Rodney Lee Soda, (SBN 72738)
Rodney Lee Soda, A Professional Law Corporation
74-361 Highway 111, Suite 10
Palm Desert, CA 92260
(760) 320-2000
(760) 773-5011 (Fax)
rsoda@sodalaw.net

Attorney for Dennette Janel McIntyre
Member No. 246654

FILED
FEB 04 2016
STATE BAR COURT
CLERK'S OFFICE
LOS ANGELES

STATE BAR OF CALIFORNIA
HEARING DEPARTMENT

In the Matter of: DENNETTE JANEL McINTYRE Member No.: 246654 A Member of the State Bar.	Case No. 14-C-04333-WKM Honorable W. Kearse McGill **Dennette Janel McIntyre's Response ToThe State Bar's Notice Of Hearing On Conviction [State Bar Rules of Procedure, Rule 5.345(B)]**

COMES NOW THE RESPONDENT DENNETTE JANEL McINTYRE with her response to the Notice of Hearing on Conviction pursuant to Rule 5.345(B) of the State Bar Rules of Procedure.

The Respondent admits her conviction by entry of a plea of guilty to the charge of violating section 4575 (a) of the Penal Code, possession of an unauthorized wireless communication device in a correctional facility, a misdemeanor. The plea was entered in case number SWM1404463, on September 22, 2015, in Murrieta, California. For that plea, the Respondent paid a fine of $750.00. She was not incarcerated nor was she placed on any form of probation.

kwiktag • 197 148 492

On the date of the incident, July 13, 2013, the Respondent was an attorney in the Office of the Public Defender for Riverside County. She remains a Deputy Public Defender. The reason for entering the jail facility with the telephone was entirely professional. Her client was incarcerated pending trial for domestic violence. The defense was that the alleged victim—his girlfriend—fabricated the allegations of violence because she was angry with him. The wireless telephone, which belonged to the defendant, held information which the Respondent believed important to the defense of her client, i.e., that the alleged victim texted threats and angry tirades to him. It was believed that these texted outbursts demonstrated the alleged victim's volatility, impulsivity and motive to lie.

It is important to note that the telephone did not belong to the Respondent, it belonged to her client. The phone was brought into the jail facility in its evidence envelope. The Respondent displayed the screen of the telephone to her client so that he could comment or provide the information she sought in planning her client's defense. She did not make any attempt to conceal her possession of the wireless telephone while displaying it to her client. At the time of the event, the client and she were separated by glass. There was no way to deliver the telephone to him so that he could obtain possession. There was no way to telephone or text messages from the jail as the service had been terminated by the service provider weeks earlier for nonpayment of the account.

When confronted by law enforcement, the Respondent was questioned. She advised the deputy that the telephone was evidence, inactive, belonged to the defendant, and held evidence she was showing him in preparation of his defense. The telephone was not taken nor was it examined even though she offered to allow the deputy to examine it. The

attorney visit was terminated by the officer. The Respondent was not arrested. She was issued a citation.

At the time she was questioned, she firmly believed that on a prior occasion, she had obtained the consent of jail personnel to show the evidence to her client. Despite the fact that they deny she did, she maintains that consent had been obtained on the prior occasion.

Ms. McIntyre accepted the plea offer in order to avoid the imposition of probation which may have prevented her from visiting her indigent clients in jail.

Despite our belief that this is a technical violation of the law, it was not for the purpose of breaching security by the unauthorized use of the device by an inmate. Instead, the sole purpose was in the proper defense of her client's case.

Attached for your review is the police report of the incident.

Respectfully Submitted,

Rodney Lee Soda, Attorney for Respondent
DENNETTE JANEL McINTYRE

INCIDENT REPORT

DATE PREPARED 07-11-13 RIVERSIDE COUNTY SHERIFF CA0330000 ☒ INITIAL ☐ SUPPLEMENTAL

1. FILE NUMBER	2. DATE/TIME REPORTED	3. DATE/TIME ASSIGNED	4. DATE/TIME INV. START	5. DATE/TIME INV. TERM	6. Adult ARR	7. Juv ARR
C131920001	071113 1220	071113 1220	071113 1220	071113 1600	01	0

8. OFFENSES - CODE SECTION	CRIME	COUNTS	9. EDP CODE
4575(a) PC	Bringing a cell phone into a correctional facility without prior authorization	01	24Z1-M
10. OFFENSES - CODE SECTION (Add or Change to)	CRIME	COUNTS	11. EDP CODE
12. OFFENSES - CODE SECTION (Add or Change to)	CRIME	COUNTS	13. EDP CODE

14. LOCATION OF OCCURRENCE	15. REP. DISTRICT	16. OCCURRED ON-	DATE / TIME	17. OR BETWEEN	DATE / TIME
30755-B. Auld Rd. Murrieta	544A	07-11-13	1040		

18. BUSINESS NAME	19. BUSINESS PHONE	20. CASE STATUS / CLEARANCE
Southwest Detention Center	(951) 696-3050	Exceptional

VICTIM – REPORTING PARTY – WITNESS – OTHER:

☒ See Additional Persons Report

21. INVL	22. NAME (Last, First, Middle)	23. SEX	24. RACE	25. DOB	26. AGE	27. HT	28. WT	29. HAIR	30. EYES	31. SKIN
WIT	Correctional Corporal Lay N3004									

32. RESIDENCE ADDRESS	CITY	ZIP	33. RES. PHONE
34. BUSINESS ADDRESS	**CITY**	**ZIP**	**35. BUS. PHONE**
SWDC 30755 Auld Road	Murrieta, CA.	92563	951-696-3050

36. INVL	37. NAME (Last, First, Middle)	38. SEX	39. RACE	40. DOB	41. AGE	42. HT	43. WT	44. HAIR	45. EYES	46. SKIN
WIT	Correctional Deputy II Torres N4859									

47. RESIDENCE ADDRESS	CITY	ZIP	48. RES. PHONE
49. BUSINESS ADDRESS	**CITY**	**ZIP**	**50. BUS. PHONE**
SWDC 30755 Auld Road	Murrieta, CA.	92563	951-696-3050

SUSPECT:

☒ Adult ☐ Juvenile ☐ Parole ☐ Probation ☐ See Additional Persons Report ☒ ARRESTED

51. SUS #	52. NAME (Last, First, Middle)	53. SEX	54. RACE	55. DOB	56. AGE	57. HT	58. WT	59. HAIR	60. EYES	61. SKIN
S1	McIntyre, Dennette Janel	F	W	103079	33	507	185	BRO	BRO	FAR

62. DRIVERS LICENSE NUMBER / ID NUMBER	63. STATE	64. SOCIAL SECURITY NUMBER	65. MNI NUMBER	66. CII NUMBER
D7631732	CA	520-049-368	2803464/2855854	A26411581

67. RESIDENCE ADDRESS	CITY	ZIP	68. RES. PHONE
56741 Free Gold Drive	Yucca Valley, CA.	92284	
69. BUSINESS ADDRESS	**CITY**	**ZIP**	**70. BUS. PHONE**
Public Defenders Office	Indio, CA.		760-863-7778

71. JUVENILE DISPOSITION: ☐ Other Juris. ☐ Juv Crt Prob. ☐ Within Dept. ☐ Detained ☐ Not Detained

72. **GANG DATA**

Gang Name(s): _____

☐ Member ☐ Associate ☐ Self Admit ☐ Prior Knowledge

TATTOOS / SCARS

☐ Face ☐ Neck ☐ R. Arm ☐ L. Arm ☐ Hands ☐ Torso ☐ Back ☐ Legs

73. **TATTOOS / SCARS / MARKS / CLOTHING DESCRIPTION**

VEHICLES:

☐ REFER TO CHP 180 FORM FOR STOLEN, RECOVERED, TOWED OR IMPOUND

74. INVL	75. LICENSE	76. STATE	77. YEAR	78. MAKE	79. MODEL	80. BODY STYLE	81. STN / RCV AUTO VALUE
							A2:4 L

82. COLOR	83. VIN #	84. OTHER IDENTIFIERS	85. DISPOSITION OF VEHICLE

86. REGISTERED OWNER	87. ADDRESS	CITY	STATE	ZIP	88. PHONE

☐ PROPERTY REPORT ATTACHED FOR STOLEN, RECOVERED, OR DAMAGED PROPERTY

89. DAMAGED PROPERTY VALUE $

REPORTING OFFICER	OFF. ID	REVIEWED BY / DATE	ENTERED BY / DATE	ENTERED BY / DATE
Deputy Brooks	4915			

COPIES TO:	APR SENT	APR CANCELED	DOJ-NCIC ENT	DOJ-NCIC CANC
DA's Office, Sgt. Simms, Sgt. Thompson, SWDC Admin & IVP				

ADDITIONAL PERSONS REPORT

FILE NUMBER
SC131920001

RIVERSIDE COUNTY SHERIFF CA0330000 ☒ INITIAL ☐ SUPPLEMENTAL

VICTIM – REPORTING PARTY – WITNESS – OTHER:

☐ See Additional Persons Report

INVL / OTH	NAME (Last, First, Middle)	SEX	RACE	DOB	AGE	HT	WT	HAIR	EYES	SKIN
	Yanez, Salvador Bkg# 201322319									
RESIDENCE ADDRESS		CITY				ZIP		RES PHONE		
BUSINESS ADDRESS		CITY				ZIP		BUS PHONE		
30755-B, Auld Road		Murrieta, CA.				92563		951-696-3050		

INVL / OTH	NAME (Last, First, Middle)	SEX	RACE	DOB	AGE	HT	WT	HAIR	EYES	SKIN
	Deputy Cisneros #4738									
RESIDENCE ADDRESS		CITY				ZIP		RES PHONE		
BUSINESS ADDRESS		CITY				ZIP		BUS PHONE		
SWDC 30755-B, Auld Road		Murrieta, CA..				92563		951-696-3050		

INVL / OTH	NAME (Last, First, Middle)	SEX	RACE	DOB	AGE	HT	WT	HAIR	EYES	SKIN
	Deputy Dauria # 4895									
RESIDENCE ADDRESS		CITY				ZIP		RES PHONE		
BUSINESS ADDRESS		CITY				ZIP		BUS PHONE		
SWDC 30755-B, Auld Road		Murrieta, CA.				92563		951-696-3050		

INVL / OTH	NAME (Last, First, Middle)	SEX	RACE	DOB	AGE	HT	WT	HAIR	EYES	SKIN
	Lieutenant Lujan #1836									
RESIDENCE ADDRESS		CITY				ZIP		RES PHONE		
BUSINESS ADDRESS		CITY				ZIP		BUS PHONE		
SWDC 30755-B, Auld Road		Murrieta, CA.				92563		951-696-3050		

INVL / OTH	NAME (Last, First, Middle)	SEX	RACE	DOB	AGE	HT	WT	HAIR	EYES	SKIN
	Barbra Sims #N3628									
RESIDENCE ADDRESS		CITY				ZIP		RES PHONE		
BUSINESS ADDRESS		CITY				ZIP		BUS PHONE		
SWDC 30755-B, Auld Road		Murrieta, CA.				92563		951-696-3050		

INVL / OTH	NAME (Last, First, Middle)	SEX	RACE	DOB	AGE	HT	WT	HAIR	EYES	SKIN
	Correctional Deputy II Piceno #N4849									
RESIDENCE ADDRESS		CITY				ZIP		RES PHONE		
BUSINESS ADDRESS		CITY				ZIP		BUS PHONE		
SWDC 30755-B, Auld Road		Murrieta, CA.				92563		951-696-3050		

INVL / OTH	NAME (Last, First, Middle)	SEX	RACE	DOB	AGE	HT	WT	HAIR	EYES	SKIN
RESIDENCE ADDRESS		CITY				ZIP		RES PHONE		
BUSINESS ADDRESS		CITY				ZIP		BUS PHONE		

INVL / OTH	NAME (Last, First, Middle)	SEX	RACE	DOB	AGE	HT	WT	HAIR	EYES	SKIN
RESIDENCE ADDRESS		CITY				ZIP		RES. PHONE		
BUSINESS ADDRESS		CITY				ZIP		BUS PHONE		

INVL / OTH	NAME (Last, First, Middle)	SEX	RACE	DOB	AGE	HT	WT	HAIR	EYES	SKIN
RESIDENCE ADDRESS		CITY				ZIP		RES PHONE		
BUSINESS ADDRESS		CITY				ZIP		BUS PHONE		

INVL / OTH	NAME (Last, First, Middle)	SEX	RACE	DOB	AGE	HT	WT	HAIR	EYES	SKIN
RESIDENCE ADDRESS		CITY				ZIP		RES PHONE		
BUSINESS ADDRESS		CITY				ZIP		BUS. PHONE		

Evidence Obtained:

Item No.	Quantity	Description
01	01	CD- Digital recording of McIntyre using cell phone in A-Pod visiting area

I booked the evidence in to the Southwest Station Forensic Property room on 7-12-13 under barcode#1588244.

Attachments:

Item No.	Quantity	Description
01	01	Copy of Citation # 269813
02	01	Copy of JIMS IVP report by Visitor name for Dennette McIntyre
03	02	Digital Pictures of the signage in the SWDC Lobby
04	01	Copy of Evidence Report for barcode#1588244

Details:

On Thursday, July 11, 2013, I was assigned to work in the Lobby at the Southwest Detention Center, in the unincorporated area of Murrieta, County of Riverside. The door that leads to the visiting hallway has two signs posted on the front of the door. The signs notify the public it is a misdemeanor to bring in any unauthorized wireless electronic devices into the facility. This includes cellular telephones, pagers, or wireless internet devices per 4575(a) of the California Penal Code.

About 1030 hours, Dennette McIntyre approached me and said she needed an attorney visit with Inmate Yanez. McIntyre handed me her driver's license and her State Bar of California identification card. I entered the visit into the JIMS Inmate Visiting Program (IVP) as an Official Visit. I verified that her driver's license number and her State Bar of California ID number matched the numbers listed in the JIMS IVP program. The IVP program automatically checks each visitor in the CLETS system for any wants or warrants. The CLETS system showed no wants or warrants on file for McIntyre and I allowed the visit.

About 1220 hours, Correctional Deputy II Torres telephoned me from A-Pod. Correctional Deputy Torres told me he saw inmate Yanez sitting on the visiting table with his back towards him, looking down while his visitor appeared to be hiding something under the table. Correctional Deputy Torres continued to observe the visitor and saw her pull out a cell phone from under the table and show it to Yanez. Correctional Deputy Torres said she was holding the screen of the phone up to the window so Yanez could see the screen. I asked Correctional Deputy Torres how many times she had done this. Correctional Deputy Torres told me she did this several times. Correctional Deputy II Piceno also witnessed the visitor showing the cell phone to Yanez. I talked with Correctional Deputy Piceno and he told me Yanez was sitting on top of the desk attempting block his and Correctional Deputy Torres' view of the visitor. Correctional Deputy Piceno said the visitor showed the cell phone to Yanez about 3 to 4 times.

I walked down the visiting hallway to A-Pod and opened the door. McIntyre was sitting on the stool in the second visiting booth. Yanez sat on top of the desk in the booth across from McIntyre. The booths are separated by a window. When I saw Yanez sitting on top of the desk it looked like he was using his body to block deputies view of McIntyre. McIntyre was holding a cell phone

underneath the top of the desk in her left hand. McIntyre scrolled through a list on the phone while she held it underneath the desk. McIntyre selected a message and held it up to the window for Yanez to look at. I knocked on the window to get McIntyre's attention. I told McIntyre cell phones are not allowed in the visiting area without prior approval. McIntyre told me she had prior approval from the "Watch Commander" from a previous visit with Yanez. She said she did not know she needed to get approval for every visit. I asked McIntyre the name of the person who gave her approval. She said she did not remember. I asked her if she had an approval in writing or a court order approving the use of the cell phone during her visits. McIntyre said she did not have anything in writing, only a verbal approval from the "Watch Commander." McIntyre said she received the verbal approval on the day of her last visit with Yanez. McIntyre told me the cell phone was "evidence" in the case she was working on with Yanez. McIntyre showed me an envelope and told me it was the "evidence envelope" she had taken the cell phone out of. McIntyre showed me the screen of the phone and asked me if I wanted to look at it. I told her I did not want to touch a cell phone entered as evidence because of any "chain-of-custody" issues. I told McIntyre to turn off the phone and put it in the envelope and leave it on the desk of the first visiting booth. I told McIntyre not to touch the phone and I would return to speak with her.

I left and returned to the lobby. I checked the JIMS and IVP systems for any noted approvals or court orders for McIntyre's use of the cell phone during visits. I did not find any. I ran a report and found her last visit with Yanez was June 7, 2013 at 1230 hours. The watch commander June 7, 2013 was Lieutenant Lujan. I called Lieutenant Lujan and asked him if he gave verbal approval for McIntyre to bring a cell phone into the visiting booth. Lieutenant Lujan said he did not give his approval. I spoke to Barbra Sims who is one of the IVP schedulers. I asked her if she remembers McIntyre requesting approval for the use of the phone. She did not.

About 1240 hours, I returned to the visiting booth with Correctional Corporal Lay. I told McIntyre I was terminating her visit because I could not find anything supporting her statement to have obtained prior approval to bring the cell phone into the facility. I talked with McIntyre in the visiting hallway before returning to the Lobby. McIntyre told me the cell phone was evidence in "her" case with her client and in fact it was Yanez's cell phone. She said she had possession of his cell phone in order to access the text messages for his case. McIntyre also told me the cell phone was de-activated.

We returned to the lobby and I asked McIntyre to have a seat. McIntyre knowingly brought the cell phone into the facility without prior approval. She confirmed this by her statement that she had obtained prior approval from the Watch Commander when in fact she had not. As I was writing the citation for 4575(a) PC, McIntyre approached the lobby desk and told me she had remembered incorrectly. She said she did not receive approval from the watch commander as she had told me earlier. McIntyre told me she had received verbal approval from the lobby deputy who had been working on June 7, 2013. McIntyre could not remember the deputies' name who had given her approval. Deputy Cisneros and Deputy Dauria worked in the Lobby on June 7, 2013. Deputy Cisneros and Deputy Dauria said they did not give verbal approval to McIntyre to bring a cell phone into the facility.

No charges will be requested at this time, as the violation has been addressed administratively.

Case Status: Exceptional

PROOF OF SERVICE
Code of Civil Procedure, §1013, 1013a

STATE OF CALIFORNIA)
) ss.
COUNTY OF RIVERSIDE)

I am over the age of 18 years and not a party to the within action. I am employed in the county of Riverside. My business address is 74361 Highway 111, Suite 10, Palm Desert, CA 92260. On February 3, 2016, I served a copy of the following document to which this Proof of Service is attached:

DENNETTE JANEL MCINTYRE'S RESPONSE TO THE STATE BAR'S NOTICE OF HEARING ON CONVICTION [STATE BAR RULES OF PROCEDURE, RULE 5.345(B)]

On the interested parties in this action by placing a true and correct copy thereof enclosed in a sealed envelope addressed as follows:

State Bar Court
Attn: Paul Barona, Courtroom D
845 S. Figueroa St.
Los Angeles, CA 90017-2515
2 Copies – via UPS OVERNIGHT
Tracking #1ZF8W1282110000151

Ms. Shataka Shoree-Brooks
Deputy Trial Counsel
State Bar of California
845 South Figueroa Street
Los Angeles, CA 90017-2515
1 Copy – via UPS OVERNIGHT
Tracking #1ZF8W1282110000160

□ **BY U.S. MAIL:** I am readily familiar with the firm's practice for collection and processing of mail. I caused such document(s) to be placed in a sealed envelope, addressed to the person(s) on whom it is to be delivered pursuant to the attached service list, with postage thereon fully prepaid, to be deposited with the U.S. Postal Service at Palm Desert, California that same day in the ordinary course of business.

□ **BY FAX:** The above described document(s) were delivered via facsimile transmission to this number: **760.863.8215**

☒ **BY OVERNIGHT SERVICE:** To be delivered by UPS OVERNIGHT EARLY A.M.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: February 3, 2016

Teresa L. Jones

Teresa L. Jones