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**For Immediate Release**

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# **District Attorney Summer Stephan Calls on LA DA to Return Criminal Cases to San Diego**

## ***DA Says Victims' Constitutional Rights are Being Violated***

San Diego County District Attorney Summer Stephan has taken the unprecedented step of filing a motion in Los Angeles Superior Court to revoke authorization for LA County's prosecution of a defendant who committed five San Diego County robberies with a gun before heading to Los Angeles and executing two innocent human being within hours of each other.

DA Stephan also sent Los Angeles County District Attorney George Gascón a letter informing him that her permission for prosecution of the San Diego cases is revoked citing Gascón's announcement that he will move to dismiss the gun allegations and the double murder special circumstance allegation, resulting in the defendant being eligible for parole in 20 years. Stephan says the Los Angeles DA's changes to the prosecution are not in the interests of justice and violate the constitutionally-mandated protection of victims' rights under Marsy's Law.

Stephan writes, "...none of the innocent store clerks who were robbed at gun point in San Diego County were allowed to provide input on whether 20 years in prison served the interests of justice or public safety. I cannot be an unwilling participant to your actions and decisions by continuing to allow your office to prosecute the San Diego robberies. Such action would be detrimental to public safety and would result in an abdication of my duties to San Diego's victims under the constitutional mandates of *Marsy's Law*; this I will not do. As prosecutors, we must comply with the law."

The case involves defendant Rhett Nelson, who in 2019 was charged with shooting and killing an innocent skateboarder in downtown Los Angeles. Hours after that murder, Nelson fatally shot an off-duty Los Angeles County Sheriff's deputy execution-style while he was standing in line at a Jack in the Box. Before those shootings, Nelson is accused of using a gun to commit five armed robberies at convenience stores in San Diego County.

When Nelson was caught and arrested in Long Beach after the murders, the San Diego District Attorney's Office gave Los Angeles County permission to prosecute Nelson for the San Diego armed robberies. At the time, the previous District Attorney was still in office and there was an understanding

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that special circumstance allegations would be included in the charges.

In the letter, DA Stephan writes, "...based on your recent pronouncements, it is now apparent that you intend to dismiss the special circumstance allegations as to the homicides and additionally dismiss the firearms allegations on all counts. The dismissal of these lawful allegations that are designed to ensure public safety fundamentally alters the basis for our grant of jurisdiction to the Los Angeles County District Attorney's Office for the prosecution of the San Diego County robberies. We are therefore formally requesting to retake jurisdiction of the crimes that occurred in San Diego County so they may be prosecuted to the extent that law and justice requires for the safety of the public."

Stephan also took issue with the defendant being eligible for parole much earlier under Gascón's planned prosecution.

Finally, Stephan suggested Gascón look at criminal justice reforms that are being put in place responsibly, without denying victims' rights and maintaining the public's safety. "This letter absolutely does not show deviation from my efforts to pursue responsible criminal justice reform and pursuit of justice by reducing incarceration that is not commensurate with the crime. Responsible criminal justice reform is something I fervently believe in and have undertaken in San Diego County with proven results where our DA Community Justice Initiative with an evidence-based diversion program has diverted and cleared records for hundreds of non-violent offenders with a recidivism rate of less than 3 percent," Stephan writes.

A hearing in the case is set for Monday morning where a judge will decide whether to keep or drop the enhancements and special circumstances. The judge will also listen to DA Stephan's motion about returning the armed robbery charges to her office.

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**About the San Diego County District Attorney's Office**

*The San Diego County DA's Office prosecutes all felony crimes in the county and misdemeanor crimes committed outside the City of San Diego. The office files about 40,000 criminal cases a year and balances prosecution with numerous crime prevention programs. District Attorney Summer Stephan leads the office of more than 1,000 dedicated employees who pursue fair and equal justice, and support victims daily across San Diego County.*