A Proactive Approach to Keeping the Community Safe

Meet the DA’s newest team members

Soroptimists step up for victims of crime

On the run for the Special Olympics

Napa DA Investigator Melissa Kelly and Napa Police Detective Bill Hernandez teamed up to put together a domestic violence training for law enforcement personnel from all over the region held at Napa Valley College in early July. Photo: Carlos Villatoro

By Carlos Villatoro
Public Affairs and Media Officer

Most of the work that the Napa County District Attorney’s Office performs on behalf of the people can best be described as reactive – someone commits a crime, the DA’s Office reviews the case, and charges are filed if the case can be proven beyond a reasonable doubt.

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I am the co-chair of the Legislative Committee for the California District Attorneys Association. In that role, I often come across bills that would have significant impacts to victims if signed into law.

One such bill, SB 94, if enacted, would provide a pathway for convicted murderers sentenced to life in prison without the possibility of parole to be recalled and resentenced. Under SB 94, the qualifying crime must have occurred before June 5, 1990, the convicted murderer must have served at least 25 years in custody and have been convicted of a special circumstance such as kidnapping, rape or torture, in addition to the murder. When deciding resentencing, the court is required to consider and afford great weight to evidence proving specific mitigating circumstances.

The bill’s author, Senator Dave Cortese (D-San Jose), cites the need for the bill due to the low recidivism rate among the elderly prisoners serving sentences of life without parole, which amounts to approximately 820 inmates, according to the bill’s author, who would potentially be released from prison.

The bill makes numerous references to the sentenced prisoner, but makes no reference to the victims, victims’ rights, or the rights of their friends and family members - all deserving of careful consideration. It ignores the decision-making power of a jury or judge and renders their verdicts void.

Further, it makes no requirement to consider the circumstances of the underlying crime – further silencing victims and sanitizing the circumstances of their brutal deaths. The provision of second chances is honorable and at times, is what justice requires but only when an honest appraisal of the harm caused by the perpetrator and victims and their families is included in the conversation.
What most people don’t know is that the Napa DA’s Office also takes a proactive approach, whenever possible, to fight crime in Napa County.

Take for example a standing Interagency DUI Meetup, originally initiated by DDA Ian McNear who handles the bulk of the DUI cases for the Napa DA’s Office.

Each month Ian and DA Investigator Nick Conrad join law enforcement agencies throughout the county to discuss best practices in investigating and providing testimony for DUI cases in Napa.

The meetups provide multiple benefits for the agencies involved including the sharing of information, best practices, and finding opportunities to collaborate with one another to keep the community safe.

Then there’s the recent training that DA Investigator Melissa Kelly put together with Napa Police Detective Bill Hernandez to educate law enforcement agencies throughout the region on how to best investigate and provide testimony for domestic violence cases.

The two-day training took place at Napa Valley College’s Criminal Justice wing and was attended by members of the California Highway Patrol-Napa, Suisun City Police Department, Berkeley Police Department and Marin County District Attorney’s Office.

Napa County Deputy DA Ian McNear (left) was recently honored as an Outstanding Prosecutor by Mothers Against Drunk Driving’s Sacramento Region. Ian’s proactive efforts to help curb DUIs in Napa is one of several reasons he received the award during a recognition event that took place at the Citrus Heights Community Center and drew nearly 300 law enforcement personnel from all over the region. Photo: Carlos Villatoro

Napa County DDAs Agnes Dziadur and Michelle Roberts provided testimony training to the group; Detective Hernandez spoke about strangulation investigations; and DA Investigator Kelly provided a comprehensive update on domestic violence.

Aside from interagency training and meetups, the DA’s Office also performs a significant amount of outreach to the community on topics such as rent check theft and how to protect children against sexual predators in accordance with its mission to keep the community safe.

If you would like the DA’s Office to provide a presentation to your class, agency, group, or event regarding the work that the DA’s Office performs, please contact Public Affairs and Media Officer Carlos Villatoro at (707) 299-1409 or send an email to carlos.villatoro@countyofnapa.org.
DA Staff Updates

Jessica Solano, Forensic Interviewer

Jessica Solano joined the Napa County District Attorney’s Office in late June and previously worked for the Child Advocacy Center in Solano County.

Jessica has been forensically interviewing children for the past two years and will be conducting interviews for the Napa DA’s Office at the Courage Center/Monarch Justice Center.

Jessica is the Napa DA’s first Forensic Interviewer and her expertise will empower the office to have an expert, who is also bilingual/bicultural, working on these most important child sexual assault cases.

Adella Pinon-Diaz, Victim Advocate

Adella joined the Napa County District Attorney’s Office in mid-July and previously worked for the Yolo County District Attorney’s Office.

Adella’s experience in working with victims in Yolo County for the past three years is a huge benefit for the people of Napa and the DA’s Office as she will be a consummate advocate for victims of crimes.

Adella is also bilingual/bicultural, which is a boon for the DA’s Office.
By: Carlos Villatoro, Public Affairs and Media Officer

A small group of local philanthropic-minded women is having a big impact on the lives of women outside of their hamlet of St. Helena in more ways than one. You may have heard of them – they are the Soroptimist International of St. Helena group who for decades has supported local women through mentorship, grants, and scholarships to help them pursue a higher education.

In addition to their work to empower women since the club opened its doors in St. Helena in 1954, the Soroptimists have also made it their mission to raise awareness about the blight of human trafficking that takes places all over the Bay Area - Napa County included – and support victims of sexual assault and domestic violence through their support of the Monarch Justice Center.

Their outreach regarding human trafficking began with St. Helena Soroptimist member Gina Lewis, who traveled to a local Soroptimist conference a few years ago to listen to human trafficking survivor Elle Snow give her account of being trafficked at a young age.

“She was amazing,” she said. “I was born and raised in Brazil, so I saw a lot of young girls going through that process of being trafficked, especially in the poor areas of Brazil. You can always tell when that was going on and the girls were very young. As I kind of grew up, I blocked it out a little bit, but I worked for the United Nations for years and was a simultaneous translator there and then I saw more of it, the guides were always being used for sexual services. So, all of that kind of sat back here in my brain, so when I saw Elle speak, I said ‘I couldn’t ignore it anymore.’"

“Gina came back (from the conference), and she was like ‘We have to do this, we have to get involved in this, this is right up our alley, women helping women,’” Soroptimist member Patty DiTomaso added.

It was through Elle Snow that the women linked up with Napa Police Detective Bill Hernandez said Gina, and the Soroptimists would eventually come to know Napa County District Attorney Allison Haley through their relationship with Bill. With a law enforcement connection in place, the Soroptimists began hosting community forums regarding human trafficking, inviting deputy district attorneys, police officers, and Elle Snow herself to talk to the community about the issue.
The Soroptimists plan to continue hosting the forums and develop partnerships with regional Soroptimist chapters to help spread the message further.

In addition to the community outreach they have done regarding human trafficking, the Soroptimists have been instrumental in the development of the Monarch Justice Center as a one-stop resource that fulfills the needs of victims of sexual assault, domestic violence, human trafficking, and elder abuse.

From its headquarters across the street from the Napa Police Department, the Monarch Justice Center serves as a safe place where victims receive crisis services including counseling, advocacy, elder abuse services, public assistance, medical forensic exams for children and assistance with finding shelter.

And it’s all made possible by the funding provided by the St. Helena group, along with the other donors who give generously to the Center.

For the Soroptimists International of St. Helena, lending its support to the Monarch Justice Center and raising awareness about human trafficking are but two of the many ways the group supports young women in Napa County.

“This year we gave away $15,000 to high school seniors,” says Courtney Menegon, the groups newly elected president. “Nine scholarships this year.”
Napa County DA’s Office Staff Carries the Torch for the Special Olympics

The Law Enforcement Torch Run for Special Olympics is an event the Napa DA's Office looks forward to each year and this year was no exception.

This year the Napa DA’s Office joined a contingent from the Napa County Probation Department and Napa Valley College to carry the torch from Veterans Memorial Park to Napa Valley College, where they handed the torch to a team from the Napa County Sheriff’s Department. The annual torch run event occurs all over the state in which participating agencies carry the Flame of Hope throughout the state to its destination of the opening ceremony of the 2023 Special Olympics Northern California Summer Games that took place in June.
IN THE COMMUNITY

Outreach

Ole Sunday Funday
6/26/2023

American Canyon Pride
2023 6/19/2023

Dia de la Familia
7/16/2023
**People v. Bruce Clotfelter**

Bruce Lee Clotfelter, age 62, was re-sentenced to 50 years to life in state prison for multiple counts of perjury, identity theft, and forgery - intent to defraud he was convicted of, which previously garnered Mr. Clotfelter a sentence of 70 years to life in prison.

The re-sentencing of Mr. Clotfelter is in accordance with Senate Bill 81, which requires the court to dismiss sentencing enhancements “if it is in the furtherance of justice to do so.”

The law requires the court to afford great weight to evidence offered by the defendant to prove that any mitigating circumstances exist which include that the crime is linked to mental health issues, prior victimization or childhood trauma, the offense is not a violent felony, the sentencing enhancement could result in a sentence of over 20 years, the sentencing enhancement would result in a discriminatory racial impact, and several others.

The aforementioned crimes that a Napa jury convicted the defendant of in July 2018 are linked to the defendant’s efforts to conceal his status as a sex offender. He was found guilty of multiple counts of perjury, identity theft, and forgery between 2010 and 2011.

Mr. Clotfelter was subsequently convicted in September 2018 of multiple counts of contacting a minor with the intent to commit a sexual offense and annoying or molesting a minor for conduct spanning between 2009 and 2016. Those convictions were later reversed by the California Court of Appeal and converted to assault with force likely to produce great bodily injury and sexual battery, through a plea agreement. The case against Mr. Clotfelter was prosecuted by DDA Agnes Dziadur.

**People v. James McFarland**

James Laurence McFarland, age 83, is charged with two counts of lewd acts upon a child. He is additionally charged with the special allegations of multiple victims; substantial sexual conduct; sex crimes aggravating circumstances; vulnerable victim; and position of trust.

Mr. McFarland is next due in court at 9 a.m., on September 7, 2023, in Department 1 of the Napa County Superior Court, for a pre-preliminary examination, and is again due in court at 8:30 a.m., on
People v. Evig, LLC DBA Balance of Nature

Evig, LLC, doing business as Balance of Nature, is ordered to pay $1.1 million to California residents who purchased a Balance of Nature product in the past six years as part of a multi-jurisdictional consumer protection action brought against the dietary supplement maker.

The settlement against Balance of Nature also calls for the company to make a restitution payment of $250,000 in consumer restitution, and an additional amount of $850,000 in civil penalties and investigative costs.

The case against Balance of Nature alleged that the company made false claims regarding its supplements regarding the effectiveness and attributes of the products that were not supported by competent and reliable scientific evidence.

The complaint further alleged that Balance of Nature enrolled customers into an automatically renewing subscription program, and charged customers a recurring monthly fee, without clearly disclosing the terms of the program, giving customers an adequate acknowledgement of their enrollment in the program, or allowing customers to cancel online.

The District Attorney Offices of Alameda, Marin, Monterey, Orange, Santa Clara, Santa Cruz, Shasta, Solano, and Sonoma counties joined the Napa County District Attorney’s Office in the filing of the consumer protection case against Balance of Nature.

The case was spearheaded by Napa County DDA Patrick Collins.

People v. Garrett Elshere

Garrett Lars Elshere, age 44, was sentenced to 12 years in state prison by Napa County Superior Court Judge Monique Langhorne. The sentence was ordered to run consecutively to a sentence of 22 years to life the defendant is currently serving for his conviction in an unrelated 2021 stabbing case in Napa County.

Mr. Elshere was found guilty of two counts of domestic violence false imprisonment, intimidating a witness, and assault with a deadly weapon. The court also found true several special allegations including committing domestic violence within seven years of a previous domestic violence conviction.

Mr. Elshere’s conviction is related to the November 5, 2020, assault of a woman he was dating at the time at a local hotel. The defendant was on parole for a previous domestic violence incident that occurred on January 23, 2015, at the time he committed the 2020 assault.

Further, while Mr. Elshere was awaiting trial for the 2020 domestic violence case, he stabbed a Napa man nearly to death during an August 27, 2021, attack that took place at McPherson Elementary School. The defendant received the 22 years to life sentence for his involvement in the attack.

The case against Mr. Elshere was handled by DDA Agnes Dziadur.
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