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**IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA  
IN AND FOR THE COUNTY OF SAN DIEGO**

PEOPLE OF THE STATE OF CALIFORNIA,  
Plaintiff

versus

CYNTHIA SOMMER,  
Defendant

CASE NO. SCD195202  
DA NO.

REPLY TO PROSECUTION'S  
MEMORANDUM OF LAW  
REGARDING POWER OF  
COURT TO DISMISS THIS  
CASE WITH PREJUDICE

The extremes to which the District Attorney has ignored mistakes, distorted facts, and mis-represented evidence to a jury, the court, and the public in the case of Cynthia Sommer is utterly astounding. The undersigned is an almost ancient practitioner of the law who has practiced in excess of thirty two years in San Diego and, as such, is seldom surprised by what he sees in the courtroom, even when the borders of truth are stretched in our system of adversarial law. Sadly, though, the undersigned has, in those three-plus decades, sometimes witnessed cases where a reverence for adversarial zeal does not answer.

As John Adams said when he was representing the British soldiers accused of murder following the "Boston Massacre": "facts are stubborn things. They can't be changed. They can't be distorted, no matter how vigorous the effort." And counsel has seen - sometimes from afar and sometimes as counsel - too many cases where the prosecution has abused the truth. Sometimes

1 those cases have been heavily publicized (Jim Wade<sup>1</sup>, Dale Akiki<sup>2</sup>, Stacy Butler, et al<sup>3</sup>, and

2 \_\_\_\_\_  
3 <sup>1</sup> **Alicia Wade** was a 8-year-old girl living in San Diego County, California, when raped by a stranger entering  
4 her bedroom through a window. There had been multiple other similar rape cases in the neighborhood by child sex  
5 offender Albert Raymond Carder. Despite this and the many similarities between those cases and Alicia's, the District  
6 Attorney's office, in the person of DDA Jane Via, sought and attained the removal of Alicia from her father, James  
7 Wade. Mr. Wade was a twenty year chief in the Navy with no criminal record.

8 CPS proceeded to put Alicia through over a year of psychotherapy by Kathleen Goodfriend, designed to force  
9 her to incriminate her father. After more than a year of continuing to insist the stranger she described in detail raped  
10 her, the questionable psychological techniques used by the therapy eventually led her to incriminate her father in late  
11 June 1990. Because Mr. Wade's wife, Denise, knew he was a caring and loving father and refused to believe the  
12 charges against her husband, CPS had removed Alicia from her mother Denise Wade's custody, stating her failure to  
13 believe the allegations made her unfit as a mother. Before this case would be over, Mrs. Wade would attempt suicide.

14 In December 1990, James Wade was arrested and charged with the rape of his own daughter.

15 Only through the efforts of a fine defense attorney - Michael McGlenn - would semen stains be found on  
16 Alicia's clothing and sent for DNA testing. The tests established that Jim Wade could NOT have been the donor of the  
17 semen and fully exonerated him.

18 After two and a half years Superior Court Judge Frederic Link dismissed the case. He also went one step  
19 further, making a rare factual finding of innocence and ordering Jim Wade's arrest record destroyed. Alicia could go  
20 home.

21 Even after the dismissal, the D.A.'s office asserted the propriety of their conduct. Via continued to assert that  
22 though she knew about the Carder prosecution (she had prosecuted them herself) she asserted there "are no similarities  
23 to this, it's a waste of time to even consider it." Not long later, more accurate DNA testing confirmed that stains had  
24 a 100% match with the DNA of Carder.

## 25 **POST CONVICTION LITIGATION**

26 The San Diego County Grand Jury later found Via's actions incomprehensible and recommended that the state  
27 investigate her for possible conflict of interest and ethics violations and demanded change to the D.A.'s practices. Via  
28 remains employed by the District Attorney office as a lawyer.

In 1992, James Wade filed law suits in San Diego Superior Court against the government agencies and parties  
that harmed his family. Via claimed absolute immunity. The Wades, who were bankrupted by the litigation and forced  
to leave California, ultimately received settlements of \$3.7 million. Kathleen Goodfriend surrendered her license to  
practice on April 15, 1996. Via remains in the D.A.'s office.

(Counsel, who was at the time teaching at U.S.D. law school, recalls how quiet Ms. Via seemed when she was  
a student in his class.)

<sup>2</sup> **Dale Akiki** served with his wife as volunteer baby-sitter with the Faith Chapel church in Spring Valley,  
California. He was mentally handicapped and suffered from Noonan syndrome, a rare genetic disorder which left him  
with a concave chest, club feet, drooping eyelids and ears. In 1991 he was arrested and charged with 35 counts of child  
abuse and kidnapping, and held without bail for 30 months before trial.

The government filed its first case against Akiki on May 10, 1991, in San Diego Superior Court. It followed  
that up with a second case against Akiki on February 20, 1992. His trial started in Spring of 1993. The cases against  
him included no physical evidence, but testimony that he killed a giraffe and an elephant in front of the children, drank  
human blood in satanic rituals, and had abducted the children away from the church despite being unable to drive. The  
trial took 7.5 months; the jury acquitted him of all charges following less than seven hours of deliberation. Jurors

1 Michael Crowe<sup>4</sup>) and sometime they

2 \_\_\_\_\_  
3 commented about "overzealous prosecutors", "child sexual abuse syndrome", and "therapists on a witch-hunt. The San  
4 Diego County Grand Jury reviewed the Akiki cases in 1994 and concluded that "There is no justification for the further  
5 pursuit of the theory of satanic ritual molestation in the investigation and prosecution of child abuse cases." On August  
6 25, 1994, he filed a suit against the County of San Diego and others. The case settled for \$2 million.

7 <sup>3</sup> **Stacy Butler**, a gang member, was originally accused of shooting police officer Jerry Hartless and charged  
8 with the capital murder. When his first trial ended in a 6-6 hung jury (he was represented by Attorney William Nimmo),  
9 the D.A. changed theories and decided to allege that "someone" shot Jerry Hartless and filed felony murder charges  
10 against Butler and five fellow gang members, including Darryl Bradshaw. (The undersigned represented Mr.  
11 Bradshaw.) The D.A. made repeated statements to the defense that as soon as one of the defendants would finger the  
12 shooter, the others would be dismissed.

13 The case centered on the testimony of one Darin Reynaud Palmer, who testified that the whole group had  
14 attempted to rob a rival gang, during which Officer Hartless happened on and was shot.

15 The defense asserted that Palmer's credibility was at issue in that he received benefits from the D.A.'s office,  
16 but Palmer denied that and the jury convicted Butler, Bradshaw and others who were sentenced to life imprisonment.  
17 The prosecutor, Keith Burt, was named Prosecutor of the Year by the California District Attorneys Association based  
18 on his work, and the following year he was named chief deputy district attorney.

19 However, soon thereafter Palmer was arrested for armed robbery himself and when the D.A. refused to  
20 prosecute him as a three strike offender, the arresting officer went to the Attorney General who caused the D.A.'s office  
21 to be removed and prosecuted Palmer. At that point, Palmer attempted to gain his freedom by revealing that in fact he  
22 had received enormous benefits from the D.A. during the Butler trial, even to the point of being allowed to have sex  
23 with his then girlfriend and impregnate her in the law library of the D.A.'s office. In the face of a D.A.'s claim that this  
24 was all a defense attorney trick, his girlfriend, then his wife, revealed photographs she had taken of both her and her  
25 husband naked and engaging in intercourse.

26 The five convicted defendants filed habeas corpus petitions, which were granted after the San Diego Superior  
27 Court judge who presided at the two trials, William Kennedy, found that prosecutors had granted undisclosed favors,  
28 including a favorable plea bargain in an unrelated case. Palmer was made "a temporary member of the prosecution unit  
in this case," Kennedy said.

### 18 **Conflict of Interest**

19 Judge Kennedy also found that the District Attorney's Office had a conflict of interest in continuing to  
20 prosecute the case once its integrity, and the adequacy of its previous internal investigation into the conduct of its own  
21 employees, was questioned. The Attorney General's Office took over, and negotiated pleas in which the five defendants  
22 pled guilty to voluntary manslaughter and were sentenced to time served.

23 The D.A. investigator involved was fired, but DDA Burt, was allowed to resign from his chief deputy post and  
24 retain a position of civil service protection and remained in the D.A.'s office to this date, despite the fact that he allowed  
25 Palmer to lie to the jury that he received no favors from the D.A.'s office and despite the fact that he assisted Palmer  
26 in getting the potential third-strike charge dismissed in 1995 after the defendant's wife made her initial threat to go to  
27 the media.

28 <sup>4</sup> Twelve-year-old **Stephanie Crowe** was found stabbed to death on the floor of her bedroom in Escondido,  
Calif., on Jan. 21, 1998. Within weeks her 14-year-old brother Michael and two teenage friends were charged with  
conspiring to kill her, largely due to their confessions. After confronting Crowe with some troubling lie detector  
evidence, lead Escondido police investigator Ralph Claytor told the teen of physical evidence linking him to his sister's  
murder.

"Its very difficult for the person who did it not to get blood on them and not transfer that blood to other parts  
of the house," Claytor told Crowe during the videotaped interrogation. "We found blood in your room already."

1 haven't. But the case of Cynthia Sommer rivals each of those examples of San Diego justice gone  
2 awry.

3 And in that sad tradition of dis-function, the District Attorney's filing last Friday  
4 continues in pattern of recklessness commitment to "circle the wagons" and "Deny. Deny. Deny."

5 If it didn't involve the very future of a young widow and mother of four, it might  
6 almost be comical in it's committed effort to obfuscate, deflect, distract, and avoid the truth at all  
7 costs.

8 It is a sad testament to a system in which the undersigned strongly believes, when the  
9 work of the prosecution effort in this case is summarized: "Any prosecutor can convict a guilty  
10 person. It takes real skill to convict the innocent." <sup>5</sup>

11 It seems that the truth has seldom got in the way of the D.A.'s efforts to create a crime  
12 where none existed and then prosecute Cynthia Sommer for it.

13 The D.A.'s "Memorandum of Law Re: Jurisdiction" filed on May 23, 2008, continues  
14 in that dangerous effort. The memo says the court has no jurisdiction to dismiss this case once  
15 and for all and does so without even slightly hinting that the court doesn't have the power to do  
16 so, or even that it didn't intend to do so, but rather by asserting that the fact that the court uttered  
17 its words in the wrong order its April 17<sup>th</sup> hearing and therefore forfeited its power to review the  
18 question of a dismissal with prejudice continues that tradition.

19 In essence, the D.A. asserts that at the nano-second that the court uttered the words "I  
20 dismiss without prejudice" it lost all jurisdiction in the case, despite the fact that the court did,

21  
22 \_\_\_\_\_  
23 "God," Michael responded, beginning to cry. "Where did you find it?"

24 Actually, no blood was found.

25 During pretrial hearings San Diego Superior Court Judge John M. Thompson ruled that police made illegal  
26 promises of leniency to Michael, telling him on several occasions that he would get "help" if he confessed but would  
27 go to jail if he didn't. The confessions of the other two teens were excluded because one suspect was denied sleep and  
28 food and the other was not properly read his rights.

27 Later, the D.A. prosecuted a transient for the killing and the Sheriff declared Michael to be innocent.

28 <sup>5</sup> San Diego Union Tribune, Column by Ruben Navarrette Jr., April 25, 2008

1 without even taking a breath, continue it's order and state that it was making its order without  
2 prejudice to determine if the dismissal should be with prejudice.

3 It's a D.A. claim of bad judicial punctuation. It says the court used a period, where it  
4 should have used a comma.

5 The D.A. apparently agrees that if the court had said "I dismiss the case against Ms.  
6 Sommer and will conduct a hearing to determine if it should be with or without prejudice", that  
7 would have been preserved its powers, but since the court said "I dismiss the case against Ms.  
8 Sommer without prejudice and deny, without prejudice, the motion to dismiss with prejudice, and  
9 a set a hearing to determine if the dismissal should be with prejudice", it has lost all jurisdiction.

10 Then the D.A. says that the clear intent of the court was to dismiss without prejudice.  
11 Give the D.A. a horse and they call it a zebra.

12 An analysis of the Memorandum and the law it offers will be discussed in detail  
13 below, but first, there needs to be some comment on the utter inaccuracies, inconsistencies, and  
14 misrepresentations it offers to the court. Such transparent and almost silly efforts as to refuse to  
15 put a case number on the Memorandum and to refuse to title the document as "People vs. Cynthia  
16 Sommer" and to not call the first section "Statement of the Case and Statement of Facts", but  
17 rather call it "History of the Investigation" are almost amusing efforts in verbal léger de main<sup>6</sup>.  
18 It's the D.A.'s way of saying, "if I close my eyes, I become invisible." They deserve no further  
19 comment.

20 But two further statements in the Memorandum are serious as they continue the gross  
21 misrepresentation that the D.A.'s office has made to this court and, with the court's indulgence,  
22 they shall be discussed before the statement of law is presented.

### 23 **FIRST MIS-STATEMENT OF FACT**

24 First, in its opening sentence (Page one, line 17) , the D.A. states:

25 **"On February 28, 2002, Marine sergeant Todd Sommer died of**  
26 **arsenic poisoning"**

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28 <sup>6</sup> The french for prestidigitation ("quick fingers"), a skill utilized by magicians attempting to simulate the disappearance or a playing card during a display of their talents.



1 lab and therefore could not have been contaminated by them, were tested and found to be  
2 completely clear of any arsenic.

3 As a result of the testing on these tissues, the District Attorney filed its April 17, 2008  
4 "Motion to Dismiss Without Prejudice". In that Motion, Deputy District Attorney Laurie Gunn  
5 stated without equivocation that "on March 20, 2008", the prosecution:

6 **". . . learned for the first time that there were several samples of**  
7 **Todd's tissues still there, stored in paraffin cassette blocks."**

8 At that hearing, defense counsel disputed that these tissues were just recently  
9 discovered by the D.A. The defense accused the prosecution of distorting the truth and  
10 misrepresenting evidence to the court and asserted that the prosecution was making these self-  
11 serving statements to cover up their reckless conduct in the case.

12 Ms. Gunn, thereafter, re-iterated her statement that she only recently learned of the  
13 tissues in the paraffin cassette blocks:

14 **"I did not play games. I did not hide evidence. . . . I did not learn until**  
15 **March 20<sup>th</sup> that there was this set of evidence in paraffin."** (RT

16 4/17/08, page 19, line 18-20)

17 Thereafter, Bonnie Dumanis, the District Attorney of the county, held a press  
18 conference and at that press conference, she repeated this claim: "We weren't aware of those  
19 (paraffin tissues) until just recently. And, as soon as we became aware of those, those were the  
20 ones we took to test."

21 A CD of the statement of Ms. Gunn and Ms. Dumanis is attached as an exhibit for the  
22 court's review.)

23 There was only one thing wrong with these self serving statements, they were a  
24 complete lie. The defense soon made it clear that the D.A. knew of the paraffin tissues as early as  
25 November, 2005 and again as late as August, 2007.

26 And when the defense exposed this information, Ms. Dumanis stated (both personally and  
27 through a publicist) that "she mis-spoke" that the office knew of this evidence but only recently  
28 "re-discovered" it.

1 Ms. Gunn, also through a D.A. spokesperson, made the same statement.

2 Well, now the D.A. presents a document to the court contradicting what Ms. Gunn wrote  
3 in her April 17, 2008 Motion and what she told the court directly in open court on April 17, 2008.

4 Now the District Attorney writes:

5 **“Papers in support of the motion, *quickly drafted that day*, erroneously**  
6 **described the histology samples as “newly discovered evidence”; from the time**  
7 **of original trial discovery all parties to the trial of Cynthia Sommer were**  
8 **informed that the histology samples existed.” (Emphasis added.)**

9 (Page 2:27 through 3:1)

10

11 So which is it?

12

13 Do the People now concede that they knew of the existence of the tissues all along and if  
14 so, shouldn't the court review the direct statements to the contrary of Ms. Gunn to determine if  
15 her statements are a violation of her oath as a District Attorney and state bar actionable and a  
16 direct contempt of court?

17 Or is the author of this most recent Memorandum (who is not Ms. Gunn) mis-  
18 representing evidence to the court?

19 Or are the People somehow saying that the prosecution wishes to pick and choose what  
20 the facts are and pick one set of facts when it protects Ms. Gunn and another when it protects the  
21 office?

22 That rumbling you hear is the sound of John Adams repeating from his grave: “Facts are  
23 stubborn things.”

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1 not have authority to dismiss a plea of insanity under 1385, and 1385 may not be used "solely to  
2 accommodate judicial convenience or for other reasons external to the case." *Id.* At 523-525. But  
3 nowhere in *Hernandez* is there language even remotely supporting the People's claim that a court  
4 is somehow immediately divested of jurisdiction the moment it orally dismisses charges against a  
5 defendant.

6         The prosecution next cites to *Smith v. Superior Court, In re Candelario, and In re Wimbs*  
7 to support its argument that this Court has lost jurisdiction in this matter. Again, none of these  
8 cases address that issue. Instead, these cases address when and how a court may act to correct  
9 clerical errors versus actions taken to correct judicial error on an occasion when a court has  
10 exercised its discretion. Each of the cases will be discussed individually, however it should be  
11 stated at the outset, that the defense is not asking nor need the court correct either a clerical error  
12 or a judicial error. Rather, the defense asserts that the Court has every right to maintain  
13 jurisdiction in this case as it was the clear order of the court to exercise its discretion (a discretion  
14 which the prosecution does not even challenge that the court possesses) to permit the prosecution  
15 and the defense an opportunity to fully be heard on the basis and effect of the dismissal in this  
16 case before rendering its final order on the dismissal.

17         Simply put: the Court did not intend, as the courts did in the cases referenced above, that  
18 its ruling on April 17<sup>th</sup> be the end of its analysis and action in the case, but exactly to the contrary,  
19 it clearly sought that the issue should be addressed in the future.

20         The issue before the appellate court in *Smith* was "whether a trial court may reconsider and  
21 vacate an order dismissing a prosecution where there is an allegation that extrinsic fraud or  
22 mistake has taken place and that new facts would alter the court's decision." 115 Cal. App. 3D at  
23 287. In *Smith* the trial court dismissed charges against the defendant after the appellate court  
24 previously ruled that evidence had been illegally obtained could not be used at trial. *Id.* At 287-88.  
25 At the time of the dismissal neither the prosecution nor the defense attorney was aware that the  
26 attorney general was processing a petition for writ of certiorari for the U.S. Supreme Court on the  
27 evidentiary issue. *Id.* Once the prosecutor learned the evidentiary issue was still being appealed,  
28

1 he moved to vacate the order of dismissal and the "trial court granted the motion to vacate,  
2 reinstating the charges and continuing the matter for trial." Id.

3 The court in *Smith* explained that clerical error may be corrected by amendment while  
4 judicial error may not be, with the operative analysis being whether "the error was made in  
5 rendering the judgment, or in recording the judgment rendered." Id. At 290. It is important to note  
6 that in *Smith* the court was protecting the rights of the defendant guarding against giving the  
7 prosecutor another bite at the apple, stopping the prosecution effort to reinstate charges against a  
8 defendant after they had been dismissed.

9 Here, the ultimate decision of this Court to dismiss the charges against Ms. Sommer is not  
10 changing, rather the Court is permitting the parties to present information for the Court's  
11 consideration in making the formal and final findings supporting dismissal in the interest of  
12 justice. The Court maintains jurisdiction to do exactly what it intended at the April 17<sup>th</sup> hearing.  
13 This Court is not seeking to correct a clerical or judicial error. This Court did not intend, as the  
14 court in *Smith* did, for the dismissal at the hearing to be the last word and final act on the matter.  
15 Here, the Court made it clear that it needed additional information to resolve the motions for  
16 dismissal pending before the Court. Nothing in *Smith* or in any of the other cases cited by the  
17 prosecution suggest that a court may not exercise its discretion in the way that this Court is doing  
18 so, by carefully considering the procedural and factual posture of the case and informing itself of  
19 the reasons dismissal is in the interest of justice.

20 In *In re Candelario*, the defendant was convicted of a drug offense and the court's final  
21 judgment did not include a finding of guilt of a previous offense which was necessary to increase  
22 the defendant's sentence. 3 Cal.3rd 702, 704 (1970). Approximately one month later the court  
23 filed an amended abstract of judgment including the prior offense. Id. The Supreme Court held  
24 that the court's initial judgment which did not include the prior conviction was interpreted as an  
25 act of the court to be lenient and could not be corrected by an amended abstract. Id. at 706.

26 Again, the case at bar does not involve a situation where the court is seeking to correct or  
27 change or revise a ruling entered into judgment. Rather the Court is still in the process of making  
28 the decision about the nature of the dismissal in this case.

1            *In re Wimbs* is equally inapplicable. In *Wimbs* the issue was whether a court could change  
2 an original sentencing order from "consecutive" to "concurrent". 65 Cal2nd 490, 498 (1966).  
3 The appellate court found that such a change was not allowed in that where the court "*deliberately*  
4 exercised" its discretion to issue a final order, it couldn't change that order under the guise of  
5 correcting a clerical mistake.

6            Here, there NEVER was a final "deliberative" order to dismiss without prejudice - just the  
7 opposite. There was a "deliberate exercise of judicial discretion" to determine if the dismissal  
8 should ultimately be with or without prejudice only after a full hearing. This court has every  
9 power to conduct such a hearing and this court has still not reached its decision as to whether the  
10 dismissal should be with or without prejudice.

11            Simply put, none of these cases stand for the proposition that this Court does not have the  
12 authority to exercise its discretion to hear from the parties on dismissing with prejudice and  
13 largely inapplicable as the Court is not seeking to correct a clerical or judicial error. While the  
14 Court is not correcting an error, these cases still demonstrate that a court retains the power to act  
15 to ensure that its intended actions are accurately documented and carried out.

16            **This Court is not Seeking to "Conditionally Stay" the Action**

17            The prosecution next argues that 1385 cannot be used as a mechanism to stay proceedings.  
18 No party has requested a stay in this case and the Court has not entered one. The cases cited by the  
19 prosecution are so significantly factually distinct that they provide no support for the people's  
20 objection to the Court's actions in the present case. In *People v. Carrillo* the defendant requested  
21 that the trial court "conditionally dismiss" certain allegations against him to circumvent the three  
22 strikes law so that the defendant would be eligible to participate in a state sponsored rehabilitation  
23 program. 87 Cal App 4<sup>th</sup> 1416, 1418-19.

24            The appellate court stated the trial court did not have authority under 1385 to place the  
25 strike allegations into "suspended animation" retaining the power to reinstate the strike allegations  
26 if the defendant did not successfully complete the rehabilitation program. *Id.* At 1421. That fact  
27 scenario is completely inapposite to the case at bar. Here, even the prosecution concedes the  
28 court has the power to dismiss with prejudice, and can do so only after it reviews the entirety of

1 the evidence. The court has simply set into motion a process to exercise its discretion. It isn't  
2 conditionally "staying" anything.

3 In *People v. Calhoun* the trial court sought to stay the execution of sentence enhancements  
4 without making the necessary findings of mitigation required by another statute. 141 Cal.App 3<sup>rd</sup>  
5 117, 122. The appellate court ruled that though the court could dismiss or strike allegations for  
6 the purposes of sentencing, it couldn't "stay" that decision to a later time.

7 *Calhoun* doesn't even remotely cover the facts of the case at bar.

8 (Likewise *People v. Santana*, stands for the premise that though the trial court had the  
9 authority under 1385 to strike the enhancement, not stay the enhancement, but it failed to comply  
10 with the requirements of 1385 to do so in the interest of justice and explain its reasons in its minute  
11 order. *Id.* At 192-93. This Court is clearly not attempting to stay enhancements or other aspects of  
12 a sentence, or stay any part of the proceeding at all.)

### 14 CONCLUSION

15 The people have come forward with no legal authority which purportedly bars this Court  
16 from exercising its discretion to hear from the parties on whether a dismissal under 1385 should  
17 be with or without prejudice. The Court is not seeking to correct judicial error of an exercise of its  
18 discretion, nor is it attempting to impose a stay in the criminal proceedings against Ms. Sommer.  
19 The people were put on notice at the April 17<sup>th</sup> hearing that the Court would be conducting a  
20 hearing on this issue in reaching its final decision and they have been afforded the opportunity to  
21 be heard. As set forth in defendant's motion to dismiss and original memorandum of law in  
22 support of this Court's authority under 1385 to dismiss the criminal charges in this case with  
23 prejudice, defendant respectfully requests that the Court find that the evidence in this case is  
24 insufficient as a matter of law for a reasonable jury to find guilt beyond a reasonable doubt and  
25 dismiss the charges against Ms. Sommer in the interest of justice.

26 This request, and the defense effort to have the court dismiss the case is not an empty  
27 gesture. It is an attempt to once and for all allow a young woman, who has already had 2 ½ years  
28 ripped away from her, to forward with the rest of her life without the fear of being snatched away

1 from her children as a result of yet another unsupported effort by the prosecution. Simply put,  
2 the court is the only thing that stands between Cynthia Sommer and another prosecution where a  
3 crime hasn't even been proven to have occurred.

4 She should have that right. The law allows her to have that right. The just thing to do is to  
5 make such an order.

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8 Dated: May 28, 2008

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Allen Bloom  
Attorney at Law

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