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Maggie Fleming
District Attorney

September 1, 2020

Honorable Joyce Hinrichs, Presiding
Humboldt County Superior Court
825 Fifth Street
Eureka, CA 95501

Re: Response to July 2020 Grand Jury Report

Dear Honorable Joyce Hinrichs:

Below is my response to the July 2020 Grand Jury Report regarding the David Josiah Lawson homicide.

Pursuant to California Penal Code §933.05(a):

F14. Any determination that the David Josiah Lawson homicide was not a hate crime is premature. (R8)

The respondent agrees with the finding.

The Penal Code defines a hate crime as a criminal act committed in whole or in part because of one or more of the following actual or perceived characteristics of the victim: disability, gender, nationality, race or ethnicity, religion, sexual orientation or the association with a person or group with one or more of these actual or perceived characteristics. Some witness testimony in the Lawson case indicates one person used a racial epithet in expressing a despicable sentiment. Other witness testimony covering statements made during the incident does not include the use of a racial epithet. Currently available information does not establish whether or not a hate crime was committed.

Pursuant to California Penal Code §933.05(b):

R8. The Humboldt County Civil Grand Jury recommends the final determination of hate crime designation should be withheld until a perpetrator is charged, and the intent and motivation for David Josiah Lawson's homicide is fully explored. (F14)

The recommendation has been implemented and will continue to be implemented.

The decision on whether to charge hate crimes follows the process used for all charging decisions by the Humboldt County District Attorney's Office. The District Attorney's Office evaluates police reports and brings charges that serve justice when prosecutors conclude that admissible evidence would lead a jury to reach the conclusion of guilty beyond a reasonable doubt. Given that hate crime statutes offer the opportunity to directly and substantively address racism, they are applied whenever justified.

Premature charging decisions driven not by evidence but by narratives popular with some segments of society do not serve justice. Ethical prosecutors do not make such decisions.

I am glad the Grand Jury recommends the use of the Major Crimes Incident Team. District Attorney Chief Investigator Wayne Cox developed the MCIT, when he recognized agencies who infrequently deal with major crimes would benefit from the experience and expertise with such crimes of other local agencies.

Respectfully Submitted,

A handwritten signature in blue ink that reads "Maggie Fleming". The signature is written in a cursive, flowing style.

MAGGIE FLEMING
DISTRICT ATTORNEY