

LISA NAVARRETE

10-20-22

1 Law Office of the Public Defender
for the County of San Joaquin
2 102 S. San Joaquin St. Room 1
Stockton, CA 95202
3 (209) 468-0871

4 Allison M. Nobert, State Bar Number 251279
Attorneys for Wesley Brownlee

FILED
SUPERIOR COURT-STOCKTON

OCT 20 2022

BRANDON E. RILEY, CLERK

BY *Subina Gamba*
DEPUTY

8 SUPERIOR COURT OF CALIFORNIA
9 COUNTY OF SAN JOAQUIN

10 ---oOo---

12 The People of the State of California,
13 Plaintiff,
14 v.
15 WESLEY BROWNLEE,
16 Defendant.

No. STK-CR-FE-2022-0010220

NOTICE OF MOTION AND MOTION FOR
PROTECTIVE ORDER AGAINST
PUBLICITY; DECLARATION OF
COUNSEL.

Date: October 24, 2022
Time: 1:30 p.m.
Dept: 9B

21 TO THE CLERK OF THE ABOVE-ENTITLED COURT, AND
22 TO THE DISTRICT ATTORNEY FOR SAN JOAQUIN COUNTY AND
TO THE STOCKTON POLICE DEPARTMENT:

23 PLEASE TAKE NOTICE that on October 24, 2022, at 1:30 a.m., or as soon thereafter as
24 the matter can be heard in Department 9B of the above-entitled court, Mr. WESLEY
25 BROWNLEE, will move, for a protective order that proscribes extrajudicial statements by any
26 attorney and law enforcement employees of the San Joaquin County District Attorney's office,
27 law enforcement agencies associated with the prosecution team, including and not limited to
28

1 employees of the Stockton Police Department, witnesses, court officials, and for such other and
2 further relief as the Court may deem just and proper. This motion is made on the grounds that:
3 (1) the government has compromised Mr. Brownlee's rights to a fair and impartial jury, a fair
4 trial, and due process of law, pursuant to the Fifth, Sixth and Fourteenth Amendments to the
5 United States Constitution and Article I, Section 15 of the California Constitution, by making
6 extrajudicial statements for public dissemination; and (2) further comment on the case by the
7 lawyers, parties, witnesses, court officials or law enforcement officers would further endanger
8 Mr. Brownlee's rights to a fair and impartial jury, a fair trial, and due process of law.

9 The motion will be based on this Notice of Motion, the declaration of counsel, the
10 attached Memorandum of Points and Authorities, such supplemental memoranda of points and
11 authorities as hereafter may be filed with the court, all pleadings and documents heretofore filed
12 with the Court, exhibits, and evidence and such oral argument as may be presented at the hearing
13 on the application.

14

15

16 Dated: October 20, 2022

17


Respectfully Submitted,

18

LAW OFFICE OF THE PUBLIC DEFENDER
Miriam Lyell, Public Defender

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Allison Nobert, Deputy Public Defender
Attorneys for WESLEY BROWNLEE,

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6 Allison M. Nobert, State Bar Number 251279
7 Attorneys for WESLEY BROWNLEE

FILED
SUPERIOR COURT-STOCKTON

OCT 20 2022

BRANDON E. RILEY, CLERK
BY *Subrina Garbar*
DEPUTY

8 SUPERIOR COURT OF CALIFORNIA
9 COUNTY OF SAN JOAQUIN

---oOo---

10 The People of the State of California,
11
12 Plaintiff,
13
14 v.
15 WESLEY BROWNLEE,
16 Defendant.

No. STK-CR-FE-2022-0010220
DECLARATION IN SUPPORT OF
MOTION FOR PROTECTIVE ORDER
AGAINST PUBLICITY
Date: October 24, 2022
Time: 1:30 p.m.
Dept.: 9B

17 I, Allison M. Nobert, declare as follows:

- 18
- 19 1. I am an attorney licensed to practice law in the State of California and am
20 employed at the San Joaquin County Public Defender's Office as a Deputy
21 Public Defender. I am the attorney for the Defendant in the above-captioned
22 matter. I have personal knowledge of the facts stated in this declaration and
23 could and would testify consistently thereto.
24
 - 25 2. Mr. Brownlee is charged by way of amended complaint with committing three
26 violations of Penal Code section 187(a)(First Degree Murder), as alleged in
27 Counts 1, 2 and 3. He is also charged with one violation of Penal Code section
28 29800(a)(1)(Felon in Possession of a Firearm), as alleged in Count 4 and one

1 violation of Penal Code section 30305(a)(1)(Felon in Possession of
2 Ammunition), as alleged in Count 5. As to Counts 1, 2, and 3, the People have
3 alleged enhancements pursuant to Penal Code sections 12022.53(d)(Intentional
4 Discharge of a Firearm Causing GBI/Death), 12022.5(a)(Use of Firearm in
5 Commission of Felony) and 190.2(a)(3)(Special Circumstance: Convicted of
6 Multiple Murders). Mr. Brownlee is facing a minimum penalty of life in prison
7 without the possibility of parole. His maximum potential punishment is the
8 death penalty.

- 9 3. It is my information and belief that this case has received significant pretrial
10 publicity so far in print, television and on social media including Facebook,
11 Instagram, and YouTube.
- 12 4. On October 4, 2022, a press conference was held by Stockton Police Chief
13 Stanley McFadden, and featured City Manager Harry Black and Stockton
14 Mayor Kevin Lincoln. During the press conference, Chief McFadden introduced
15 a video captured of the alleged "serial killer" walking with his back to the
16 camera. Additionally, the chief released such facts as the modus operandi of the
17 alleged assailant as having targeted men while walking along down dark empty
18 sidewalks. He stated that the "ballistics evidence" has linked several killings in
19 Stockton and Oakland. He detailed the number of days between all the
20 incidents. (The best copy of this press conference is attached as Exhibit A.)
- 21 5. On October 15, 2022, the social media site, "209 Times" made a social media
22 announcement on their Facebook page posting that the Stockton Police
23 Department would be making an important announcement regarding the
24 "Stockton Serial Killer" at 3:00 p.m. from the Stockton PD Headquarters, and
25 the Facebook site 209 times would be live streaming it. (See EXHIBIT B and
26 EXHIBIT C.)
27
28

- 1 6. 209 Times has over 146,388 “followers”, or people who actively view and
2 receive updates from the 209 Times site. (See EXHIBIT D).
- 3 7. Upon information and belief, the entire population of San Joaquin county is
4 more than 779, 233 people.
- 5 8. In addition, it is my information and belief that this press conference video has
6 been uploaded as video clips to articles from the KRON 4, Sacramento Bee,
7 ABC news, Fox News, CBS 13 and KCRA3 and Yahoo News.
- 8 9. The press conference held by the Stockton Police Department on October 15,
9 2022 depicted Stockton City Manager Harry Black introducing statements from
10 District Attorney Tori Verber Salazar and police chief Stanley McFadden. Chief
11 McFadden introduced statements such as, “We are sure we stopped another
12 killing;” “We watched his patterns and determined early this morning, he was on a
13 mission to kill;” “He was out hunting;” and “I want all of you to know how
14 seriously I take these investigations,” (The best video copy of this press
15 conference is attached as EXHIBIT E.)
- 16 10. In an article published by newspaper The Record on October 18, 2022, the
17 writer quoted a civilian, Cristl Phillips, as mimicking Chief McFadden’s
18 language by saying, “He was literally on the hunt in my child’s
19 neighborhood,...and I thank the lord he was captured.” (See EXHIBIT I.)
- 20 11. In an article published by newspaper The Record on October 19, 2022, the
21 author quoted chief McFadden as saying, “the defendant’s behavior leading up
22 to the arrest suggested he could be planning a homicide.” (See EXHIBIT J.)
- 23 12. Also during the October 15, 2022 press conference, district attorney Tori Verber
24 Salazar also made statements to the effect that, “the defendant, cause I am no
25 longer going to say his name again because he doesn’t deserve to have a name,
26 he doesn’t deserve to be out there,” (see EXHIBIT E).
- 27
28

1 13. Additionally, at the October 15 press conference, Ms. Salazar stated, "We will
2 most likely be adding charges, but at this time we have to bring in before a
3 magistrate within 48 hours,"... "This crime was solved because we are
4 Stocktonians. Because you don't come to our house and bring this kind of reign
5 of terror and not mobilize 350 thousand people and 780 thousand in this whole
6 entire county, mobilized, mobilized and captured this individual who [sic] reign
7 of terror is no longer." (See EXHIBIT E).

8 14. During open questions, chief McFadden released such alleged facts that they
9 caught Mr. Brownlee by watching his patterns and behavior. He also answered
10 that Mr. Brownlee does have a criminal history, has lived in different cities than
11 Stockton, where he currently lived wasn't too far from one of the homicides,
12 and that they followed him the night of the arrest until they identified that he
13 was posing a threat. (See EXHIBIT E.)

14 15. On October 18, 2022, following Mr. Brownlee's arraignment on DA Salazar
15 released a new written press release in which she stated, "According to the
16 Stockton Police Department, Officers were conducting surveillance on a person of
17 interest in connection to the recent series of homicides. Due to the behavior pattern
18 exhibited by the individual, Stockton Police Department officers had reasonable
19 suspicion and initiated contact. During the inventory of his vehicle and person, a
20 firearm of a similar caliber to the weapon used in the homicides was found and Wesley
21 Brownlee was arrested. Due to the partnership with ATF, the firearm was processed
22 and it is with high confidence the same firearm was used in three of the recent
23 homicides- Jonathan Hernandez on August 30, Juan Carlos Carranza Cruz on
24 September 21, and Lawrence Lopez on September 27." (See EXHIBIT F.)

25 16. Additionally, Ms. Salazar held a video press conference on October 18, 2022, in which
26 she made the statement, "we believe we have sufficient evidence to pursue these
27 charges, and prove them beyond a reasonable doubt. We are also confident that
28

1 additional charges will be added.” (The best copy of this press conference is
2 attached as EXHIBIT G).

3 17. Newspaper The Sacramento Bee quoted Ms. Salazar as having said, “We
4 believe without a reasonable doubt that we have the suspect in this case.” (SEE
5 EXHIBIT H.)

6 18. At this press conference, Ms. Salazar divulged facts that the police were
7 following Mr. Brownlee as a person of interest, and that at 1:30 a.m. they
8 stopped his car and found a firearm in his possession of a similar caliber as the
9 caliber used in 6 homicides. She went on to say that the police “quickly shared
10 the gun with ATF” ...[and] “we can confirm with high confidence the same
11 gun was used in the three homicides that I’m charged you [sic] with today.”
12 (See EXHIBIT G)

13 19. Ms. Salazar concluded the press conference with saying, “There are some
14 people who are just simply too dangerous to share the streets with you and I,”
15 (See EXHIBIT G.)

16 20. The newspaper Washington post as well as other media outlets quoted Ms.
17 Salazar as saying, ““There are some people who are just simply too dangerous
18 to share the streets with you and I,” . (See EXHIBIT K.)

19
20 I declare under penalty of perjury under the laws of the State of California that the
21 foregoing is true and correct except as to those matters alleged in information and belief and
22 as to those matters I believe them to be true this 20th day of October, 2022 at Stockton,
23 California.

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25 Allison M. Nobert

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EXHIBIT A



JUSTINE WALDMAN
@JUSTINEWALDMAN

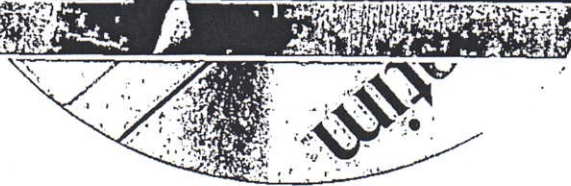
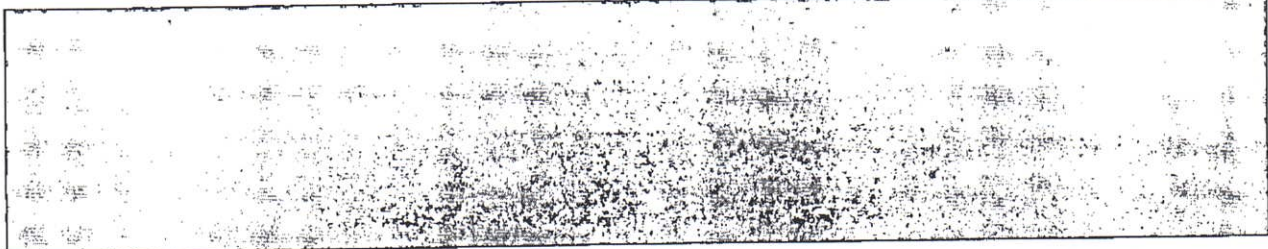


Exhibit A



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EXHIBIT B



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57 Comments 59 Shares

Like

Comment

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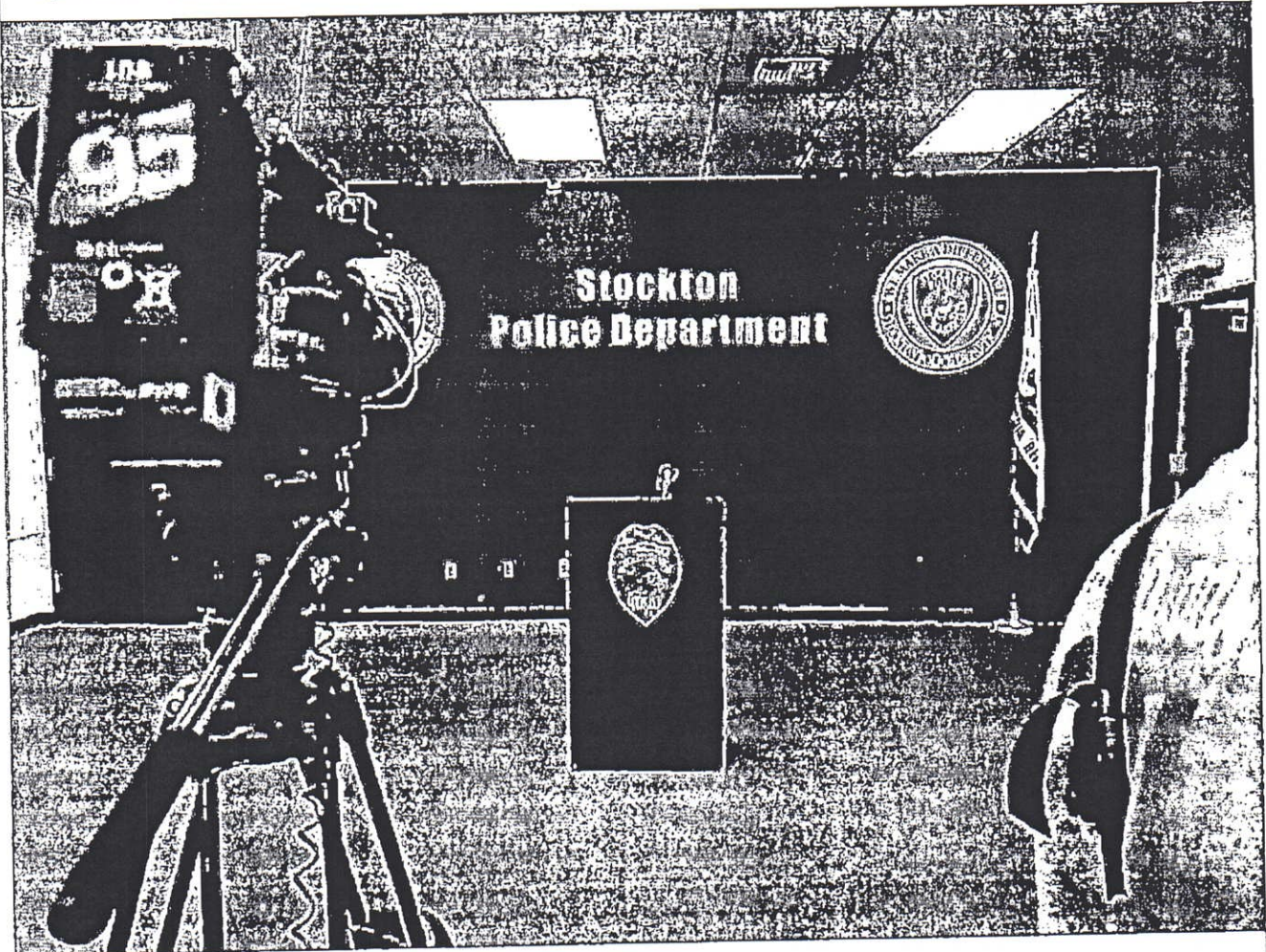


209 Times

3d · 🌐



Update on Stockton Serial Killer will be broadcast live on 209 Times Facebook at 3:00pm. 📺



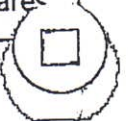
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82 Comments 73 Shares

Like

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Share

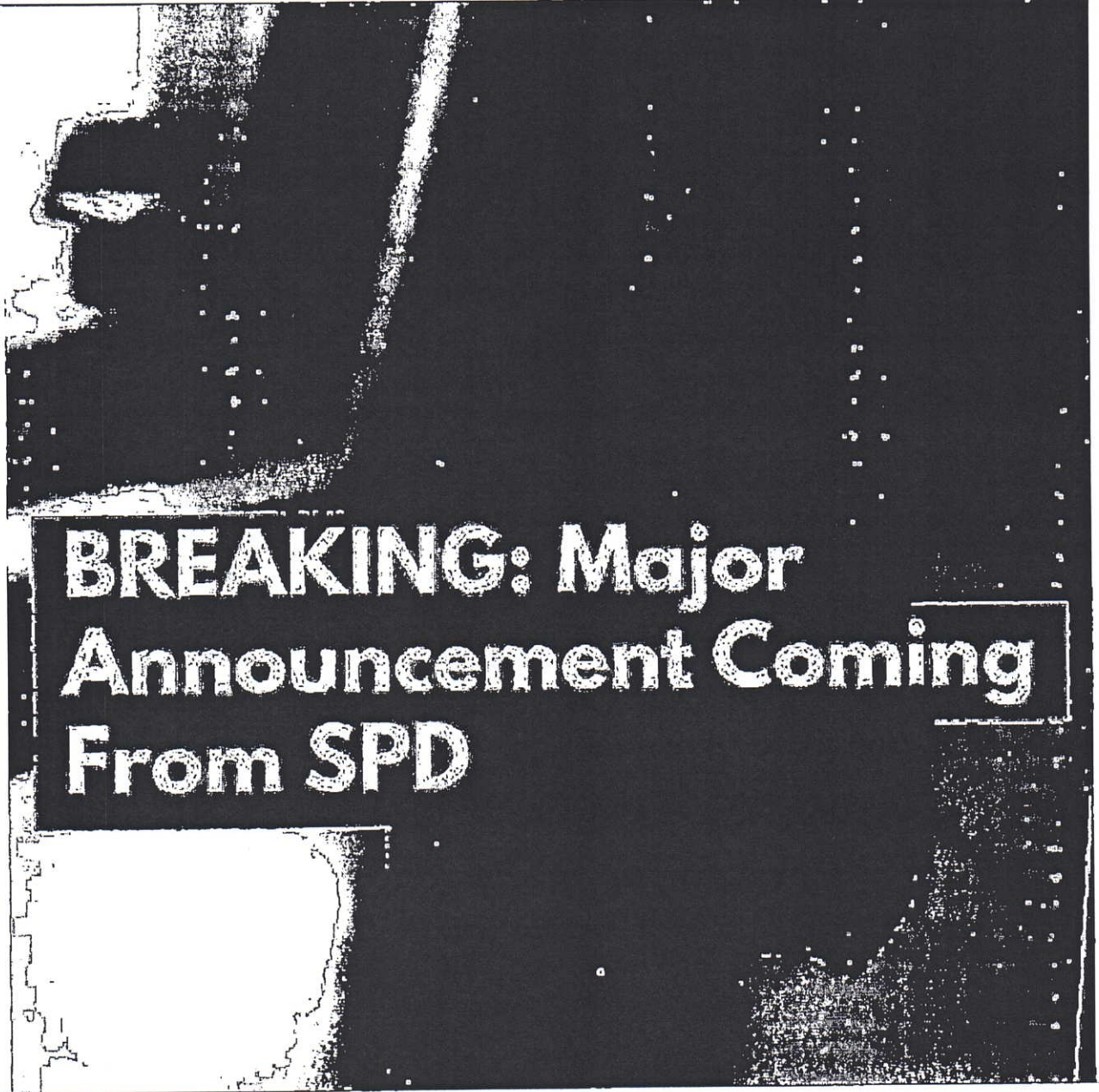


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EXHIBIT C



BREAKING: Stockton Police will be making a major announcement in the Shadow Stalker serial killer case at 3:00pm. Stay Tuned. #stockton #shadowstalker #serialkiller



380

76 Comments 103 Shares

Like

Comment

Share

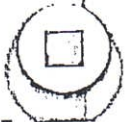


209 Times

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MARIACHI TICKETS GIVEAWAY WINNER ANNOUNCEMENT

Time to find out who the lucky winner of the Tracy Chamber tickets to see



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EXHIBIT D

See all

About

The 209's grassroots newscast.

110,385 people like this including 7 of your friends



146,388 people follow this

<https://209times.com/>

Send message

info@209times.com

Media/News Company

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EXHIBIT E

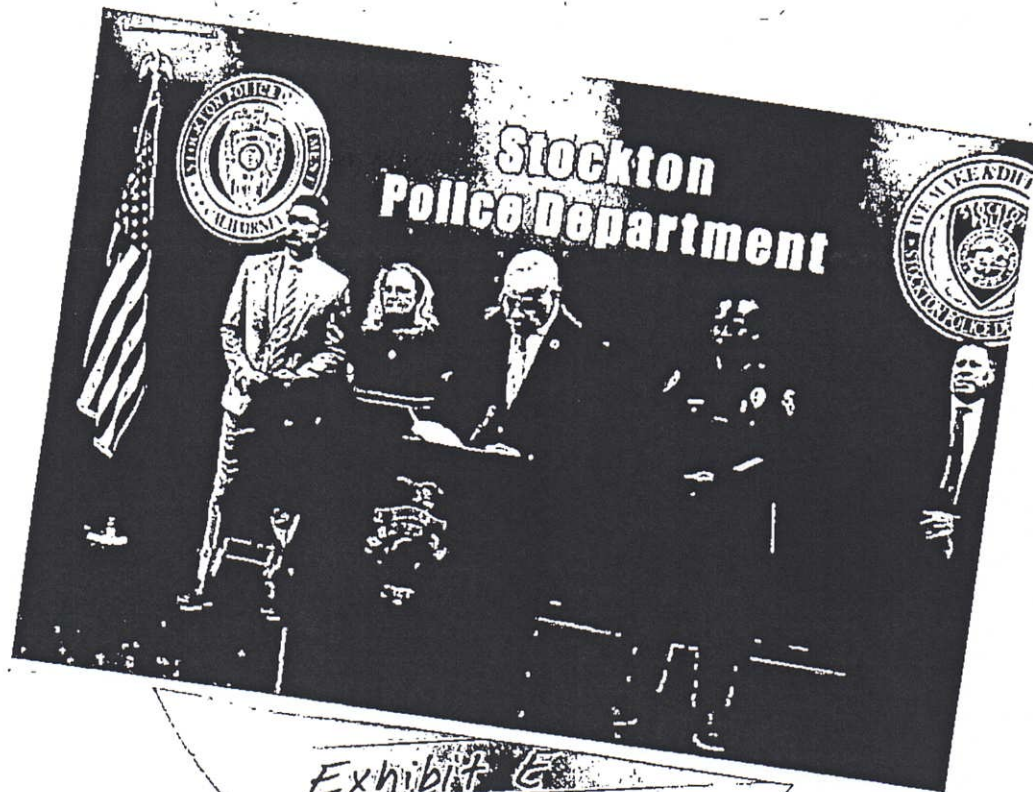
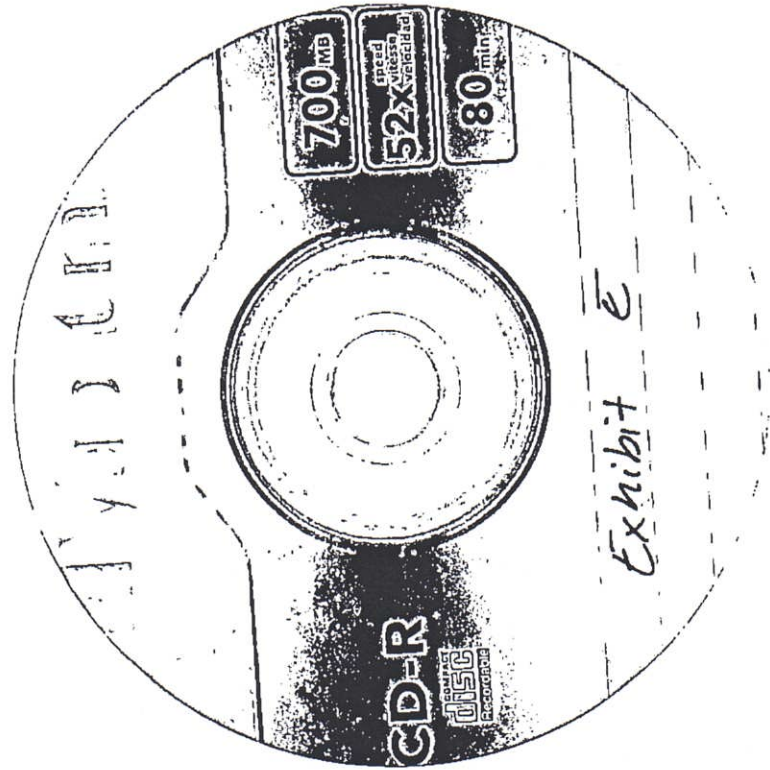


Exhibit E

Exhibit E

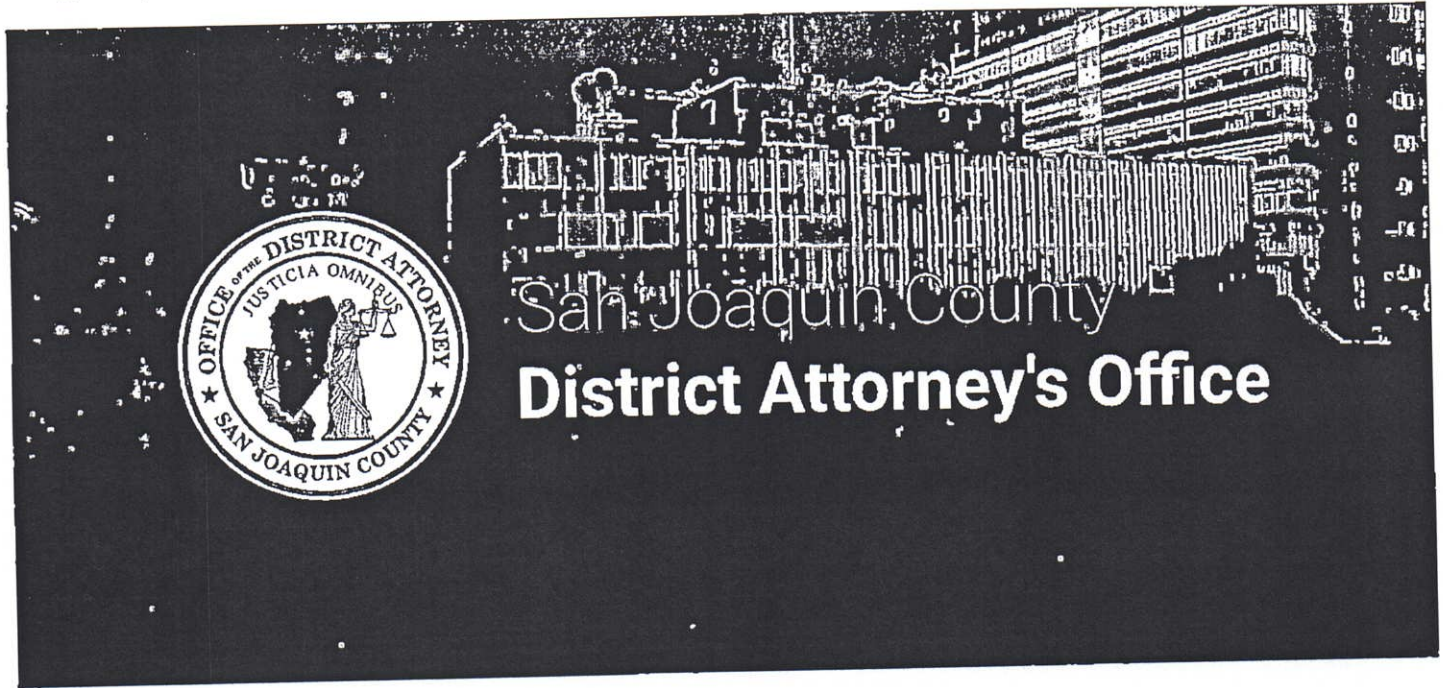


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EXHIBIT F

SAN JOAQUIN COUNTY

Home > Department > District Attorney > Press Release



- Home
- Administration ▾
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- News ▾
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OFFICE OF THE DISTRICT ATTORNEY
 222 E. Weber Ave., Room 202, Stockton, CA
 P. O. Box 990, Stockton, CA 95201
 T (209) 468-2400 | F (209) 465-0371

TORI VERBER SALAZAR
District Attorney
 Scott A. Fichtner
Assistant District Attorney
 Kristine M. Reed
Assistant District Attorney
 James Bojko
Chief Investigator

News from the Office of District Attorney Tori Verber Salazar For Immediate Release

October 18, 2022

CONTACT: Elisa Bubak, *Public Information Officer*

T: (209) 468-2400 | **E:** elisa.bubak@sjcda.org

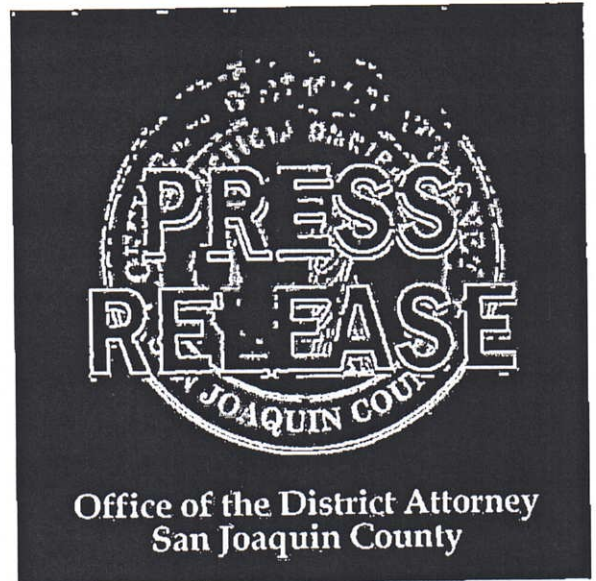
DA Verber Salazar Announces Murder Charges Against Suspected Serial Killer

Today, San Joaquin County District Attorney Tori Verber Salazar announced the initial charges against defendant Wesley Brownlee, 43, in connection with a series of homicides in Stockton. The defendant is charged with three counts of murder, one count of possession of a firearm by a felon, and one count of possession of ammunition by a felon.

"Today, our community can breathe a sigh of relief. The man suspected of taking multiple lives is behind bars," **said District Attorney Tori Verber Salazar.**

"There is sufficient evidence to pursue three counts of murder and we are confident additional charges will be added to the complaint as the investigation progresses. My administration will prosecute the defendant to the full extent of the law. Our sincerest condolences are with the victims' families during this extremely difficult time, and my office will continue to offer support and services as these families process their loss."

"I am grateful for the work of the Stockton Police Department and law enforcement agencies who lent their support to this investigation, including the California Department of Justice's Bureau of Firearms and Bureau of Forensic Services," **said Attorney General Rob Bonta.** "When we face a challenge or threat to the safety of Californians, we stand stronger when we stand together. Because of our collaborative work, the citizens of Stockton and California communities can feel comfort in knowing that this suspect is off our streets and out of their neighborhoods. With today's charges filed by San Joaquin County District Attorney Tori Verber Salazar, we take an important step



forward in our efforts to hold this suspect accountable and in healing the trauma experienced by the Stockton community.”

According to the Stockton Police Department, Officers were conducting surveillance on a person of interest in connection to the recent series of homicides. Due to the behavior pattern exhibited by the individual, Stockton Police Department officers had reasonable suspicion and initiated contact. During the inventory of his vehicle and person, a firearm of a similar caliber to the weapon used in the homicides was found and Wesley Brownlee was arrested. Due to the partnership with ATF, the firearm was processed and it is with high confidence the same firearm was used in three of the recent homicides- Jonathan Hernandez on August 30, Juan Carlos Carranza Cruz on September 21, and Lawrence Lopez on September 27.

The defendant has been remanded to custody by the Honorable Judge Soldati. The investigation is ongoing and the San Joaquin County District Attorney’s Office will continue to dedicate resources to assisting law enforcement in the successful prosecution of the defendant.

The San Joaquin County District Attorney’s Office would like to recognize Chief Deputy District Attorney Robert Himelblau and his team, Stockton Police Department, fellow local, state, and federal law enforcement agencies, including ATF and California DOJ, and the Bureau of Investigations for the collaboration and partnership in the investigation and apprehension of the suspect.

In addition, the Office would like to thank the Stockton community for their assistance in the capture of the defendant. This case is a prime example of how community partnership and engagement with law enforcement results in increased public safety.

A copy of the filed complaint can be found below.

Attachments



Noticias del Fiscal de Distrito

661.7 KB • PDF • OCTOBER 18, 2022



Complaint-Brownlee

370.4 KB • PDF • OCTOBER 18, 2022



Government

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Parks & Recreation

Help Center

Calendar

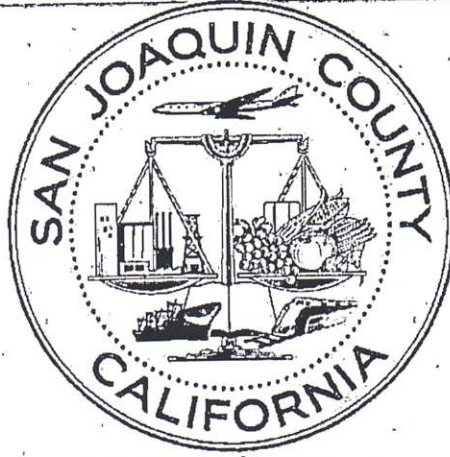
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Employee Email



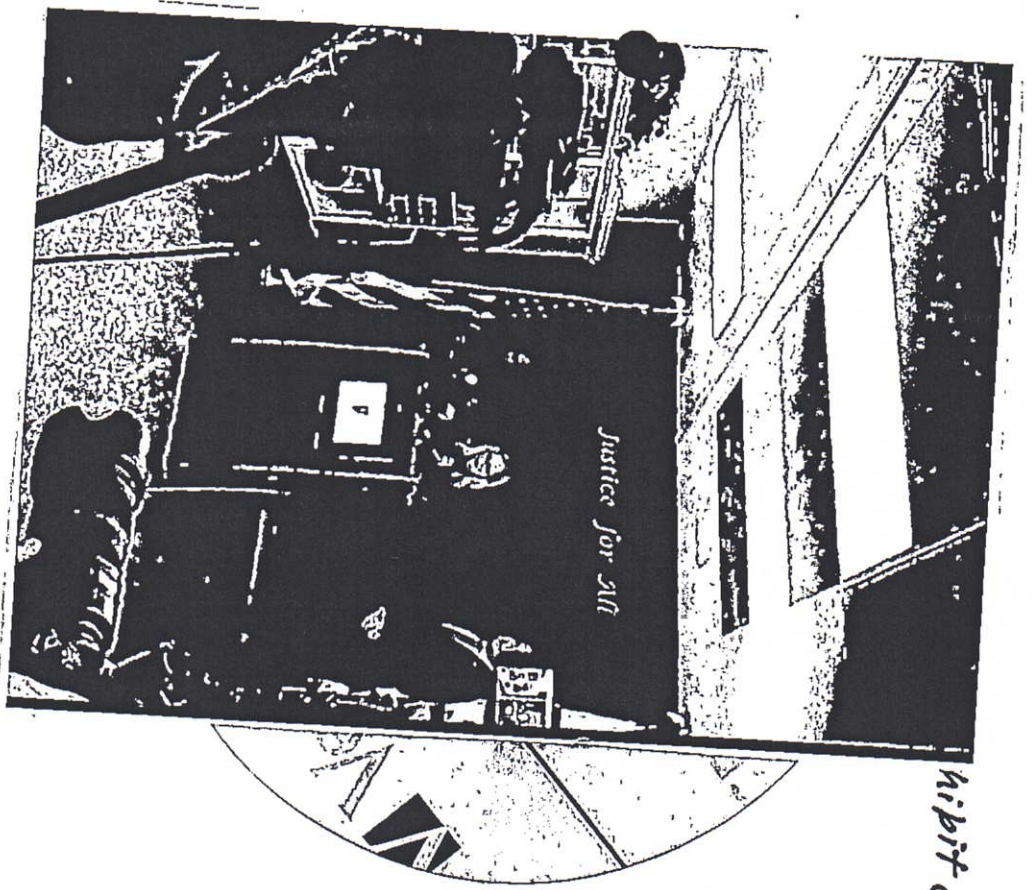
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EXHIBIT G



hibit 6

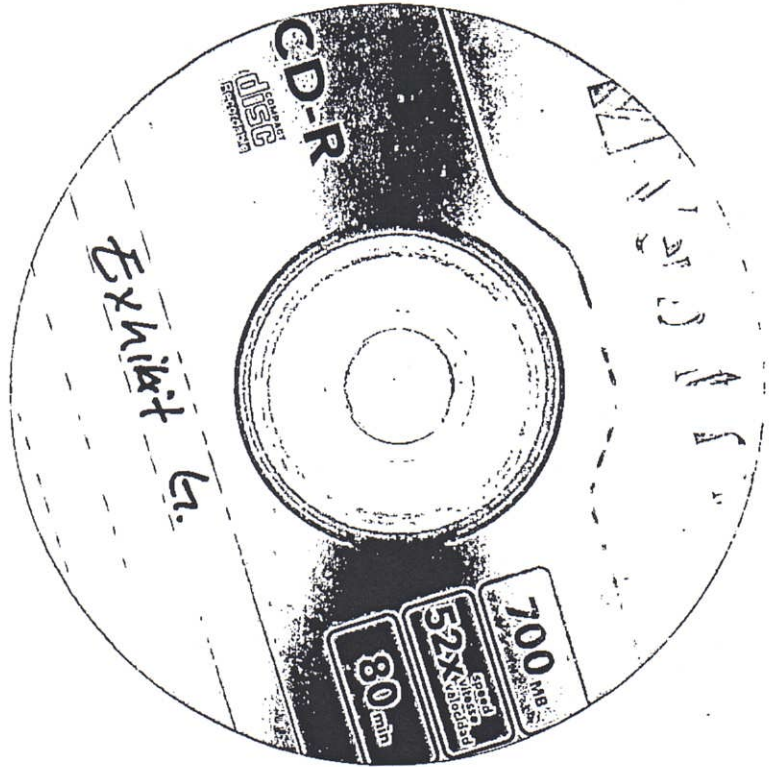


EXHIBIT G.

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EXHIBIT H

LOCAL & STATE

CALIFORNIA FORUM
FIND THE OPINION
PAGES INSIDE THIS
SECTION.

Kaiser strike to end as mental health employees reach deal

BY CATHE ANDERSON
canderson@sacbee.com

Kaiser Permanente and the National Union of Healthcare Workers representing the company's 2,000-plus mental health clinicians announced Tuesday that they have reached a tentative contract deal that

ends a 10-week strike. In a joint statement on the new labor agreement, Kaiser and the union said: "The new four-year agreement will benefit Kaiser Permanente patients and drive collaborative efforts aimed at improving access to mental health care, while at the same time recognizing and better supporting mental health

therapists in their important work." Sacramento Mayor Darrell Steinberg began mediating the dispute last week, and the union and company said he had helped to bring negotiations to a close. Steinberg has stepped in to mediate other negotiations, helping to head off an open-ended strike by NUHW in 2015 and more

recently brokering a deal that allowed the University of California, Davis, avoid litigation that had sowed down development of its Aggie Square project.

NUHW members will begin voting later today on the deal, the union said, and that process will take two days. Both sides said they agreed not to discuss terms of the deal until voting is completed.

The two sides had come to terms on wages before Steinberg started to work with them, but union members wanted contract terms that would allow more time to tend to patient needs that could not be handled during therapy sessions.

Cathie Anderson: 916-321-1193, @CathieA_SacBee

Football players apologize for mock slave auction

BY SAWSAN MORRIS AND MARCUS D. SMITH
smorris@sacbee.com
morrish@sacbee.com

Three Yuba City high school football players apologized during an NAACP press conference on Monday for their involvement in a mock slave auction that ended their team's entire season.

The filmed incident, which made news in September, depicted several River Valley High School varsity football players in a locker room acting out a mock slave auction, shouting dollar amounts as three black students were lined up in front of them.

Alex, whose parents requested his last name not be used, said he did not want to be a part of the so-called prank, but gave into peer pressure, according to a CBS Sacramento video of the press conference.

"This video is harmful to the entire Black community who counts on people like myself to stand against these wrongs rather than participating," Alex said.

Alex was one of the four Black football players in the viral video seen in their underwear isolated on weighing scales as teammates waged bids portraying them as enslaved persons.

"I was not feeling good about it and I just froze. I just wanted to get it over with so I can go to practice," said Adrian, another player who apologized at the press conference. "Looking back I wish I (would) have done more to stop (it)."

Their teammate, Marcos, was a part of the group of varsity football players in the locker room yelling different offers towards his Black teammates.

He said he knew the acts committed by him and his teammates were wrong when it happened. He apologized to his teammates, his family and his community.

"I didn't have the courage to stop myself or my teammates and I wish I would have," said Marcos. "I am personally going to work on getting a better understanding of other cultures and their histories."

The Yuba City Unified School District launched an investigation, and called the incident "disgraceful." The video went viral, and was widely reported across the country.

The students said they received a three-day suspension from school.

The Greater Sacramento NAACP held the press conference after it met with the district to call for further action from the administration. School district officials said they are working on a plan to further educate students and staff on anti-bias and anti-racist behaviors.

"These young men have been marginalized," said NAACP legal chair Justin Ward. "They have been taught that they were like a slave, and the slaves had no voice. These had no choice



Stockton serial killing suspect Wesley Brownlee, 43, stands with public defender Allison Nobert during his arraignment in Stockton Superior Court on Tuesday.

Brownlee hears first charges in Stockton serial killing case

BY DARRELL SMITH
dsmith@sacbee.com

Wesley Brownlee was arraigned in a Stockton courtroom in the serial gun slayings that shook this city days after a weekend arrest that authorities say may have stopped another killing.

Brownlee, 43, sat and listened to the charges read by San Joaquin Superior Court

Judge John Soldati, in a courtroom crowded with reporters and victims' families for a case that set Stockton on edge and garnered national headlines.

In San Joaquin Superior Court, Brownlee was charged with three counts of murder for the deaths of Jonathan Hernandez Rodriguez, 21, who died Aug. 30; Juan Cruz, 52, who died Sept. 21; and Lawrence Lopez Sr., 54, who died Sept. 27.

The other counts he faced

Tuesday were suspicion of being a felon in possession of a firearm and possession of ammunition.

Stockton police say Brownlee is the man who gunned down six people in the city and his native Oakland, and riddled another with bullets aside railroad tracks in downtown Stockton. The female victim, Natasha Latour, survived her attack last year and has since come forward with her brush with death.

The other fatal victims were Juan Vasquez Serrano, 39, who was killed in Oakland on April 10, 2021; Paul Yaw, 35, who was gunned down in Stockton July 8; Salvador Debudey Jr., 43, who was slain in Stockton on Aug. 11.

Investigators' probe into the shootings is ongoing. Stockton detectives, who were later joined by federal investigators, are still determining a motive for the killings. Brownlee's previous criminal history consisted of mostly drug-related crimes out of Alameda County, as well as a number of traffic infractions in San Joaquin County, where Brownlee has long called home, court records

SEE STOCKTON, 4C

COMMENTARY

Siebel Newsom asked Weinstein for advice after alleging rape

report. You might think that, sure. Especially if you nodded along all those years ago as Joe Biden and other members of the Senate Judiciary Committee implied that Anita Hill couldn't

FROM PAGE 1C
STOCKTON

showed. At an afternoon news conference immediately after Brownlee's arraignment, San Joaquin County District Attorney Tori Verber-Salazar told reporters the investigation is moving rapidly and more charges are coming, including the attempted murder of Latour who was shot in April 2021, which the DA referred to as a "special circumstance." Verber-Salazar said Brownlee is a truck driver who only recently moved to Stockton and prosecutors are also looking into hate crime charges. "We believe without a reasonable doubt that we have the suspect in this case," she said.

Verber-Salazar was joined by Stockton police chief Stanley McFadden and Bureau of Alcohol, Tobacco and Firearms acting Agent-in-Charge Joshua Jackson. McFadden said the weapon in police photographs was the one found on Brownlee, but would not say whether it was the murder weapon or whether it was a ghost gun.

When asked about Brownlee's mental health status, Verber-Salazar would not comment.

For months, investigators worked to link the killings. They received their big break in early

October. Ballistics tests tied a single weapon to the slayings while surveillance video of the shadowy figure dressed in dark clothing who walked with a pronounced gait drew more tips from the public.

Authorities announcing Brownlee's arrest Saturday hours after his early morning capture credited the public with helping to find their suspect. Brownlee was arrested during a traffic stop Saturday morning near Panella Park at Village Green Drive and Winslow Way. That area is close to a home where Brownlee lived between 1999 and 2007. This was also within 2 miles of the five fatal incidents in Stockton.

According to public records, an apartment near Knickerbocker Drive and Tam O'Shanter Drive was Wesley Brownlee's last known address. It is within several feet of one of the killings, that of Jonathan Rodriguez on Aug. 30, the only person shot inside a vehicle.

"There are some people who are too dangerous to share the streets with you and I," Verber-Salazar said. "As a community, we suffered this reign of terror."

Brownlee returns to court Nov. 14.

Darrell Smith:
916-321-1040,
@draughsmith

FROM PAGE 4C
HENNEBERGER

Davis student in 2012 ended in a mistrial because the jury couldn't get past what they saw as the damning fact that his accuser, who had been stranded at his house, later let him drive her home. "I felt if I confronted him then and there, I don't think I would have made it out of that house," she said. Jurors thought otherwise.

Now Weinstein's attorneys are set to argue that since "Jane Doe 4," who is Siebel Newsom, later asked the producer for favors, then obviously nothing unwanted happened between them.

"The fact that she comes to Mr. Weinstein for that advice indicates the friendship and companionship of Jane Doe 4 and Mr. Weinstein," his lawyer told the court.

"The defense will be that they had an affair, that they had consensual sex."

Maybe she even took Weinstein's advice, since she did blame Newsom's aide for his ugly affair with someone who was not only an employee, but the wife of his best friend and campaign manager. Siebel Newsom also asked Weinstein for campaign donations for her partner.

But asking Weinstein for favors does not mean he didn't rape her, and we should stop pretending

that real victims always behave the way we think they should — initially emotional rather than numb, and then later, avoiding all contact.

In the California case now in jury selection, Weinstein faces a maximum of 140 years on multiple charges involving five women who say he assaulted them between 2004 and 2013. He's now appealing his New York sentence, which makes this Los Angeles trial even more important to the more than 90 women who have accused him, and to everyone who hoped that rapists with power and money were no longer immune from consequences.

'NOTHING TO DO WITH POLITICS'

I already admired Siebel Newsom for her willingness to testify. Because like all accusers, she's doing so knowing that she'll be vilified. But that she'd do so, fully aware that her entreaties to Weinstein would be aired in court, only makes what she's doing more credible and commendable.

The judge said she will not allow prosecutors to introduce texts and a tweet from Siebel Newsom saying that if all of Weinstein's victims came forward, he'd be in jail for

life, and that Malia Obama, who at the time had just gotten an internship at Weinstein Co., would probably be assaulted, too.

"It is snarky," Deputy District Attorney Marlene Martinez told the judge, "but it is snarky because she had been raped, and she wanted to let the public know."

The judge said those comments were "based on things she's heard" so would not be allowed.

The small asking Weinstein's advice mentioned a movie she was part of, and said, "Harvey, regarding the press thing, I was calling because I wanted some advice" about how to respond to a story about Newsom's affair.

"She comes to him to basically navigate a sex scandal," which a real victim would not do, Werksman told the judge, who answered, "Very dramatic, Mr. Werksman."

"Forgive the melodrama," he answered.

"I'm not sure how Mr. Werksman knows" how a rape victim would behave, Martinez said. "They do not react in a matter how someone who has not been raped would think."

As for why she'd go to him, of all people, the prosecutor said that "he was the person everyone looked to see how to deal with a bad press situation." As a master media manipulator, she said, it only made sense. Though he's lost his

power to control the narrative, how we see victims hasn't changed as much as it should have.

Werksman complained, "They're trying to whitewash and inoculate their client from tough questioning." Of course they are.

The judge ruled that the defense could ask Weinstein "whether she sought his advice over a situation with the press." But details about that situation, she decided, are "too tangential in relation to this trial... It is far less relevant than you think it is," she told the defense. "And far more prejudicial."

Werksman also said he might want to bring up the governor and his wife's visit to the French Laundry restaurant during the pandemic shutdown to highlight their hypocrisy.

"We're seeking to exclude anything political," Martinez countered, "because this has nothing to do with politics."

The alleged rape of California's first partner by Hollywood's best known bad actor is bound to be seen through a political lens.

But again, that she's willing to do this regardless of how it reflects on her ambitious husband means it's also about something more than politics.

Melinda Henneberger
@MelindaSacBee

Obituaries

Gerald Norris
October 8, 2022



Sacramento, California - Gerald Gaiten Norris, known as Jerry to most but as Pee-Wee to many, passed peacefully in his home on October 8, 2022, at the age of 88. Jerry is survived by his wife and high school sweetheart of 65 years, Irene Norris (née Annede), his daughter Jennifer Norris and his son Peter Norris. He was preceded in death by his daughter Anne Franceschi (née Norris) and brother Peter Norris. He will be sorely missed by his grandchildren Natalie and Gilbert, Enrico, Emilia and Chris, and Sophia; his sons-in-law Ed and Tom; and his huge extended family and numerous friends.

Brian Mullally
April 2, 1983 - October 7, 2022

Baltimore, Maryland - Brian John Mullally passed away on Wednesday, October 7, 2022 in Baltimore, Maryland. Born to Kevin and Rosemary Mullally in Stockton, California, Brian lived an international life, where he lived in Africa, Europe, southeast Asia, and the Caribbean. He completed high school at Le Rosey school in Switzerland, earned degrees at UCL, London, England and CNAM, Paris, France. He worked in Haiti and in

Timothy Steiner
November 26, 1946 - October 16, 2022



Klamath Falls, Oregon - After a courageous battle with cancer, Timothy Steiner, surrounded by his loving family, passed away on October 16, 2022. He was a loving husband, father, grandfather, great-grandfather, brother, and uncle. The son of the late Jack and Dorothy Steiner was born on November 26, 1946, in Sacramento, CA. Tim grew up in Sacramento, CA, and attended All Hallows' Grammar School, Christian Brothers, Encina High School, Santa Clara University, and the University of America in Mexico City.

After college, Tim joined the family business, Lumberjack, where he developed his love of business and passion for serving customers and employees within the home improvement industry. In 2000, along with his late brother, Jay, he founded Diamond Home Improvement Center in Klamath Falls and Grants Pass, Oregon, continuing his family's legacy. Tim will be remembered for his kindness, generosity,

by, sense of humor, love of family, and passion for golf. Whether at home or in Mexico, enjoying time with his family was one of his greatest pleasures. He was a great friend to all and held many special lifelong friendships close to his heart. Tim leaves behind his loving wife of 26 years, Gloria Steiner, and his five children: Kimberly McCullar (Bucky) of La Veta, CO; Michael Steiner (May) of Lakeview, OR; Karen Wooten (Jeremy) of Klamath Falls, OR; Kelly Steiner of Lakeview, OR; and Haley Steiner of Phoenix, AZ. Grandchildren Cooper (Emily), Garrett (Hannah), and Trevor McCullar; Jasmine, Emily, and Jack Steiner; Callie, Parker, Henry, and Katie Wooten. Great grand-sons Maverick and Madden McCullar. Tim also leaves behind two sisters, Sherry Levi-Ames of Sacramento, CA, and Pam Faxino of Klamath Falls, OR, and was preceded in death by his brother Jay Steiner. He also leaves several beloved nieces, nephews, and cousins.

He will be greatly missed by his family, friends, and all who came to know him. A memorial service will take place at East Lawn Memorial Park, 4300 Folsom Blvd., Sacramento, CA, on Sunday, October 23, 2022, at 10:00 AM. Reception to follow; interment will be private. The family will host a Celebration of Life in Klamath Falls, OR on Saturday, October 29, 2022.

Connie Mahoney
July 11, 1944 - October 3, 2022

a long distance courtship. In her senior year John proposed and the next summer they wed.

OBITUARY INDEX

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Contact our obituary staff at 916-321-1323 or funeral@sacbee.com

NAME, AGE	CITY	DEATH	ARRANGEMENTS
Doyle, Jacqueline Marie, 87	Sacramento	Sep 01	East Lawn Memorial Park
Mahoney, Connie, 78	Orangevale	Oct 03	Sierra View Funeral Chapel
Mullally, Brian, 39	Baltimore	Oct 07	Hessling Murray Funeral Home
Norris, Gerald, 88	Sacramento	Oct 08	Neptune Society
Steiner, Timothy, 75	Klamath Falls	Oct 16	East Lawn Memorial Park
Wheaton, John Rodgers, 84	Sacramento	Aug 12	N/A
Wolfe, Charifon Ruth, 86	Sacramento	Oct 06	Blue Oaks Cremation

Bold listings indicate expanded obituaries

John Rodgers Wheaton
March 12, 1938 - August 12, 2022



Sacramento, California - John Rodgers Wheaton, 84, died peacefully August 12, 2022, at his home in Sacramento. John was born in San Francisco, and as a child moved to Pasadena. John's high school years at The Teacher School in Ojai, CA were formative. The school's emphasis on horseback riding fit John perfectly. His horse, Doc, was a longtime companion, the two competing in gymkhanas and taking pack trips in the Sierra Nevada.

At Dartmouth College, John earned his BA and MS in Mechanical Engineering. He rowed on the crew team, and was a member of the Dartmouth Ski Patrol, prompting a life-long passion for skiing. Only months

deep-sea submersible at the Oceanic Institute, affiliated with Sea Life Park. It was in Honolulu where John met his future wife, Jane. Married in 1967, they moved back to California where John earned his MBA at Stanford and Jane her teaching credential. Upon returning to Honolulu, John held several corporate positions at Dillingham Corp. When Dillingham purchased CalGas, John and Jane moved to Sacramento where John integrated CalGas and its subsidiaries into Dillingham. Later he became VP and CEO of equipment leasing and real estate financing at the Dowdell Corp. John treated and was President of Mariposa Petroleum, a natural gas investment company. John served as Assistant Director of Ticketing for the 1984 Olympic Games Organizing Committee.

Curious about other lands and other peoples, John and Jane traveled to many diverse places around the world. In Antarctica, John was one of the few who dared to plunge into the warm waters of an up-welling hot spot in an Antarctic inland sea. John was a member of Rotary, where he and Jane hosted numerous foreign

John was known for his humor and his desire to assist others. When he met people, he liked to ask about their life stories. When hiking or traveling, he always wanted to see over the next ridge or around the next corner, and often took off to explore. He will be remembered for his curiosity, determination and open-mindedness.

Survivors include his wife, Jane, brother George (Sarah), son Cal (Aimee), daughter Mele (Ryan Goebel), granddaughters Serena, Isabel, Denison and Corn, as well as many nieces, nephews and cousins. John's ashes were buried September 17th at Oakland View Cemetery in Oakland, CA after a family service.

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EXHIBIT I



SPORTS

A look at the top offensive players from Week 8 games

SPORTS, 1B

DAILY DISCOUNTS & SAVINGS ... Dining Deals USA PAGE 2A

The Record

TUESDAY, OCTOBER 18, 2022 | RECORDNET.COM

PART OF THE USA TODAY NETWORK

FACT CHECK

A closer look at statements from Harder, Patti at forum



U.S. Rep. Josh Harder, left, and San Joaquin County Supervisor Tom Patti participate in a debate for the 9th Congressional District held at the Stockton Record offices in downtown Stockton. CLIFFORD OTO/THE STOCKTON RECORD

Ben Irwin
Stockton Record
USA TODAY NETWORK

Democratic Congressman Josh Harder and Republican San Joaquin County Supervisor Tom Patti engaged in a forum Thursday, Oct. 13, at The Stockton Record. The two are vying to represent most of San Joaquin County in Washington via the 9th Congressional District.

Sparks flew, and accusations were made; within hours, both candidates' campaigns had sent in fact-checks.

Here's ours:

Money talks

During the conversation on political alignment, the two congressional candidates exchanged jabs about who the other has accepted money from.

Patti, 58, who said he does not support a national abortion ban — he said he's a "non-participant in the anti-abortion narrative," and that "it'll be remaining legal in California, and I'm not here to get in the way of very difficult decisions that a woman and a doctor may have to make," but fell short of clarifying

his stance on abortion — denied taking any money from anti-abortion groups.

• Fact check: Federal Election Commission records show Patti's campaign accepted \$1,000 from Raptor PAC — affiliated with US Rep. August Pfluger (R-Texas), who openly supports a 15-week national abortion ban. There is no FEC record of Patti accepting money from anti-abortion group Californians for Life, as Harder said during the debate.

Harder, 36, who said he's pro-Roe v.

See FACT, Page 2A

Community reacts to arrest in serial killer case

Hannah Workman
Stockton Record
USA TODAY NETWORK

A Stockton man was arrested in connection to a series of killings in the city — and one in Oakland — on Saturday, and residents are breathing a sigh of relief.

Cristi Phillips, a lifelong Stockton resident, said she feels "much better" knowing an arrest has been made. She said the news hits close to home, as her daughter lives in the area where the man was arrested.

"He was literally on the hunt in my child's neighborhood, and [she] could have very easily been his next victim, so I thank the Lord he was captured," Phillips said.

Phillips said that while the city has always had high crime rates, serial killings are "not very common."

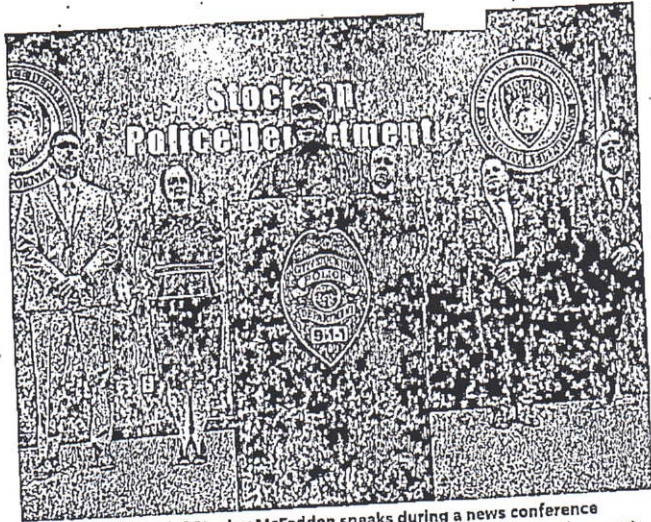
"We as a community need to thank each other for our vigilance ... as well as our law enforcement agencies," Phillips said. "Three weeks after making the connection, they took this monster down and we can all sleep more peacefully tonight."

Wesley Brownlee, 43, of Stockton was arrested early Saturday morning, Stockton Police Chief Stanley McFadden announced at an Oct. 15 news conference. He's yet to be charged with a crime and is expected in court Tuesday.

"Just because an arrest was made does not mean the investigation stops," McFadden said. "We now have to have a successful prosecution for our victims and their families."

Brownlee was taken into custody at about 2 a.m. Saturday near Village Green Drive and Winslow Way, McFadden said. He added that Brownlee was wearing dark clothing and a mask around his neck, and was also

See ARREST, Page 5A



Stockton Police Chief Stanley McFadden speaks during a news conference Saturday at the police department headquarters in downtown about the arrest of suspect Wesley Brownlee in connection with a string of serial killings. CLIFFORD OTO/THE STOCKTON RECORD

Arrest

Continued from Page 1A

armed with a firearm.

"The arrest of the serial killer is an absolute victory for the victims, their families, and our community at large," Renee Myers of Stockton said.

Myers runs Stockton Serial Killer Community News and Information, a members-only Facebook group created to share tips and express concerns regarding the recent series of killings. Nearly 4,000 members have joined the group since it was created on Oct. 5.

"Going into this, there was no doubt in my mind that the community would play an integral part of the investigation, capture and prosecution of this killer," Myers said.

The public has been on high alert since Sept. 30 when McFadden announced that police are investigating a person of interest in connection with five similar fatal shootings that have occurred across north Stockton over the past several months.

The five shootings police are investigating as part of the series of connected killings occurred north of the Calaveras River and east of I-5 between July 8 and Sept. 27.

Police later linked two additional shootings — one fatal — that occurred in April 2021 in Oakland and Stockton to the series of connected killings under investigation.

Brownlee is scheduled to be arraigned in San Joaquin County Superior Court at 1:30 p.m. Tuesday. But there are still some Stockton residents who refuse to let their guard down.

"I don't think it's him," Ronnie Fernandez of Stockton said. "I am continuing to be safe and cautious."

Fernandez said she doesn't believe Brownlee looks like the person of interest police identified in surveillance video footage in late September and questioned how police were able to catch him "so fast."

Maria Olivera of Stockton was also doubtful. She, like Fernandez, said she will remain vigilant when she goes out. "I think maybe he's still out there," Olivera said. "I don't think it's certain it's the right person."

Record reporter Hannah Workman covers news in Stockton and San Joaquin County. She can be reached at hworkman@recordnet.com or on Twitter @byhannahworkman. Support local news, subscribe to The Stockton Record at <https://www.recordnet.com/subscribe>.

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John Andrew Santos
Nelmida
3302 Hermilage Avenue
Stockton, CA 95210
This Business is conducted by an individual. The registrant commenced to transact business under the fictitious business name listed above on: 08/17/2022
JOHN ANDREW SANTOS
NELMIDA
Filed: August 29, 2022
Steve J. Bestolarides
County of San Joaquin
Recorder-County Clerk
#7898359, 10/11, 10/18, 10/25, 11/1, 2022

Fictitious Business

FICTITIOUS BUSINESS NAME STATEMENT
DOC. NO. 2022-113271
The following persons are doing business as: MASA CONTEMPORARY JAPANESE LOUNGE, 2819 W. March Lane Ste. A3, Stockton, CA 95219
Michael Jay Macato
Jessica Nicole Teczon
119 W. Elm St.
Stockton, CA 95204
This Business is conducted by a married couple. The registrants commenced to transact business under the fictitious business name listed above on: N/A
MICHAEL MACATO
Filed: October 4, 2022
Steve J. Bestolarides
County of San Joaquin
Recorder-County Clerk
#7921510

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EXHIBIT J



Outdoors: Good late season fishing is still out there

SPORTS, 1B

DAILY DISCOUNTS & SAVINGS ... Dining Deals USA PAGE 2A

The Record

WEDNESDAY, OCTOBER 19, 2022 | RECORDNET.COM

PART OF THE USA TODAY NETWORK

Man charged with murder in 3 shootings

Aaron Leathley
Stockton Record
USA TODAY NETWORK

A Stockton man police and prosecutors allege carried out six homicides in Stockton and Oakland over about 18 months, was formally charged on Tuesday with murder in three of the homicides.

Wesley Brownlee, 43, was charged three times with murder, intentional discharge of a firearm, use of a firearm in commission of a felony and special circumstance of multiple murders.

Those charges are connected with the deaths of:

- Aug. 30: Jonathan Rodriguez Hernandez.
- Sept. 21: Juan Carlos Carranza-Cruz.
- Sept. 27: Lawrence Lopez.

Brownlee also was charged with felon or addict in possession of a firearm, cocaine based for sale and a felon in possession of ammunition.

"In no way does our charging decision today end or conclude our investigation. We have more work to do," San Joaquin County District Attorney Tori

Verber Salazar said during a news conference following the arraignment.

Prosecutors charge that Wesley Brownlee, 43, of Stockton, shot and killed five men in Stockton and one man in Oakland starting last year.

Brownlee's arraignment in San Joaquin County Superior Court Tuesday afternoon was the first time he has faced charges publicly after being arrested in Stockton early Saturday morning and being held without bail.

The series of killings authorities attribute to Brownlee began in Oakland in April 2021, when Juan Vazquez Serrano

was shot and killed in the city's Seminary neighborhood.

Six days later, a woman was shot multiple times in downtown Stockton. Then, beginning July 8, 2022, five men were fatally shot in an area of north Stockton extending north of the Calaveras River and east of I-5. Stockton police have said ballistics testing showed the seven shootings were carried out using the same weapon.

At about 2 a.m. Saturday, Oct. 16, law enforcement officers arrested Brownlee

See MURDER, Page 4A

Flores found guilty



Paul Flores stands during his murder trial in Monterey County Superior Court in Salinas on Monday, July 18. DANIEL DREIFUSS/MONTEREY COUNTY WEEKLY VIA AP

Decision unanimous on 1996 murder of Kristin Smart

Stockton Record

Test scores reveal declines in reading, math

Carolyn Jones and Daniel J. Willis
EdSource

Recently released test scores from some of California's largest school districts — representing more than 1 million students — offer a preview of what's likely to be steep drops in reading and math scores statewide in the wake of Covid.

The scores, which districts released individually at the request of EdSource, show sharp declines in all grade levels from 2019, before Covid forced the closure of most campuses to in-person learning, and 2022.

The California Department of Education has delayed releasing the full statewide results from the 2022 Smarter Balanced assessments, which are given annually to third-through-eighth graders and 11th graders to measure progress in English language arts and math. Under pressure from EdSource and other media outlets, the department recently agreed to release the scores by the end of October.

Meanwhile, EdSource has collected individual results from 10 large districts, including Los Angeles Unified, San Diego Unified, Fresno Unified, Lodi Unified, Long Beach Unified, Sacramento City Unified, Sweetwater Union High School District, San Ramon Valley Unified, Bakersfield City School District and Mt. Diablo Unified.

The results show consistent declines in all categories from 2019, but some variations among districts and

EVs

Continued from Page 3A

the origins of the measure.

In an election year where Newsom is expected to cruise to reelection for a second term, the fight over Proposition 30 has become perhaps the most contentious of the season for Democrats. It comes months after state air regulators approved a Newsom-backed plan to ban the sale of most new gas-powered cars in the state by 2035. Newsom notes that he has already dedicated \$10 billion to various programs aimed at boosting EV adoption over the next six years.

Half the money raised in Proposition 30 for electric vehicles would go into an equity account designed to expand transportation options and limit air pollution in low-income or disadvantaged neighborhoods. It could be used to help people buy electric cars or to put cleaner delivery trucks, buses and even e-bikes on the roads.

Wildfires, too, have become an increasingly urgent problem as climate change makes the state hotter and drier. Most of the state's deadliest and most destructive wild-

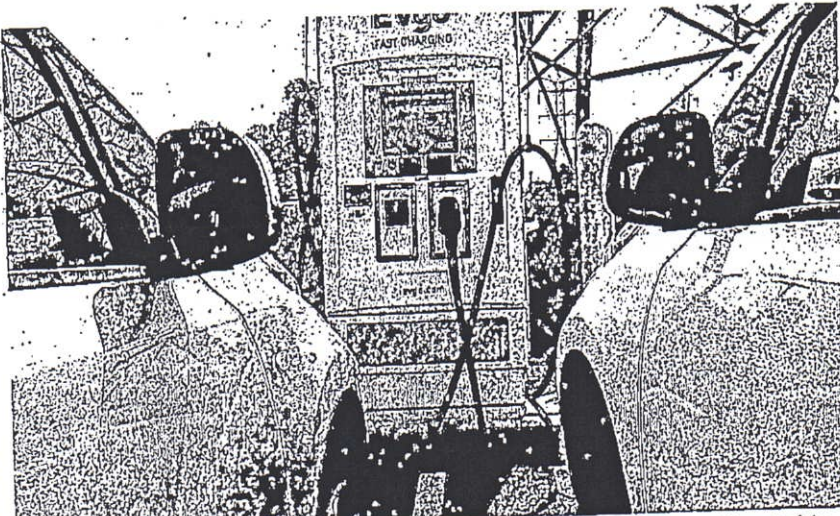
carbon emissions in 2021 — more than the annual emissions from electricity.

Lyft says it supports the measure because reducing emissions is good climate policy.

"Proposition 30 funds this through a tax on individuals who earn more than \$2 million a year. I'm fortunate enough to be impacted by this tax and happy to pay it to help turn back the clock on this existential threat," Logan Green, the company's chief executive officer, wrote in a blog post.

Joining Newsom in opposing the measure are the California Teachers Association, the California Chamber of Commerce and some venture capitalists who are helping fund the "No" campaign.

The money raised by the tax wouldn't count toward a state budget rule that says a certain percentage of revenue must go to K-12 education, a provision the teachers don't like. Meanwhile, the nonpartisan Legislative Analyst's Office said the proposal could force lower spending in other areas based on certain budget rules, something sup-



Proposition 30, which has divided Democrats, would add a tax on the highest earners, with most of the money going toward building charging stations and helping people buy electric cars. RICH PEDRONCELLI/AP FILE

porters of the measure dispute.

Business groups note that California's personal income tax is already the highest in the nation, and the ballot measure would put it over 15% for the highest earners. Loren Kaye, foundation president for the California Chamber of Commerce, also warned that a rapid expansion of electric ve-

hicles could strain the energy grid, an argument the Newsom administration has rejected.

Backers of Proposition 30 include the California Democratic Party, the Clean Air Coalition, the Natural Resources Defense Council and the American Lung Association, which have rejected characterizations that the measure is designed

to benefit Lyft specifically, noting there's no provision that would expressly set aside money for rideshare drivers.

While Newsom's existing commitment to electric vehicle infrastructure is significant, the state needs a more stable long-term revenue source, supporters argue. The tax increase would last for 20 years if the measure

passes.

"We need a consistent, reliable source of funding that keeps us going through good budget years and bad budget years," said Bill Magavern, policy director for the Coalition for Clean Air. Referring to Lyft, he added, "If the goal is to limit pollution, does it matter who is driving the EV?"

Murder

Continued from Page 1A

near Panella Park in north Stockton while he was driving, Stockton Police Chief Stanley McFadden said. Investigators had surveilled Brownlee's address before he departed.

The defendant's behavior leading up to the arrest suggested he could be planning a homicide, McFadden said, but he did not explain how.

Scant evidence in the investigation of the killings has been made public beyond blurred security footage of a person of interest in the case whom police believe is Brownlee, according to police spokesman officer Joseph Silva.

Silva said Monday he could not comment on whether other suspects had been investigated. "We're still asking people to call in with tips," he said.

Record reporter Aaron Leathley covers public safety. She can be reached at aleathley@recordnet.com or on Twitter @Leath-

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EXHIBIT k

California man charged in 3 slayings linked to serial killer

By Associated Press

October 18, 2022 at 7:28 p.m. EDT

STOCKTON, Calif. — Prosecutors on Tuesday charged a Northern California man with fatally shooting three men whom police have said were among six victims slain by a serial killer over the past year and a half.

Wesley Brownlee, 43, was arrested Saturday on suspicion of killing six men and wounding a woman in a series of shootings dating back to April 2021. Police had been conducting surveillance on him Saturday as he drove through the streets of Stockton, armed with a handgun and possibly “out hunting” for another victim.

The San Joaquin County District Attorney’s Office on Tuesday filed three counts of murder, one count of a felon in possession of a firearm and one count of possession of ammunition. Brownlee, a truck driver who had recently moved to Stockton from Oakland, was only charged in three recent slayings in Stockton.

District Attorney Tori Verber Salazar said she expects to file additional charges in two other murders in Stockton, as well as an attempted murder. Another killing occurred last year in Oakland, which is located in Alameda County.

“There are some people who are just simply too dangerous to share the streets with you and I,” Verber Salazar said at a press conference after Brownlee’s arraignment.

Brownlee did not enter a plea Tuesday and was scheduled to return to court on Nov. 14 for further arraignment. The judge assigned him a public defender. The public defender’s office did not immediately return a message seeking comment.

Detectives are still seeking tips from the public because Brownlee might be linked to more crimes, Stockton Police Chief Stanley McFadden said.

“We’re going to stay tenacious, we don’t know how many cases there are,” McFadden said.

The firearm found in Brownlee's possession during his arrest is of a similar caliber to the one that was used in the violence. Authorities believe the same gun was used in the slayings of the three men and are testing it to determine whether it was used in the other shootings.

Verber Salazar would not say whether Brownlee knew any of the victims personally.

Authorities previously described the suspect — now identified as Brownlee — as a serial killer who was "on a mission" but did not appear to have a clear motive in who he targeted for his crimes. Investigators have said ballistics tests and video evidence linked the shootings.

The five men killed in Stockton this year were Paul Yaw, 35, who died July 8; Salvador Debudey Jr., 43, who died Aug. 11; Jonathan Rodriguez Hernandez, 21, who died Aug. 30; Juan Cruz, 52, who died Sept. 21; and Lawrence Lopez Sr., 54, who died Sept. 27. Juan Vasquez Serrano, 39, was killed in Oakland on April 10, 2021, and Natasha LaTour, 46, was shot in Stockton on April 16 that year but survived.

The criminal complaint filed Tuesday only lists charges for the killings of Rodriguez, Cruz and Lopez.

Brownlee grew up in Oakland and has a criminal history that includes traffic violations and convictions for drug crimes in Alameda County that goes back to an arrest when he was 15 years old, according to The East Bay Times. He was most recently discharged from parole in 2006.