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Rebecca Ocain, SBN 215907
270 East Douglas Avenue
El Cajon, CA 92020
Telephone: (619) 431-1076
Facsimile: (619) 956-7098
Email: rocain@rebeccaocainlaw.com

FILED

AUG 08 2016

STATE BAR COURT
CLERK'S OFFICE
LOS ANGELES

**STATE BAR COURT OF CALIFORNIA
HEARING DEPARTMENT**

IN THE MATTER OF:)	CASE NO: 15 – C - 15017
)	
)	
REBECCA LYNN OCAIN,)	RESPONSE TO NOTICE OF HEARING
)	ON CONVICTION
Member No.: 215907)	
)	DATE: August 22, 2016
)	TIME: 10:00 AM
)	
A Member of the State Bar.)	
)	
)	
)	

TO: THE STATE BAR OF CALIFORNIA; OFFICE OF TRIAL COUNSEL, AND THE CASE ADMINISTRATOR OF THE ABOVE ENTITLED COURT:

On July 21, 2016, REBECCA LYNN OCAIN, State Bar Member No. 215907, received a Notice of Assignment and Notice of Initial Status Conference as well as Notice of Hearing on Conviction. The initial status conference has been set to take place on August 22, 2016 at 10:00 a.m. at the State Bar Court, 845 S. Figueroa Street, Los Angeles, CA 90017-2515. At this time,

REBECCA LYNN OCAIN is filing a response to this notice pursuant to Rules of Procedure of State Bar, rule 5.345(B).

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STATEMENT OF FACTS

On October 26, 2015, Rebecca Lynn Ocain was convicted of two counts of Driving Under the Influence in violation of Vehicle Code sections 23152(a) and 23152(b), as well as misdemeanor Hit and Run in violation of Vehicle Code section 20002(a), for an incident occurring on August 8, 2015. She also admitted a prior conviction from January 22, 2014. The convictions were a result of a guilty plea when Ms. Ocain “pled to the sheet,” as a plea agreement could not be reached with the Deputy Attorney General who was prosecuting the matter. On that date, Ms. Ocain was sentenced to 90 days on the SCRAM alcohol monitoring device and 120 days of custody (CPAC was authorized) in addition to the standard terms of DUI probation.

Immediately after her release from the hospital after her arrest, Ms. Ocain took a couple days to arrange a leave of absence from her employment with the San Diego County District Attorney’s Office, and to determine what type of treatment her health insurance would cover. She remained under constant supervision of her closest friends to assure her safety, sobriety, and psychological well being. She voluntarily enrolled in a short term alcohol detox program at Alvarado Parkway Institute in La Mesa, California. She remained there from August 12, 2015 through August 17, 2015. While there, she sought out and enrolled in a 28 day residential treatment program at Spencer’s Recovery in Laguna Beach California. She remained there from August 18, 2015 through September 14, 2015. Upon her return home she voluntarily had the SCRAM alcohol monitoring device installed, prior to being ordered to by the court. On September 21, 2015, Ms. Ocain began attending Alvarado Parkway Institute’s Intensive Oupatient Program. She attended this program through November 23, 2015. She continues to attend and participate in Alcoholics Anonymous to date.

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1
2 **THE MISDEMEANOR CONVICTIONS OF RESPONDENT**
3 **ARE NOT CRIMES OF MORAL TURPITUDE**

4 The misdemeanor offenses for which respondent has been convicted of are NOT crimes
5 involving moral turpitude. In the case of *In re Carr* 46 Cal.3d 1089 (1988), the Court concluded
6 Attorney Carr's two convictions for violating Vehicle Code section 23152(a) on two occasions
7 were not crimes involving moral turpitude. *Id* at 1091. Future Courts have gone on to elaborate
8 and distinguish misdemeanor DUI convictions from felony DUI convictions. *People v. Foster* 29
9 Cal.App.4th 1746 (1994).

10 A misdemeanor conviction for Hit and Run, a violation of Vehicle Code section 20002(a)
11 is not a crime involving moral turpitude. In the case of *People v. Bautista* 217 Cal.App.3d 1
12 (1990), the Court upheld a lower Court's decision to allow the use of a *felony* Hit and Run
13 conviction for the purposes of impeachment. *Id* at 7. The Court noted that felony hit and run
14 requires causing an injury and knowingly leaving the scene. However, there is no precedent for
15 the use of a misdemeanor Hit and Run as a crime of moral turpitude.

16 *People v. Castro* 38 Cal. 3d 301 (1985) addressed the issue of what constitutes moral
17 turpitude conduct for purposes of impeachment. The court made it clear that crimes that
18 reveal a defendant's dishonesty, "general readiness to do evil," "bad character," or "moral
19 depravity" do involve moral turpitude. *Id.* at p. 315. Therefore, the goal under *Castro* is to decide
20 what circumstances provide "some basis - however tenuous - for inferring that a person ... is
21 more likely to be dishonest than a witness about whom no such thing is known." (*Ibid.*)

22 Here, Ms. Ocain "pled to the sheet" as a plea agreement could not be reached with the
23 prosecuting attorney. One of these charges was a misdemeanor Hit and Run. On August 8,
24 2015, while intoxicated, Ms. Ocain collided with a retaining wall approximately one half mile
25 from her home. She was arrested a quarter of a mile from the scene by law enforcement whom
26 she told she was walking home. Given her blood alcohol content, she was extremely intoxicated.
27 There is no evidence Ms. Ocain has a "general readiness to do evil," "bad character," or "moral
28 depravity" within the meaning of *Castro*. Rather, she is an individual who has struggled with
and has been addressing an alcohol abuse problem. Thus, the offenses she has been convicted of
are not offenses involving moral turpitude.

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II

**THE CONVICTIONS OF RESPONDENT ARE
NOT CRIMES WARRANTING ADDITIONAL DISCIPLINE**

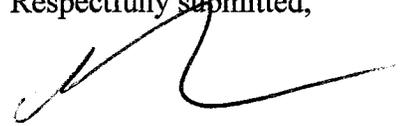
Pursuant to the California Rules of Court, rule 9.10(a), the Hearing Department will also consider that even if the misdemeanor convictions do not rise to the level of moral turpitude, if respondent's misconduct warrants other discipline. First, no one or no punishment could be worse than the daily self recriminations she inflicts on herself. *(Please see attached letter submitted to the Court at time of sentencing)*. Second, as a result of this conviction she resigned her position as a Deputy District Attorney. Third, she has immersed herself in a program of recovery that has included detox, residential rehabilitation, intensive outpatient rehabilitation, Alcoholics Anonymous, and other sobriety tools to keep her on the right path. The emotional, practical, and financial toll on her has already been devastating. She is just now, almost a year later, starting to build a law practice of her own and trying to move forward with the next chapter of her life. Ms. Ocain has already endured a year of punishment, embarrassment, and many trial and tribulations. At this juncture additional punishment is not warranted. If this Court is inclined to impose punishment, it is respectfully requested it is a private reprimand with a suspension of her license to practice law that is stayed for a period of probation.

CONCLUSION

For the above mentioned reasons, Ms. Ocain respectfully requests this Hearing Department to find the misdemeanor convictions of which she was convicted do not involve moral turpitude and do not involve other misconduct warranting discipline.

DATED: July 25, 2016

Respectfully submitted,



REBECCA OCAIN
Attorney at Law

EXHIBIT 1

**INPATIENT DISCHARGE
INSTRUCTIONS**
Continuing Plan of Care

Addressograph

Admission Date: 8/26/15 Discharge Date: 8/27/15 Time of Discharge: 1400

Brief Treatment Summary: (Reason for Admission / Interventions / Response / Condition upon Discharge)

Patient was admitted to API for detox from alcohol
patient was observed closely for withdrawal symptoms
she is stable to discharge to self. Denies SI, AT & HI
at this time.

Primary Discharge Diagnosis: Alcohol use disorder,

Treatment Provided: Group Therapy Medication Management
 Individual Therapy Case Management/Discharge Planning
 Addictive Disease Treatment Other: _____

Progress Made Towards Treatment Goals: Yes No

If answer is No, Explain: _____

Reason for Discharge: Completion of Inpatient Treatment /Stabilization Medical Transfer AMA
 Stable for Transfer to Arranged Facility

Discharge To: Home Board & Care SNF/ICF ILF Other: _____

Name of Placement: Private Residence

Address: 2556 Columbine Dr City: Alpine State: CA Zip Code: 91901

Contact Person: Self - 958-431-0968 Phone Number: 619-977-7613

Accompanied by: Chandra friend Via: Car API Van Other: _____

Discharge Instruction Sent: Fax # NO PHN required By: N/A

API/BHS RESOURCES

**Please contact API's 24 Hour Referral and Crisis Line at 1-800-766-4274
for additional information on the following services:**

API Outpatient Services: Day treatment, Opiate Detoxification & Evening Chemical Dependency

Programs located in: La Mesa, San Diego and El Cajon

API Support Groups: Multi-Family Support Group on Tuesdays 6-7:30 PM &
Aftercare Group on Thursdays 6:00- 7:30 PM

AA, NA, & Smart Recovery also available at API.

API Discovery Clubhouse: 5538 University Ave., San Diego, CA 92105



Spencer Recovery Centers, Inc.

1316 S. Coast Hwy.
Laguna Beach, CA 92651

Phone: 949.313.5219
Fax: 949.313.5222

September 14th, 2015

To Whom It May Concern:

This letter is to confirm that Rebecca Ocain, (DOB: 10/03/1976) was admitted into residential chemical dependency treatment at Spencer Recovery Centers in Laguna Beach, California on 08/18/2015 and completed our residential treatment program. Rebecca stayed in treatment until 09/14/2015.

Throughout the course of treatment Rebecca Ocain participated in therapy sessions, relapse prevention lectures, individual counseling sessions and an introduction to the Twelve Steps of Alcoholics Anonymous/Narcotics Anonymous. Rebecca also addressed her personal issues in dealing with her grief and loss through another Master Treatment Plan #2, individually with her primary counselor as well as through given homework assignments.

All clients at Spencer Recovery Centers MUST consent to random urinalysis and attend all group therapy, individual counseling sessions. Rebecca successfully completed all her assignments and met all her responsibilities as a client and passed all drug tests.

Spencer Recovery Centers is accredited by CARF and The Joint Commission and have been successfully providing treatment services since 1988. If you have any questions about the treatment process at Spencer Recovery Center, please feel free to contact me with any questions at (949) 313-5215, ext 215.

Respectfully Submitted,

Debra Walbrink, MA
Primary Counselor

SPENCER RECOVERY CENTERS, INC.

Drug and Alcohol Treatment Centers

Has conferred on:

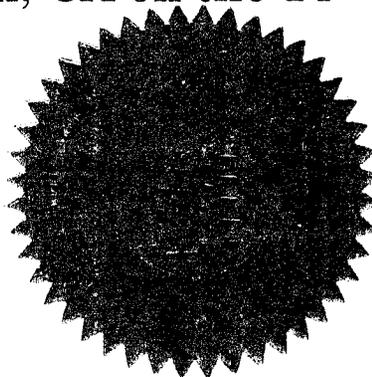
Rebecca Ocain

Graduate of our Residential Treatment Center

Duly signed and affixed the Seal of the Corporation.

Issued in Laguna Beach, CA on the 14th day of September, 2015.

Delera Waller
Primary Counselor



Chris Spencer
Chris Spencer, CEO

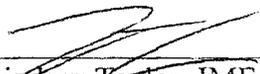


September 24, 2015

To Whom It May Concern:

At the request of Rebecca Ocain, I am providing the following information. Ms. Ocain is currently enrolled in the Intensive Outpatient Program (IOP) at Alvarado Parkway Institute. She enrolled on September 21, 2015 and remains in program to date. She is currently scheduled to attend treatment for 3 hours a day, 5 days per week, as a part of our IOP treatment. It is estimated that Ms. Ocain will remain in program until her *approximate* discharge date of November 13, 2015.

This program utilizes a bio-psycho-social model for successful treatment of those with addictive disorders *and/or* mood disorders. We integrate a combination of evidenced based therapeutic treatment modalities with a medically supervised approach to treatment in developing an individual and specific treatment plan for each patient seeking recovery.

 IMF
Date: 9/24/15
Lindsay Taylor, IMF
Treatment Coordinator: PHP/IOP La Mesa
7050 Parkway Drive
La Mesa, CA 91942
(619) 797-4611
(619) 797-4602 (fax)



November 2, 2015

To Whom It May Concern:

At the request of Rebecca Ocain, I am providing the following information. Ms. Ocain is currently enrolled in the Intensive Outpatient Program (IOP) at Alvarado Parkway Institute. She enrolled on September 21, 2015 and remains in program to date. She is currently scheduled to attend treatment for 3 hours a day, 3 days per week, as a part of our IOP treatment. It is estimated that Ms. Ocain will remain in program until her *approximate* discharge date of November 23, 2015.

This program utilizes a bio-psycho-social model for successful treatment of those with addictive disorders *and/or* mood disorders. We integrate a combination of evidenced based therapeutic treatment modalities with a medically supervised approach to treatment in developing an individual and specific treatment plan for each patient seeking recovery.


Lindsay Taylor, IMF
Treatment Coordinator: PHP/IOP La Mesa
7050 Parkway Drive
La Mesa, CA 91942
(619) 797-4611
(619) 797-4602 (fax)

Date: 11/2/15

EXHIBIT 2

fA Attendance Sheet:
Rebecca O.

<u>Date</u>	<u>Name of Group</u>	<u>Group Secretary</u>
9/19/15 9.20.15	The Eye Center Cedar St	J. R. ... Joe N.Y.

**SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN DIEGO**

FOR COURT USE ONLY

- Central Division, 220 W. Broadway, San Diego, CA 92101-3877
- Central Division, 8950 Clairemont Mesa Blvd., San Diego, CA 92123-1187
- East County Division, 250 E. Main St., El Cajon, CA 92020-3941
- East County Division, 1428 Montecito Rd., Ramona, CA 92065-5200
- North County Division, 325 S. Melrose Dr., Ste. 500, Vista, CA 92081-6095
- South County Division, 500 Third Ave., Chula Vista, CA 91910-5519

PEOPLE OF THE STATE OF CALIFORNIA

vs

Rebecca O.

DEFENDANT(S):

AA/NA/CA/MA MEETING ATTENDANCE SHEET

CASE NUMBER:

For information on locations and times contact:
(Para mayores informes acerca de los horarios y lugares hable al)

Alcoholics Anonymous (AA) (619) 265-8762
AA en Español (619) 280-7224
AA Website: www.AAsandiego.org

Narcotics Anonymous (NA) (619) 581-1007
NA Website: www.NAsandiego.org

Marijuana Anonymous (MA) (619) 895-2808

Cocaine Anonymous (CA) (888) 242-2248

Date	Name of Group	Group Secretary
1. 9-22-15	Alpine Women's Candlelight AA	Kathleen W.
2. 9-23-15	Pathfinders 1:00pm	Emme Tinsley
3. 9-24-15	CEDAR STREET DAILY	JH
4. 9-25-15	ALPINE DAY DANCE	
5. 9-27-15	The Other Meeting	Shirley A.
6. 9-29-15	Cedar Street Daily	Victor G.
7. 10-1-15	" " " "	Dee Miley
8. 10-2-15	Unitary Group	Michelle
9. 10-5-15	Cedar Street Daily	Jill
10. 10-7-15	" " " "	Emily C.
11. 10/10/15	Sat Nite Alpine	Cindy Marks
12. 10/11/15	SUNDAY NIGHT ALPINE SPEAKERS	Rick
13. 10-13-15	" " " "	
14. 10-14-15	" " " "	
15. 10-17	NOON AT THE GROVE AA	Debbie
16. 10-18-15	" " " "	Bob
17. 10-23-15	Cedar Street	Jill
10/27	" " " "	atw

COMMUNITY SUPPORT GROUP
 MEETING ATTENDANCE VERIFICATION FORM

ADDRESSOGRAPH

Name: Rebecca O.

1	Date: <u>10-30-15</u>	2	Date:
	Meeting Name: <u>L. Group</u>		Meeting Name:
	Secretary's Signature: <u>[Signature]</u>		Secretary's Signature:
3	Date: <u>10/31/15</u>	4	Date:
	Meeting Name: <u>Sat Nite Alpine</u>		Meeting Name:
	Secretary's Signature: <u>Cindy Marks</u>		Secretary's Signature:
5	Date: <u>NOV 08 2015</u>	6	Date:
	Meeting Name: <u>RTC</u>		Meeting Name:
	Secretary's Signature:		Secretary's Signature:
7	Date:	8	Date:
	Meeting Name:		Meeting Name:
	Secretary's Signature:		Secretary's Signature:
9	Date:	10	Date:
	Meeting Name:		Meeting Name:
	Secretary's Signature:		Secretary's Signature:

**SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN DIEGO**

FOR COURT USE ONLY

- Central Division 200 N. Broadway, San Diego, CA 92101-1187
- Central Division 3000 California Street Blvd., San Diego, CA 92103-1187
- East County Division 1800 E. Main St., San Diego, CA 92108-1187
- East County Division 1420 Vermont Rd., Escondido, CA 92025-1187
- North County Division 825 S. Main St., Escondido, CA 92025-1187
- South County Division 800 Third Ave., Chula Vista, CA 92009-1187

PEOPLE OF THE STATE OF CALIFORNIA

Rodriguez

DEFENDANT'S

AA/NA/CA/MA MEETING ATTENDANCE SHEET

For information on locations and times contact:
(Para mayores informes acerca de los horarios y lugares hablar a)

Alcoholics Anonymous (AA) (619) 255-5722
AA en Español (619) 280-7224
AA Website: www.AAsandiego.org
Marijuana Anonymous (MA) (619) 665-2503

Narcotics Anonymous (NA) 619 554-1007
NA Website: www.NAandiego.org
Cocaine Anonymous (CA) 619 240-2248

Date	Name of Group	Group Secretary
10/05/2015		<i>[Signature]</i>
11/7/15	E CAJON LATE RISER	<i>[Signature]</i>
11/13/2015	SUNDAY NIGHT ALPINE SPEAKERS	<i>[Signature]</i>
11/13/2015	<i>Victory Group</i>	<i>Sathleen Z</i>
11/15/15	E CAJON LATE RISER	<i>[Signature]</i>
11/15/15	SUNDAY NIGHT ALPINE SPEAKERS	<i>[Signature]</i>
11/19/15		<i>[Signature]</i>
11/20/15	<i>Victory Group</i>	<i>Sathleen Z</i>
11/20/15	<i>The Other Machine</i>	<i>[Signature]</i>
11/29/15	E CAJON LATE RISERS	<i>Michael [Signature]</i>
12/2/15	SUNDAY NIGHT ALPINE SPEAKERS	<i>[Signature]</i>
12/2/15		<i>[Signature]</i>
12/6/15	SUNDAY NIGHT ALPINE SPEAKERS	<i>[Signature]</i>

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- East County Division, 250 E. Main St., El Cajon, CA 92020-3941
- East County Division, 1425 Montecito Rd., Ramona, CA 92066-5200
- North County Division, 325 S. Melrose Dr., Ste. 500, Vista, CA 92081-6665
- South County Division, 500 Third Ave., Chula Vista, CA 91910-5549

PEOPLE OF THE STATE OF CALIFORNIA

Rebecca L.

DEFENDANT(S)

AA/NA/CA/MA MEETING ATTENDANCE SHEET

For information on locations and times contact:
(Para mayores informes acerca de los horarios y lugares hacer a

Alcoholics Anonymous (AA) (619) 265-8762
AA en Español (619) 230-7224
AA Website: www.AAsandiego.org

Narcotics Anonymous (NA) (619) 584-1007
NA Website: www.NAsandiego.org

Marijuana Anonymous (MA) (619) 665-2800

Cocaine Anonymous (CA) (619) 242-2248

Date	Name of Group	Group Secretary
1. 12/13/15	SUNDAY NIGHT ALPINE SPEAKERS	<i>[Signature]</i>
2. 12/15/15	<i>[Handwritten Group Name]</i>	<i>[Signature]</i>
3. 12/20/15	SUNDAY NIGHT ALPINE SPEAKERS	<i>[Signature]</i>
4. 1/1/16	ALPINE SAT. NITE SPECIAL	BOB III
5. 12-29-15	<i>[Handwritten Group Name]</i>	<i>[Signature]</i>
6. 1-1-2016	Victory Group	Kathleen
7. 1/9/16	ALPINE SAT. NITE SPECIAL	BOB III
8. 1/12/16	SUNDAY NIGHT ALPINE SPEAKERS	<i>[Signature]</i>
9. 1/15/2016	Victory Group	Kathleen
10. 1/16/16	ALPINE SAT. NITE SPECIAL	BOB III
11. 1/19/16	<i>[Handwritten Group Name]</i>	<i>[Signature]</i>
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OVER

SUPERIOR COURT OF CALIFORNIA COUNTY OF SAN DIEGO

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- East County Division, 1428 Montecito Rd., Ramona, CA 92065-5200
- North County Division, 325 S. Melrose Dr., Ste. 500, Vista, CA 92081-6695
- South County Division, 500 Third Ave., Chula Vista, CA 91910-5649

PEOPLE OF THE STATE OF CALIFORNIA *vs* *Roberta*
 VS
 DEFENDANT(S):

CASE NUMBER:
SD 31387

AA/NA/CA/MA MEETING ATTENDANCE SHEET

For information on locations and times contact:
 (Para mayores informes acerca de los horarios y lugares hable al)

Alcoholics Anonymous (AA) (619) 265-8762
 AA en Español (619) 280-7224
 AA Website: www.AAsandiego.org
Marijuana Anonymous (MA) (619) 685-2808

Narcotics Anonymous (NA) (619) 584-1007
 NA Website: www.NAsandiego.org
Cocaine Anonymous (CA) (866) 242-2248

Date	Name of Group	Group Secretary
1.	Early Risers	[Signature]
2.	Early Risers	[Signature]
3.	<i>27 March 2016</i> The other meeting of APT	<i>Nancy N.</i>
4.	Early Risers	[Signature]
5.	<i>4-15-2016</i> Victory Group	<i>Kathleen</i>
6.	[scribble]	[scribble]
7.	<i>4-20-16</i> NOON AT THE GROVE AA	<i>W.L.H.</i>
8.	<i>4-26-16</i> Alpine Women's Candlelight-AA	<i>Kathleen W.</i>
9.	Early Risers	[Signature]
10.	<i>4/30/16</i> E CAJON LATE RISERS	[Signature]
11.	Early Risers	[Signature]
12.	<i>May 2, 2016</i> Alpine Women's Candlelight-AA	<i>Kathleen W.</i>
13.	Early Risers	[Signature]
14.	<i>May 6, 2016</i> Victory Group	<i>Kathleen</i>
15.	<i>5/7/16</i> E CAJON LATE RISERS	<i>Nancy S.</i>
16.	<i>5/8/16</i> The Other Meeting	<i>Sandy P.</i>
17.	<i>5/10/16</i> Alpine Women's Candlelight-AA	<i>Kathleen W.</i>

AA/NA/CA/MA MEETING ATTENDANCE SHEET (Continued)

01 Rev 2/00

Date	Name of Group	Group Secretary
18. 5.13.2016	Victory Group	Kathleen
19. 5/14/16	E CAJON LATE RISERS	Whitney
20. 5/15/16	The Other Meeting	Sam P.
21. 5-17-16	Alpine Women's Candlelight	Kathleen W.
22.	Early Risers	Bob W.
23. May 20 2016	Victory Group	Kathleen
24. 5/22/16	The Other Meeting	Sam P.
25.	Early Risers	Bob W.
26. 5-26-2016	Victory Group	Kathleen
27. 5/26/16	The Other Meeting	Sam P.
28.	Early Risers	Bob W.
29.	Early Risers	Bob W.
30. 5-30-16	The Other Meeting	Sam P.
31. 5-31-16	Alpine Women's Candlelight	Kathleen W.
32.	Early Risers	Bob W.
33.		
34. 6-10-16	Victory Group	Kathleen
35. 6/12/16	The Other Meeting	Sam P.
35. 6-14-16	Alpine Women's Candlelight AA	Kathleen W.
36. 6-16-16	4 directions AA	Bob W.
37. 6-17-16	Victory Group	Bob W.
38. 6/19/16	The Other Meeting	Sam P.
39. 6-21-16	Alpine Women's Candlelight AA	Kathleen W.
40. 6/22/16	ALPINE SAT NITE SPECIAL AA	Bob W.
41. 6/26/16	SUNDAY NIGHT ALPINE SPEAKERS	Bob W.
42. 6-28-16	Alpine Women's Candlelight AA	Kathleen W.
43. 6-29-16		
44.		

SUPERIOR COURT OF CALIFORNIA COUNTY OF SAN DIEGO

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- East County Division, 250 E. Main St., El Cajon, CA 92020-3947
- East County Division, 1428 Montecito Rd., Ramona, CA 92065-5200
- North County Division, 325 S. Melrose Dr., Ste. 500, Vista, CA 92081-6695
- South County Division, 500 Third Ave., Chula Vista, CA 91913-5649

PEOPLE OF THE STATE OF CALIFORNIA

vs

Milica C.

DEFENDANT(S):

CASE NUMBER:

AA/NA/CA/MA MEETING ATTENDANCE SHEET

5231387

For information on locations and times contact:
(Para mayores informes acerca de los horarios y lugares hable al)

Alcoholics Anonymous (AA) (619) 265-8762
AA en Español (619) 280-7224
AA Website: www.AAsandiego.org
Marijuana Anonymous (MA) (619) 685-2808

Narcotics Anonymous (NA) (619) 584-100
NA Website: www.NAsandiego.org
Cocaine Anonymous (CA) (866) 242-2248

Date	Name of Group	Group Secretary
1. _____	Early Risers	<i>ED</i>
2. 7/17/16	SUNDAY NIGHT ALPINE SPEAKERS	<i>PK</i>
3. 7/18/16	NOON AT THE COURTYARD	<i>AKO</i>
4. 7-19-16	<i>Alpine</i> Women's Conductor - AA	Kathleen U.
5. _____	Early Risers	<i>Colleen</i>
6. _____	Early Risers	<i>Christina</i>
7. July 21, 2016	ALPINE VICTORY GROUP	<i>Bill</i>
8. 7/23/16	E. CAJON LATE RISERS	<i>Almond</i>
9. 7/24/16	The Other Meeting	<i>Sean P.</i>
10. _____	_____	_____
11. _____	_____	_____
12. _____	_____	_____
13. _____	_____	_____
14. _____	_____	_____
15. _____	_____	_____
16. _____	_____	_____
17. _____	_____	_____

EXHIBIT 3



County: San Diego

Court: SDSC-SC

Re: Rebecca O'Cain

Case No.: Volunteer

CERTIFICATE OF INSTALLATION

SCRAM of California, Inc. hereby certifies Rebecca O'Cain has enrolled in the following program(s) as of the 17th day of September, 2015:

<input checked="" type="checkbox"/>	SCRAM (Continuous Alcohol Monitoring)
<input type="checkbox"/>	SCRAMx (Home Detention and Continuous Alcohol Monitoring)
<input type="checkbox"/>	Remote Breath
<input type="checkbox"/>	Electronic Monitoring (Home Detention)
<input type="checkbox"/>	Electronic Monitoring (GPS)
<input type="checkbox"/>	Drug Patch

By: [Signature]
SCRAM of California Representative

Date: 9/17/15

EXHIBIT 4

To the Honorable Judge Braner:

It is with great shame and self recrimination that I find myself in a position in which I have to write this letter. No one is more horrified by my actions than myself. I wake up each and every day and thank God I did not kill or injure someone else. The "what ifs" I have gone through in my head make me absolutely sick. I am ashamed of my conduct as a human being and as a professional who has sworn to help enforce the law. I wish I had come to an acknowledgement and acceptance of the extent of my problem in a different manner. However, that was not my path. Instead, it took my getting to the low of realizing if I do not get help, I will end up killing someone else or myself. I accept full responsibility for my actions. I apologize for my conduct and the danger in which my actions have placed the public. For the first time in my life I have acknowledged and accepted that I have a problem I cannot fix by myself, and have been taking the steps necessary to address it.

First, I would like to tell you a little bit about me. I grew up on the east coast in a loving, but poor, family. When I was 14 years old I decided I wanted to be a prosecutor to make more of my life and help others. So I got a job, worked hard, and put myself through college and law school. At 24 years old I was sworn in as a San Diego Deputy City Attorney. 10 years ago I was offered my dream job as a Deputy District Attorney. For the last 8 years I have been assigned to our Family Protection Division which is work that I absolutely love. While my professional life had always been solid and on the right track, my personal life has not been.

In the last four years I have dealt with numerous and overwhelming challenges in my personal life. My mother, who was also my best friend, was taken extremely rapidly by Lymphoma at the age of 59 on July 27, 2011. Words could never describe that sense of loss for me. Shortly thereafter, I was also dealing with a broken engagement. Then one of my closest friends and coworker, Claudine Ruiz, was diagnosed with and began her battle with Stage IV Breast Cancer. She lost that battle on February 6, 2014. Meanwhile, I was dealing with the practical, emotional, and financial toll of the first DUI. During this period of time I also made the poor decision to rush into a marriage much too rapidly. On top of becoming verbally and emotionally abusive, my now ex-husband rapidly showed himself to be a liar, thief, and con artist. He tried to take everything from me including my house and retirement. The divorce was final on May 27, 2015. During that time I was also going through a significant falling out with my father, with whom I have now elected to have no contact with. I offer this information to the court, not as an excuse, but to provide your honor with a little understanding of the person I am and the challenges I have faced. It was during this period of time that I started abusing alcohol.

August 10, 2015 is a night that changed my life forever. The only "good" thing that has come from all this is my willingness and ability to express that I am an alcoholic, and to take the steps necessary to work on my disease. This is a far cry from where I was even after the first DUI. At that point I knew I had a problem but was not ready to fix it and figured that once I was, I would be able to do it on my own. That clearly is not the case. I have spent these past few months doing what I should have done two years ago.

First, on August 12, 2015, I checked myself into Detox at Alvarado Parkway Institute(API) in La Mesa. The inpatient detoxification ward is a lockdown facility that houses not only individuals for chemical dependency detoxification, but also mentally ill individuals and people on suicide watch. This of course means the environment is almost as restrictive as a jail. During this time I was seen and treated by various doctors and attended group therapy sessions. I remained there for five days, until my friends were able to find me a bed in a residential treatment program. On August 18, 2015, I checked myself into Spencer Recovery Center in Laguna Beach for 28 days. Spencer Recovery provides a very intensive rehabilitation program. From 7:00 a.m. – 9:30 p.m., 7 days a week, I was required to attend group counseling, individual counseling, AA meetings, and doctor meetings. Additionally, I was given assignments and journaled on a daily basis. Again, I was shut off from the "outside" world and locked down so I could focus on my recovery. Upon completion of their program, I transitioned back home and into the Intensive Outpatient Program at API immediately, which I am still attending. Again, I am attending group counseling, individual counseling, and doctor appointments. Additionally, I have been regularly attending AA meetings outside of API. I have sought out and obtained a therapist outside my outpatient program, Masako Stewart, whom I will continue to see on a regular basis. When I stand before the Court on October 26, 2015 for sentencing I will have spent the last three months of my life focusing solely on my alcoholism and doing everything I need to do to turn my life around.

As this Court can imagine the impact this offense has had on my life has earth shattering. The state of my job, everything I have worked my entire life for, is still uncertain. If I lose my job I will lose not only an incredibly huge part of my identity, but I will also certainly lose my house. With four rescue dogs of my own, finding housing would be a difficult situation at best. That also means losing my pension and all my benefits. I have also been thrust into the public eye in the worst way possible. I have had neighbors, strangers at the grocery store near home, and countless others randomly approach me about my offense. I have been forced to deal with the reality of being heartbroken by people who I thought were friends gossiping about me and spreading news about the article, yet never trying to reach out to me to inquire how I am doing. I have many days during which I feel people look at me and see nothing but a DUI. As awful as all this is, I know that I am the only one responsible for being at this point.

My recovery process has taught me so much about myself and life. It has taught me that I am an alcoholic. Getting and staying sober is a lifelong commitment that I must always actively work on. This is something I cannot do alone. I need continued treatment. I need to open up to and lean on my friends and family, which is something I never did in the past. I need to continue to go to AA meetings.

In addition to my friends and family, I need to surround myself with people who are in recovery. I have a list of coping skills and things to do in time of stress where I previously would have picked up a drink. Some of these include picking up the phone, journaling, going for a walk, taking a bath, or playing with my dogs. I also have three people who are in recovery whom I can call day or night. I need to consciously do one of those things until it is habit.

I currently have a very good program in place that is working for me at API outpatient and attending AA meetings. I have also obtained a new individual counselor I will regularly meet with. It is my wish to continue with this forward momentum. I truly feel any true custodial sanction would only be a setback at this time. I am well aware of the aggravents in my case that put me outside the standard sentencing guidelines. However, I believe that everything I have done exceeds those same guidelines. I ask Your Honor to be sentenced in a manner consistent with an individual who does not work for a prosecutorial agency.

Sincerely,

/S/

Rebecca L. Ocain

EXHIBIT 5

Patrick McGrath
537 Adella Lane
Coronado, CA 92118

October 15, 2015

To Whom It May Concern:

I am writing to give you my strongest personal recommendation concerning the character of Rebecca Ocain. I have known Rebecca since 2002, where I was able to observe her contribution as a Deputy City Attorney. She impressed me as sharp, intelligent, and productive from the moment I met her. I was, in fact, so impressed with her that I immediately started recruiting Rebecca for the San Diego District Attorney's office. The City's loss was certainly the County's gain. I worked closely with Rebecca since she has been a Deputy District Attorney and was her supervisor when she worked in the South bay branch and for the Family Protection Division. In all the years I have known her, I found her hard-working, honest, and above all, concerned more about justice than winning. She got along well with the staff and was always what I refer to as a "happy warrior".

I know these are strong words, but I mean every one of them. I am a retired U.S. Navy Rear Admiral and have spent most of the last thirteen years supervising in the District Attorney's office. In those two careers, I have evaluated literally thousands of individuals. Rebecca Ocain ranks among the very best of all of those individuals. My first impression of her was extraordinarily high, and she never did anything over the eleven years that would make my change my opinion. Please call me at (619) 838-5715 should you have any questions.

Sincerely,



Patrick McGrath
RADM USN (Ret).

Terri M. Wyatt
Attorney at Law
1804 Garnet Ave., Suite 400
San Diego, CA 92109

October 19, 2015

Dear Honorable Superior Court Judge of San Diego County,

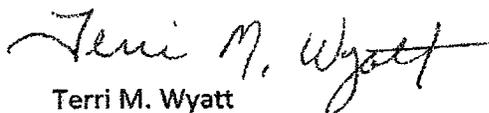
I would like to take this opportunity to point out the many positive attributes of Deputy District Attorney Rebecca Ocain, who sadly stands before this court, convicted of her second offense of misdemeanor driving under the influence of alcohol. I worked with Rebecca when she was a newly hired DDA, having come to the San Diego County DA's office from an impressive career at the City Attorney's Office. I had the pleasure of directly supervising Ms. Ocain in the Preliminary Hearing Department at the South Bay branch. She took her work as a prosecutor very seriously, always working very hard with tough intensity. Ms. Ocain was always thoroughly prepared and made achieving justice her top priority. She was very patient with and helpful towards new attorneys when she served as their supervisor.

I have since followed Ms. Ocain's career, observing that she consistently handles some of the most emotionally tough cases possible as a prosecutor in the Family Protection Division. This high level of responsibility in the most serious of cases can and does take a toll in the stress level of even the most seasoned prosecutors. Ms. Ocain is aware and prepared to do what it takes to learn not to utilize alcohol as a coping mechanism for such high levels of stress, a lesson so many in the law enforcement and legal field are required to learn.

Ms. Ocain stands before this court, embarrassed and humble for making such a second serious error. No doubt she has learned a valuable lesson and will assure that this type of lapse of judgment will never occur again. I'm confident that she will work hard to do whatever it takes to recover from all alcohol problems to protect the community.

Please take into consider Ms. Ocain exemplary career as a dedicated public servant and her strong will to accomplish whatever she sets out to do when imposing the appropriate sentence.

Sincerely,



Terri M. Wyatt
Attorney at Law
Retired 26 year prosecutor

J. Luis Guerrero
Attorney at Law

61 E. Whitney Street
Chula Vista, CA 91910

Phone 619.254.5593
E-mail luisguerrero55@gmail.com

Oct 19, 15, 11:09 AM

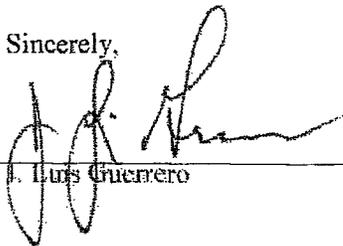
Honorable Judge:

I am very pleased to write this character reference letter for Rebecca Ocain, whom I have known for approximately 10 years. I consider Ms. Ocain a well-respected colleague and opponent. I met Ms. Ocain while I worked as a Deputy Public Defender handling felony cases in Chula Vista. During that time Ms. Ocain worked as a Deputy District Attorney for the Family Protection Division of the District Attorney's Office. I worked with Ms. Ocain for approximately 7 years while in Chula Vista. I handled numerous domestic violence cases with Ms. Ocain during this time and always found her to be honest, fair and personable. She is a prosecutor who tries to do the right thing and whose word can be counted on.

I am aware that Ms. Ocain is facing some challenges due to problems with alcohol. She candidly revealed to me the steps she has taken to tackle this problem head on. I can say without hesitation that Ms. Ocain is a humble, hard working person of good character that has the tools necessary to overcome these challenges. As a Deputy Public Defender with 24 years of experience, I would like to see Ms. Ocain overcome these challenges and get back to her work as a prosecutor. I support her recovery efforts whole heartedly. I hope the court takes all this in consideration when fashioning an appropriate sentence in her case.

I would be happy to provide additional information if needed. Thank you for your time and attention.

Sincerely,



J. Luis Guerrero

David T. Grapilon
(619) 694-6739

October 16, 2015

Re: Rebecca Ocain

Your Honor,

I've known Rebecca for the last decade and she has always been a dedicated prosecutor, committed to doing the "right thing" and serving the goals of justice. She was unwavering and true in her profession and no one can say otherwise. And it is with much sadness and disappointment to learn that she is facing this challenge in her personal life that run counter to everything she's worked for in her professional life.

Rebecca isn't one to make excuses for the mistakes she's made. She understands and knows first-hand, as so many of us unfortunately do, the perils of driving under the influence. And she knows she is neither above the law nor exempt from its consequences, whether they be legal, physical, or emotional. She accepts her self-made fate and is dealing with it. She will use this experience as a final wake-up call to turn her life around and realize how fortunate she is that no one else was injured as a result of her decisions.

I understand that it is a tough balance that the Court must make in weighing her proven protection of the community with her recent behavior that threatened it. No one can condone or excuse Rebecca's actions that brought her to your courtroom. But I wholeheartedly support her as both a friend and coworker. While some may choose to distance themselves from her, I believe now is the time that she most needs the support. I believe Rebecca will learn from this experience and change her life. I ask that this Court consider the positive contributions Rebecca has made to society and her potential to once again continue serving the citizens she swore to protect.



David T. Grapilon

Rebecca A. Mooney
280 Mandalay Road
Lee, MA 01238
(413) 243-3180

October 19, 2015

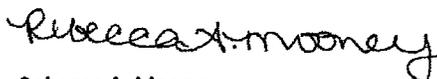
To Whom it May Concern,

I have been friends with Rebecca Ocain for 30 years. In that time we have each been through many ups and downs. I am very grateful to have had such a wonderful person in my life for so long. On a personal level Rebecca invests herself wholeheartedly in all that she does, whether it be rescuing dogs, being a rock for her family or being a steadfast and supportive friend. Rebecca is always ready to drop anything to help others. Rebecca has always been a very determined, dedicated and self-sufficient person in all of her school, career and sports endeavors. I have always admired Rebecca's ability to accomplish anything she set as a goal, both personally and professionally. As a lifelong friend I believe that Rebecca's one weakness in the past has been not seeking the support that she so willingly gives to others which is what I believe lead her to the current situation.

With all of the above being said; I know that Rebecca has the desire and the determination to overcome her alcohol addiction. Rebecca's efforts to date show that she is serious about recovery. Our many conversations over the last month and a half let me know that Rebecca realizes she is blessed to have this chance to recover and move forward. She has actively looked for help and support both professionally and with her support network of friends, family and colleagues. Through her inpatient treatment at Spencers and her current outpatient treatment program along with other counseling sessions I believe she will not only overcome her addiction but I believe she will be a better person because of this entire experience. I have already noticed a positive change in her.

If I can offer any assistance with this matter, please feel free to contact me at 413-243-3180 or via e-mail at RebeccaAMooney@yahoo.com.

Sincerely,



Rebecca A. Mooney

Tammy Varnot
El Cajon, CA 92020

October 16, 2015
San Diego Superior Court

RE: Rebecca Ocain

Your Honor,

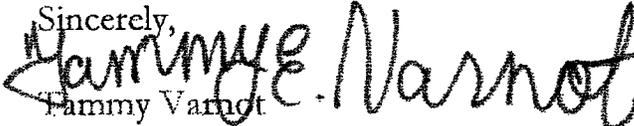
The aim of this letter is to present the good character of Rebecca Ocain. We have worked together for the past 4 years at the San Diego District Attorney's Office in the Family Protection Division. I am currently assigned as her Paralegal.

I have witnessed her hard work, dedication and caring for the victims and their families in these very difficult cases. I can speak for her great work ethic.

She is well-regarded among all the staff in the Family Protection Division.

Rebecca is a kind and caring person.

Thank you for taking the time to read this letter.

Sincerely,

Tammy Varnot



Timothy Campen – Attorney at Law
2720 5th Avenue, Suite I
San Diego, CA 92103
619-202-7707 • Fax: 619-202-7767

October 15, 2015

The Honorable Matthew Braner, Judge Presiding
Department 3
San Diego County Superior Court, South County Division
500 3rd Ave.
Chula Vista, CA 91910

Re: Sentence Recommendation – Rebecca Ocain – Case # S234387

The Honorable Judge Braner:

I was asked by Ms. Ocain's attorney, Gregory Turner, to provide my opinion as to what would constitute a standard sentence for the above entitled case, based on the charges and facts therein.

By way of background, I served as a Deputy City Attorney for seven and a half years. In that time, I was the Head Deputy City Attorney of the Screening and Arraignment Unit for nearly a year and a half. I presided over the filing, plea offers, arraignment and negotiations of tens of thousands of misdemeanor filings, including thousands driving under the influence cases. As a Deputy District Attorney of over five years, I filed, arraigned, negotiated and took to trial many driving under the influence cases in the South County courthouse. And as a private criminal defense attorney for the last four and a half years, I have personally handled over a hundred of these cases at all phases.

In preparation for my opinion in this case, I reviewed all the available police reports, lab results and other discovery as provided by the prosecution. It is my understanding the Attorney General's office is demanding 90 days of actual custody time. This amount of jail time, or any amount of actual jail time, is inconsistent with the how similarly situated cases are sentenced throughout the county.

In my experience, I cannot say I have every personally handled, nor even heard of, even a high blood alcohol, second DUI with a non-injury hit & run where 90 days of actual custody was imposed or even seriously considered.

Such a demand is not only grossly out of step with the norms for similar cases in San Diego county, but have no correlation to the Court's own sentencing guidelines. It is similarly inconsistent with my experience with such cases in Riverside, San Bernardino, and Orange Counties.

The Attorney General's position of actual jail time, particularly of the amount asked for is so far beyond the norms for similarly situated cases, it has the appearance that Ms. Ocain is being singled out for substantially harsher punishment because of her position as a prosecutor.

In my experience, an early resolution of a case with facts as presented here, particularly if the accused has taken concrete and sincere steps to address her substance abuse issues, would warrant that which is directed in the sentencing guidelines. That would be 4 days of work release or CPAC, and just over 37 days of work service, or that total amount of days in CPAC. This would especially be the case here, where the accused is likely to endure substantial consequences in addition to those imposed by the Court, as Ms. Ocain can expect with her employment and the State Bar.

I fully appreciate every case is unique and considered by the Court on its own particular merits. This letter is only to provide insight as to the norms for sentencing of such cases in my experience over the last 17 years practicing as both a prosecutor and a private defense attorney in this county concerning driving under the influence cases. I express this even as Ms. Ocain is my adversary in court proceedings.

Please do not hesitate to call on me should you require anything more.

With deep respect,



Timothy Campen - Attorney at Law

ELISABETH SILVA

October 21, 2015

The Honorable Matthew Braner, Judge Presiding
Department 3
San Diego Superior Court, South County Branch
500 3d Avenue
Chula Vista, CA 91910

Re: People v. Rebecca Ocain, S234387

Dear Judge Braner,

I write to you today at the request of Ms. Ocain's attorney, Gregory Turner to provide input as to what would constitute a standard sentence in this case based on the charges and underlying facts of the case.

Mr. Turner felt my input would be valuable because I retired in February of 2015 after 25 years as a Deputy District Attorney in San Diego County. Over the course of a quarter of a century, I have handled all types of felony and misdemeanor cases ranging from murder, sexual assault, crimes of violence, robbery, drug cases, property crimes and driving under the influence. I served the people of San Diego as a trial DA, in the Issuing department, in the Appellate Division and in various calendar departments. For the five years prior to my retirement, my full time assignment was the Arraignment Department in the North County Branch of the San Diego Superior Court. In the Vista Courthouse, the Arraignment Department handles both felony and misdemeanor cases on a daily basis. My duties included arraignments, bail reviews, plea negotiation and sentencing. I can safely say that over the course of my career I have personally handled thousands of cases involving driving under the influence including cases with multiple prior convictions and high blood alcohol levels.

I reviewed the charges, police reports, witness statements, collision report and lab results as well as the DMV printout. A case of a similar nature in the North County Branch would have received an offer of Ct. 1 or 2, dismiss balance with a Harvey Waiver and an agreement to pay restitution. When Judge William Gentry took over in January of 2014, he made a concerted effort to bring the North County Branch in line with the county-wide San Diego Superior Court Standard Sentencing Guidelines. As such, on a plea to the sheet Ms. Ocain could expect to receive a sentence of 5 years of probation, \$2,635 in total fines plus \$150 PRRF suspended, 96 hours of custody plus another 30 days of public work service for the high blood alcohol level, MCP, MADD, referral to the Substance Abuse Unit, a 30 day vehicle impound if applicable and a Watson advisal. In this case, Ms. Ocain also pled guilty to VC20002, which puts an additional 7 days public work service into play. The court has discretion to run the sentences and fines concurrently or consecutively. Based on my experience, I believe it likely that the fines would be concurrent. We generally left it to the defendant whether they wanted to serve the 96 hours in county jail, take it as two weekends in jail or combine the public work service with the 96 hours for a total sentence on CPAC. Assuming the additional 7 days were to run consecutive, the maximum custody for Ms. Ocain would be 141 days, to be served on CPAC with alcohol monitoring.

ELISABETH SILVA

I do not know Ms. Ocain. We were members of the same office for a number of years, but our paths did not cross. I recognize that she has a tough road ahead of her and I wish her well. However, she should not be singled out for special treatment and harsher punishment based on her employment status. I believe justice is best served when individuals who are similarly situated are treated equally. With the passage of Prop 47, I have not heard of a second DUI case in which a defendant received 90 days of actual custody. In my experience, the custody portion of nearly all DUI cases are now served on CPAC. I should also point out that because Ms. Ocain is a deputy district attorney, any actual custody imposed would necessarily be served in protective custody which creates difficulties for the deputies at the Las Colinas Detention Facility.

[Sincerely,]

Elisabeth Silva

JOSE GARZA BADILLO
ATTORNEY AT LAW

427 "C" STREET, SUITE 306
SAN DIEGO, CALIFORNIA 92101

TELEPHONE (619) 234
FACSIMILE (858) 262

October 23, 2015

Honorable Matthew Braner
San Diego County Superior Court
Southbay Division

Dear Judge Braner:

This correspondence serves as a letter of support for Deputy District Attorney Rebecca Ocain. I am well aware of the circumstances surrounding her prior conviction and current case pending in the Southbay Division of the San Diego Superior Court. First, I will address the case itself: We all agree that there must be punishment for criminal acts but we also must look at the individual and the actions they have taken to address the reasons they are before the court. This should be the case for any person accused of a crime despite race, gender, class or who their employer is. It has never been my experience with any client that they be sentenced to serve actual custody for a second offense misdemeanor DUI.

Secondly, I will address the individual: Rebecca and I have been on opposing sides on many cases including three separate life 288 trials. As the court is well aware, these cases are emotional and difficult not only to the victims and their families but all those involved, including judges, staff, jurors, defense attorneys and prosecutors. Rebecca has dedicated her career to those victimized in the most horrendous manner imaginable. Through these cases she has remained a zealous advocate but has always shown the utmost integrity as a prosecutor and a person. I am also aware of the personal tragedies that Rebecca has endured in her life. I mention this not to provide an excuse but to provide perspective as to why she is now before the court.

Rebecca has embarked on the most important journey in her life and has taken the necessary steps to address her problems. As such, I respectfully ask this court to consider ~~the aforementioned factors and allow her to continue on her road to recovery and not impose custodial sanctions.~~

Very truly yours,

s/Jose Garza Badillo
JOSE GARZA BADILLO, ESQ.

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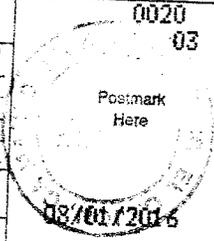
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SEARCH

Re: Case 15-C-15017 Rebecca Ocain Inbox x

- Inbox
- Starred
- Sent Mail
- Drafts (2)**
- CA BAR
- Marshall Estate
- MCLE



Rebecca

Make a call

Also try our mobile apps for [Android](#) and [iOS](#)



Sanchez, Amanda <Amanda.Sanchez@calbar.ca.gov> 8:53 AM (5 hours ago)
to me

Dear Ms. Ocain,

I am confirming that I received your Response To Notice of Hearing on Conviction document, however, it appears that the court clerk did not file your response due to filing requirements that were not met. I'm sure that if you have not by now, you will notice from the court indicating exactly what needs to be corrected in order to have response filed with the court.

Nevertheless, I reviewed your response and I just wanted to invite you to review the Bar's Lawyers Assistance Program (LAP) and the Alternative Discipline Program (ADP) the information is on the State Bar's website. Here is a link <http://www.statebarcour.gov/ProceduresProgramsandRules/AlternativeDisciplineProgram.aspx>

I'm looking forward to meeting with you on August 22, 2016.

Best,

Amanda F. Sanchez | Deputy Trial Counsel