

Letter: DA needs to play fair in Ready Mix case

To the community,

Prosecutorial misconduct in the Michael Wallace matter?

The El Dorado County District Attorney's Office approved issuance of a false press release incorrectly stating that concrete poured by Sierra Tahoe Ready Mix could fail. This created unnecessary hysteria in our community.

In contrast, all concrete was tested prior to being poured, and all of the concrete passed.

The assistant DA handling the case wrongfully withheld information from Mr. Wallace for over four months. She falsely promised Mr. Wallace that if he agreed to her third continuance request, she would finalize a misdemeanor offer for him, and the additional time was "to Mr. Wallace's advantage." Instead, she used the delay to attempt to amend her complaint, and increase her offer substantially. At an April 3, 2015, hearing, she further misrepresented her conduct to Judge Suzanne Kingsbury when trying to file additional charges without complying with the law.

Prosecutor overreaching: The majority of charges against Mr. Wallace involve conduct that was done with permission of his supplier and is a common industry practice: "Bing Materials gave Mike permission to use the mix design criteria for his mix design" "this is not uncommon in the Ready-Mix Industry." Mr. Wallace had permission to take the actions he did. Despite this, the DA ignores Mr. Wallace's lack of culpability and instead pursues multiple felonies based on this legitimate conduct.

Even the alleged "victim" in the DA's case supports Mr.

Wallace: “[STPUD] does not consider there to be any potential damage or resulting required restitution, from the use of concrete from Sierra Tahoe Ready Mix on the projects referenced in the above lawsuit.” Richard Solbrig, STPUD general manager.

The DA should do the right thing, particularly in light of the inexplicable prosecutor actions in this case. Offer Mr. Wallace the promised misdemeanor. That alone would be commensurate with what happened in this case.

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