

INVESTIGATIVE SUMMARY AND FINDINGS

PEACE OFFICER NAME: Eduardo Guadalupe Escareno-Davila

POST ID NUMBER: C99-P62

EMPLOYING AGENCY: Mendocino County Sheriff's Office

POST CASE NUMBER: POST2507244

WRITTEN BY: Gerald Fernandez

DATE: 6/3/2026

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I. Executive Summary and Findings

On November 13, 2024, at approximately 0310 hours, while off duty, Mendocino County Sheriff's Office (MCSO) Deputy Eduardo Guadalupe Escareno-Davila, hereinafter "Respondent," surreptitiously entered his roommate's (Victim) bedroom and touched her vaginal area while she was sleeping. However, the touch woke her up and when she turned on the light in her bedroom, she saw Respondent lying on the floor, apparently attempting to hide under her bed.

Victim then confronted Respondent, who appeared intoxicated, which he later confirmed. Respondent told Victim he was looking for a white cat that used to be Victim's pet, which he later admitted was a lie. Respondent repeatedly told Victim he was sorry. Respondent had never been in Victim's bedroom before, which was an unspoken rule that it was off-limits, according to the Victim. Although they were roommates, Respondent and Victim had never been in a romantic relationship, nor was there any reason to suggest she was romantically interested in him.

Respondent admitted that he had consumed beer the night of the incident and was "a little too intoxicated." He said that he went into Victim's bedroom, touched her foot, and moved his hand up her leg until he reached her calf area, at which point Victim woke up so he stopped. However, Respondent denied touching Victim's vaginal area. When the Victim confronted him, he repeatedly apologized to her.

After Victim confronted Respondent, she telephonically contacted the MCSO to report the incident. MCSO deputies responded to Victim's call for service and interviewed Victim and Respondent. An Emergency Protective Order (EPO) was served upon Respondent, which included a move-out order, and a search warrant was executed at the residence, which included DNA Buccal swabs from Respondent and his digital devices.

On November 21, 2024, Respondent was released during his probationary period from his position as a Deputy Sheriff/Coroner with the MCSO.[1]

On December 9, 2024, the Mendocino County District Attorney's Office (MCDAO) filed Respondent's criminal case with the Mendocino County Superior Court (MCSC) and he was charged with one count of sexual battery, Penal Code § 243.4(e)(1), a misdemeanor.[2] However, on February 20, 2026, the MCSC amended the complaint to add a misdemeanor battery charge for Penal Code sections 242 and 243(a). Respondent then pled guilty to the misdemeanor battery charge, and the court dismissed the sexual battery charge. After Respondent pled guilty to the misdemeanor

[1] Memo regarding release of Respondent during probation – Attachment A

[2] Criminal Complaint – Attachment B

battery charge, the court suspended sentencing based on a deferred entry of judgment/non-drug, which included the following conditions:

- Obey all laws and orders of the court, including previously issued restraining orders.
- Totally abstain from the use of alcohol.• Submit to alcohol testing at the request of any peace officer or probation officer, at any time of the day or night, with or without notice, consent, probable cause or warrant.
- Submit to search and seizure of defendant's person, property, or any property under defendant's control when requested by any peace officer or probation officer, at any time of the day or night, with or without notice, consent, probable cause, or warrant for firearms.
- Stay away from/have no contact with Victim.
- Do not possess any firearms or ammunition.
- Participate in and pay all fees for the following programs of counseling and/or education:
  - AA/NA, weekly for 52 weeks.
  - Individual therapy, monthly for 12 months
- Fifty hours of community service through Mendo-Lake Alternative Service, Inc.
- Apology letter to Victim addressing victim impact.

If Respondent abides by all the conditions of his deferred entry of judgment, it is possible that the battery charge will be dismissed by the MCSC on February 19, 2027.[3]

On May 15, 2025, the MCSO initiated an administrative investigation predicated on the Victim's original allegations and related criminal investigation. On July 10, 2025, the administrative investigation was completed with sustained findings for the following MCSO policy violations:

- 340.4 Standards of Conduct
- 340.5.1 Laws, Rules, and Orders
- 340.5.9 Standards of Conduct
- Penal Code § 243.4(e)(1) – Sexual Battery[4]

Just over a week after Respondent's alleged sexual battery, the MCSO dismissed him during his probationary period from his position as a Deputy Sheriff/Coroner and subsequently sustained findings against him for sexual battery. The Division assesses that clear and convincing evidence exists that Respondent committed serious misconduct in violation of California Penal Code §13510.8(b)(6) – Acts that Violate the

[3] Deferred Entry of Judgment Order – Attachment C
[4] Personnel Complaint Disposition – Attachment D

Law. The Division's assessment was based on a review of the MCSO's administrative investigation report, specifically the Victim's recorded statements, Respondent's recorded statement, dispatch audio recordings, body-worn camera (BWC) audio/video footage, the EPO, the search warrant including the affidavit, the criminal complaint, other supporting documents, and an assessment of aggravating and mitigating factors.

II. Investigative Methodology

This report summarizes the findings related to allegations of serious misconduct. This investigation was conducted in accordance with the regulations and policies of the Commission on Peace Officer Standards and Training (POST). The investigation included a review of the Mendocino County Sheriff's Office (MCSO) administrative investigation which included interviews of the Victim and the Respondent. There were no witnesses beyond the Victim and Respondent. Additionally, body-worn camera (BWC) audio/video footage of the responding deputies, interview room audio/video footage, dispatch audio recordings, the EPO, the search warrant including the affiant's statement of probable cause, the criminal complaint, and the court docket summaries were also reviewed.

I analyzed the information I obtained in this investigation using the clear and convincing evidence standard. For purposes of this report, clear and convincing evidence means "evidence of a charge is clear and convincing so long as there is a 'high probability' that the charge is true. The evidence need not establish a fact beyond a reasonable doubt."

This report is necessarily summary in nature and does not include every fact or issue that might be found in the underlying investigation and attachments. It does, however, contain reference to that evidence that I believe establishes the requisite facts and proves the serious misconduct charged by clear and convincing evidence.

III. Respondent's Background

A. Respondent's Peace Officer Certificates and Employment

The table below sets forth Respondent's employment history:

Dates	Rank	Agency
6/11/2023 – 12/9/2023	Trainee	MCSO
12/10/2023 – 11/21/2024	Deputy	MCSO

Respondent is assigned POST ID C99-P62. He did not earn a peace officer certificate from POST; however, he was issued a Proof of Eligibility (POE) by POST on 12/10/2023, based on his appointment as a peace officer by the MCSO. Respondent's POE expired upon his separation from the MCSO.

Although Respondent's POE is expired, Penal Code section 13510.1(f), which authorizes the Commission to revoke certification that it has issued states that "[t]his authority extends to any certificate or proof of eligibility issued by the commission including, without limitation, any certificate or proof of eligibility that is invalid, inactive, expired, or canceled."

B. Respondent's Service Record

When evaluating whether suspension or revocation is appropriate, Penal Code Section 13510.8(c)(5) and California Regulation Section 1213(a)(5) provide that the Commission must consider Respondent's prior conduct, discipline and service record. The relevance and weight the Commission may choose to assign to a peace officer's prior conduct and service record will depend on the facts in each case.

California Penal Code Section 13510.8(c)(5) provides that the Commission "*shall* consider the peace officer's prior conduct and service record, and any instances of misconduct, including any incidents occurring beyond the time limitation for investigation in evaluating whether to revoke certification for the incident under investigation." (emphasis added)

Respondent's service record did not include any complaints, disciplinary actions, or commendations. However, he was placed on paid administrative leave the same day as the incident in question involving the Victim on 11/13/2024, and he was released from employment with the MCSO approximately a week later while still on probation as a new peace officer because he "failed to meet standards during evaluation/probation period." The only other item of note was an Accident Report that documented an incident on 3/5/2024 during which Respondent was responding Code 3 (lights and siren) to an in-progress, possibly life-threatening call for service, and accidentally caused vehicle damage when his patrol vehicle scraped the roadway while driving through an uneven intersection, after which Respondent was counseled on safe driving practices. Aside from the Basic and Firearms/Tactical Rifle courses, Respondent did not complete any additional POST-certified courses, according to his POST Profile.

IV. Factual Background

<u>Background of Roommate Relationship</u>

According to Victim's interview with MCSO Detective Jack Woida, Respondent had moved in with Victim and another female roommate in December of 2023[5]. Prior to the incident in question, Respondent had "hit" on Victim's roommate a couple of times but never pursued her any further. He had never made them feel uncomfortable. Neither Victim nor the other roommate were attracted to Respondent. Victim never had any sexual contact with him, never kissed him, and never did anything suggestive of interest in him. Respondent was simply a roommate[6]. Victim and Respondent had hung out approximately three times at their residence since he had moved in, but they were not close[7].

The evening prior to the incident in question, Victim and the other roommate had finished dinner and were sitting on the couch for a while when Respondent came home at approximately 6:30pm to 7:00pm. Respondent had been out running errands and met with his dad. After he returned to their residence, Respondent did his laundry before going to his bedroom for the night[8]. Victim went to sleep in her bedroom at approximately 11:30pm[9]. Victim had one glass of wine prior to going to sleep, and she took Trazodone to help her fall asleep.[10]

Call For Service

On November 13, 2024, at approximately 3:17am, Victim telephonically contacted the MCSO dispatcher to request a law enforcement response to her house. When asked what was going on, Victim explained that she had woken up to her roommate trying to touch her in bed. Victim identified her roommate as Lalo Escareno, also known as Eduardo Escareno (i.e., Respondent), who was sitting on the floor of her room with her.[11] The dispatcher sought clarification that her roommate tried to touch her inappropriately while she was in bed, and the Victim affirmatively replied, "Mhmm." The dispatcher then asked if anyone had been drinking, and she said that only Respondent had been drinking.[12]

Initial Victim Interview

[5] Victim interview with Detective Woida – Attachment E (00:12:35 – 00:12:50). Please note that all times refer to the time counter on the complete recording of the interview and not the time counter on the excerpt attached to this report.
[6] Victim interview with Detective Woida – Attachment E (00:21:00 – 00:21:43)
[7] Victim interview with Detective Woida – Attachment E (00:18:21 – 00:18:54)
[8] Victim interview with Detective Woida – Attachment E (00:19:46 – 00:20:24)
[9] Victim interview with Detective Woida – Attachment E (00:25:22 – 00:25:37)
[10] Victim interview with Detective Woida – Attachment E (00:29:09 – 00:29:59)
[11] Victim call to dispatch, Part 1 – Attachment F
[12] Victim call to dispatch, Part 2 – Attachment G

At approximately 4:18am, MCSO Deputy Damien Nelson and Sergeant Vazquez responded to Victim's call for service, contacted her in front of her residence, and conducted an initial interview with her. Victim's statements during the initial interview are summarized in this section as follows:

Victim stated that while she was sleeping on her side, she woke up to something cold touching right between her legs. She then turned over and heard something that sounded like it had rolled off her bed. She looked over at the side of her bed and saw Respondent lying on her floor trying to hide.[13] Victim confronted Respondent and said, "What the fuck?!" Victim then turned on a light and again said to Respondent, "What the fuck?!"[14] Respondent initially said with slurred speech that he was in Victim's bedroom because of the kittens but eventually apologized to her. Victim then asked Respondent why he would touch her, and he again apologized saying, "I'm so sorry."[15]

After telephonically contacting MCSO dispatch and while waiting for the responding deputies to arrive, Victim asked Respondent if he needed to call anyone. Respondent replied, "No," and that he was really embarrassed and ashamed. Victim then provided Respondent water and a trash bag because he had vomited. Victim also retrieved Respondent's tobacco "chew" for him, per his request.[16]

Victim said that while she was sleeping, she was wearing sleep shorts that had ridden up when she felt Respondent touch her skin.[17] Respondent had reached into Victim's shorts from the bottom.[18] Victim later added that she was not wearing underwear, only the sleep shorts, so there was direct contact.[19] When asked if Respondent touched her genitalia, Victim replied, "Yeah…my vagina. Well, labia? Vagina?" Victim was then asked if there was any penetration, and she replied, "Not that I'm aware of."[20] Victim later clarified that when Respondent touched her, "it was definitely like he was about to penetrate but he didn't penetrate." When asked what he was about to penetrate with, Victim said, "His fingers. Two fingers."[21]

Victim affirmed that she usually sleeps with a blanket over her, so Respondent either pulled the blanket off or put his hands under the blanket.[22] When asked if her bedroom door was closed when she went to bed, Victim replied, "No, it was cracked. He said

[13] Initial Victim interview with responding deputies – Attachment H (01:17 – 02:09)
[14] Initial Victim interview with responding deputies – Attachment H (09:41 – 09:49)
[15] Initial Victim interview with responding deputies – Attachment H (04:35 – 05:24)
[16] Initial Victim interview with responding deputies – Attachment H (05:49 – 06:15)
[17] Initial Victim interview with responding deputies – Attachment H (02:09 – 02:34)
[18] Initial Victim interview with responding deputies – Attachment H (03:41 – 04:02)
[19] Initial Victim interview with responding deputies – Attachment H (07:18 – 07:26)
[20] Initial Victim interview with responding deputies – Attachment H (04:02 – 04:19)
[21] Initial Victim interview with responding deputies – Attachment H (07:07 – 07:17)
[22] Initial Victim interview with responding deputies – Attachment H (07:40 – 07:59)

that's why I did it." Victim explained that she left her door cracked open so that her cats could go in and out of her room freely.[23] Victim said that Respondent has never entered her room nor had she ever invited him into her room. Although it's not a rule that he does not enter her room, it is common courtesy.[24] When asked if she had ever been in any type of a relationship with Respondent, particularly a sexual relationship or even kissing, Victim repeatedly replied, "No." Victim confirmed that nothing like the incident in question had ever happened in the past.[25]

Follow-Up Victim Interview

After her initial interview with the responding deputies, they transported Victim to the MCSO Ukiah Station, where she was subsequently interviewed by Detective Jack Woida starting at approximately 5:47am. Victim retold her account of the incident, which is summarized in this section as follows:

Victim stated that she had left her bedroom door cracked last night so her cats could go in and out. When she was asleep, she woke up because she felt something cold between her legs, near her vagina. She had been sleeping on her side at the time and partially sat up, after which she heard something that sounded like it had fallen to the floor. She described the feeling of the touch near her vagina like an animal's nose, but it was larger. So, Victim rolled over to look on the floor to see what had fallen and that's when she saw Respondent. It appeared as if he had tried to go under her bed, but there were bars on the bed frame, which prevented him from crawling underneath her bed.[26] Later during the interview, Detective Woida said, "So when, when you're obviously you first kind of wake up and you feel something cold, you mentioned it was like directly under your vagina," and Victim affirmatively replied, "Mhmm."[27]

Next, Victim confronted Respondent and turned on the light. Respondent then sat up and wasn't making any sense at first, possibly because he was intoxicated, although Victim did not know how much he had to drink. Respondent was saying something about a white cat, which was weird because he didn't interact with the cats, which were feral and unfriendly, plus the white cat was no longer living at their house. Furthermore, Respondent had never been in Victim's bedroom before, which was an unspoken rule that it was off limits.[28]

Victim then grabbed her phone and told Respondent, "You know I have to call," to which Respondent replied, "Yeah," which is when she contacted dispatch while Respondent

[23] Initial Victim interview with responding deputies – Attachment H (02:37 – 02:44)
[24] Initial Victim interview with responding deputies – Attachment H (09:04 – 09:23)
[25] Initial Victim interview with responding deputies – Attachment H (03:32 – 03:40)
[26] Victim interview with Detective Woida – Attachment E (00:05:17 – 00:07:11)
[27] Victim interview with Detective Woida – Attachment E (00:17:16 – 00:17:21)
[28] Victim interview with Detective Woida – Attachment E (00:07:12 – 00:08:53)

stayed on the floor. After the call with dispatch, Respondent asked Victim if she could retrieve his chew from his bedroom, which she did. Respondent told Victim, “Before they get here, just know I’m sorry.” At that point, the other female roommate came out of her bedroom, after which Victim told her to go back to her room because Victim was concerned that she might cause a scene or make the situation worse. Respondent then asked Victim for some water, which she provided, and he was vomiting.[29] Victim had also provided Respondent a sweater and a bag to vomit into because “he needs taken care of, of course, after that.”[30]

About that, Victim asked Respondent if he needed to call someone, to which he replied, “Who do I call?” and said something to the effect that he was ashamed. Victim then said to Respondent, “Well you’re still going to need support,” which Victim explained was her “human nature” coming out despite having just been violated by Respondent. Victim further explained that she learned to shut her brain off with no emotions when she had been in similar situations.[31] Victim then asked Respondent, “Why’d you do it?” Respondent replied, “Your door was open.”[32]

Victim said that during the incident, she was wearing sleep shorts with no underwear and a T-shirt. Respondent was wearing a white T-shirt, black joggers, and black socks.[33] When Victim initially saw Respondent on the floor next to her bed, his joggers were pulled up so she assumed he had touched her with his fingers, but since it took a moment between when she first felt the touch and when she saw Respondent, she didn’t know if his joggers had been partially pulled down during the contact. Since Victim was asleep prior to feeling the touch, she also didn’t know how long he had been in her bed with her. She didn’t feel him get into the bed, so she was unsure if he had touched her with his fingers or his penis.[34]

<u>Emergency Protective Order</u>

The EPO, dated November 13, 2024, identified Victim as the protected person and Respondent as the restrained person. The justification provided in and for the EPO stated that the Respondent and Victim were roommates with no romantic relationship. Respondent entered Victim’s bedroom while she was sleeping and woke her up by touching her vagina. Victim believed the contact was skin on skin. Respondent was extremely intoxicated. One of the boxes checked on the EPO was “The person to be protected lives with the person to be restrained and requests an order that the

[29] Victim interview with Detective Woida – Attachment E (00:09:10 – 00:12:02)
[30] Victim interview with Detective Woida – Attachment E (00:15:51 – 00:16:07)
[31] Victim interview with Detective Woida – Attachment E (00:23:16 – 00:24:23)
[32] Victim interview with Detective Woida – Attachment E (00:15:31 – 00:15:40)
[33] Victim interview with Detective Woida – Attachment E (00:17:22 – 00:17:54)
[34] Victim interview with Detective Woida – Attachment E (00:24:28 – 00:25:21)

restrained person move out immediately from the address in item 3c."[35] On November 20, 2024, a Temporary Restraining Order (TRO) was filed with the MCSC to continue protecting Victim after the EPO expired, and to also protect the other female roommate.[36]

Search Warrant

The search warrant, signed by the judge on November 13, 2024, at 8:05am, commanded the search of Respondent's/Victim's premises, which was to include all vehicles, storage containers, and outbuildings under the control of Respondent, and the person of Respondent. The search specified the seizure of photos of the residence, photos of Respondent, DNA Buccal swabs from Respondent, and any and all digital media devices belonging to Respondent, to include but not limited to cell phone(s), computers, laptops, tablets, or other electronic devices. The statement of probable cause was primarily based on Detective Woida's interview with Victim. The search warrant was executed later the same day; however, nothing of evidentiary value was recovered from Respondent's DNA Buccal swabs or his cell phones.[37]

Respondent Interview

After the follow-up interview with Victim, Detective Woida returned with other MCSO deputies to Victim's/Respondent's residence and interviewed Respondent at approximately 10:25am. Respondent was not detained or under arrest, and he sat on a couch in the living room. After advising Respondent that it was up to him to decide if he wanted to answer some questions, Detective Woida asked Respondent if he was still intoxicated at all. Respondent shook his head side-to-side and said, "No." However, Respondent followed up his response by saying, "I was." When asked what time he started drinking the previous night, Respondent said he couldn't remember. When asked what he was drinking, Respondent said, "Just beer." When asked if he knew what day it was, Respondent accurately replied, "Wednesday, November 13."[38] Detective Woida later repeated to Respondent that he had some questions for him, but "It's completely up to you. You can end the interview whenever you want to or anything like that." Respondent nodded his head up and down and said, "Mhmm," indicating his willingness to answer Detective Woida's questions.[39]

When asked if he had any idea why he was being questioned, Respondent said, "So last night I went into her room and I, uh, did touch her, I guess you could say." Detective

[35] EPO – Attachment I
[36] TRO – Attachment J
[37] Search Warrant – Attachment K
[38] Respondent Interview – Attachment L (6:50 - 7:53)
[39] Respondent Interview – Attachment L (7:59 – 8:08)

Woida sought clarification, and Respondent said, “Like, I went into her room a little intoxicated, too much, and um, I just tried to touch her, I guess.”[40]

When asked if he and Victim were in any type of a relationship or dating or any indications of that, Respondent shook his head side-to-side and said, “No.” Respondent then stated that he had moved into Victim’s house in approximately December 2023. He said he had found the rental opportunity through friends and identified the third roommate.[41]

Respondent then provided a more detailed account of what happened the previous night using hand gestures as he spoke. He said, “I don't know why I walked out. I walked out of my room, saw her door open, and then I never, but for some reason I just like stood at her door and then like, I walked in a little bit, then walked out, and then I was like, what are you doing? And I just, I didn't even walk in. Like, I crawled into her room pretty much. And then, uh, leaned into her bed and then, uh, like I reached over, felt the, you call those sheets? No blankets. Felt the blankets and I reached down and like, I know I touched her feet, like that's for sure. And I touched her feet 'cause it felt like feet to me. Like the corner of the feet, what do you call it?” Detective Woida interjected and asked if Respondent was referring to Victim’s heel, and Respondent replied, “Yeah. Yeah.” Respondent then continued his narrative saying, “And then I reached, reached up a little bit more. I think I touched somewhere up here. I don’t know where else. And that was about it. And then she woke up and that’s when she seen me down there.”[42] When Respondent said, “I think I touched somewhere up here,” he appeared to be pointing to his right calf with his left hand.[43]

When asked, Respondent confirmed that when he reached up to touch Victim, he slid his hand under the blanket and initially touched the heel of one of Victim’s feet. When asked if he started to move his hand upwards, Respondent replied, “I don’t know what I did after that.”[44] Later during the interview, Respondent was asked if he went under Victim’s shorts with his hand and he replied, “No.” He was then asked if it was possible and he again replied repeatedly, “No.”[45]

When asked if he thought what he did was not a good idea, Respondent replied, “Yeah.” When asked what he thought Victim’s perception was of what he did, Respondent said, “She felt like, what the fuck is this dude doing here? Like, I know he is my roommate, but what is he doing here?”[46] Detective Woida then sought clarification on where else

[40] Respondent Interview – Attachment L (8:08 – 8:59)
[41] Respondent Interview – Attachment L (9:01 – 9:36)
[42] Respondent Interview – Attachment L (9:40 – 11:14)
[43] Video of Respondent Pointing “Here” – Attachment N (00:10:43 – 00:11:09)
[44] Respondent Interview – Attachment L (11:24 – 11:34)
[45] Respondent Interview – Attachment L (18:32 – 18:38)
[46] Respondent Interview – Attachment L (11:57 – 12:12)

Respondent touched Victim and asked, “When you say you think you got as far up as her, her like calf maybe?” Respondent replied, “Maybe,” then added, “The only thing I know for sure that I touched was her down here. Then I went like with my hand up, but I didn’t grab her or anything. It was just like touch and that was it.” When Respondent said, “The only thing I know for sure that I touched was her down here,” he appeared to be pointing to his right heel with his left hand.[47] When asked if he touched Victim’s vagina, Respondent replied, “No.” When asked if there would be any reason that Victim would say that he did, Respondent replied, “No. I don’t know.”[48]

Later during the interview, Detective Woida asked Respondent what happened after Victim woke up, rolled over, and saw him. Respondent said he rolled over towards the bed, “and she’s like what the fuck are you doing here?” Respondent added that, “She just sat down and told me, ‘Hey, I have to call this in.’ And I was like, yes you do.” When asked what he thought Victim believed he was doing in her room, Respondent replied, “I think she like, ‘Did you touch me?’ And then I told her I did, like, I wasn’t going to lie to her. Yeah, I touched her, but that was about it. But like I said, I didn’t touch her anywhere, or I touched her, but not like her proper areas or whatnot.”[49] Later during the interview, Respondent confirmed that he apologized to Victim for going into her room and touching her while she was sleeping.[50] He also said that he did not get into Victim’s bed at any point during the incident and that he was positioned right up against it.[51]

When asked what the purpose was of him touching Victim, Respondent said, “I guess I saw the door open and went in there.” When asked if he thought Victim might welcome his touching or that it could lead to something else, Respondent replied, “I really don’t remember.” Respondent further stated that he had previously gone into her room to talk to her, but only with her permission.[52] Later during the interview, Respondent was again asked what the reason was for his entering Victim’s room and he replied, “Like I said, I was a little intoxicated. I really don’t know why I exited my room, but I saw her door open and I like, stood there for a while.” When asked why he chose Victim’s room instead of the other female roommate’s room, Respondent said, “Because it was open.”[53]

Respondent was then asked what he thought a reasonable person would probably think about what he did, and Respondent replied, “Take advantage of them.” Detective Woida then asked Respondent if the thought was going through his mind at the time of the

[47] Video of Respondent Pointing “Here” – Attachment N (00:12:17 – 00:12:40)
[48] Respondent Interview – Attachment L (12:14 – 12:51)
[49] Respondent Interview – Attachment L (14:15 – 15:28)
[50] Respondent Interview – Attachment L (19:54 – 20:06)
[51] Respondent Interview – Attachment L (22:49 – 23:00)
[52] Respondent Interview – Attachment L (13:03 – 14:13)
[53] Respondent Interview – Attachment L (15:42 – 16:05)

incident that something sexual was probably going to occur, and Respondent replied, “It could have been. I don’t know.”[54]

Respondent was then asked about his statements to Victim about looking for a white cat after she caught him, which he admitted was a lie. Respondent explained that he was scared and agreed that he just made up the dumb excuse out of panic.[55]

Respondent was then asked if anything like this incident had ever happened before and he replied, “No.” Respondent was then asked if he had ever thought about doing anything in the past when he was intoxicated at the house and he replied, “I don’t remember.”[56]

Detective Woida then informed Respondent that he had already spoken to Victim, and she told him what she felt, so he believed there was a high probability it happened because he was unaware of any reason why she would make up the allegation. Respondent replied, “No. Like I said, it happened. I walked in. I’m not going to lie to you guys. I stood by her door and then, like I told you, I think I told you, I kind of stepped in, walked out, like, what are you doing? And I went in, laid by her bed and it all happened. But like I was telling him (referring to another deputy who was present), I only touched on her here to my knowledge, and then I moved my hand up a little bit, touched something else, and I was like, and then she woke up and that’s when she was like, what are you doing and called 9-1-1.”[57] When Respondent said, “I only touched on her here to my knowledge,” he appeared to be pointing to his right heel with his left hand.[58]

Respondent was then asked what the “something else” was that he said he touched and he replied, “I don’t know. Just skin.” Detective Woida then said, “So it’s, it’s possible that that was her vagina then? If you don’t know what you, if you don’t know what you touched, how do you know what you,” at which point Respondent interrupted him and said, “It was just like skin.” Respondent then elaborated and said, “Because I, um, honestly, we’re adults here. I know what a vagina feels like, and it was definitely not her vagina.”[59]

Toward the end of the interview, Respondent was asked if he could show the deputies exactly what he did throughout the incident. As he walked through his footsteps, crawling, and reaching, Respondent narrated the following: “I was standing here, or I walked out of my room. I don’t really remember what I walked out for. And then I ended up here (Respondent was standing just outside Victim’s bedroom door at this point). I

[54] Respondent Interview – Attachment L (16:32 – 16:51)
[55] Respondent Interview – Attachment K (16:55 – 17:39)
[56] Respondent Interview – Attachment L (20:44 – 20:51)
[57] Respondent Interview – Attachment L (20:55 – 21:44)
[58] Video of Respondent Pointing “Here” – Attachment N (00:21:10 – 00:21:44)
[59] Respondent Interview – Attachment L (21:44 – 22:10)

was looking over there, like here. In my, I don't know, I think this is how it goes in my mind. I thought something was like signaling me to come in. I like started to walk in (Respondent took two steps into Victim's bedroom at this time). And then I'm, no what are you doing (Respondent backed out of the room and stood just outside Victim's bedroom door again)? Then I'm not going to do it now, but I crawled down. I came here (Respondent positioned himself on his hands and knees next to Victim's bed), and then I was like right here (Respondent positioned himself with the left side of his body on the floor). That's when I went like that (Respondent reached up with his right hand toward the top of the bed). At first I was like here (Respondent's right hand was positioned near the upper middle of the bed), feel the blanket, reached down (Respondent repositioned his right hand under the blanket). That's when I felt the (Respondent reached down with his right hand and touched the heel of his right foot), because I know I know this. And then I felt right here (Respondent repositioned his right hand under the blanket), went up, felt more skin, and then she moved (Respondent moved his right hand away from the bed). I like, I felt her move. That's when I put my arm out. She woke up and that's when I was trying to hide (Respondent positioned his arms, legs, and body toward the opening under the bed). She sees me and then she called 9-1-1."[60]

V. Analysis and Findings

The Present Allegations of Serious Misconduct

On November 13, 2024, Victim filed her complaint against Respondent with the MCSO. On July 10, 2025, the administrative investigation was completed with sustained findings for the following MCSO policy violations:

- 340.4 Standards of Conduct
- 340.5.1 Laws, Rules, and Orders
- 340.5.9 Standards of Conduct
- Penal Code § 243.4(e)(1) – Sexual Battery

On November 21, 2024, Respondent was released during his probationary period from his position as a Deputy Sheriff/Coroner with the MCSO; therefore, Respondent did not have the right to appeal his dismissal.

The MCSO's Agency Misconduct Report and Internal Affairs Investigation Report were submitted to POST on August 19, 2025.

[60] Respondent Demonstration – Attachment M

A. Does the alleged conduct violate Penal Code Section 13510.8 (b)(6) and POST Regulation 1205(a)(6) –Acts that Violate the Law?

Penal Code Section 13510.8 (b)(6) and Commission Regulation 1205 (a)(6) define as serious misconduct "Acts that violate the law and are sufficiently egregious or repeated as to be inconsistent with a peace officer's obligation to uphold the law or respect the rights of members of the public, as determined by the commission."

Penal Code Section 243.4(e)(1) says, in part, "Any person who touches an intimate part of another person, if the touching is against the will of the person touched, and is for the specific purpose of sexual arousal, sexual gratification, or sexual abuse, or any person who, for the purpose of sexual arousal, sexual gratification, or sexual abuse, causes another, against that person's will, to masturbate or touch an intimate part of either of those persons or a third person, is guilty of misdemeanor sexual battery…"

Penal Code Section 243.4(g)(1) defines an intimate part as "the sexual organ, anus, groin, or buttocks of any person, and the breast of a female."

It's undisputed that Respondent entered Victim's bedroom without permission while she was sleeping in her bed, crawled to the side of her bed, and touched her bare foot and leg with his right hand. It is also undisputed that Respondent was intoxicated at the time of the incident, that he apologized after Victim woke up from the touch and confronted him, and that Respondent and Victim had never been any kind of a dating relationship. What is disputed is that Victim said Respondent touched one of her intimate parts, while Respondent denied doing so. Victim believed Respondent was in bed with her when he touched her intimate part either with his fingers or his penis; however, Respondent said he was lying on the floor next to Victim's bed when he reached up and touched her, and that he never got into the bed.

Specifically, Victim's statements, first to the initial responding deputies, then to the investigating detective, were that she was sleeping on her side in her sleep shorts with no underwear when she woke up because she felt something cold between her legs. Respondent had reached into Victim's shorts from the bottom, so there was direct skin-to-skin contact. When asked by the initial responding deputy if Respondent touched her genitalia, Victim replied, "Yeah…my vagina. Well, labia? Vagina?" When she subsequently provided her statement to the detective, Victim said that when she was asleep, she woke up because she felt something cold between her legs, near her vagina. Later during the interview with the detective, he asked Victim, "So when, when you're obviously you first kind of wake up and you feel something cold, you mentioned it was like directly under your vagina," and Victim affirmatively replied, "Mhmm."

During her first interview with the initial responding deputy, Victim was then asked if there was any penetration, and she replied, "Not that I'm aware of." Victim later clarified

that when Respondent touched her, “it was definitely like he was about to penetrate but he didn’t penetrate.” When asked what he was about to penetrate with, Victim said, “His fingers. Two fingers.” During her interview with the detective, Victim said that she initially saw Respondent on the floor next to her bed, and his joggers were pulled up so she assumed he had touched her with his fingers, but since it took a moment between when she first felt the touch and when she saw Respondent, she didn’t know if his joggers had been partially pulled down during the contact. Since Victim was asleep prior to feeling the touch, she also didn’t know how long he had been in her bed with her. She didn’t feel him get into the bed, so she was unsure if he had touched her with his fingers or his penis.

Although Respondent denied touching Victim’s vagina, he also made some statements that cast doubt on the credibility of his denial. First, when Respondent was demonstrating on video how he reached up to touch Victim, it was noted that at one point his hand was near the middle of the bed, where Victim reported her waist would have been if she was lying down in the bed. When Respondent was initially describing his actions during the incident, he said, “And then I reached, reached up a little bit more. I think I touched somewhere up here. I don’t know where else.” Later during his interview, when asked if he started to move his hand upwards after touching Victim’s heel, Respondent replied, “I don’t know what I did after that.” Toward the end of the interview, Detective Woida confronted Respondent and told him that he had already spoken to Victim and believed her account of the incident. Respondent retorted saying that he wasn’t going to lie and retold his version of the incident, “I stood by her door and then, like I told you, I think I told you, I kind of stepped in, walked out, like, what are you doing? And I went in, laid by her bed and it all happened. But like I was telling him, I only touched on here to my knowledge, and then I moved my hand up a little bit, touched something else, and I was like, and then she woke up and that’s when she was like, what are you doing and called 9-1-1.”

So, after Respondent’s third statement indicating his uncertainty of where else he touched Victim besides the heel of her foot and possibly her calf, Detective Woida asked him what the “something else” was that he said he touched and Respondent replied, “I don’t know. Just skin.” Detective Woida then said, “So it’s, it’s possible that that was her vagina then? If you don’t know what you, if you don’t know what you touched, how do you know what you,” at which point Respondent interrupted him and said, “It was just like skin.” Respondent then elaborated and said, “Because I, um, honestly, we’re adults here. I know what a vagina feels like, and it was definitely not her vagina.”

If Respondent was being truthful when he made the multiple statements indicating his uncertainty about what other parts of Victim’s body he touched, specifically when he said, “I don’t know where else,” “I don’t know what I did after that,” and that he “touched something else,” then, he did not recall or realize what he touched in his inebriated

state. However, these statements of uncertainty could have also simply been a lie. Moreover, his explanation for how he knew he didn't touch Victim's vagina because "I know what a vagina feels like," lacks credibility. Respondent's denials further lack credibility because when he was demonstrating on video how he reached up to touch Victim, it was noted that at one point his hand was near the middle of the bed, where Victim reported her waist would have been if she was lying down in the bed.

Conversely, Victim's credibility was assessed to be high based on several factors:

- Her multiple statements to dispatch, the initial responding deputy, and the subsequent detective, which was also used as the justification in the EPO and the statement of probable cause in the search warrant affidavit, were all consistent.

- The specific details, which were mostly consistent with Respondent's version of the incident, provided by Victim also tend to strengthen her credibility. For example, she said that while she was asleep, she woke up because she felt something cold between her legs, near her vagina, after which she partially sat up while sleeping on her side. Victim also described the feeling of the touch near her vagina like an animal's nose, but it was larger.

- Victim was wearing loose-fitting sleep shorts with no underwear and a T-shirt, which made the direct skin-to-skin contact of her vaginal area plausible.

- When the initial responding deputy asked her if she wanted to press charges against Respondent, she asked for some time to think about it before eventually deciding to do so. It appeared that her hesitation was based on this being a first-time isolated incident with Respondent after having been cordial roommates for almost a year and his repeated apologies immediately after the incident.[61]

- There is no known motive for her to have fabricated the disputed allegation that Respondent touched her vaginal area. In fact, Victim provided Respondent a bag and a glass of water when he started vomiting after the incident "because, you know, he needs taking care of, of course, after that." This act of compassion for Respondent, even after she had been violated by him, tends to show the absence of contempt or a motive to fabricate the key disputed detail about the incident (i.e., touching her vaginal area).

- Victim's uncertainty about how long Respondent had been in bed with her prior to feeling him touch her vaginal area, because she had been asleep and didn't feel

[61] Initial Victim interview with responding deputies – Attachment H (10:23 – 11:03 and 17:12 – 17:15)

him get into the bed, and her uncertainty about whether he touched her with his fingers or penis, also tend to demonstrate Victim's credibility because the statements appear unrehearsed and, thus, not fabricated.

- While providing her statement to both the initial responding officer and subsequently to the detective, Victim expressed additional concern that she was going to have to find a new roommate to cover the rent, which indicated that having Respondent forcibly moved out was not in her best financial interest, and further strengthened her credibility.[62]

In conclusion, during his investigative interview, Respondent admitted to essentially all the Victim's allegations, except for touching her vaginal area. He also admitted to apologizing to the Victim after the incident. When he was placed on administrative leave immediately following his investigative interview, Respondent asked that he not be paid while on leave, which appeared to indicate his conscience of guilt and remorse. Respondent did not identify a motive for his actions. However, when Respondent was asked what he thought a reasonable person would probably think about what he did, he replied, "Take advantage of them." When Respondent was then asked if the thought was going through his mind at the time of the incident that something sexual was probably going to occur, Respondent replied, "It could have been. I don't know."

The clear and convincing evidence substantiates that Respondent violated Penal Code Section 243.4(e)(1) when he touched Victim's intimate part, specifically her vaginal area, against her will, and for the specific purpose of Respondent's sexual arousal and gratification. Therefore, Respondent's actions constituted serious misconduct under Penal Code Section 13510.8(b)(6) and POST Regulation 1205(a)(6), Acts That Violate The Law.

Reasonable grounds exist to submit this case to the Peace Officer Standards Accountability Advisory Board and the POST Commission for consideration of revocation or suspension pursuant to California Penal Code Section 13510.8.

VI. Supporting Evidence

Evidence	**Attachment**
Memo regarding release of Respondent during probation	A
Criminal Complaint	B

[62] Initial Victim interview with responding deputies – Attachment H (15:21 – 15:38) and Victim interview with Detective Woida – Attachment E (00:12:55 – 00:13:12)

Evidence	**Attachment**
Deferred Entry of Judgment Order	C
Personnel Complaint Disposition	D
Victim interview with Detective Woida	E
Victim call to dispatch, Part 1	F
Victim call to dispatch, Part 2	G
Initial Victim interview with responding deputies	H
Emergency Protective Order to Remain Away from Victim	I
Temporary Restraining Order to Remain Away from Victim	J
Search Warrant	K
Respondent Interview	L
Video of Respondent Demonstration	M
Video of Respondent Pointing “Here”	N