

SUPERIOR COURT OF CALIFORNIA  
COUNTY OF SANTA CLARA  
HALL OF JUSTICE

COMPLAINT FOR ARREST WARRANT(S)  
GEORGE MICHAEL SHIRAKAWA ECD273

THE PEOPLE OF THE STATE OF CALIFORNIA,  
Plaintiff,

vs.

GEORGE MICHAEL SHIRAKAWA (02/22/1962),  
2609 APOLLO DRIVE SAN JOSE CA 95121

Defendant(s).

FELONY COMPLAINT

DA NO: 130510989

CEN

GMS WARR

The undersigned is informed and believes that:

**COUNT 1**

On or about and between May 1, 2010 and June 8, 2010, in the County of Santa Clara, State of California, the crime of FALSE PERSONATION, in violation of PENAL CODE SECTION 529, a Felony, was committed by GEORGE MICHAEL SHIRAKAWA who did falsely personate another, the "Neighbors for Magdalena Carrasco for Council 2010, FPPC1324822" recipient committee, in his/her private and official capacity and in such assumed character committed an act whereby, if done by the person falsely personated, he/she might become liable to a suit and prosecution, and to pay a sum of money, and to incur a charge, forfeiture and penalty, and whereby a benefit might accrue to the party personating and to another person.

(OTH) It is further alleged that a complaint alleging the offense(s) charged in Count(s) 1, above, an offense or offenses described in subsection (c) of section 803, was filed within four (4) years after the completion of the offense within the meaning of section 801.5.

Any defendant, including a juvenile, who is convicted of and pleads guilty and no contest to any felony offense, including any attempt to commit the offense, charged in this complaint or information is required to provide buccal swab samples, right thumbprints and a full palm print impression of each hand, and any blood specimens or other biological samples required pursuant to the DNA and Forensic Identification Database and Data Bank Act of 1998 and Penal Code section 296, et seq.

Further, attached and incorporated by reference are official reports and documents of a law enforcement agency which the complainant believes establish probable cause for the arrest of defendant GEORGE MICHAEL SHIRAKAWA, for the above-listed crimes. Wherefore, A WARRANT OF ARREST IS REQUESTED.

Complainant therefore requests that the defendant(s) be dealt with according to law.

I certify under penalty of perjury that the above is true and correct.

Executed on June 4, 2013, in SANTA CLARA County, California.

\_\_\_\_\_  
Brown 3  
( Brown 3)  
DABOI B20100502118  
SINUNU-TOWERY/ D225/ FELONY/ DP

Cash or Bond \$ \_\_\_\_\_  
Date: \_\_\_\_\_

\_\_\_\_\_  
JUDGE OF THE SUPERIOR COURT

Warrant Received for Service by:

\_\_\_\_\_  
on \_\_\_\_\_

I, Michael Brown, an investigator for the Bureau of Investigations ("Bureau") of the Santa Clara County District Attorney's Office, believe that the facts described herein establish probable cause for the arrest and pretrial detention of GEORGE MICHAEL SHIRAKAWA ("SHIRAKAWA") for the crimes charged in the attached complaint. Therefore, I request that the Court issue an arrest warrant for SHIRAKAWA.

I have been employed by the Bureau as a criminal investigator since April 16, 2012. Before that I served the City of San Jose and the City of Los Angeles, California for twenty-nine years as a sworn peace officer. For fifteen of those twenty-nine years, I worked as a detective in both the Sexual Assaults and Homicide Units of the San Jose Police Department. I personally conducted much of the investigation that led to the recent arrest, prosecution, and conviction of former County Supervisor SHIRAKAWA in a criminal case involving perjury, misappropriation of public funds, and misdemeanor violations of the Fair Political Practices Act (Santa Clara County Superior Court docket no. C1351203).

As a result of a DNA profile match recently discovered and announced to us by the CAL-DNA Data Bank Program, I reopened a Bureau investigation into an unsolved complaint of political campaign impersonation in defamatory flyers that were mailed to voters in May 2010 just prior to a San Jose City Council, District 5, primary election. The following facts are based on my review of the interviews and evidence gathered by Bureau investigators in 2010, as well as my personal knowledge and research of reliable authorities.

On May 17, 2010, a San Jose City Clerk's Office employee notified the District Attorney's Office that a fraudulent flyer had been mailed to voters in San Jose Voting District 5. The flyer, which is attached as Exhibit A, reads "Magdalena Carrasco for San Jose City Council, District 5" and displays a photograph of Carrasco next to a photograph of the official flag of Vietnam, which has a large gold star centered on a red field. Originally the flag of North Vietnam, this flag was adopted as the flag of the unified Socialist Republic of Vietnam at the end of the Vietnam War. Consequently, the flag is considered very offensive to many members of San Jose's Vietnamese community, particularly to those who fled to this country to escape the communist regime.

The flyer names Carrasco's true campaign committee, "Neighbors for Magdalena Carrasco for Council 2010," as its sponsor, both in the return address and in the small-print disclaimer at the bottom of the flyer. The flyer also lists the Carrasco committee's true FPPC number (1324822).

When interviewed by Bureau investigators, Carrasco confirmed that the flyer listed the true name and FPPC number of her campaign committee. She said that the photograph of her, but not the flag, on the flyer was taken from her campaign website. However, she denied that she or anyone from her campaign had authorized the flyer, and said that she did not condone or support its content.

Carrasco went on to tell investigators that she had no knowledge of the flyer until a citizen telephoned her after receiving it in the mail. The caller, who was Vietnamese, politely explained "how very, very bad" this flyer was to the Vietnamese community. Carrasco said she later learned that many other members of San Jose's Vietnamese community were concerned and upset when they received copies of the flyer. It was Carrasco's opinion that one of her political opponents, or one of their supporters, was the likely source of these fraudulent flyers.

A few weeks after the flyers were distributed, Carrasco missed first place in the primary election by 20 votes, earning her way to the runoff election, but losing the coveted top placement on the November ballot. Carrasco ultimately lost the runoff election to Xavier Campos by less than 400 votes.

By August 2010, investigators were unable to identify a suspect even after interviewing more than a dozen potential witnesses, including all of the candidates for the District 5 seat. Although several fingerprints were identified on the flyers, no match was found. Likewise, a DNA sample obtained from a postage stamp (Item 1) on a flyer was determined to be from a male, but its DNA profile did not match the DNA profile of any submitted DNA sample. On June 11, 2010, this postage stamp DNA profile was uploaded to various centralized DNA databases, including CAL-DNA and CODIS, but no matching profile was found at that time. Finally, in December 2010, the Bureau concluded that it could not determine who was responsible for the flyers, and closed the investigation.

Nearly two years later, on September 26, 2012, the San Jose Metro published an article on the President of the Santa Clara County Board of Supervisors, SHIRAKAWA, and his repeated failures to file required campaign finance disclosure forms. At the time of the article, SHIRAKAWA was in the last months of his first four-year term on the Board of Supervisors, and had already been re-elected, unopposed, to a second term. Based on the newspaper report, the District Attorney's Office launched a joint investigation with the FPPC into SHIRAKAWA's failure to file the required forms. Shortly thereafter, the District Attorney's Office expanded its investigation when it was learned that SHIRAKAWA had misused his county charge card to rack up thousands of dollars in purely personal charges.

On March 1, 2013, the District Attorney's Office filed a criminal complaint charging SHIRAKAWA with four counts of perjury, one count of misappropriating public funds, and seven misdemeanor counts relating to the failure to file required disclosure forms (Santa Clara County Superior Court docket no. C1231203). Thereafter, SHIRAKAWA resigned from the Board of Supervisors and surrendered to the Sheriff's Office on the arrest warrant. During the booking process, a DNA sample was collected from SHIRAKAWA and submitted to the California Department of Justice, Division of Law Enforcement, Bureau of Forensic Services for analysis and inclusion in the state (CAL-DNA), national (NDIS), and combined (CODIS) DNA databases. On March 18, 2013, SHIRAKAWA was arraigned and pleaded guilty to all counts charged in the complaint.

By letter dated April 22, 2013, the California Department of Justice notified the Santa Clara County Crime Laboratory ("Crime Laboratory") that the DNA profile from the postage stamp sample (Item 1) had been "submitted for search against the CAL-DNA Data Bank and resulted in a candidate match to an individual profile . . . associated with . . . GEORGE MICHAEL SHIRAKAWA . . ." The letter warned that the match is only an "investigative lead" and that "[a] new evidentiary reference sample from GEORGE MICHAEL SHIRAKAWA should be obtained and analyzed by your laboratory."

SHIRAKAWA was never interviewed during the 2010 investigation of the fraudulent flyers and was therefore never asked to provide a DNA sample. In retrospect, however, there may have been reason to suspect him, because:

- (1) SHIRAKAWA's county employed policy aide—Xavier Campos—was Carrasco's political opponent in the 2010 San Jose City Council race, and

- (2) a very similar fraudulent flyer attacking a political opponent of SHIRAKAWA was distributed to voters just prior to the 2008 Board of Supervisors election, which SHIRAKAWA ultimately won.

In 2008, Richard Hobbs was a candidate for election to the County Board of Supervisors. His opponent was SHIRAKAWA. One week before the 2008 election, according to Hobbs, members of the county's Vietnamese community complained to Hobbs' office about a disturbing political flyer they had received in the mail. The 2008 flyer, which is attached as Exhibit B, displays a photograph of Hobbs near a photograph of the flag of Vietnam, similar to the fraudulent 2010 Carrasco flyer. The 2008 Hobbs flyer includes a paragraph in Vietnamese that does not appear on the 2010 Carrasco flyer, but otherwise the two flyers convey the same message using the same images. The 2008 Hobbs flyer, unlike the 2010 Carrasco flyer, does not name Hobbs' campaign committee or FPPC number as the source of the flyer. Instead, the 2008 Hobbs flyer lists a non-existent committee and FPPC number in the disclaimer and return address. Thus, although the 2008 flyer did not unlawfully impersonate an existing campaign committee, the obvious similarity between the flyers is strong corroborating evidence that Hobbs' political opponent, SHIRAKAWA, was the source of both of them.

On May 10, 2013, SHIRAKAWA went to the Sheriff's Office and voluntarily submitted a new DNA sample and a new set of fingerprints. I carried the new DNA sample to the Crime Laboratory for analysis and comparison with the flyer evidence collected in 2010.

Rather than use the results of the 2010 postage stamp DNA analysis, the Crime Laboratory attempted to re-amplify the DNA extracted in 2010 using the latest DNA amplification technology. The new amplification kit yielded a partial low level DNA mixture with at least two contributors, at least one of which is male. Comparing SHIRAKAWA's newly obtained DNA sample with the DNA mixture, the Crime Laboratory concluded that SHIRAKAWA "is included as a possible contributor to this DNA mixture."

In cases of DNA mixtures, the Crime Laboratory often reports its statistical analyses as likelihood ratios based on the assumption that there are only two contributors. In this case, the Crime Laboratory reported:

The likelihood of the DNA mixture profile is 13 million times more likely if it had originated from George Shirakawa Jr. and one unknown individual than if it had originated from two unknown individuals in the African-American population.

The likelihood of the DNA mixture profile is 62 million times more likely if it had originated from George Shirakawa Jr. and one unknown individual than if it had originated from two unknown individuals in the Caucasian population.

The likelihood of the DNA mixture profile is 1.1 billion times more likely if it had originated from George Shirakawa Jr. and one unknown individual than if it had originated from two unknown individuals in the Hispanic population.

Based on the above evidence, there is probable cause to believe that, on and between May 1, 2010 and May 20, 2010, GEORGE MICHAEL SHIRAKAWA committed the crime of felony false personation, in violation of Penal Code section 529,

subdivision (a), subparagraph (3) by mailing defamatory political flyers in the name of a candidate's committee without permission in order to benefit an opposing candidate. Accordingly, I request that the Court issue a warrant of arrest.

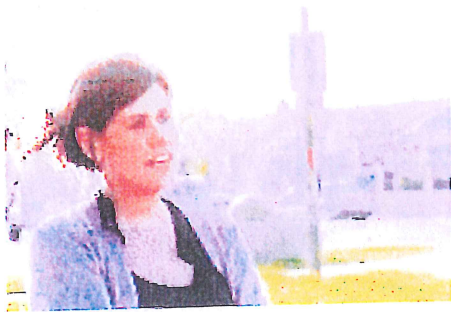
I declare under penalty of perjury that the foregoing is true and correct.

Date:

Place:

Michael Brown

## City Council District 5

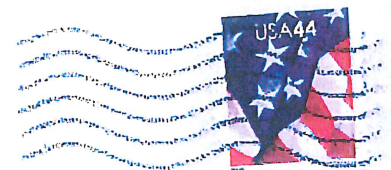


Neighbors for Magdalena Carrasco for Council 2010, FPPC: 1324822

Neighbors for Magdalena Carrasco  
P.O. Box 2010  
San Jose, CA 95900

SAN JOSE CA 951

14 MAY 2010 PM 3 T

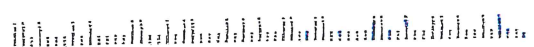


San Jose CA 95127

**Magdalena Carrasco** for San Jose City Council, District 5

Neighbors for Magdalena Carrasco for Council 2010, FPPC: 1324822

Exhibit A



# Richard Hobbs Lã Tên Công Sản!



CÓ THỂ KIỂM CHỨNG TẠI THỦ  
VIÊN TRƯỜNG ĐẠI HỌC SAN  
JOSE STATE DÙO TÊN  
RICHARD HOBBS

XIN DỪNG BẦU CHO  
ÔNG TA

