



April 4, 2024

Sacramento District Attorney's Office
Attn: Mr. Thien Ho
901 G St.
Sacramento, CA 95814
HoT@sacda.org
daoffice@sacda.org
Via electronic mail

Re: Report re Detective Melanie Catanio, Post ID C38-T99 for: perjury; personal bias; destruction of evidence; witness tainting; *Brady* violations; and Folsom Police Sgt. of Internal Affairs David Canepa for probable perjury

Dear Mr. Ho:

This letter is to report Detective Melanie Catanio, formerly a sworn officer of the Folsom Police Department and currently employed by the Anderson Police Department ("Catania"), for several instances of serious misconduct which may trigger decertification pursuant to Penal Code section 13510.8. Catania should also be investigated for committing perjury as set forth in Penal Code section 118 and considered for felony criminal prosecution.

In addition, as explained at the end of this letter, you may also wish to investigate Folsom Internal Affairs Sgt. David Canepa for his concealment from the Sacramento Superior Court during a *Pitchess* hearing on July 7, 2021 of the O'Neel tort claim filed against Catania on June 17, 2021 and rejected by the City of Folsom on June 24, 2021.

Catania's documented history of serious misconduct includes:

I. DISHONESTY – PERJURY IN O'NEEL DEPOSITION RE PRIOR LAWSUITS

On June 29, 2021 Mrs. Faun O'Neel and her minor children ("O'Neel Family") filed a government tort claim with the Folsom City Clerk alleging wrongdoing by Detective Melanie Catanio during the course of her child abuse investigation of their family. See Exhibit 1. The City of Folsom rejected their tort claim on or about June 24, 2021. See Exhibit 2(a). The O'Neel Family thereafter filed suit against the City of Folsom, Catania, her supervisor Lou Wright and other defendants in United States District Court on December 24, 2021 (the "O'Neel Litigation"). See Exhibit 2 at ¶ 54. The City of Folsom and Catania were each represented by both the Folsom City Attorney's Office as well as outside counsel John Whitefleet of the law firm Porter Scott ("Whitefleet") in the O'Neel Litigation. See Exhibit 3. The O'Neel Family amended their civil complaint several times, with each version providing detailed accusations against Catania describing her illegal search and seizure of children, witness tainting, making demonstrably false

accusations, intentional failure to record child witness interviews, and manipulation of evidence. See Exhibits 2 and 4.

On September 6, 2023 Catanio was deposed in the O’Neel Litigation wherein she was represented by Whitefleet, who actively participated in the deposition. See Exhibit 5. During her deposition, Catanio was placed under oath and asked “in the past ten years, were you a party to any civil suit?” To which, Catanio provided an unqualified answer: “No.” Ex. 5 at p. 23, lines 7-9. As is customary in civil lawsuits, on or about September 12, 2023, a draft transcript of Catanio’s deposition testimony was provided to Catanio and her counsel with a letter from the court reporting service requesting that any changes to the transcript be made by Catanio within 30 days thereof. Exhibit 6. More than thirty days later, the court reporting service confirmed in writing that neither Catanio nor her counsel provided an errata sheet to make any corrections to Catanio’s deposition transcript in the O’Neel Litigation. Exhibit 7. A few months after Catanio’s deposition (and without filing any dispositive motions to try and end the O’Neel Litigation against them), the City of Folsom and Catanio settled with the O’Neel Family for \$400,000 on March 19, 2024. Exhibit 8.

Setting aside the flagrant Constitutional violations that Catanio admitted to during her September 2023 deposition in the O’Neel Litigation, she testified under oath to at least one demonstrably false fact that can be proven untrue through date-stamped judicial filings. Namely, Catanio perjured herself when she testified during her deposition in the O’Neel Litigation that she had not been a party to any other civil lawsuits in the last ten years. Ex. 5 at p. 23, lines 7-9. When in fact, *less than one year before her denial*, both Catanio and the City of Folsom had also been sued by another minor child Plaintiff “G.L.” *for strikingly similar conduct committed by Catanio in another child abuse investigation*. See Exhibit 9. On October 4, 2022, Catanio was duly served with the summons and complaint in the lawsuit filed by G.L. See Exhibit 10. Catanio and the City of Folsom were represented by the same attorney in both the O’Neel Litigation and the lawsuit filed by G.L. Attorney John Whitefleet of Porter Scott filed numerous responsive pleadings on behalf of Catanio. See Exhibit 11 and 13. Pursuant to the rules of the State Bar of California, Whitefleet would have no authority to sign and file any documents on Catanio’s behalf without her express consent to allow Whitefleet to represent her in the G.L. case. Catanio was therefore well aware of the lawsuit filed against her by G.L. in late 2022 at the time she testified in the O’Neel Litigation deposition in September of 2023.

Like the O’Neel Family, G.L. amended his civil complaint several times, with each iteration describing detailed allegations against Catanio for destroying evidence, illegally searching and seizing children, witness tainting, and personal bias. See Exhibits 9 and 12. The allegations contained in the civil complaints filed by G.L. and the O’Neel Family were strikingly similar. *Id.* See also Exhibits 1, 2 and 4. One does not easily forget a case like the G.L. complaint and the motion practice that followed, so it is impossible that both Catanio and her counsel accidentally forgot to disclose this lawsuit. Rather, they were provided with ample opportunity to rectify Catanio’s misstatement(s) of fact after being provided with a draft transcript of Catanio’s deposition testimony in the O’Neel Litigation. Exhibit 6. Despite the fact that Catanio and the City of Folsom were represented by Whitefleet in both the O’Neel Litigation and the lawsuit filed by G.L., Catanio did not make any corrections to her deposition transcript in the O’Neel Litigation. Exhibit 7. It is therefore obvious that Catanio intentionally sought to conceal the existence of the lawsuit filed against her by G.L. less than one year prior by perjuring herself in the O’Neel Litigation. Whitefleet – the taxpayer-funded counsel representing both Catanio and the City of

Folsom – sat by while Catanio perjured herself during her deposition, then made no corrections to the testimony that both he and Catanio knew to be false.

Also relevant to Catanio's deposition in the O'Neel Litigation is transcript pages 160-168 and Exhibit 26 to her transcript (which is attached with Ex. 5). Catanio told CPS that obtaining a SAFE interview without an opportunity for the parents to "taint" the children was one of the reasons she removed the O'Neel kids from their home without a warrant. One of the key omissions that counsel honed in on was that Catanio NEVER informed the CPS employees that the child witness had RECANTED his claim that Mrs. O'Neel had choked him during the SAFE interview. Page 2 of Exhibit 26 (attached with Ex. 5) from the Catanio deposition transcript contains an email from Catanio to CPS after the SAFE Interview in the O'Neel case which demonstrates that Catanio exhibited the same bias with the O'Neel kids that she did with G.L.: Catanio refused to believe the child when they said that they were not abused, and insisted on proceeding with felony charges against the parents for child abuse – despite the fact that CPS interviewers at the SAFE Center believed the children that they were not abused.

II. PERSONAL BIAS – SEXUALLY ABUSED AS A CHILD BY HER RELATIVE

The O'Neel Family alleged that Catanio told the O'Neel children, in an effort to "relate" to them during their interviews, that Catanio and her sibling had suffered trauma during their childhood and that Catanio was a victim of child abuse. Exhibit 4 at ¶ 50. During her deposition in the O'Neel Litigation, Catanio stated that she would sometimes seek to establish a rapport with child witnesses by relating to them. Exhibit 5 at p. 154-157. Catanio was not asked in the O'Neel deposition directly, nor did she answer, whether Catanio had in fact been abused as a child. *Id.* However, Catanio intimated during her O'Neel testimony that her disclosures to the O'Neel children regarding her own childhood trauma were merely a tactic used to elicit cooperation from witnesses. *Id.*

A search of the Shasta County Superior Court docket reveals that Catanio divorced her ex-husband Ryan Coker in 2010 in Shasta County. Exhibit 14. Ryan Coker confirmed verbally and via a written declaration that Catanio made claims to him during the course of their marriage and relationship that Catanio had been sexually abused as a child by her relative. Exhibit 15. Ryan Coker may be reached on his mobile telephone at (530) 782-2966, or he resides at 6745 Sacramento Drive in Redding, California, 96001.

Catanio's history of childhood trauma sheds light on why she persistently places her thumb on the scale of justice when she investigates crimes against children. Assigning an officer who was abused as a child to investigate claims of child abuse defies common sense and violates policing best practices. Yet her current position with the Anderson Police Department involves supervising other detectives and directly investigating claims of child abuse.¹

III. DESTRUCTION OF EVIDENCE – DELETED EXCULPATORY AUDIO RECORDINGS OF CHILDREN'S INTERVIEWS IN LANE CRIMINAL CASE; HID AUDIO RECORDING OF HER THREATS TO ILLEGALLY SEIZE LANE CHILDREN

¹ It is likely that Catanio was dishonest with the Folsom Police Department during the hiring/screening and/or psychological testing process(es) when she failed to disclose her childhood sexual abuse. Catanio's employment records should be carefully scrutinized to determine whether Catanio made any misstatement(s) during her application/hiring process.

Attached as Exhibit 16 are the reports prepared by Catanio on December 11, 2018 summarizing her interviews of the two youngest Lane children at their school on December 4, 2018 (one full week after they were interviewed) in connection with Catanio's criminal investigation of their mother, Mrs. Patricia Lane. Catanio's perfunctory reports concluded that both children denied abuse at home. *Id.* The audio recordings of these school interviews, which the prosecutor described as "exculpatory," were particularly important because that was the first contact the youngest Lane children had with law enforcement, so their recollection was fresh and there had not been an opportunity to taint their testimony. The report summarizing the Lane school interviews contains an admission by Catanio that she attempted to taint G.L.'s testimony at the outset of his interview, and also falsely states that she uploaded the audio recording of G.L.'s interview into LYNX as evidence:

I told CV4 that one of his brothers told me they saw P. Lane do some inappropriate things to his body.

The following is his response:

*They are lying. Which brother said that? I think I'm fine. I think they are lying. Do you know if they are saying these things happened to me when I was younger? Was I younger? I don't recall. They have to be lying, because I don't recall. They have been jerks and have been lying about all kinds of things lately. I don't remember what the lies were, but all three of them are liars, yeah. They are all drama starters. I went to a funeral about 4 months ago, and I was next to my brother CV3. He always starts drama, but since I was sitting next to him when we went to dinner, he didn't start any drama because he wouldn't do that around his younger brother. I mean maybe they aren't total-y lying, maybe they are telling the truth about some things. It would make sense that they are lying because I don't recall being physically abused. I probably was asleep or something like that. There is nothing inappropriate happening at home to my body. But my parents do things that they say are joking around. They say that I have a big butt, and I believe them about that, I'm fine with that and I kind of want to have a big butt. I feel safe going home. I think my mom will be annoyed about you being here. She doesn't like people talking about our brothers and what they have done, so I will keep it to myself *****Conclusion of CV4 statement. ******

The interview was audio recorded and later booked into lynx as evidence.

However, it became clear that Catanio never booked the audio recordings of the Lane children's school interviews into LYNX as evidence as her report stated. Exhibit 17 is a supplemental report drafted by Catanio on January 26, 2021 claiming that her complete loss of the audio files was inadvertent and detailing the supposed efforts she took to retrieve the exculpatory audio of the Lane children's interviews. Catanio eventually admitted at the Lane criminal trial in August of 2021 that the audio files of the Lane children's school interviews were not uploaded into LYNX as evidence. See transcript excerpt attached as Exhibit 18 at p. 1425 line 10; p. 1460. In contravention of best practices, the forensic detective referred to in Catanio's supplemental report who supposedly tried to help her retrieve the lost data was not identified by name and did not provide a supplemental report or declaration memorializing the steps undertaken to retrieve the audio files of the Lane children's school interviews from Catanio's computer and/or cell phone. Catanio's supplemental report about her supposed efforts to retrieve the Lane audio recordings of the children's school interviews was approved by her supervisor Lou Wright *the same day it was drafted – despite her failure to attach any supporting documentation from the forensic detective Catanio purportedly consulted with when she supposedly "exhausted her efforts".* *Id.*

Catanio provided a screenshot of her iTunes library with her supplemental report to support her contention that the exculpatory audio interviews of the Lane children could not be retrieved. *Id.* at p. 3. Unbeknownst to Catanio, her iTunes screenshot inadvertently contained the title of yet another key witness interview that Catanio conducted in the Lane investigation which had not been produced to the defense: Robert Lane. *Id.*

The previously undisclosed audio of Robert Lane recorded Catanio separating the two youngest Lane children from their father at the SAFE Center interview and threatening Defendant's husband with illegal seizure of his children if he did not consent to yet another (third) interview of his children. Exhibit 19 is a June 28, 2019 audio recording of Catanio – who was armed with a gun – separating Mr. Lane from his children at the SAFE Center after he had revoked his consent to their interview. Catanio threatened to seize his children if Mr. Lane did not agree to the warrantless interviews. Mr. Lane had never been accused of abusing his children, and at that time Catanio knew that the criminally accused Mrs. Lane was in custody at the Sacramento County Jail, which means that there were no exigent circumstances to justify Catanio's warrantless search/seizure of the Lane children. It was only *after* Mrs. Lane's defense attorney recognized the unfamiliar entry "Robert Lane" on Catanio's iTunes library screenshot (see Ex. 17 at p. 3) and made a specific written demand on the Sacramento District Attorney's Office that the audio recording of Catanio's Fourteenth Amendment violations against Mr. Lane and his children were finally produced – which was more than *two years* after the date of the recording.

Catanio intentionally sought to conceal the audio recording of her threats to Mr. Lane because she knew the warrantless search and seizure of the Lane children at the SAFE center constituted grounds for a lawsuit against her. Indeed, that audio eventually served as the partial basis for G.L.'s lawsuit against Catanio and the City of Folsom years later. See Exhibits 9, 12. Mr. Lane is willing to authenticate the audio recording attached as Exhibit 19, truthfully testify to these facts, and/or sign a sworn affidavit regarding his interactions with Catanio. His telephone number is (916) 276-8081 and his address is 5637 Main Avenue, Orangevale, CA 95662.

IV. WITNESS TAINTING – LANE CHILDREN AND THEIR FAMILY + O'NEEL CHILDREN AND THEIR FAMILY = SAME PATTERN

The transcript of G.L.'s compulsory SAFE Center Interview is attached as Exhibit 20. Page 9 thereof memorialized Catanio's efforts to taint G.L.'s witness testimony:

"And she. they um, the. the detective, um, we met them at our school once we met her at our school once because we had to go we had to go see her and, um, she said that I was assaulted when I was 5 and I'm - and I said no I wasn't."

As evidenced by the SAFE Center interview transcript of G.L. at Exhibit 20 and G.L.'s subsequent trial transcript dated August 2-3, 2021 attached as Exhibit 21, G.L. never accused his mother of abusing him. Hence the jury's "not guilty" verdicts on all three of the charges against Mrs. Lane that pertained to G.L. During his August 2021 trial testimony at p. 1278 of Exhibit 20, G.L. again recalled Catanio's attempts to manipulate his testimony:

Q: When you were meeting with the female police officer, did she tell you that your brothers had said

that you had been sexually assaulted?

A: Yes, she did.

Catanio blamed her lie about G.L. being sexually abused on his older brother Christian, whom Catanio claimed reported to her that he witnessed his younger brother GL abused at home. See Ex. 16 at p. 2. However, GL's older brother Christian later testified at trial in July of 2021 that he *never* witnessed or reported anyone else being sexually abused. See transcript excerpt attached as Exhibit 22 at p. 848-849:

Q: And I believe you said to the detective, and maybe earlier today, that you never saw anyone else being sexually abused in the house; correct?

A: Never.

During her cross-examination testimony at the Lane trial in August of 2021, Catanio rifled through her investigation notes for more than thirty minutes while the jury sat in silence while she unsuccessfully tried to substantiate her claim that Christian reported seeing his younger brother G.L. sexually abused. See transcript excerpt attached as Exhibit 23 at p. 1475-1481.

During the Lane criminal trial, G.L.'s grandmother Nancy Burns testified that she learned of Catanio seeking to taint the testimony of the older Lane children when she spoke to Christian during the pre-trial investigation. See transcript excerpt of Mrs. Burns' testimony dated August 5, 2021 attached hereto as Exhibit 24 at p. 1711:

He [Christian] told me that the lady detective from Folsom told him and Bob that there would be more credibility to their case if they had more people come forward, so he was going to join, and come to the district attorney's office to make allegations, but he never told me he was molested.

Catanio did not deny witness tainting when she was asked about it under oath at pg. 1498 of Ex. 23: Catanio was asked, "Isn't it true that you told Christian that if there are – the more alleged or the more alleged victims there are, the more credible the claim will seem?" Catanio again developed spontaneous amnesia when she replied to being confronted with her witness tampering: "I don't know if I told him that or not." Catanio went on to admit (at p. 1533-1535 of her trial testimony at Ex. 23) that she had no legitimate law enforcement reason to tell witnesses about what other witnesses said.

During the pre-trial investigation of Mrs. Lane, Catanio interviewed multiple family members whom she knew would be witnesses in the case and intentionally sought to convince them that Mrs. Lane's youngest son G.L. had "made a disclosure" about his mother sexually abusing him, including GL's aunt, GL's uncle, and GL's grandparents....all of whom later testified at trial. Catanio's mischaracterizations of GL's contact with his mother were eventually demonstrated to be false by GL himself. See Exs. 16, 20 and 21. Attached as Exhibit 25a is an audio recording of Catanio's pre-trial interview of G.L.'s aunt Mary Anne on July 23, 2019; Exhibit 25b is an unofficial transcript of the same interview for the reader's ease of reference. At page 24 of Exhibit 25b, Catanio interjected to seek to dissuade G.L.'s aunt from believing her nephew's repeated denials of abuse by grossly mischaracterizing GL's interview at the SAFE

Center (compare to transcript of GL's SAFE interview at Ex. 20 which was benign). This cross-contamination by Catanio was blatant witness tainting, and the same behavior was also demonstrated by Catanio in the O'Neel Litigation:

Catanio: You are speaking at two people who work sexual assaults all the time, particularly child sexual assaults. Uhm, and what I will tell you is I'm not sure how much was shared with you in court today. Uhm, but the description that George gave during his interview-

Mary Anne: Mhmm.

Catanio: was not, "mom was helping me with one thing or another". Okay, it was an hour long, nearly, interview, very descriptive. Uhm, and we don't- uh- ah, we're parents. I'm a parent. I- I get the difference between wiping your kid or your kid telling you their crotch hurts or penis hurts and you having to look at their- their- their private area and sometimes help them wipe areas where you normally wouldn't. I get it. I'm a parent.

Mary Anne: Mhmm.

Catanio: Uhm, but when a child is describing something more than that, far beyond that, uhm, that any adult would know is inappropriate se- contact, uhm, that's where these charges stem from. Uhm, and that's where were at with George. I mean, to be honest with you, I didn't expect anything at all in talking with him. Uhm, I really didn't. Uhm, it- so, but what was described was not, "mom was helping me out".

Mary Anne: Okay, and again, I just read the com- complaint.

Catanio: Sure.

Mary Anne: I just read like the-

Catanio: Yeah, I get it.

Mary Anne: Uhm ... and so I, you know, haven't seen the video or whatever. But, I can say that George and Irish are staying with me at my house right now-

Catanio: Mhmm.

Mary Anne: and the last thing they said to me before I drove down here was, "give my mom a big hug. We're so glad that she's out of jail". You know? It was not... you know, I guess my thing is George was very concerned about Patti, wanting her to get out.

Catanio: Mhmm.

Mary Anne: I didn't talk to him about any, you know, sexual abuse allegations. I've been trying to keep them in as much of what is like a normal summer as possible.

Catanio: Sure.

Mary Anne: So, that they don't have, you know, too much stress on their plates. They're both very, quite young. Uhm, so again, I- when it comes to George, you know, I- I don't know what he said. I have no reason to disbelieve him, you know, anything like that. When it comes to Bob and Christian, there's a whole nother story there.

Catanio: And I see this.

Mary Anne: So, I get that. And so-

Catanio: I see this.

Mary Anne: you know, you got to do your job. I get it. I just wanted you guys to know that there's this whole other dimension with that older group of kids.

Catanio: Yeah.

Mary Anne: And, if you're gonna get one of them to flip and tell you the truth, it's Brian. I would think.

Catanio: And I get where you're coming from with this stuff, right? Which I appreciate you obviously, you have done a lot of leg work. What I'm asking is as the- as the aunt and someone from an outside perspective because obviously, you have a whole ton of

perspective and experience with this family. I mean, for goodness sake, you know, you're-you're their aunt. Uhm, is- what motivation would George have in making a disclosure? Mary Anne: I- I'm not aware of any. I mean, I've seen and visited with them on multiple occasions over the last couple of years. George and Irish have always seemed very well adjusted. And, uhm ... you know, I- like I said, he's been asking for his, mom.

The O'Neel Litigation revealed that Catanio similarly tried to taint witness testimony in that investigation by making false statements to family members about the defendant, as described on pages 10-12 of the third amended complaint filed as Ex. 4:

48. Also, while at the front door, out of "nowhere," CATANIO accused Faun of having had her children previously removed due to [D.O.]g abuse. This assertion was as shocking as it was untrue and Faun told her so; CATANIO charged on ahead with her plan to remove all of the children simply saying that's what her records "show."

49. Faun had never had any of her children removed from her home for any reason in the past related to any claim of [D.O.]g or alcohol abuse. She did have one child whose placement was changed from her house, but the child was suffering rather serious mental health issues with accompany unacceptable behavior issues, which included fabricating claims against Faun. and Faun asked that she be removed from her care. Plaintiffs are informed and believe, and thereon allege, that CATANIO intentionally made this knowingly false accusation about prior removal of children due to Faun's [D.O.]g abuse, in order to further terrorize Plaintiffs, particularly Faun
50. When CATANIO took the children back to the CITY police station CATANIO interviewed B.T., A.O, D.O., and A.T. During the interviews, CATANIO, in an apparent effort to "relate" to the children, told the children about trauma that she and her sibling had purportedly suffered during their own childhood and stated that she was a victim of child abuse.

Plaintiffs are informed and believe that CATANIO and/or WRIGHT also, on the way to CITY Police Department stopped to pick up food for the children at Chick-fil-A and during that time in the patrol car, also questioned the children, yet made no recording of any of those conversations.
53. Plaintiffs affirmatively allege, due to obtaining audio-recordings, that CATANIO's interviews of the children at the police station were conducted in a wholly inappropriate manner in direct contravention of the breadth of knowledge regarding both the impropriety and ineffectiveness of suggestive and leading questioning of minor children.

By way of example as to just how bad these interviews were conducted by CATANIO, when interrogating the child, A.O., CATANIO misrepresented to the child what her other siblings had said or felt, projected her own (CATANIO's) thoughts of how the children should feel, e.g. "it's scary to have to be home after that and feel the frustration or anger from mom and dad," and unbelievably, she relayed her own childhood experiences of abuse, all in an effort to coerce and pressure the child to give a version of the facts that CATANIO wanted.

57. Throughout her entire interrogation of the children, CATANIO employed the use of leading questions to improperly put words in the mouths of the children or to suggest the responses that she desired.

58. CATANIO went so far as to pressure and put fear into the children by outrageously suggesting that Faun could be responsible for causing the death of one or more of the children, if the children did not provide the answers she wanted:

“I work these cases all the time, right? All it takes is for a reaction like that to go a little too far and then it’s too late for [D.O.] And I don’t want it to be too late for [D.O.] And I don’t want it to be too late for you. I don’t ever wanna have to have that call that we are sitting here today and we could have prevented that from happening. And that something goes on and you kids go back there and there’s another reaction, but this time it went too far. Do you understand what I’m saying? Do you get where I’m coming from?”

V. DISHONESTY – PERJURY IN LANE PRELIMINARY HEARING AND CRIMINAL TRIAL TESTIMONY

Catanio committed perjury in her November 12, 2019 testimony during the *People v. Patricia Lane* preliminary hearing when she testified as follows (see pg. 72 of transcript excerpt attached as Exhibit 26):

Q: Did Christian indicate to you during this interview whether or not he had observed his mother, the defendant, doing anything to any of the other boys?

A: He said in here, I didn't know it was happening to my to Brian and Bob. But then he did state that when they were on Brophy Drive that he witnessed his that he witnessed Patricia put her fingers up -- I'm sorry. I'm trying to connect the numbers up -- Bob and George's anus and also grabbing their testicles.

As demonstrated by Christian’s sworn trial testimony in July of 2021 at p. 848 of Ex. 22, as well as Catanio’s own admissions in the *Lane* trial (see p. 1477-1480 of Ex. 23), there is absolutely no record of Christian *ever* telling Catanio that he saw his mother sexually abuse his younger brother(s) GL or Bob. Despite spending more than forty minutes in open court rifling through her investigative files while unable to locate substantiating documentation, Catanio conveniently developed amnesia and claimed that she may have neglected to record all relevant witness interviews. When cross-examined at trial about how she could have made such a serious allegation at the preliminary hearing without any record or memory of Christian saying that to her. (Ex. 23 at 1477-1480). Catanio had no valid excuse to proffer. This major discrepancy in her preliminary hearing testimony in 2019 was undermined by *both* Christian and G.L.’s trial testimony – as well as her own trial testimony – in 2021.

During the *Lane* criminal trial, the defense questioned Catanio under oath regarding her supposed efforts to retrieve the exculpatory audio recordings of the youngest Lane children at school. See Ex. 18. Catanio finally identified the name of the Folsom PD forensic detective

referred to in her supplemental report regarding the retrieval of the Lane children's school interview audio: Shawn Rowberry². *Id.* Catanio perjured herself at least twice during the *Lane* trial: On page 1467 of Ex. 18, she was asked "He [Rowberry] told you that he was unsure and inexperienced with Apple products?" Catanio replied, "Yes." Later, on page 1471, Catanio was asked, "But you said in your report that he [Rowberry] is inexperienced with Apple products, right?" Catanio answered, "That's what he told me." Catanio knew that her statements regarding Detective Rowberry's inexperience with Apple products and the statements Rowberry made to her to that effect, were false when she testified.

Detective Shawn Donald Rowberry departed the employ of the Folsom Police in or around 2021 and relocated out of state. His telephone number is (916)247-2721 and his home address is 14377 American Holly Dr., Nampa, ID 83651. Detective Rowberry was interviewed in connection with the preliminary investigation of Catanio, however he declined to provide a sworn declaration in this matter despite repeated assurances that the declaration would not be used against the City of Folsom to establish civil liability. Rowberry's testimony will likely have to be compelled by subpoena or other means available to POST. However, on information and belief, Rowberry would testify (if compelled) that he was a forensic detective employed by Folsom Police Department who had experience with Apple products in 2020, and that Rowberry never told Catanio nor anyone else that he is inexperienced with Apple products. Such testimony would definitively prove that Catanio perjured herself twice during her testimony at the *Lane* trial in August of 2021.

Attached hereto as Exhibit 27 is a certified transcript of an evidence suppression hearing dated January 19, 2021 from the *People v. Gregory Harms* case. Both Catanio and Detective Rowberry were called to testify under oath at that hearing, which involved Catanio's illegal search and seizure of a suspect's Apple iPhone. Detective Rowberry testified that Catanio asked him to bypass a locked iPhone security system to search the cell phone of Catanio's suspect, Gregory Harms. *Id.* Rowberry further testified that he was able to obtain the data Catanio requested, and that he had over 500 hours of training and extensive experience as a forensic detective. Catanio and Rowberry testified one-after-the-other in the *Harms* hearing in January of 2021, which means that Catanio was indeed familiar with Rowberry's experience as a forensic detective who has experience with Apple products when she testified at the *Lane* trial in August of 2021 that she "didn't know" Rowberry was a computer forensic expert or what he testifies to. *Id.* at p. 1467-1469. Rowberry's testimony in the *Harms* transcript at Ex. 27 – where both he and Catanio were present to testify regarding Rowberry's extraction of data from an iPhone – undermines the veracity of Catanio's claims of ignorance about his expertise.

VI. DISHONESTY – CATANIO'S HISTORY OF WRONGDOING CONCEALED BY FOLSOM INTERNAL AFFAIRS SGT. DAVID CANEPA

² Catanio had reason to know that Detective Rowberry was reporting to a satellite office away from the Folsom Police Department headquarters as a result of a special grant at that time, so she knew it was unlikely that Catanio's supervisor would come into casual contact with Rowberry to inquire further about Catanio and Rowberry's supposed efforts to retrieve the audio recordings of the exculpatory school interviews of the Lane children.

On or about June 24, 2021, Mrs. Patricia Lane's criminal defense attorney filed a *Pitchess* motion in Sacramento Superior Court attached as Exhibit 28, which sought (inter alia) the following documents related to Catanio:

- 1. Any and all documents in the personnel records of the above name officers that record any complaint registered with the agency by any detainee, inmate, fellow officer, or private citizen alleging any fabrication of evidence, destruction of evidence, lying in a police report, or failing to properly book evidence.*
- 2. The names, addresses, and telephone numbers of all persons who filed complaints described in Paragraph 1.*
- 3. The names, addresses, and telephone numbers of all persons interviewed by the agency during the investigation of said complaints.*
- 4. All statements, written or oral, made by persons interviewed during the investigation of said complaints.*
- 5. All tape recordings and/or transcriptions thereof, notes and memoranda by investigating personnel of the agency made pursuant to investigations described in Paragraph 1.*
- 6. The names and assignments of investigators and other personnel employed by the agency in investigations described in Paragraph 1.*
- 7. All investigative reports made as a result of said complaints, excluding any "conclusions" reached by any officer investigating the complaint.*
- 8. Any and all documents that record disciplinary action commenced or imposed against the above-named Officers because of conduct described in Paragraph 1.*
- 9. The names, badge numbers, and current assignments of all officers directly involved in the events which form the basis of the criminal charges in this case, regardless whether they are named in the peace officers reports which are the bases of the information or complaint and any statement by officers involved in the instant case to investigators in internal affairs, or other police officers regarding the events which form the basis of the criminal charges in this case.*
- 10. The names of any law enforcement agency that previously employed the above-named Officer.*
- 11. Any information that might reasonably lead to evidence of the above named Officers' habit or custom for behavior described in Paragraph 1.*
- 12. Any exculpatory evidence within the meaning of Brady v. Maryland, 373 U.S. 83, 87 (1963).*
- 13. Any information concerning behavior involving moral turpitude by the above-named Officers, which would qualify as impeachment evidence under People v. Wheeler, 4 Cal. 4th 284 (1992).*
- 14. Any and all documents in the personnel records of the above named Officer that record any complaint registered with the agency by any inmate, fellow officer, or private citizen alleging conduct described in Paragraph 1, made before, or after the date of the defendant's arrest in this case.*
- 15. The written procedures established by the Folsom Police Department to investigate citizen complaints against the Department or its personnel as required by Penal Code section 832.5(a), which were utilized*

with respect to complaints against the above-named Officers.

16. The results of any internal affairs investigation in this matter.

The Lane *Pitchess* motion was filed in an effort to retrieve the exculpatory audio of G.L. and I.L.'s school interviews with Catanio – which have NEVER been produced. The motion makes clear that it was apparent at that point in the Lane investigation that Catanio's credibility was being questioned by the defense. Yet no attempt was made to disclose any of the information known about Catanio or the O'Neel tort claim to the criminally accused Mrs. Lane.

Folsom Assistant City Attorney Sari Dierking ("Dierking") filed an opposition to the Lane *Pitchess* motion on or about June 28, 2021. *Id.* The transcript of the Lane *Pitchess* hearing dated July 7, 2021 is attached hereto as Exhibit 29; Dierking called the Folsom Custodian of Records David Canepa ("Canepa") to testify under oath at the Lane *Pitchess* hearing, and Canepa purported to produce to the Court all responsive documents for in-camera inspection pursuant to the Court's order. *Id.* None of the documents regarding the government tort claim filed against Catanio by the O'Neel Family with the Folsom City Clerk several weeks prior on June 17, 2021 were provided or disclosed to the Court by Canepa or Dierking. *Id.* Moreover, Dierking and Canepa conveniently neglected to mention during the *Pitchess* hearing that Canepa was also then serving as the Sergeant in charge of Internal Affairs at Folsom Police Department. *Id.* The Sergeant in charge of Internal Affairs and the Assistant City Attorney would have been among the first people notified by the Folsom City Clerk upon filing of the tort claim against Catanio by the O'Neel Family. In fact, the City of Folsom had already taken the affirmative step of rejecting the O'Neel Family's tort claim on or about June 24, 2021. Exhibit 2(a) and ¶ 54 of Exhibit 2. The Folsom City Attorney was copied on the rejection letter from the City of Folsom via email. *Id.* Which means the City Attorney's Office had received and considered the O'Neel tort claim against Catanio several days before filing their opposition to the Lane *Pitchess* motion on June 28, 2021, and several weeks before arguing the *Pitchess* hearing on July 7, 2021.

The chronology of Catanio's complaints and lawsuits, which are based on the documents furnished herewith and appear to have never been investigated or reported by any agency, is as follows:

- December 4, 2018: Catanio interviews the youngest Lane children at school without a warrant or exigent circumstances (they had already been interviewed at home by CPS) and tells GL that "his brother(s) saw his mother do something inappropriate to his body"; both children denied abuse.
- December 11, 2018: Catanio summarizes the school interviews of GL and IL via written report which wrongly states that the audio recordings had been uploaded to LYNX as evidence but in actuality Catanio destroyed the exculpatory recordings and they were never produced to the criminally accused
- June 28, 2019: Catanio illegally seizes and searches GL and IL at the SAFE Center without a warrant or exigent circumstances, then hides the audio recording of her threats against Mr. Lane
- November 12, 2019: Catanio falsely testifies at the *People v. Lanepreliminary* hearing that GL's brother Christian witnessed their mother place her finger in GL's anus and fondle his testicles.
- December 22, 2020: Catanio seized the O'Neel children from their home/parents without a warrant or exigent circumstances; told child witnesses she was abused as child; failed to record child interviews in patrol car; asked leading questions; falsely accused Mrs. O'Neel of drug use.

- June 17, 2021: Mrs. Faun O'Neel and her family filed tort claim with Folsom City Clerk alleging serious wrongdoing by Catanio;
- June 17, 2021: Catanio sold her home in Roseville, CA to a related party (Walker) on the very same day.
- June 23, 2021: Patricia Lane's criminal defense attorney filed a *Pitchess* motion in Sacramento Superior Court alleging Catanio destroyed audio evidence of exculpatory school interviews and tainted witness testimony
- June 24, 2021: Folsom City Attorney's Office provides written notice to the O'Neel Family rejecting their tort claim against Catanio.
- June 28, 2021: Folsom City Attorney's Office files written opposition to Mrs. Lane's *Pitchess* motion.
- July 7, 2021: Folsom Deputy City Attorney Sari Dierking argues *Pitchess* hearing in Lane criminal case; Folsom PD Sgt. David Canepa, who was in charge of Internal Affairs at the time, testified and failed to disclose the O'Neel tort claim against Catanio which contained allegations very similar to the concerns raised by Lane's *Pitchess* motion
- July - August 2021: Lane case goes to trial; Catanio's perjury from her testimony at the Lane preliminary hearing is exposed by Christian and GL's testimony; lied about Rowberry telling her he lacked experience with Apple products; Nancy Burns testified about Catanio's coaching to Christian that more victims would lend more credibility to the sexual abuse allegations.
- November 11, 2021: Catanio purchased a new home in Anderson, CA
- December 2021: Catanio hastily departs Folsom PD and ALL of her cases are closed (ie NONE were re-assigned to other officers)
- December 22, 2021: City of Anderson Police Department posted a photo of Catanio to their Facebook page announcing Catanio was sworn-in as a returning officer to APD from FPD
- December 24, 2021: O'Neel Family filed suit against Catanio in federal district court in Sacramento alleging serious wrongdoing by Catanio
- March 25, 2022: G.L. filed a tort claim against Catanio with the Folsom City Clerk alleging serious wrongdoing by Catanio
- September 26, 2022: GL files suit against Catanio, City of Folsom and David Canepa in US District Court alleging serious misconduct
- September 6, 2023: Catanio falsely testified in her O'Neel deposition that she was not a party to any other lawsuit within the last 10 years; no errata was submitted by Catanio to correct her transcript.
- March 19, 2024: Catanio and City of Folsom agree to settle the O'Neel Litigation for \$400K.
- March 26, 2024: Catanio is reported to POST by the undersigned.

On information and belief, ALL of Catanio's cases were CLOSED by Folsom PD following Catanio's hasty departure in December of 2021. NONE of Catanio's cases were reassigned – presumably because Folsom became aware of Catanio's history of wrongdoing and would have to disclose *Brady v. Maryland* violations about Catanio if she were called to testify as a witness in any future case. Yet based on the Public Records Acts submitted to date, it appears that neither the Folsom Police Department nor the Anderson Police Department have duly complied with their mandatory reporting obligations pursuant to Penal Code section 13510.9.

The following Exhibits are provided herewith to support the allegations contained in this letter:

1. Government tort claim filed on June 29, 2021 by Mrs. Faun O'Neel and her minor children with the Folsom City Clerk re Melanie Catanio.
2. Complaint for civil rights filed on December 24, 2021 in the O'Neel Litigation (ECF 1).
2(a). City of Folsom letter dated June 24, 2021 rejecting O'Neel tort claim filed 6/17/21.
3. Answer to complaint for civil rights filed by Folsom City Attorney and Attorney John Whitefleet of Porter Scott law firm on behalf of Defendants City of Folsom and Catanio in the O'Neel Litigation on April 18, 2022 (ECF 17).
4. Third Amended Complaint for civil rights filed on September 5, 2023 in the O'Neel Litigation (ECF 49).
5. Deposition transcript of Melanie Catanio dated September 6, 2023 from the O'Neel Litigation. See page 23, lines 7-9, and Exhibit 26 thereto.
6. Read and sign letter to Melanie Catanio dated September 12, 2023 from Talty court reporting service re Catanio's deposition transcript in the O'Neel Litigation.
7. Email from Talty court reporting service dated November 6, 2023 confirming Catanio did not submit an errata sheet in response to her letter from Talty dated September 12, 2023 with her draft transcript in the O'Neel Litigation.
8. United States District Court Order dated March 19, 2024 confirming settlement agreement by and between minor Plaintiffs and Defendants City of Folsom, Melanie Catanio and Lou Wright in the O'Neel Litigation (ECF 96).
9. Complaint for civil rights filed on September 26, 2022, in the *G.L. v City of Folsom, Melanie Catanio, David Canepa, et al* case, together with exhibits thereto (ECFs 1, 1-1, 1-2, 1-3, 1-4 and 1-5).
10. Melanie Catanio proof of service dated October 4, 2022 for *G.L. v City of Folsom, Catanio et al* summons and complaint (ECF 14).
11. Motion to dismiss first amended complaint by Defendants City of Folsom and Melanie Catanio filed on November 21, 2022 by attorney John Whitefleet of Porter Scott in *G.L. v City of Folsom, Catanio et al* (ECF 29).
12. Second Amended Complaint against City of Folsom and Melanie Catanio filed on December 21, 2022 in *G.L. v. City of Folsom, Catanio, et al* (ECF 39).
13. Motion to dismiss second amended complaint filed by Defendants City of Folsom and Melanie Catanio on January 3, 2023 in *G.L. v. City of Folsom, Catanio et al* (ECF 41).
14. Shasta County Superior Court docket search results for Melanie Catanio indicating she divorced Ryan Coker in 2010.
15. Declaration of Ryan Coker dated March 10, 2024 signed under penalty of perjury stating that during the course of his marriage to and relationship with Melanie Catanio, that Catanio told Coker that she was sexually abused by her relative as a child.
16. Folsom PD reports by Catanio summarizing school interviews of Lane children dated December 11, 2018 approved by Andrew Bates on December 19, 2018 indicating the Lane children reported that they were not being abused and that the audio recordings of the interviews were uploaded to the LYNX database as evidence by Catanio.
17. Folsom PD supplemental report by Catanio summarizing her complete loss of the Lane school interviews and steps she supposedly took to retrieve the exculpatory recordings dated January

- 26, 2021 approved by Lou Wright *the same day* (includes screenshot of Catanio's iTunes library at page 3 which she inadvertently produced without realizing the screenshot contained reference to yet another undisclosed audio recording that had not been produced to the criminal accused: Catanio's threatening interview with the defendant's husband Robert Lane at Exhibit 19).
18. Transcript excerpt from Catanio's testimony in the *People v. Patricia Lane* criminal trial dated August 2 and 4, 2021 re her failure to upload evidence to LYNX and supposed efforts to retrieve the lost exculpatory audio of the Lane school interviews.
 19. Audio recording dated June 28, 2019 of Detective Melanie Catanio forcibly separating Robert Lane from his minor children at the SAFE Center while illegally seizing and searching minors G.L. and I.L.
 20. Transcript of G.L.'s compulsory interview at the SAFE Center on June 28, 2019. See page 9.
 21. Transcript excerpt of G.L.'s testimony in the *People v. Patricia Lane* trial dated August 2-3, 2021.
 22. Transcript excerpt of Christian's testimony in the *People v. Patricia Lan* trial dated July 28, 2021
 23. Transcript excerpt of Catanio's testimony in the *People v Patricia Lane* trial dated August 4, 2021
 24. Transcript excerpt of Nancy Burns' testimony in the *People v. Patricia Lane* trial dated August 5, 2021 re Catanio told Christian more victims = more credibility
 25. Audio recording, together with unofficial transcript, of Catanio's pre-trial interview of Mary Anne Martin dated July 3, 2019 re "Why would George make a disclosure?"
 26. Transcript excerpt from Catanio's testimony at the preliminary hearing in the *People v Patricia Lane* case dated November 12, 2019 re Christian reported seeing GL sexually abused
 27. Transcript of the pre-trial evidence suppression hearing in the *People v. Gregory Harms* case, including testimony by Catanio and Rowberry regarding Apple products, dated January 19, 2021.
 28. Lane *Pitchess* motion re Catanio filed June 24, 2021, together with City of Folsom opposition dated June 28, 2021.
 29. Lane *Pitchess* hearing transcript re Catanio dated July 7, 2021.

All of these documents, as well this letter, may be downloaded from the following link:

<https://gavrilovandbrooks.box.com/s/0trlw1cwvpxm1r85hqh7r1gws0u8x8fu>

I will also seek to deliver a hard copy of this letter with exhibits to your office in person. Thank you in advance for your time and investigation of this very important matter. Should you require any further information or documentation, please do not hesitate to contact me at the telephone number below or via email at mmartin@gavrilovlaw.com. Upon request, I am happy to provide the full text of all documents and/or transcripts which were furnished as excerpts due to length.

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Sincerely,



Mary Anne Martin, Esq.
Counsel for minor G.L.

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