

*I (Cody Salfen) am not Mr. Alan Viarengo's attorney. Rather, I specially appeared in court with him today to assist him in requesting additional time to consult with and hire a lawyer. While in court this afternoon, the Court unexpectedly decided to remand Alan into custody and hold him without bail, despite the fact that he had already been arrested, he had already posted bail, had already been released last week, and despite the fact that he has yet to have a meaningful opportunity to hire a lawyer. Despite the fact that I am not his attorney, I am releasing this statement, at Alan's specific request, being that he is in custody and unable to release a statement on his own.*

*Alan and his family are shocked and traumatized by the sneak attack launched against them by law enforcement and Jeff Rosen's District Attorney's Office this past week.*

*Alan is a lifelong resident of Santa Clara County. He is a dedicated father, husband, community activist, respected professor, and volunteer. Each year, he devotes over 400 hours of his time, guiding and teaching youth and other members of the bay area communities he serves. He works two jobs to support his family. He holds a master's degree and as a professor, he is loved by his students and has consistently received praise (and awards) in recognition of his service and dedication to the diverse group of students he has taught each term for nearly two decades. Alan is a law abiding citizen. He respects the rule of law and the Constitution.*

*At this time we have allegations. Allegations are not facts. Very few facts, if any, have been provided by the District Attorney's Office about the law enforcement activities in this case. But, with the little information that has been provided, at present, the only apparent attacks that have occurred are against Alan and his family.*

*What we do know is that Jeff Rosen and his District Attorney's office have worked tirelessly to launch a full-blown sucker-punch style attack on Alan's character, his livelihood, his family, and apparently against the United States Constitution, including the First Amendment freedom of speech.*

*My understanding is that this past week, without notice, a team of heavily armed law enforcement officers broke into and ransacked Alan's home - the home Alan shares with his family — calling Alan's family out at gunpoint while his family was in their sleep clothes (when Alan was already in custody). Law enforcement seized Alan's personal property and other property belonging to Alan's family members. They arrested Alan and held him in a "no bail status", in direct violation of the 8th Amendment to the United States Constitution, which prohibits cruel and unusual punishment by the government and prohibits the setting of excessive bail. No-bail is typically reserved for murderers and those who have raised a hand against others.*

*It is hard to fight against conclusory allegations. Historically, Jeff Rosen's pattern of silencing those who engage in constitutionally protected questioning and critique of public officials is well documented. This is part of an unfortunate trend that has existed and persisted for many years in Santa Clara County.*

*In a time where criminal justice reform is beyond past due and is at the forefront of the conversation as a result of government endorsed violence such as the police murder of George Floyd, locally and in Santa Clara County, law abiding members of our community are being*

*persecuted and prosecuted for questioning and criticizing those in power -- activity that is, without question, protected by the First Amendment to the United States Constitution. We should not fear prosecution when we lawfully exercise our constitutionally protected freedom of speech.*

*We have seen Chief Eddie Garcia's San Jose Police Department castrate a peaceful protester with rubber bullets. DA Jeff Rosen hasn't charged the police officers who perpetrated that attack. We have seen police in this county unlawfully detain and force a young Mercury News reporter down to the ground for a number of minutes while she was engaged in constitutionally protected newsgathering activities (she was covering the protests in San Jose). Jeff Rosen's DA's Office has not prosecuted any of those officers. Over two years have passed since a cadre of Palo Alto Police Officers violently assaulted and a gay Latino resident, covered up the incident, failed to include any mention of use of force their reports, and did so without realizing their actions were captured on the resident's home surveillance camera (the officers slammed the handcuffed man's face into the windshield of his car and the sergeant later mocked the man for being gay). DA Jeff Rosen hasn't charged any of the officers and instead fought tooth and nail to charge the **victim** in the case (all charges against the man were dropped when a judge ruled the police violated the man's constitutional rights when they unlawfully detained and arrested him in his own driveway).*

*There are a number of disturbing recent incidents where DA Jeff Rosen has continued to use his position of power and authority as the District Attorney and has used the legal system to attempt to silence those who exercise their constitutionally protected freedom of speech and expression in the form of questioning and/or criticizing the actions of public officials. Just a couple short months ago, a public defender in Santa Clara County by the name of Sajid Khan wrote a blog post - an activity that, without question, is constitutionally protected. In his blog post, he demanded sweeping criminal-justice reform and encouraged readers to consider the role that prosecutors play in perpetuating racial bias and police brutality. In response, DA Jeff Rosen vindictively placed Kahn in his figurative crosshairs. DA Jeff Rosen emailed his staff, feigned fear by mischaracterizing Kahn's blog post as a threat, and engaged in a course of conduct that was clearly intended to abuse various legal processes and to punish and silence Khan for his constitutionally protected exercise of freedom of speech that was critical of prosecutors and Jeff Rosen's office.*

*We are in the United States of America. Just like you, me, and everyone else, Alan is entitled to the presumption of innocence. In Alan's case, I can say that there are one or more law enforcement officers directly involved who have serious credibility issues. The investigation in this case was apparently spearheaded by the Santa Clara County Sheriff's Office - the law enforcement agency headed by the county's top law enforcement officer, Sheriff Laurie Smith. This is the same Sheriff Laurie Smith who just recently refused to testify in a grand jury indictment into allegations of public corruption involving allegations of public corruption relating to donations to Sheriff Smith's reelection campaign and concealed weapon permit issuance in this county. And, there are very serious credibility issues with at least one of the Sheriff's Office peace officers directly involved in Alan's case. One of the involved sergeants from the Santa Clara County Sheriff's Office put information in a past police report (in an unrelated case) that was clearly incorrect. Specifically, in a recent unrelated case, that sergeant wrote detailed information in a police report about what he claimed to have observed in a surveillance video (which, if true, would have not surprisingly implicated the defendant in that case in criminal*

*activity). However, when that sergeant testified in court, he was presented with that same video footage, which clearly failed to match-up with the description of the footage, as written in the police report. And, when that sergeant was cross-examined by the defense, he eventually conceded that the information he wrote in his report was incorrect.*

*Jeff Rosen's District Attorney's Office had an annual budget of around \$140 million. Apparently more of this abundance of our taxpayer money needs to be better spent in the form of training Jeff Rosen about the United States Constitution, including the First Amendment and the freedom of speech.*

*I would say that Alan looks forward to his day in court to further expose the injustices we are currently witnessing. But, he doesn't want to be in court. He wants to be at home with his family, where he belongs. He should have never been in court.*