

Archived: Wednesday, February 9, 2022 11:37:55 AM

From: [Randall Gaylord](#)

Sent: Friday, October 29, 2021 1:51:30 PM

To: [Robert Bulloch](#)

Cc: [Lindsey Callahan](#); [Ronald Krebs](#); [Teresa Barnett](#)

Subject: RE: Request for Consideration of Brady

Sensitivity: Normal

Original mail: [Request for Consideration of Brady.msg](#) 

Dear Bob,

I have reviewed the documents you provided, namely the Certification for Determination of Probable Cause written by Doug Maya and the Green/Knapstad motion papers that you filed with the court, and the email below.

In addition, I spoke with Sheriff Krebs about these papers, your email below, and then together with Sheriff Krebs we reviewed the video.

The video is interesting in that Mr. Young does not simply remain seated in the passenger seat of the vehicle with the door closed during the event of removing bicycles from the rack and loading them into the box truck of Mr. Loll. His door is open.

He gets in and out and he is seen talking to the other defendants. You can see clear through the truck because it has an opening from the cab to the box and it appears that Mr. Young moved into the box area of the truck for part of the time during the load out. It is true that Mr. Young is not seen "taking bicycles from the rack." That task is accomplished by others. His position, activity and involvement, as best as can be discerned from the video however, is that he was engaged with the others in the process of placing them into the truck.

I will acknowledge that nuances are what criminal cases are made of and every should be made to identify nuances that are both inculpatory and exculpatory. Certainly the probable cause statement could have been written better to distinguish the activities of each individual as seen in the video instead of lumping their activities together. I do not believe however this amounts to a material misrepresentation that required a *Brady* disclosure on this case or on future cases involving former Deputy Maya. Mr. Young could certainly have been charged as an accomplice based upon his conduct as seen in the video. That was not the theory at trial, but that choice at trial does not trigger a *Brady* violation.

As you know, Mr. Maya is no longer a member of the San Juan County Sheriff's Office. He has found another occupation in the community and to the best of my knowledge he does not intend to maintain his certification as a law enforcement officer.

Accordingly, under consideration of the circumstances and information no potential impeachment disclosure letter or "Brady Letter" will be issued.

Regards,

Randall Gaylord

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