

From: P. Stirling
Date: November 30, 2015 at 12:04:08 PM PST
To: Cyn Yamashiro
Subject: RE: deNicola

Cyn,

It was primarily declined because I strongly believed the element of “maliciously” damages or destroys property was not present, as required by PC 594(a)(2)/(3). Your client and her husband were not “maliciously” damaging property, rather they were attempting to determine how many PCB’s were in the molding, etc. This is clearly evidenced by the fact that they sent the samples to my office’s Environmental Crimes Division, coupled with the fact that the molding had 30% PCB’s (if I recall correctly). Also, extent of damage was unclear and did not appear to meet the required \$400 threshold, although the school district claimed approximately \$17,000 (or more) in damages.

Hope that is helpful.

P. Stirling
AHD Van Nuys Branch