



FAIRFIELD POLICE DEPARTMENT TRAINING BULLETIN

January 16, 2008

KELLET DECISION (Multiple Offense Related Bookings)

SUMMARY: The following bulletin pertains to arrests/bookings, where a defendant would be cited for a lesser offense and booked on a more serious charge. This causes problems for the District Attorney's Office when it comes to prosecuting the case. The defendant should be booked on all charges related to the arrest.

FACTS: According to the Solano County District Attorney's Office the Kellet decision says; when the prosecution is or should be aware of more than one offense in which the same act or course of conduct plays a significant part, all such offenses must be prosecuted in a single proceeding.

Failure to unite all such offenses will result in a bar to subsequent prosecution of any offense(s) omitted in the initial proceedings. The district attorney's office refers to this in notices of non-filing as a "transactionally related offense."

An example would be where a defendant is cited for lesser offenses such as possession of marijuana in conjunction with possession of stolen property, or a more serious matter.

Another example would be where a defendant is cited for minor traffic offense(s) in conjunction with a more serious charge.

If the defendant appears on the citation prior to the filing of the more formal complaint, the district attorney's office is barred from proceeding on the more serious offense.

A common misunderstanding is that a different case number will solve the problem. What is key to remember is, **do not** issue an appearance date. Whenever possible, book on all charges. Possession of marijuana of course is the most familiar situation we run into. In those circumstances, obtain a separate case number and in the signature block, write "complaint pending." **Do not** give an appearance date and **do not** give the violator a copy. Simply attach the citation to the in-custody report and refer all offenses together to the district attorney's office.

NOTE: As always, there is an exception to every rule. If you are booking someone on a warrant only, the Kellet decision does not apply.

Author: Cpl. Don Schneider

Source: Lt. John Dugan and Solano County Deputy DA, John Daugherty

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