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December 30, 2014

Jim Holman, Editor
San Diego Reader
PO Box 85803
San Diego, CA 92186-5803

Dear Mr. Holman:

Readers of your December 25 cover story "Taxi Driver" were shortchanged of information about the case, and so may not understand why the City Attorney's Office decided to dismiss charges against a taxi passenger accused of battering his driver.

The missing information is the account of an independent witness. His statement to San Diego Harbor Police tends to corroborate the passenger's contention that he struck the taxi driver in self-defense.

In my email communications with one of your writers, I emphasized the importance of this witness, whom I described as "the only independent witness" to the events.

Yet for some reason, that sentence was excised from my published remarks. The sentence preceding it was published. The sentence following it was published. And in between appeared the phrase "Braun continued:"

Your writer assured me that he did not consciously delete that sentence. But whether it was a conscious choice or an unconscious choice, it was the wrong choice. Readers of your 3,200-word article would not have been inconvenienced by 18 additional words.

The witness is a hotel security guard who came upon the incident as it was unfolding. He did not see the taxi window being broken or any punches thrown.

What follows is from the police report. It has been edited solely to provide necessary punctuation and to conceal identities.

(The security guard) stated as he was walking up the stairs toward the incident he heard (the passenger) make numerous statements like, "Quit following me," "Stop trying to grab me," and "Stay away from me." (The security guard) said (the taxi driver) told him that he was fine. (The security guard) told me that (the

passenger) was willing to pay for the window but that (the taxi driver) told him, "No, you're going to pay for everything." (The security guard) said (the taxi driver) seemed fine until police arrived on the scene. (The security guard) stated that when police arrived (the taxi driver) started to induce vomiting, and it appeared like (the taxi driver) was faking it.

The City Attorney's Office has a legal obligation to only prosecute cases where the evidence supports a reasonable expectation of a conviction at trial. Given this likely testimony, it was the opinion of our prosecutors that such an expectation was not reasonable.

Sincerely,

A handwritten signature in black ink, appearing to read "Gerry Braun", with a long horizontal flourish extending to the right.

Gerry Braun
Director of Communications
San Diego City Attorney's Office

GB:cs