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March 20, 2023

Honorable C. David Eyster
District Attorney
Mendocino County

RE: Review of the Investigation of former Ukiah Police Chief Noble
Waidelich, Jr. (Sonoma County Sheriff's Office Report # SD220613013)

District Attorney Eyster,

I have reviewed the materials generated in the above referenced investigation for the purpose of determining whether or not sexual assault charges should be brought against former Ukiah Chief of Police, Noble Waidelich Jr.. After careful consideration of the information provided, I do not believe there is sufficient evidence to satisfy our filing standards.

The controlling inquiry in arriving at this conclusion is whether the evidence of the contemplated charges creates a reasonable probability that prosecution would result in conviction. This analysis necessarily entails a determination that the state of evidence would satisfy a finder of fact of the truth of the charges beyond a reasonable doubt.

With regard to the incident at hand, both the alleged victim and the suspect agree on the commission of a sex act but diverge substantially regarding whether or not it was consensual. Importantly, the only evidence which unambiguously describes a non-consensual sex act comes from the statement of the alleged victim. The resulting investigation did not yield any physical findings, evidence of a struggle, eyewitness corroboration,

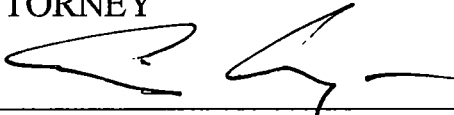
surveillance video, and/or admissions to corroborate the assertions made by the alleged victim. Moreover, the communications between the suspect and the alleged victim, following the encounter, evinces surprise and disagreement by the suspect when the alleged victim implied that their encounter was non-consensual. Throughout the investigation, Mr. Waidelich remained steadfast in his denial of any criminal conduct. Upon his arrest, Mr. Waidelich waived his *Miranda* rights and voluntarily answered questions and provided a statement in which he unequivocally maintained he and the alleged victim engaged in a sex act consensually.

While not dispositive, a responsible review of this case requires examination of obtained information that could be used to discredit the alleged victim. Specifically, text messages sent by the alleged victim to a third party, approximately 40 minutes before the alleged assault, discussing a pending lawsuit against Mr. Waidelich for domestic violence as well as observations by Fredrick Keplinger, a friend of Mr. Waidelich, several months earlier, describing the alleged victim as being flirtatious with Mr. Waidelich at an Elks Lodge event, could be used to undermine her credibility.

Suffice it to say, cases of this nature present significant challenges, and the arrived upon conclusion is not meant to suggest an endorsement of one narrative versus the other. However, the initiation of a criminal prosecution is a serious matter which requires strict adherence to the filing standards outlined above. For the above stated reasons, the information provided fails to reach the quantum necessary to file criminal charges.

Very truly yours,

STEPHEN M. WAGSTAFFE, DISTRICT
ATTORNEY

By 
Morris Maya, Assistant District Attorney