- 8 Michelle Simone Edwards
- 9 Alyssa Theia Eisenberg
- 10 John Barton Elliott
- 11 Scott C. Elliott
- 12 Natalie Excoffier
- 13 Gaie Ezer
- 14 Ryan Rutherford Farley
- 15 Steven Farmer
- 16 David Firestein
- 17 Michael James Fitzpatrick
- 18 Lorea Emmanuelle Ruth Foinels
- 19 Emily Rose Fowler
- 20 Jackson James Fowler
- 21 Nathaniel Freiburger
- 22 Gabriella Johnston Fritz
- 23 Jackqueline Frost
- 24 Cailyn Ariel Furrer
- 25 Jeff David Galvao Aka Jeffrey David Calvao
- 26 Max Gasner
- 27 Juan Manuel Garcia
- 28 Jacob Matthew Gelender
- Stephan Georgiou

- 1 Kim Lindale Gibler
- 2 Brian Francis Crow Glasscock
- 3 Diego Glusberg
- 4 Jessica N. Golden
- 5 Augustine Tino Gonzales
- 6 Michael Wesley Grace
- 7 Rebecca Dayle Greene
- 8 Zachary Seth Greer
- 9 Zachary Haber
- 10 Michael Christian Haley
- 11 Karen Lee Hancock
- 12 Courtney Hanson
- 13 Dylan Hararah
- 14 Jamie Leroy Harris
- 15 Thomas Andrew Helme
- 16 Jose Hernandez
- 17 Joshua Scott Hewitt
- 18 Tyler Anthony Hinton
- 19 Hannah Lee Hoffman
- 20 Sarah Hollman
- 21 Sara Husain
- 22 Emily Ingraham
- 23 Miles Ingraham
- 24 Keli Iwamoto
- 25 Cody James
- 26 Spencer Janyk
- 27 Francis Jervis
- 28 Allyson Elizabeth Johnson
- Brigitte Anne Johnson

- 1 Deanna Rose Johnson
- 2 Jedediah Michael Johnson
- 3 Lauren Elizabeth Johnson
- 4 Leslie Margaret Johnson
- 5 Paula Graciela Kahn
- 6 Morgan Andrea Geissler Kanninen
- 7 Melvin Murice Kelley aka Melvin Maurice Kelley
- 8 Orion Jason Andrew Kellogg
- 9 Kyle Clifford Kessler
- 10 Nora Khouri
- 11 Alexander SunYoung Kim
- 12 Walter Kim
- 13 Jacquelyn Kingkade
- 14 Spencer Lawrence Kobylka
- 15 David Lawrence Kubicz
- 16 Matt W. Lambert
- 17 Clare Bridget La Presle
- 18 Samuel Phillip Lavigne
- 19 Robert Patrick Lee
- 20 Ryan Giljuu Lee
- 21 Alan Hazel Legorreta
- 22 Claire Julietta Lesnick aka Claire L. Lesnick
- 23 Martha Louise Lincoln
- 24 Evan Frank Loker
- 25 Omar Lopez
- 26 Amanda Grace Low
- 27 Jennie Hang Lu
- 28 Martin A. Mackerel
- Callie Elizabeth Maidhof

- 1 Kimberly Marks
- 2 Richard Allen Marler
- 3 Gricelda Gutierrez Martin
- 4 Elena Martinez
- 5 Cepano Mashiahof
- 6 Dustin Paolo Matchett-Morales aka Dustin Matchett
- 7 Thomas William Matzat
- 8 Lucas Cole McCabe
- 9 Nicholas Cole McClung
- 10 John Woodson McComb
- 11 Gregory Eugene McGarry
- 12 Alexander McGee
- 13 Terrence John McNamara
- 14 Floyd Dewane Montgomery Jr.
- 15 David Montoya
- 16 Emily Morrison
- 17 Jean Ritchie Mortensen
- 18 Selmane Naitamar
- 19 John Neesbye-Hansen Aka John Hansen
- 20 Jonathan Nelson
- 21 Celeste Obomsawin
- 22 William Finnin O'Connor aka William Finuin Connor
- 23 Carla Orendorff
- 24 Varun Pande
- 25 Jack Alexander Perkins
- 26 Adrienne Pigula aka Adruabbe Barber Pigula
- 27 Nathan Pitts
- 28 Christina Plumb
- Gregory Michael Plummer

- 1 Antal Csaba Polony
- 2 Steven A. Porter
- 3 Lane Cody Powell
- 4 Jeb Purucker
- 5 Magali Rabasa
- 6 Sarah Radford
- 7 Katie Rapp
- 8 Ina Adele Ray
- 9 Christian A. Ream
- 10 William Heman Joachin Regalado
- 11 Naomi Masako Reagan
- 12 Jessica Andrea Rey
- 13 Jill Christine Richards
- 14 Forrest Ripley-Phipps
- 15 Muneeza Rizvi
- 16 Kevin Thomas Robishaw
- 17 Daniel Rodis
- 18 Amanda Naiara Rodriguerz-Archer
- 19 Kimberly Renne Rojas
- 20 Theocharis Theodosiou Roussos
- 21 Donovan Russell
- 22 Justin Alan Ryan
- 23 Lauren Quinn Salter
- 24 Azusa Sato
- 25 Katherine Scheel
- 26 Peter Scherer
- 27 Jan Schifter
- 28 Javier Jeffery Sethness
- Ian David Sharp

- 1 Leah Z. Sharp
- 2 Douglas M. Schneider
- 3 Michael Joseph Shane
- 4 Michael Alexander Shortt
- 5 Gabrielle Silverman
- 6 William Macarthur Skewes-Cox
- 7 Matthew Aaron Smaldone
- 8 Carlton **Ray** Smith
- 9 Lauren Smith
- 10 William F. Sonne
- 11 Yasin Frank Southall
- 12 Frank Rogers Sowokinos
- 13 Andrew Blake Spencer
- 14 Stasha Stahl
- 15 Zachary Stevens
- 16 Nellie Stokeld
- 17 Janice Yvonne Suess
- 18 Karolina Szymanska
- 19 Kevin Takalo
- 20 Brandon Tauszik
- 21 Owen Thaxton
- 22 Jennifer April Tifft
- 23 Kenji Tomari
- 24 Justin Tombolesi
- 25 Jordan Matthews Towers
- 26 Wendy Trevino
- 27 Benjamin Truskier
- 28 Bernardo David Tubbs
- Celeste Turconi Aka Celeste Brodie

- 1 Michelle Renee Ty
- 2 Jeremy Lawrence Tyler
- 3 Daniela Urban
- 4 Randy Utz
- 5 Daphne Vander Decken
- 6 Cameron Mark Vanderscoff
- 7 Matthew Van Saun
- 8 Vishrut Arya aka Arya Vishrut
- 9 Rebecca VonBehren
- 10 Meghan VonGrempp
- 11 Adam M. Weathers
- 12 Matthew Weathers
- 13 Courtney Wentz
- 14 Bryan Andrew Westfall
- 15 Alexander White
- 16 Nyle White
- 17 Edward Wildanger
- 18 Randolph Wilkins
- 19 Ann Wilkismeyer
- 20 Damon Williams
- 21 Jami Williams
- 22 Cole Willsea
- 23 Terence Yancey
- 24 Jingtian Yu
- 25 Muchq Ali Zaidi
- 26 Patria Zandi
- 27 Laura Zelko
- 28 Sami Zerrade
- Noah Y. Zimmerman

1 Michael Scott Davis

2 Olivia Gubser

3 Genesis Quiroz

4 B. Charged with Misdemeanor and Felony and DNA Sample Taken

5 StevenAngell

6 AnwarAdem

7 Hadas Alterman

8 Freydoon Azimi

9 Nicholas Neal Barclay-Havlin

10 Hanora Rochelle Bauer aka Manora Bauer

11 Sean Paul Betouliere

12 Ian Van Billett

13 Nadine Sofia Brennan

14 Adam Troy Briggs

15 Dylan Alexander Brignon

16 Everardo Bautista Calderon

17 Dante Cano

18 Tobi Geyl Chase

19 Gildo Louis Epis Jr.

20 Eric Leighton Forsman

21 Joesph Leonard Glasner

22 Anastasia Gomes

23 Lev Gorelov aka Lev Yui Goelov

24 Susan Lea Guarmmagnotti aka Susan Lea Quarm-Magnotti

25 Clint Anthony Hayden

26 Jessamyn Hannah Hise

27 Sean Patrick Keaveny

28 Taylor Anne Kohles

Fatima Maria Macdonald

1 Laura Renata Martin
2 Ethan Sawyer McHugh-Merrill
3 Edward F. Miller
4 Jose Montenegro
5 Maria Isabel Montenegro
6 William Finnin O'Connor aka William Finuin Connor
7 Donna Maribel Olivera
8 Dennis Ray Powell Jr.
9 Mohamed Ali Shehk
10 Ian Michael Steinman
11 Geoffrey Thorton aka Adeline Cora Tealle
12 Michael Veremans
13 Hannapesha Wolman-Clapsadle aka Hanna Clapsadle aka Hannapesha Weber
14 IT IS SO ORDERED.

15 Dated: April 7, 2015

