

GET Committee

From: gpgolfmaui@aol.com
Sent: Monday, March 11, 2019 7:34 AM
To: GET Committee
Subject: Donald Guzman letter
Attachments: Donald Guzman letter.pdf

Please give this letter to the committee. Mahalo.

Glenn Pesenhofer

**GLENN PESENHOFER
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March 11, 2019

**Chairman Michael J. Molina
Committee on Governance, Ethics and Transparency
County of Maui
200 South High Street
Wailuku, Maui, HI 96793**

Re: Nomination of Donald S. Guzman

Dear Chairman Molina,

I am writing this letter to oppose the nomination of Donald Guzman to the position of Prosecuting Attorney for the County of Maui. I hope the committee will spend the time necessary to investigate Don's qualifications for such an important position. Only then will you discover that Don is utterly unqualified to serve as the Prosecuting Attorney.

I am not writing this letter unaware of what it takes to perform the job of a prosecuting attorney, especially one on Maui. For the past fourteen years I have worked as a deputy district attorney in Monterey, California. From December 1997 until July 2004 I worked as a deputy prosecuting attorney for the County of Maui. I have spent most of my career prosecuting violent felonies. I believe my twenty-one plus years of prosecutorial experience makes me qualified to tell you Don is the least qualified person to appoint to the head prosecutorial position for the County of Maui.

The job of any prosecuting attorney is a difficult one. The daily decisions made by a prosecuting attorney effect not just the lives of victims and defendants, but the entire community. A prosecutor's office handles serious cases such as murder, sexual assaults, and other violent crimes. It takes years of felony trial experience for a prosecutor to truly understand the complexes and responsibilities of that position. It takes an experienced lawyer to head an office that prosecutes these crimes.

I suspect that Don Guzman has no felony experience. During the years I worked with Don he spent his time in the office handling misdemeanor cases. Although those cases are important, they pale in comparison to the complexity of felony cases like murder, sexual assault, or other violent crimes.

But don't just take my word on this topic. Ask Don. Investigate his criminal litigation experience. Felony cases are handled in the Circuit Court. Ask Don this question: How

many cases did you prosecute in the Circuit Court? I suspect the answer to that question is zero.

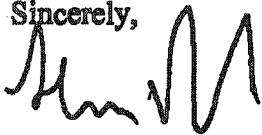
The Department of the Prosecuting Attorney is a litigation office, perhaps the largest law office on Maui. It represents the people of Maui at jury trials. Ask Don the following question: How many jury trials did you handle as a deputy prosecuting attorney? During the years I worked with Don the answer to that question was zero.

Don's lack of felony experience, let alone the utter lack of any jury trial experience, would render him unqualified to be hired as a felony trial prosecutor in any prosecutor's office. If he is unqualified to prosecute the cases in court, how could he ever be considered qualified to run the office? The answer to that question is simple. He is utterly unqualified to head the office.

Perhaps Don gained some of this critical experience after he left the prosecutor's office. So I would ask Don the following questions: What felony criminal litigation experience did you gain after you left the prosecutor's office? How many jury trials did you handle after leaving the prosecutor's office? What is the most significant legal case you have ever handled? I suspect the answer to those questions will again demonstrate how utterly unqualified Don Guzman is for the position of Prosecuting Attorney for the County of Maui.

Maui County deserves a lawyer with the relevant experience to lead the Department of the Prosecuting Attorney. Don Guzman is not that person. If you should have any questions for me please feel free to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read 'Glenn Pesenhofer', written in a cursive style.

Glenn Pesenhofer