



OFFICE OF THE
DISTRICT ATTORNEY
SACRAMENTO COUNTY

JOHN DOUGHERTY
District Attorney

April 18, 1985
12:30 pm

KATHRYN CANLIS
Chief Deputy

Honorable Joseph De Cristoforo
Judge of the Superior Court
Department Fourteen
Sacramento County
720 9th Street
Sacramento, CA 95814

*Original delivered to
Dept 14 Clerk Norm Blum
4-18-85 3:00 PM w/ instructions
to hold until Masse
J+S on 4-13-85*

Re: PEOPLE V. GARY MASSE No. 62688

Dear Judge De Cristoforo

On September 8, 1983, you recalled the sentence of Gary Masse pursuant to P.C. 1170(d). Mr. Masse is currently set for sentencing in Department Fourteen at 4:00 p.m. on September 14, 1985.

The jury in the case of People v. Stephen De Santis is about to undertake its deliberations after a trial lasting nine months before the Honorable James Long. During the trial, Gary Masse testified for approximately ten days. He gave evidence concerning his role, along with that of Stephen De Santis, Robert De Santis, and Gloria Killian, in the robbery and murder of Edward Davies on December 9, 1981.

I am writing at this time to make a record of my planned recommendation to the Court when Gary Masse is ultimately sentenced. I want it to be clear that my present position is unaffected by the outcome of the De Santis trial.

Gary Masse's cooperation made it possible to unravel the facts surrounding the crime. His testimony was the buttress of the People's case in chief which was strong enough to cause Mr. De Santis to testify. In doing so, Mr. De Santis corroborated Mr. Masse in almost all areas with the major exception of who entered the residence. Mr. De Santis claimed that he remained in the vehicle while Masse account for all the conduct within the Davies' residence on the afternoon of December 9, 1981.

While Gary Masse's criminal conduct cannot be condoned, his cooperation, in my judgment, deserves consideration by the Court in determining the appropriate sentence. To that end, the People plan not to object to a renewed Williams Motion to strike the special circumstances.

EX B: 1

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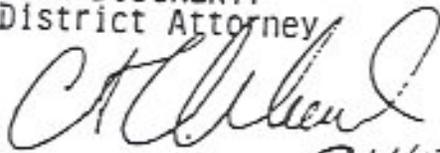
Re: GARY MASSE No. 62688

In taking this position, I make the assumption that Mr. Masse will conduct himself properly while incarcerated and will continue his cooperation by testifying truthfully at the trial of Gloria Killian.

Thank you for your consideration of this matter.

Very truly yours

JOHN DOUGHERTY
District Attorney



C. T. CLELAND 3:45 PM
Supervising Deputy 4-13-85

CTC/mb

95-14

0947 EX B: 2