

# MATTHEW S. PAPPAS

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June 5, 2014

## **HAND-DELIVERED, FACSIMILE AND VIA U.S. MAIL**

Mr. Tony Rackauckas  
Orange County District Attorney  
401 Civic Center Drive  
Santa Ana, CA 92701

*Re:* Eleanor Hernandez, case #13WM08313

Dear Mr. Rackauckas:

Last year, Ms. Hernandez, who suffers from several disabilities, was attacked by Garden Grove police officers in a Target store for allegedly trespassing. While handcuffed she was severely beaten and suffered major head trauma. Since the incident her mental health has been steadily deteriorating. Within the last six months she has taken to wandering aimlessly on her own while her family frantically searches for her whereabouts. It is only now within the last three weeks that she has come to an approaching vegetative state. It is near impossible for her to use any of her cognitive faculties such as speaking, eating or using the bathroom without her daughter's assistance.

The incident currently in question occurred 3 months ago while in a Rite-Aid Pharmacy. Ms. Hernandez had opened, used and

walked around with a package of denture adhesive. She was then detained by a security officer for lack of payment. The officer wrote her a ticket for petty theft and released her from the store. Ms. Hernandez, who prior to her beating suffered from mental illness, is unaware of her actions.

Of course, my office does not handle criminal defense. Rather, I am in the process of evaluating whether to file a 42 U.S.C. § 1983 action against the City. However, these charges should not be continuing against Ms. Hernandez. She is over fifty-three years old and completely handicapped. It is utterly inappropriate for taxpayers to be paying to prosecute this woman or to incarcerate her, which is what your underlings seem to want to happen. Ellen Hernandez (daughter) and Eleanor Hernandez have been to the West court four (4) times since last Thursday and they were there nearly six (6) hours on Monday only to be told the court could not get to her. This in turn caused her to miss a scheduled neurologist appointment set to determine the cause of her now rapid mental decline. Understandably the head sergeant of the courthouse will not even let her into the building for fear of having to take her into his custody/care. This is following the sergeant witnessing her unconsciously urinating where she was seated in the courtroom.

This is a petty theft charge, Mr. Rackauckas. It is for opening a package of dental adhesive by a clearly disabled human who is in need of a physicians care instead of a jail cell.

There are a handful of officers and trainees who believe police departments are their proverbial “tickets” to beat people up and harm citizens. I’ve seen it in Long Beach – it is happening in Orange County cities – it is happening in Los Angeles. There must be accountability for these officers so they do not continue to tarnish the image of the police. It is getting worse – they need to be held accountable.

Again, I don't represent Ms. Hernandez in the petty theft criminal matter. Rather, I'm evaluating a civil case against the police officers and department that have severely injured her. As you may know, I recently ran for Long Beach City Attorney. This police shooting and beating stuff needs to stop. Ms. Hernandez should NOT be in jail. These charges should be dropped in the interest of justice. She is on a rapid decline. The decision to penalize her for bringing a claim against the City is wrong.

Please contact me to discuss this matter – my number is 562-464-8922

Very truly yours,

A handwritten signature in blue ink, appearing to read 'Matt Pappas', with a long, sweeping horizontal line extending to the right.

Matthew S. Pappas

MSP:jm