

1 JEFFREY F. ROSEN, DISTRICT ATTORNEY
Bar No. 163589
2 JOHN CHASE, DEPUTY DISTRICT ATTORNEY
Bar No. 152199
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Bar No. 160906
4 COUNTY GOVERNMENT CENTER, WEST WING
70 West Hedding Street
5 San Jose, California 95110
Telephone: (408) 299-7400
6 Attorneys for the People

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**SUPERIOR COURT OF CALIFORNIA
COUNTY OF SANTA CLARA**

PEOPLE OF THE STATE OF CALIFORNIA,) **NO. C2010724**
)
13 **Plaintiff,**) **DECLARATION OF DISTRICT**
) **ATTORNEY JEFFREY F. ROSEN IN**
14 **vs.**) **SUPPORT OF ATTORNEY GENERAL'S**
) **OPINION IN OPPOSITION TO**
15 **JAMES JENSEN, HARPAUL NAHAL,**) **MOTION TO RECUSE THE SANTA**
16 **MICHAEL NICHOLS, CHRISTOPHER**) **CLARA COUNTY DISTRICT**
17 **SCHUMB,**) **ATTORNEY**
)
)
Defendants.)

I, Jeffrey F. Rosen, declare:

I was elected District Attorney in June 2010 after defeating the incumbent Dolores Carr. I took office in January 2011.

Sometime after the election and before taking office, I met with Christopher Schumb and several others who had supported Ms. Carr in the election. Mr. Schumb became a political supporter, helped raise money for my subsequent re-election campaigns, and gave me political advice. While Mr. Schumb is an attorney, he was never my attorney and I never retained his legal services.

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1 Mr. Schumb's introductions to his associates and fundraising assistance helped me raise
2 approximately 2% of the total amount of money I have raised running for District Attorney from
3 2009 to the present.

4 The saved emails from my personal and campaign email accounts go back to 2015.

5 In 2015, I had eighteen email threads consisting of a total of ninety-seven emails exchanged
6 with Mr. Schumb and others on the email threads.

7 In 2016, I had nine email threads consisting of a total of nineteen emails exchanged with Mr.
8 Schumb and others on the email threads.

9 In 2017, I had four email threads consisting of a total of ten emails exchanged with Mr.
10 Schumb.

11 In 2018, I had four email threads consisting of a total of ten emails exchanged with Mr.
12 Schumb and others on the email threads.

13 In 2019, I received one email from Mr. Schumb.

14 In 2020, I exchanged no emails with Mr. Schumb.

15 In late July 2019, I learned from Deputy DA and Head of the DA Public Integrity Unit John
16 Chase, that DA Investigators had interviewed Martin Nielsen who had contributed \$45,000 to the
17 Santa Clara County Public Safety Alliance – an independent expenditure committee that supported
18 Sheriff Laurie Smith's 2018 re-election. Based upon Mr. Nielsen's interview with DA
19 investigators, DDA Chase told me that Mr. Schumb was involved in a conspiracy to obtain CCW
20 licenses through bribery. Prior to this, we had no evidence about Mr. Schumb's involvement in Mr.
21 Nielsen's efforts to obtain CCW licenses from the Sheriff.

22 On August 1, 2019, DA Investigators served a search warrant on Mr. Schumb and seized his
23 cell phone.

24 On August 4, 2019, I instructed Bianca Pirayou, my campaign treasurer and campaign
25 attorney, to refund all contributions that Mr. Schumb made to my election campaigns for DA.

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On August 5, 2019, Ms. Pirayou sent Mr. Schumb a letter, with a check for \$1,500, refunding Mr. Schumb's contributions to Mr. Rosen's election campaigns. (See Exhibit A – email to Ms. Pirayou, letter and refund check to Mr. Schumb).

I declare under penalty of perjury the foregoing is true and correct to the best of my knowledge and belief.

Executed at San Jose, California, this 10th Day of September, 2020.



Jeffrey F. Rosen
District Attorney

EXHIBIT A



Jeff Rosen <jeff@jeffrosen.org>

Return Contribution

1 message

Jeff Rosen <jeff@jeffrosen.org>

Sun, Aug 4, 2019 at 2:02 PM

To: Bianca Pirayou <bpirayou@gmail.com>, Bianca Pirayou <bianca@pirayoulaw.com>

Dear Bianca,

I would like you to send the following letter tomorrow, and cc me:

Law Office of Christopher Schumb
10 Almaden Boulevard
Suite 1250
San Jose, CA 95113

Re: Return of Campaign Contributions

Dear Mr. Schumb:

I am the campaign treasurer for District Attorney Jeff Rosen and held this position for his re-election campaigns in 2014 and 2018.

He has instructed me to send you this letter.

Due to the ongoing criminal investigation in which you are involved, he is returning the following campaign contributions you made:

May 10, 2013 for \$500 to Jeff Rosen for DA 2014, and
May 9, 2016 for \$1,000 to Jeff Rosen for DA 2018.

Enclosed please find a check for \$1,500.

Sincerely,

Bianca Pirayou
Campaign Treasurer
Jeff Rosen for DA

****** PERSONAL AND CONFIDENTIAL ******

August 5, 2019

Law Office of Christopher Schumb
10 Almaden Boulevard, Suite 1250
San Jose, CA 95113

Re: Return of Campaign Contributions

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May 9, 2016 for \$1,000 to Jeff Rosen for DA 2018.

Enclosed please find a check for \$1,500.

Sincerely,



Bianca Pirayou
Campaign Treasurer
Jeff Rosen for DA

Cc: Jeff Rosen

JEFF ROSEN FOR DA 2018
6950 ALMADEN EXPRESSWAY, PMB 172
SAN JOSE, CA 95120
FPPC ID #1375160

PAY TO THE
ORDER OF

Law Office of Christopher Schumb

\$

8/5/2019

1,500.00

One Thousand Five Hundred Dollars and Zero Cents

DOLLARS

MEMO

Law Office of Christopher Schumb
10 Almaden Blvd., Ste. 1250
San Jose, CA 95113

contribution refund

⑈001029⑈ ⑆121000358⑆ 325025960376⑈

AUTHORIZED SIGNATURE



JEFF ROSEN FOR DA 2018

1029

One Thousand Five Hundred Dollars and Zero Cents

8/5/2019

1,500.00

Law Office of Christopher Schumb
10 Almaden Blvd., Ste. 1250
San Jose, CA 95113

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Bar No. 163589
2 JOHN CHASE, DEPUTY DISTRICT ATTORNEY
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9 **SUPERIOR COURT OF CALIFORNIA**
COUNTY OF SANTA CLARA

10 **PEOPLE OF THE STATE OF CALIFORNIA,**) **NO. C2010724**
11)
12) **DECLARATION OF DEPUTY**
13) **DISTRICT ATTORNEY JOHN CHASE**
14) **IN SUPPORT OF ATTORNEY**
15) **GENERAL'S OPINION IN OPPOSITION**
16) **TO MOTION TO RECUSE THE SANTA**
17) **CLARA COUNTY DISTRICT**
18) **ATTORNEY**
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Plaintiff,
vs.
JAMES JENSEN, HARPAUL NAHAL,
MICHAEL NICHOLS, CHRISTOPHER
SCHUMB,
Defendants.

18 I, John Chase, declare:

- 19 1. I am a duly acting and appointed Deputy District Attorney in and for the County of
20 Santa Clara, State of California. I have held this position for nearly twenty-six years.
21 For the last nine years, I have been the lead prosecutor in the Public Integrity Unit of
22 the District Attorney's Office.
- 23 2. The Public Integrity Unit reviews, investigates, and prosecutes allegations of crimes
24 committed by public officials and employees. Unlike most units in the DA's Office,
25 the Public Integrity Unit does not generally receive cases already fully investigated
26 by outside law enforcement agencies. Instead, most cases in the Public Integrity
27 Unit arise out of complaints or tips from citizens, media reports, or referrals from
28 agencies unable to investigate due to conflicts of interest or inexperience with the

1 subject matter. Many of these cases are highly sensitive because even an unfounded
2 complaint about a public official, if not kept secret during investigation, can be
3 harmful, not only to the public official, but also to the citizenry and the electorate.
4 For more than nine years, I have been the prosecutor in the DA's Office who initially
5 reviews these cases and decides whether to open an investigation. If an investigation
6 is opened, it is closely monitored and guided by me or another assigned prosecutor.

- 7 3. I am the prosecutor who has overseen the investigation into allegations of bribery in
8 connection with the issuance of concealed firearms permits (CCW licenses) by the
9 Santa Clara County Sheriff's Office.
- 10 4. On December 13, 2018, District Attorney Jeff Rosen forwarded to me an emailed tip
11 from a local newspaper publisher that an "Executive Protection Specialist" had made
12 an unusually large donation in October 2018 to an independent expenditure
13 committee that supported Sheriff Laurie Smith's re-election that year. Mr. Rosen
14 frequently relayed tips to me that he received from citizens.
- 15 5. Over the next week, I discussed with my investigator the \$45,000 donation Martin
16 Nielsen made to the Santa Clara County Public Safety Alliance ("PSA"), and
17 together we developed an investigative plan. Through law enforcement databases,
18 we quickly discovered that the Santa Clara County Sheriff's Office had submitted
19 Mr. Nielsen's fingerprints to the California Department of Justice in connection with
20 an application for a CCW license less than two weeks after he made the donation.
21 Over the next several weeks we learned that the fingerprints of two other employees
22 of the same security company that employed Mr. Nielsen had also been submitted
23 only days after the donation.
- 24 6. I and my investigative team, which eventually grew to include two additional
25 prosecutors and three investigators, have worked regularly on the investigation from
26 December 2018 until the present day. This case, involving Mr. Nielsen, the named
27 defendants, and others, is only one part of the overall investigation, which I expect
28 will lead to other charges not factually related to this case. As the lead prosecutor, I

1 have guided the investigation in the same manner that I always do—following the
2 evidence wherever it leads.

3 7. My first meeting with Mr. Rosen and Chief Assistant District Attorney Jay Boyarsky
4 to update them on the investigative plan was on December 20, 2018. My next
5 meeting with them was on March 21, 2019. After March, through the remainder of
6 2019, I had meetings with Mr. Rosen and Mr. Boyarsky every two or three months,
7 usually having to do with search warrants. In one month, July 2019, I had four
8 meetings with them, primarily concerning the mechanics of serving search warrants
9 on several suspects, as well as on the Sheriff's Office headquarters. In 2020, we met
10 once each month through March concerning a scheduled grand jury hearing, which
11 was ultimately postponed to July due to the County's health orders. Then, in July
12 and August 2020, we had a total of nine meetings concerning the grand jury
13 proceedings, charging decisions, and media releases.

14 8. At no time, did Mr. Rosen or Mr. Boyarsky direct, or even suggest, that I focus this
15 investigation on any individual. Nor did they ever direct, or suggest, that I turn
16 attention away from any individual. I and my investigative team followed the
17 evidence where it led without any influence or pressure from anyone.

18 9. In addition to the four indicted defendants who have brought or joined in this motion,
19 the CEO of AS Solution, Inc., the security company that employed Mr. Nielsen, has
20 been charged with, convicted of, and awaits sentencing for these crimes. Thus,
21 Defendant Christopher Schumb is only one of several individuals who are being
22 prosecuted for these crimes.

23 10. Although I and my investigator knew from the very beginning that Mr. Schumb was
24 the treasurer of the PSA, and we knew by April 2019, from phone records, that Mr.
25 Nielsen had phone calls with Mr. Schumb on the day before, and the day of, the
26 \$45,000 donation, we had no evidence or information about Mr. Schumb's
27 involvement in Mr. Nielsen's quest for CCW licenses until July 21, 2019 when Mr.
28 Nielsen was first interviewed and told us about it. July 21, 2019 is when we first

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realized that Mr. Schumb was involved in the conspiracy to obtain CCW licenses through bribery. I reported the results of our interview to Mr. Rosen that same afternoon, including the information about Mr. Schumb.

11. Based on the information from Mr. Nielsen's interview, we obtained a search warrant for Mr. Schumb's cell phones on July 31, 2019. Investigators served the warrant on August 1, 2019 and seized one cell phone from his person.

12. I have no personal or vested interest in this case or any case that I have ever handled as a prosecutor. I have never endorsed any candidate for public office, made a political contribution (except indirectly through union dues), or worked on any political campaign. I know Defendant James Jensen as one of the primary investigators in a case I prosecuted against a jail guard for excessive force. I admired the way that he handled that investigation. I know Defendant Christopher Schumb only as opposing counsel on one or two cases I prosecuted in the past that resolved short of trial. My only goal is to prosecute the individuals that the evidence shows are guilty of the charged crimes.

I declare under penalty of perjury the foregoing is true and correct to the best of my knowledge and belief.

Executed at SAN JOSE, California, this 10TH Day of September, 2020.



JOHN CHASE
Deputy District Attorney

1 Case Name: **PEOPLE v. JAMES JENSEN, HARPAUL NAHAL, MICHAEL**
2 **NICHOLS, CHRISTOPHER SCHUMB**

3 Case Number: **C2010724**

4 **PROOF OF SERVICE**

5 I am a citizen of the United States, employed in the County of Santa Clara, State of California. I am
6 over the age of 18 years and not a party to the above-entitled action. My business address is: Office
7 of the District Attorney, 70 W. Hedding Street, West Wing, San Jose, California 95110.

8 On **September 10, 2020**, I served the following document(s) upon the interested parties herein by
9 the method(s) indicated below:

10 **DECLARATION OF DISTRICT ATTORNEY JEFF ROSEN IN SUPPORT OF**
11 **ATTORNEY GENERAL'S OPINION IN OPPOSITION TO MOTION TO RECUSE THE**
12 **SANTA CLARA COUNTY DISTRICT ATTORNEY**

13 **DECLARATION OF DEPUTY DA JOHN CHASE IN SUPPORT OF ATTORNEY**
14 **GENERAL'S OPINION IN OPPOSITION TO MOTION TO RECUSE THE SANTA**
15 **CLARA COUNTY DISTRICT ATTORNEY**

16 X BY EMAIL TRANSMISSION AND FIRST CLASS MAIL: by placing a true copy thereof,
17 enclosed in a sealed envelope, for postage and deposit with the U.S. Postal Service on the same date
18 it is submitted for mailing, and addressed as follows:

19 Christian E. Picone Berliner Cohen LLP 10 Almaden Blvd. 11th Floor San Jose, CA 95113 Christian.Picone@berliner.com	20 Sam J. Polverino The Singletary Mansion 1565 The Alameda, Suite 100 San Jose, CA 95126 spolverino@sjlawyer.net	21 J. Joseph Wall, Jr. Wall Law Firm 10 Almaden Blvd, Ste 1200 San Jose, CA 95113 jwalljr@pacbell.net
22 Harry S. Stern Rains Lucia Stern 2300 Contra Costa Boulevard Suite 500 Pleasant Hill, CA 94523 hstern@rlslawyers.com	24 Supervising Deputy Attorney General Joyce Blair Office of the Attorney General 1300 "I" Street Sacramento, CA 95814-2919 Joyce.Blair@doj.ca.gov	

25 I declare under penalty of perjury under the laws of the State of California that the foregoing is
26 true and correct, and that this declaration was executed on **September 10, 2020**, at San Jose,
California.


Elizabeth Simoni