

STATE CAPITOL
P.O. BOX 942849
SACRAMENTO, CA 94249-0017

Phone: (916) 319-2017
FAX: (916) 319-2117



January 26, 2011

Matt Cate, Secretary
CA Department of Corrections and Rehabilitation
1515 S Street, Room 5025
Sacramento, CA 95811

RE: Search and Recovery Effort Involving Wesley Shermantine in Calaveras and Stanislaus Counties

Dear Secretary Cate:

I am writing to formally request that you resume the originally planned search and recovery effort involving Wesley Shermantine, that you include the Sheriffs and District Attorneys from Calaveras and San Joaquin Counties, the FBI Evidence Response Team as originally planned, and that you involve the 3 individuals to whom Shermantine originally disclosed locations.

On Friday, January 13th, I was informed that Shermantine contacted the District Attorney's office and asked to see retired FBI agent Jeff Rinek. Upon learning this, I made arrangements between Agent Rinek and CDCR for the meeting with Shermantine to occur the next day. Sheriff Moore, and Prosecuting Attorney Thomas Testa made clear to me in 2010, that neither office could know about any potential meeting with Shermantine, or they could be accused of violating Wesley's Miranda rights, thus placing any future prosecution in jeopardy. Shermantine is represented by an attorney and any communication must occur through his attorney.

On Saturday, January 14th, I notified Corrections Administration that Retired FBI Agent Jeff Rinek, Special Agent Matt Bvechner, and Susan Cane, Delta GPS Parole Unit Supervisor, had met with Shermantine, and that new information was revealed which might lead to the recovery of missing loved ones in my district. I informed Corrections Administration that I had been notified that the FBI Evidence Response Team was prepared to forensically attempt to recover one or more, or even all of the victims. I asked Corrections Administration to initiate contact between federal and local law enforcement as necessary.

The goal, as you well know, was to stop the years of taunting and emotional torture that the victims' family members have been forced to endure over the last 12 years. Every step taken in the planning for this recovery, was done in consideration of providing San Joaquin County with immunity in order to preserve any potential prosecution against Loren Herzog had victims been found. Given the fact that the District Attorney (DA) and

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Sheriff could have no involvement with Wesley without first going through his attorney, there were conflicting opinions over whether the DA and Sheriff could know about any planned recovery effort in advance. This search and recovery effort involving the FBI's Evidence Response Team and the Department of Corrections provided San Joaquin County immunity from violating Shermantine's right to an attorney.

Had anything been found by the FBI's Forensics Unit, the DA's office would have been immediately contacted, and asked to initiate further contact with the appropriate investigating agencies .

I clearly stated in the Corrections Department meeting held Tuesday, January 17th, that I understood that San Joaquin County was prohibited from initiating contact with the FBI Evidence Response Team which stood ready to assist in the recovery effort. I expressed my frustration about the delay at that time, and I am even more frustrated at this point: While the Department of Corrections waits to be asked to act, and the County is unable to act, no one acts and nothing happens.

I am also deeply frustrated that despite my pleas for urgency, the three individuals to whom Shermantine confessed locations -- the three individuals who were most critical to this recovery effort --have now been marginalized and excluded from future recovery plans. I feel that it is the duty of some arm of law enforcement to take leadership and make the planned operation happen. While it is delayed, as I had feared, families are now learning about the possible locations of their loved ones' remains through the media.

Families with missing loved ones have suffered long enough – everyone involved should be recognizing their decades of torment they've had to live through. The mother of one 18 year old young woman says it best:

“My heart crumbles into a thousand pieces at the pain she suffered and I couldn't help her. Time does not heal all wounds. I often sit and imagine that none of this had ever happened and wonder how life would be if it hadn't happened. Gayle was a kind, sweet beautiful young girl who had grown into womanhood and was on her way to making a life for herself. There are no words to explain or express how a parent feels when their child goes missing. It feels as though you have been shot in the heart but you didn't die....I am one mother that will NEVER stop looking for my child. Not ever”.

The State has an obligation to recognize that families with missing loved ones in this case have suffered long enough, and an entire community has suffered along with them. I call on you to work with the Sheriffs and District Attorneys in Calaveras and San Joaquin Counties, the 3 individuals to whom Shermantine originally disclosed locations, and the

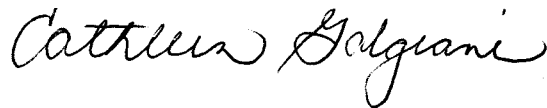
FBI Evidence Response Team to resume the originally planned search and recovery effort. I call on you to involve all those who were involved in the initial recovery effort.

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Let me remind you -- Wesley Shermantine never agreed to disclose locations to anyone other than the 3 individuals he originally met with -- Retired FBI Agent Jeff Rinek, Special Agent Matt Bvechner, and Susan Cane, Delta GPS Parole Unit Supervisor.

As a representative of the State, I am chagrined at the lack of action. If you are unable to move forward, please advise me what law enforcement agency I can contact that can decide independently to pursue this search.

Sincerely,

A handwritten signature in cursive script that reads "Cathleen Galgiani".

Cathleen Galgiani
Assemblymember, District 17