

1 JEFFREY F. ROSEN, DISTRICT ATTORNEY  
Bar No. 163589  
2 JOHN CHASE, DEPUTY DISTRICT ATTORNEY  
Bar No. 152199  
3 MATTHEW D. BRAKER, DEPUTY DISTRICT ATTORNEY  
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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10 **SUPERIOR COURT OF CALIFORNIA**  
**COUNTY OF SANTA CLARA**

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

19 I, Jeffrey F. Rosen, declare:

20 I took office as District Attorney in January 2011. Prior to that, I worked 15 years as a  
21 Deputy District Attorney in the Santa Clara County Office of the District Attorney. I am familiar  
22 with the above-entitled case because I received updates on the investigation periodically.

23 I am aware of attorney Harry Stern's allegation that someone in the District Attorney's  
24 Office leaked the transcripts and other information about the grand jury proceedings prior to August  
25 31, 2020 when the transcripts became open to the public by law.

26 In light of the requirement in Penal Code section 1424 that facts be "supported by affidavits  
27 of witnesses who are competent to testify to the facts set forth in the affidavit," I offer the following  
28 statement under penalty of perjury relevant to Mr. Stern's allegation: Except for the indictment

1 which I announced at a press conference on August 7, 2020 , I did not disclose to anyone not  
2 officially assigned to this case transcripts or other information about the grand jury proceedings in  
3 this case. Nor did I authorize anyone to do so. Nor am I aware of anyone having done so.

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


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7 Executed at San Jose, California, this 14<sup>th</sup> Day of September, 2020.

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Jeffrey F. Rosen  
District Attorney

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

11	<b>PEOPLE OF THE STATE OF</b>	)	<b>NO. C2010724</b>
12	<b>CALIFORNIA,</b>	)	
13		)	<b>DECLARATION OF CHIEF ASSISTANT</b>
14	<b>Plaintiff,</b>	)	<b>DISTRICT ATTORNEY JAY</b>
15		)	<b>BOYARSKY IN SUPPORT OF</b>
16	<b>vs.</b>	)	<b>ATTORNEY GENERAL'S OPINION IN</b>
17		)	<b>OPPOSITION TO MOTION TO</b>
18	<b>JAMES JENSEN, HARPAUL NAHAL,</b>	)	<b>RECUSE THE SANTA CLARA</b>
19	<b>MICHAEL NICHOLS, CHRISTOPHER</b>	)	<b>COUNTY DISTRICT ATTORNEY</b>
20	<b>SCHUMB,</b>	)	
21		)	
22	<b>Defendants.</b>	)	

23 I, Jay Boyarsky, declare:

24 I am the duly acting and appointed Chief Assistant District Attorney in and for the County  
 25 of Santa Clara, State of California. I have held this position since 2011. Prior to that, I worked as  
 26 either a Supervising Deputy District Attorney or a Deputy District in this office since 1994. I am  
 27 familiar with the above-entitled case because I have received updates on the investigation  
 28 periodically.

I am aware of attorney Harry Stern's allegation that someone in the District Attorney's  
 Office leaked the transcripts and other information about the grand jury proceedings prior to August  
 31, 2020 when the transcripts became open to the public by law.

In light of the requirement in Penal Code section 1424 that facts be "supported by affidavits  
 of witnesses who are competent to testify to the facts set forth in the affidavit," I offer the following

1 statement under penalty of perjury relevant to Mr. Stern's allegation: Except for the indictment, I  
2 did not disclose to anyone not officially assigned to this case transcripts or other information about  
3 the grand jury proceedings in this case. Nor did I authorize anyone to do so. Nor am I aware of  
4 anyone having done so.

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

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Executed at Palo Alto, California, this 13<sup>th</sup> Day of September, 2020.

DocuSigned by:  
*Jay Boyarsky*  
71F208CA0242419

Jay S. Boyarsky  
Chief Assistant District Attorney

1 JEFFREY F. ROSEN, DISTRICT ATTORNEY  
Bar No. 163589  
2 JOHN CHASE, DEPUTY DISTRICT ATTORNEY  
Bar No. 152199  
3 MATTHEW D. BRAKER, DEPUTY DISTRICT ATTORNEY  
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9 **SUPERIOR COURT OF CALIFORNIA**  
**COUNTY OF SANTA CLARA**

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

17 I, John Chase, declare:

18 I am a duly acting and appointed Deputy District Attorney in and for the County of Santa  
19 Clara, State of California. I have held this position for nearly twenty-six years. For the last nine  
20 years, I have been the lead prosecutor in the Public Integrity Unit of the District Attorney's Office.  
21 I am the prosecutor who has overseen the investigation into allegations of bribery in connection  
22 with the issuance of concealed firearms permits (CCW licenses) by the Santa Clara County  
23 Sheriff's Office.

24 I am aware of attorney Harry Stern's allegation that someone in the District Attorney's  
25 Office leaked the transcripts and other information about the grand jury proceedings prior to August  
26 31, 2020 when the transcripts became open to the public by law.

27 In light of the requirement in Penal Code section 1424 that facts be "supported by affidavits  
28 of witnesses who are competent to testify to the facts set forth in the affidavit," I offer the following

1 statement under penalty of perjury relevant to Mr. Stern's allegation: Except for the indictment, I  
2 did not disclose to anyone not officially assigned to this case transcripts or other information about  
3 the grand jury proceedings in this case. Nor did I authorize anyone to do so. Nor am I aware of  
4 anyone having done so.

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6 knowledge and belief.

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Executed at SAN JOSE, California, this 14<sup>TH</sup> Day of September, 2020.



JOHN CHASE  
Deputy District Attorney

1 JEFFREY F. ROSEN, DISTRICT ATTORNEY  
Bar No. 163589  
2 JOHN CHASE, DEPUTY DISTRICT ATTORNEY  
Bar No. 152199  
3 MATTHEW D. BRAKER, DEPUTY DISTRICT ATTORNEY  
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9 **SUPERIOR COURT OF CALIFORNIA**  
10 **COUNTY OF SANTA CLARA**

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

18 I, Matthew Braker, declare:

19 I am a duly acting and appointed Deputy District Attorney in and for the County of Santa  
20 Clara, State of California. I have held this position for nearly 22 years. In May 2019, I was assigned  
21 to assist in the investigation and prosecution of this case. I was one of the two prosecutors  
22 conducting and present for the grand jury proceedings in this case.

23 I am aware of attorney Harry Stern's allegation that someone in the District Attorney's  
24 Office leaked the transcripts and other information about the grand jury proceedings prior to August  
25 31, 2020 when the transcripts became open to the public by law.

26 In light of the requirement in Penal Code section 1424 that facts be "supported by affidavits  
27 of witnesses who are competent to testify to the facts set forth in the affidavit," I offer the following  
28 statement under penalty of perjury relevant to Mr. Stern's allegation: With the exception of the

1 indictment, I did not disclose to anyone not officially assigned to this case transcripts or other  
2 information about the grand jury proceedings in this case. Nor did I authorize anyone to do so. Nor  
3 am I aware of anyone having done so.

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

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Executed at San Jose, California, this 14th Day of September, 2020.



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Matthew Braker  
Deputy District Attorney



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

Case Number: **C2010724**                      **PROOF OF SERVICE**

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

On **September 14, 2020**, I served the following document(s) upon the interested parties herein by the method(s) indicated below:

**SECOND DECLARATION OF DISTRICT ATTORNEY JEFFREY F. ROSEN IN SUPPORT OF ATTORNEY GENERAL'S OPINION IN OPPOSITION TO MOTION TO RECUSE THE SANTA CLARA COUNTY DISTRICT ATTORNEY**

**DECLARATION OF CHIEF ASSISTANT DA JAY BOYARSKY IN SUPPORT OF ATTORNEY GENERAL'S OPINION IN OPPOSITION TO MOTION TO RECUSE THE SANTA CLARA COUNTY DISTRICT ATTORNEY**

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

**DECLARATION OF DEPUTY DA MATTHEW BRAKER IN SUPPORT OF ATTORNEY GENERAL'S OPINION IN OPPOSITION TO MOTION TO RECUSE THE SANTA CLARA COUNTY DISTRICT ATTORNEY**

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

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

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this declaration was executed on **September 14, 2020**, at San Jose, California.

  
Elizabeth Simoni