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April 5, 2019

The Honorable Xavier Becerra
Attorney General
State of California
1300 I Street
Sacramento, CA 95814-2919

Re: Homicide investigation from April 15, 2017, victim David Josiah Lawson

Dear Attorney General Becerra:

I am writing to request that your Office assume the prosecution related to the homicide of David Josiah Lawson that occurred in Arcata, Humboldt County on April 15, 2017. A brief history of the case may be useful:

Initially, the Arcata Police Department (APD) arrested a suspect at the scene and then submitted to this Office, within a few days of the arrest, reports that indicated an eyewitness could identify the suspect. We filed charges based on that information but at the preliminary hearing that witness could not in fact identify anyone. Extensive testimony at the preliminary hearing, by people in the vicinity at the time of the incident, yielded no witnesses to the actual stabbing. Also, no physical evidence linked anyone to the stabbing. The judge ruled we could not proceed with charges, so the case returned to the APD for further investigation.

Following the preliminary hearing, I contacted your Office to discuss the investigation and the Department of Justice (DOJ) contributed significantly to evidence gathering and interpretation in the case, including the analysis of DNA. As the investigation proceeded, I contacted representatives of your Office to seek your handling of the case due to the desire expressed by Mr. Lawson's family and some community members to have an outside agency handle the prosecution. I was informed that your agency concluded that because the Humboldt County District Attorney's Office did not have a conflict of interest, we should retain the case.

On November 8, 2018, the APD resubmitted to our Office reports and information from their ongoing investigation. After our extensive review of those materials, the identification of additional witnesses, and the receipt of additional input from DOJ experts regarding the DNA

analysis, we convened a criminal Grand Jury on February 28, 2019. The jury received testimony from 25 witnesses, including experts in forensics and DNA. As you know, the Grand Jury had the opportunity to subpoena evidence and witnesses.

On March 13, the Grand Jury declined to indict any person in the stabbing death of David Josiah Lawson. I notified Mr. Lawson's family of this outcome and the fact no charges would be filed. The family has asked once again for the case to be delivered to the Attorney General for review and prosecution.

I should make clear we do not have an actual conflict of interest in this case and have made the right decisions and taken appropriate actions at every step. However, the perception of our efforts has been, and continues to be, influenced by misinformation in the public arena from people with legal or law enforcement backgrounds who have been involved with the case. This misinformation has allowed a segment of the community to perceive that the Humboldt County District Attorney's Office has a conflict of interest or lacks the capacity to handle the case. The strength of this misperception leads me to conclude that your taking the case would be an essential step toward maintaining public confidence in the criminal justice system in California. Therefore, I am formally requesting that your Office take responsibility for this case and any future prosecution of it. Please contact me if I can provide any additional information, if you wish to discuss this issue, or if we can assist your Office in any way in this matter.

Respectfully yours,



Maggie Fleming
District Attorney