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OC sheriff protected detective who repeatedly mishandled evidence, legal motion claims

Sheriff Don Barnes says the allegation is based on a 'blatant disregard for facts,' and insists he won't debate the issue in the media



Deputies found a wounded man in his 30s in a Laguna Hill Park on Thursday, said Orange County Sheriff's Capt. Gene Inouye. The man was taken to a hospital with non-life-threatening injuries. (Photo by OC Hawk)



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An Orange County sheriff's detective who investigated deputies for mishandling evidence himself had problems booking evidence and property on time, if at all.

Sheriff Don Barnes referred Detective Matthew LeFlore to the District Attorney's Office for prosecution, but only mentioned one case, which was rejected by prosecutors. The department, however, kept silent on 17 other cases of mishandling evidence, including five in which LeFlore allegedly lied on the police reports, according to court documents filed Wednesday, June 23.

"OCSD leadership would have reasonably expected that, if discovered, this would raise fairness and reliability questions among others who were being investigated," asserted Assistant Public Defender Scott Sanders in a motion seeking deputy disciplinary records.

False assumptions

Barnes accused Sanders of making false assumptions.

"The timelines and assumptions made by the Public Defender's motion are wrong and serve to purposefully mislead," Barnes said in a prepared statement. "We trust that the court and the public will see this as a blatant disregard for facts and focus on the criminal actions by the public defender's client in court, and not try a case through the media."

Three deputies have been criminally charged for filing evidence late or not at all, with two pleading guilty to misdemeanors and one awaiting trial. More deputies, including LeFlore, remain under investigation by prosecutors and the Sheriff's Department.

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Failed to book evidence

Sheriff's officials knew that LeFlore had repeatedly [failed to book evidence and lied about it](#) in his police reports, but assigned him to investigate deputies for doing the same thing, the motion asserts.

Department spokesperson Carrie Braun says that is wrong. LeFlore was vetted before he was assigned to the evidence handling case, but officials only looked at whether he and other deputies had missed booking evidence by 30 days or more. According to policy, deputies must book evidence by the end of their shifts. LeFlore was tardy by 24 days at the most — so he did not come under the department's radar when he was assigned to the evidence case.

LeFlore has since been added by prosecutors to a list of problem cops, called the Brady List, that is given to defense attorneys, according to the motion.

Defendant faces gun charges

The motion was submitted on behalf of defendant Brittany Shahbakhti, who is facing gun charges. LeFlore is a detective on her case.

According to the motion and sheriff's officials, LeFlore, while on a service call after he ended his evidence investigation duties, had taken custody of two full boxes of bullets, 11 grams of methamphetamine and a pipe stuffed inside a pair of boots. He never booked the property and two weeks later placed the boots — with the drugs inside — on a shelf in a sheriff's substation, with a sign saying "Free."

LeFlore told a supervisor that he had confiscated the ammunition, but later said he didn't remember seizing the bullets. Then he changed his story back again, the motion said.

Court documents show LeFlore on five occasions wrote in his official reports that he had placed evidence — typically documents and photos — in a sheriff's locker when he had not. The evidence was booked more than 20 days late on three occasions. But only the case involving the boots was submitted to the District Attorney's Office for prosecution, the motion said.

Circumstantial evidence

"Indeed, the investigation of LeFlore, and the related report that was completed in August 2018, were carefully crafted to conceal critical information from the OCDA and lessen the chances that he would be prosecuted," said the motion.

Sanders said he arrived at that conclusion based on circumstantial evidence.

"The only reasonable inference is the department decided it needed to refer LeFlore to the D.A.'s Office so it would look like everyone was being treated the same, but didn't want him actually prosecuted. The key was to omit from the report all of the prior evidence handling misconduct, even though it was included for the (other deputies). This also avoided questions about why LeFlore would have ever been assigned to investigate others for the same misconduct he committed," Sanders said.

LeFlore, a 17-year veteran, remains at the Sheriff's Department. He also has been accused of [accessing tapes of improperly recorded conversations](#) between jail inmates and their attorneys. The department has denied in the past that any recordings were improperly accessed.

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