

1 **BONITA P. MARTINEZ, ESQ., SBN-153346**
2 **LAW OFFICE OF BONITA P. MARTINEZ**
3 **10731 TREENA STREET SUITE 104**
4 **SAN DIEGO, CA 92131**
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F I L E D
Clerk of the Superior Court

NOV 02 2021

6 **ATTORNEY FOR DEFENDANT,**
7 **LARRY IBARRETA MILLETE.**

By: D. Andrade, Deputy

8 **SUPERIOR COURT FOR STATE OF CALIFORNIA**
9 **IN AND FOR THE COUNTY OF SAN DIEGO**

10
11 **PEOPLE OF THE STATE OF**
12 **CALIFORNIA**

PLAINTIFF.

13 **vs.**

14 **LARRY IBARRETA MILLETE.**

15 **DEFENDANT.**
16
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) **Ct. No. C31957**
)

) **DEFENDANT' REQUEST TO SET BAIL**
)

) **DATE:11/4/2021**

) **TIME: 1:30 P.M.**

) **DEPT: 12**
)
)
)

CS 319857 DV

18 COMES NOW DEFENDANT, LARRY IBARRETA MILLETE, (DEFENDANT) by and
19 through his attorney BONITA P. MARTINEZ submits his motion in opposition to Plaintiff's
20 Request to Deny Bail as submitted by and through their attorneys, SUMMER STEPHAN, District
21 Attorney, and CHRISTY BOWLES Deputy District Attorney. DEFENDANT respectfully submits
22 the following REQUEST TO SET BAIL:
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24 I

25 **FACTUAL BACKGROUND**

26 October 18, 2021, the People of the State of California filed a felony complaint charging
27 DEFENDANT with the following:
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1 COUNT ONE: Murder in violation of Penal Code section 187(a). PC 187(a): Murder is defined
2 as the unlawful killing of another human being with malice aforethought and without legal
3 justification.
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5 Count Two: possession of an Assault Weapon in violation of section 3066059(a)

6 Arraignment is set for October 21, 2021, in Department 12 at 1:30 p.m. DEFENDANT request
7 release on reasonable bail.

8 II

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10 DEFENDANT IS NOT QUILTY OF MURDER IN VIOLATION OF PENAL CODE
11 187(a) THERE IS NO DEAD BODY.

12 DEFENDANT was gainfully employed as an Optometrist and received many awards as
13 follows: a Letter of Appreciation from Commander, Navy Medicine Readiness and Training
14 Command, San Diego, which states in part: "I take great pleasure in expressing my sincere
15 appreciation for your outstanding performance, and nomination as Senior Civilian of the Quarter,
16 Second Quarter, Fiscal Year 2020. Your professionalism, initiative and willingness to accomplish
17 the mission no matter the circumstances, exemplifies the Navy's Core values and the command's
18 principles. You have demonstrated the ability to communicate clearly, inspire and motivate your
19 subordinates and peers to accomplish any task within or outside the realm of your expected duties.
20" (Exhibit 1). Defendant also received a Certificate of Outstanding Performance (Exhibit 2);
21 Official recognition and praise from the Navy Medical Center San Diego (Exhibit 3); a Certificate
22 of Appreciation-Star Performer (Exhibit 4); and a Ten-Year Service Award (Exhibit 5);
23 Commanding Officer's Cup indicating commitment to delivering, respectful compassionate care
24 with a preventive approach to all beneficiaries. (Exhibit 6).
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1 DEFENDANT has been married to MAY for over 21 years and had three children with
2 her. The allegations of the People do not indicate that DEFENDANT is guilty of murder.
3 Defendant MAY had wanted a divorce, and was having an affair with a married man, whose wife
4 was pregnant at the time. MAY MILLETTE had an abortion prior to her disappearance on or
5 about January 8, 2021. MAY had expressed interest in leaving the family. She had been intoxicated
6 more frequently, out drinking with friends and her relatives, and other men. May had been acting
7 erratically and locking herself inside the bedroom and would not allow the children to see her at
8 times and she would not join the children for breakfast, lunch or dinner. Defendant and defendant's
9 father would take food to May's bedroom. (Declaration of defendant ¶6) It was not the first time
10 MAY had disappeared. May voluntarily left Defendant with the children on or about January 8,
11 2021. Her disappearance was not considered suspicious or criminal. The Chula Vista Police
12 Department stated that defendant is not a suspect and there is no evidence of foul play. (Declaration
13 of defendant ¶5. ¶7. B. In the past MAY left her home often and DEFENDANT did not know
14 where she had gone. DEFENDANT does not know the whereabouts of his wife. (Defendant's
15 Declaration ¶5). DEFENDANT and MAY lived together in their home in Chula Vista.
16 (Declaration of Defendant) MAY did not have serious concerns about her own safety, since she
17 "made the statement, "I don't think he (DEFENDANT) would hurt me, but I think he would hurt
18 the kids to get back at me" (p3 of PEOPLES' REQUEST). DEFENDANT does not need an Alibi.
19 Even if the Security video captured DEFENDANT backing into his garage. It cannot be presumed
20 that DEFENDANT was doing something illegal. Backing into your garage is not crime. Defendant
21 frequently backed into his garage. The fact that a murder charge was filed without a dead
22 body can have an effect that this is not a "solid case." This murder charge against the
23 defendant can also be considered "dangerous" since other hypothesis cannot be
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1 excluded based on the facts of this case and the continuing investigation into this
2 “missing woman” case. The People fail to prove its case against Defendant. As
3 mentioned, these allegations of the People are absurd. There was no effort by Defendant
4 to hide anything whatsoever. There was no effort to escape. Defendant is part of our
5 community. Defendant had no criminal intent whatsoever. He was focused on trying to
6 save his wife from adultery, abortion, drunkenness and bad company to the point that
7 her job was in jeopardy.
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11 Defendant was arrested October 19, 2021; Arraignment was October 21, 2021
12 Defendant is accused of murder and possession of an assault weapon. The arrest is
13 connected with the disappearance and presumed death of May Millete, 39 years old,
14 Larry’s wife for 21 years. Proof of the unexplained disappearance of the alleged
15 victim (MAY) is never sufficient in itself to establish corpus delicti. It is dangerous to
16 infer the death of a person from her. sudden and unaccountable and consistent
17 disappearances, even when followed by long continued absence. Unless the dead body
18 is actually found it will require convincing evidence to establish the fact of death.
19 Conviction for murder in the absence of a body is possible. However, cases of this type have
20 historically been hard to prove, often forcing the prosecution to rely on circumstantial evidence.
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24 III

25 INCOMPLETE INVESTIGATION

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27 A local woman (defendant’s wife) had vanished nine months ago. And after an
28 incomplete investigation, Defendant was arrested and charged with murder without a body. The

1 district attorney filed a criminal complaint against Defendant without a dead body. Cases of this
2 type have historically been difficult to prove. No body, no murder. It means that the burden of
3 proof of the prosecution is high. The fact of death, like any other fact, can be proved by
4 circumstantial evidence, which is to say, evidence of facts which leads to one conclusion,
5 provided that the jury is satisfied and are warned that it must lead to one conclusion only. In this
6 case, circumstantial evidence is not sufficient to exclude every other reasonable hypothesis. It
7 must be borne in mind that to proceed gradually is the law of life in all its expressions. To
8 impose no bail or increased bail is tantamount to punishing him now and will cause him many
9 difficulties depriving him of his livelihood and providing care to his three young children. Could
10 be a violation of his constitutional right of due process under the law and could be considered
11 cruel and unusual punishment.
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14 IV

15 FACTS REGARDING THE CONSISTENT VOLUNTARY DISAPPEARANCE OF MAY 16 MILLETE

17 MAY's disappearance was not abrupt. She left in 2020 several times without saying
18 goodbye. Larry continued to pay Maya's bills including her bills for MetLife Federal
19 Dental Plan and other May's bills after January 8, 2021.
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21 A variety of reasons - mental illness, depression, substance abuse, money problems,
22 abusive relationships, or marital discord - exist for why people voluntarily disappear.
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24 MAY voluntarily left home several times in 2020 without saying goodbye to
25 defendant or their children. She would move out, come back, then move out again.
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1 Becoming a voluntary missing person does not constitute a crime. May walked away
2 and decided to ignore her husband, children, family, friends, employers.

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4 Because this type of behavior lacks criminality, law enforcement officers experience
5 limitations regarding how to proceed.

6
7 MAY routinely was running away, she was reckless by staying out late in the evening,
8 sometimes she came back home near morning hours, drinking, dating, getting really
9 drunk. She was acting irresponsibly not taking care of her children, not feeding them,
10 not taking them to school. She would not even let family members enter her room. So,
11 the family expressed less concern - did not file a formal report. According to her
12 family, they last heard from her on January 7, 2021, but her sister did not call the
13 police until January 9, 2021. Then, the next day, January 10, 2021, May's parents,
14 siblings, relatives, her three children, and others, had a party at Larry's house. No one
15 was concerned about May's disappearance. To them, that was her routine. In fact,
16 MAY went on vacation by herself without her husband. MAY indicated to family
17 members that she wanted "space." The District Attorney did not yet divulge details
18 about his office's investigation, but she said it was based on interviews, search
19 warrants and review of thousands of documents. The Defense has not received any
20 "discovery material."
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26 Since the beginning of the year 2020 until she left the Los Gatos residence, MAY was very
27 secretive about her whereabouts. Most of the time she left the house without saying goodbye to
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1 anyone including her children, her husband and her in-laws who have resided with them for
2 about 10 years. When she came home, she locked herself in the master's bedroom and refused to
3 talk or engage in any conversation with anyone including her young children. MAY and
4 Defendant no longer shared the same sleeping quarters. MAY did not take care her children as
5 demonstrated by her conduct and actions. May did not cook for her children or for the defendant.
6 She would cook for herself only or she would order food to go or delivered only for herself, not
7 any for the children. Defendant, and his parents, cooked for the family. May did not come down
8 from her room and did not join them. So, defendant took May's food upstairs, breakfast, lunch
9 and dinner. If Defendant was at work, defendant's father took the food to her in the master's
10 bedroom. MAY did not take their children to school or pick them up from the school. Defendant
11 took the children and picked them up from school. Sometimes the grandparent picked them up.
12 MAY was abusing herself to the point that she was getting sexual type of infections. MAY
13 performed or entered into those things we know to be sexually wrong. She had no shame. She
14 had no sexual shame, and she gave up going to church. MAY did not let anyone know where
15 exactly she was going or when she was going to return to the house.
16 MAY came and went without telling anyone in the house. So, the children, the defendant, and
17 the grandparents did not know whether she was in the house or not. Sometimes they would hear
18 her but not see her directly. MAY also lived a separate life from the defendant. She was spending
19 too much time away from the house, dating, getting drunk somewhere until dawn. She went to
20 the desert for bike-riding, camping, picnicking, etc. Leaving family members and loved ones
21 without explanation is consistent with MAY's character.
22 MAY was planning on leaving her husband and children because she wanted a divorce, and she
23 was seeking legal advice regarding issues of child support. MAY's income was higher than her

1 husband's income. MAY was having an intimate affair with a man and became pregnant. She
2 had an abortion with the financial help of her parents and kept this a secret from Defendant. May
3 made appointments to Planned Parenthood in July 2020. Later, defendant discovered about the
4 affair and abortion when MAY bled profusely in the bathroom; and defendant took MAY to the
5 doctor. After the abortion, MAY left their residence without informing the defendant or the
6 children. She did not take any of the children. She was away for about a month. May returned to
7 their house after some complications and problems in the house where she temporarily resided.
8 MAY's night life, affairs, abortion, seeking to date men from the internet, drunkenness and
9 excessive drinking caused defendant to seek the help from MAY's parents. MAY's parents made
10 attempts to help. One day, May's father said, "I give up."

11 Defendant continued to help MAY by taking care of the children, by buying her what she wanted
12 - a vehicle, a motorcycle, expensive purses, paid for the mortgage, utilities, food, insurance, and
13 paid all of MAY's bills, up to the present time. MAY also freely took some money that
14 defendant kept in the safe deposit box. When May indicated to the family that she needed
15 "space." Defendant sent his parents for a vacation away from the house. Defendant went out of
16 his way to help MAY turn her life around.

17 MAY's actions became progressively worse when - she invited some persons to come to the
18 house and drink alcohol, she went motorcycle-riding alone in the desert, but sometimes, she went
19 out with unknown individuals. She also went out with her sister and brother-in-law camping and
20 drinking alcohol several times and getting drunk. MAY was a completely different person.

21 On or about January 2021, the family planned on going to Big Bear to celebrate their
22 daughter's birthday. They were scheduled to leave for Big Bear on a January 9, 2021. When it
23 was time to go, MAY was not in the master's bedroom. Defendant did not call the police because
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1 MAY was known to just come and go without telling anyone. Defendant was not concerned
2 because MAY have left and moved-out of the family house several times in the past. On January
3 9, 2021, at 11:00 p.m., close to midnight, MAY's sister called the police. The police came to the
4 defendant's house to investigate on January 10, 2021. Several hours after the police left, on
5 Sunday, January 10, 2021, MAY's parents, siblings and other relatives had a birthday party at
6 defendant's house celebrating the daughter's birthday. They ate much food, lots of drinks, and
7 sang "Happy Birthday." No one was searching for MAY. About three days later, MAY's family
8 hired a lawyer who came knocking at defendant's door. The lawyer represented that he was from
9 the NCIS. The lawyer then went investigating around the house. A few days later, that same
10 lawyer claimed to the public and the media that he went to defendant's house and saw all the
11 windows opened and smelled like someone was cleaning with strong chemical. On January 23,
12 2021, the Chula Vista Police Officers came and entered defendants house claiming they have a
13 search warrant. They thoroughly searched the interior and the exterior of the subject property.
14 The police officers took personal properties, photographs, numerous documents and things
15 including some but not all of defendant's firearms. The police officers had all the time and
16 opportunity to talk to the defendant and the three children and the paternal grandparents. They
17 fully interviewed the three children separately. The Chula Vista police officers left the house in a
18 condition of complete disarray, disorder, and some things were missing and not included on a
19 list. On or about May 7, 2021, a second search was conducted at defendant's house. They took
20 many more things, broke and damage things and took defendant's vehicle. While police were
21 conducting the search at his residence, the Chula Vista police officers and detectives took
22 stopped defendant near the freeway and held him for many hours and they refused to allow
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1 defendant to go to his house and make sure the children and grandparents are safe and have
2 something to eat. The defendant was not able to go home until after midnight.

3 In September 2021, a third search was conducted at defendant's home. Defendant was again
4 detained by the Chula Vista Police officers and not allowed to go to his house. They detained
5 him for many hours. On October 19, 2021, multiple police agencies, Chula Vista Police
6 Department officers, FBI, San Diego Police Department officers, searched defendant's house for
7 the fourth time. This search was conducted while defendant was being arrested and charged for
8 murder without a dead body. It appears that the searches and inquiries centered on locating a
9 dead body were conducted. There has been no statement from law enforcement officers if they
10 conducted a dual investigation with hope for a live recovery. Defendant could not join the
11 "searches "because he was receiving many death threats and members of the search "team"
12 including MAY's family were hostile and hateful against defendant. Defendant also had to go to
13 work, take care for the three children and his parents.
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17 V

18 MEMORANDUM OF POINTS AND AUTHORITIES

19 STATEMENT OF THE LAW AND ARGUMENTS

20 THE DEFENDANT SHALL BE RELEASED ON BAIL SINCE THERE IS NO EXCEPTION
21 AND SUFFICIENT EVIDENCE OF THE PRESUMPTION OF GUILT

22 The California Constitution provides that a defendant "shall be released on bail by
23 sufficient sureties" unless an exception applies. (Cal. Const., art. I, § 12.) One such exception
24 covers: Felony offenses involving acts of violence on another person, or felony sexual assault
25 offenses on another person, when the facts are evident or the presumption great and the court must
26 find clear and convincing evidence that there is a substantial likelihood the person's release would
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1 result in great bodily harm to others." (*Id.*, art. I, § 12, subd. (b).) The trial court has recognized
2 that it is "unusual" to deny bail for a noncapital offense.

3 2. CALIFORNIA SUPREME COURT RECENT RULING ON BAIL

4
5 "The common practice of conditioning freedom solely on whether an arrestee can afford
6 bail is unconstitutional." Setting bail beyond the ability of the defendant to pay constitutes a
7 detention. Pretrial detention should be rare – release of the defendant should be the normal
8 practice, with pretrial detention being the exception. "[detention is impermissible unless no less
9 restrictive conditions of release can adequately vindicate the state's compelling interests." *In re*
10 *Humphrey* (2021) Cal.5th [S247278].

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13 As noted, the California Constitution provides that a defendant "shall be released on bail
14 by sufficient sureties" unless an exception applies. (Cal. Const., art. I, § 12.) The Constitution
15 initially contained a single exception, for "capital offenses when the proof is evident or the
16 presumption great." (Cal. Const., art. I, former § 6; *In re Application of Weinberg* (1918) 177
17 Cal. 781, 782 [171 P. 937]; *Ex parte Curtis* (1891) 92 Cal. 188, 189 [28 P. 223]; *In re*
18 *Nordin* (1983) 143 Cal.App.3d 538, 543 [192 Cal.Rptr. 38] (*Nordin*.) The electorate later
19 adopted an initiative constitutional amendment that added two additional exceptions. (Cal.
20 Const., art. I, § 12, as amended by initiative, Primary Elec. (June 8, 1982); see *In re*
21 *Bright* (1993) 13 Cal.App.4th 1664, 1667, fn. 4 [17 Cal.Rptr.2d 105]; *Nordin*, at p. 543.)

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24 Although the phrasing is archaic, the requirement that "the facts are evident or the
25 presumption great" has long been held to mean simply that the evidence in the record would be
26 sufficient to sustain a conviction. (*Nordin, supra*, 143 Cal.App.3d at p. 543; see *In re Application*
27 *of Weinberg, supra*, 177 Cal. at p. 782; *Ex parte Curtis, supra*, 92 Cal. at p. 189.) Our consideration
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1 of this requirement is therefore governed by the familiar substantial evidence standard: "When the
2 sufficiency of the evidence to support a conviction is challenged on appeal, we review the entire
3 record in the light most favorable to the judgment to determine whether it contains evidence that
4 is reasonable, credible, and of solid value from which a trier of fact could find the defendant guilty
5 beyond a reasonable doubt. [Citation.] Our review must presume in support of the judgment the
6 existence of every fact the jury could reasonably have deduced from the evidence. [Citation.] Even
7 where, as here, the evidence of guilt is circumstantial, our task is not to resolve credibility issues
8 or evidentiary conflicts, nor is it to inquire whether the evidence might reasonably be reconciled
9 with the defendant's innocence. [Citations.] It is the duty of the jury to acquit the defendant if it
10 finds the circumstantial evidence is susceptible to two interpretations, one of which suggests guilt
11 and the other innocence. [Citation.] But the relevant inquiry on appeal is whether, in light of all
12 the evidence, `any reasonable trier of fact could have found the defendant guilty beyond a
13 reasonable doubt.'" (People v. Zaragoza (2016) 1 Cal.5th 21, 44 [204 Cal.Rptr.3d 131, 374 P.3d
14 344] (Zaragoza).)

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19 Historically, with the exception of capital cases, bail was available to a defendant without
20 regard to his threat to public safety. (In re Underwood (1973) 9 Cal.3d 345, 349-350 [107
21 Cal.Rptr. 401, 508 P.2d 721].) The former provisions of the California Constitution prohibited
22 applying a public safety exception to the general right to reasonable bail. (Underwood, at p. 351.)
23 In adopting the exception at issue here, and its companion "threat" exception, the electorate
24 abrogated the prior rule. "In 1982, the voters were presented with a ballot measure proposing an
25 amendment of article I, section 12 to allow courts to deny release on bail in the interest of public
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1 safety." (*People v. Standish* (2006) 38 Cal.4th 858, 892 [43 Cal.Rptr.3d 785, 135 P.3d 32] (conc.
2 & dis. opn. of Chin, J.); see *id.*, at p. 875 (maj. opn. of George, C. J.).

3
4 In order to deny bail, the trial court must find a "substantial likelihood" that the
5 defendant's release would result in great bodily harm to others. (Cal. Const., art. I, § 12, subd.
6 (b).) This standard requires more than a mere possibility, and it cannot be based on speculation
7 about the general risk to public safety if a defendant is released. Great bodily harm to others must
8 be a substantial likelihood. While the term "cannot ... be reduced to a rigid formula susceptible to
9 mechanical application" (*Nordin, supra*, 143 Cal.App.3d at p. 543), we observe that the standard
10 requires more than simply a violent history. The trial court must be convinced that future
11 violence amounting to great bodily injury is substantially likely if the defendant were released on
12 bail.
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16 V

17 DEFENDANT IS NOT A FLIGHT RISK AND NOT A THREAT TO PUBLIC
18 SAFETY

19 DEFENDANT does not have an incentive to flee. He has three children ages 5, 9, and 11,
20 and his parents Benito and Judith Millete reside in his house to assist in taking care of the three
21 children. His children are all attending school in person, and they have different schedules,
22 schoolwork and homework. They also have extracurricular activities after school and weekends.
23 Defendant's wife's parents are elderly and in poor health and reside in a three-bedroom house in
24 Moreno Valle, Riverside, California together with their daughter, her husband and their children.
25 Declaration of Larry Millete. (¶¶1-13). Studies suggest that retrial detention heightens the risk of
26 losing a job, home, and custody of a child. *Barker v. Wingo* (1972) 407 U.S. 514, 532-533. Even
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1 if the Audio recording of loud bangs was provided to the FBI for analysis, who determined the
2 recording was not of sufficient quality to accurately record and reproduce gunshot impulses” and
3 “could not be scientifically classified as gunshot events”. The guns of DEFENDANT were not
4 used to shoot or murder MAY MILLETE. Defendant has a Firearm Safety Certificate date
5 2/11.2021. (Exhibit 7) There is no reason to believe Defendant would flee.
6

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8 There is no compelling reason why the quantum of evidence needed to establish that a
9 given arrestee poses a risk of flight should differ from the quantum of evidence needed to
10 establish that given arrestee a risk or victim safety.” A defendant’s liberty is no less and thus
11 requires no less protection. In re Humphrey, supra, 19 Ca. App 5th p.1037 concluded that our
12 Constitution prohibits pretrial detention to combat an arrestee’s risk of flight, unless the court
13 first finds, based upon clear and convincing evidence, that no conditions or conditions of release
14 can reasonably assure the arrestee’s appearance in court.
15

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17 VI
18 CONCLUSION

19 Based on the foregoing discussions DEFENDANT respectfully request that this court set
20 a reasonable bail pursuant to the analysis presented.

21 Date: *November 2, 2021*

22 LAW OFFICE OF BONITA P. MARTINEZ
23 *Bonita P. Martinez*
24 Bonita P. Martinez, Esq.,
25 Attorney for Defendant
Larry Ibarreta Millete

Exhibit 1



DEPARTMENT OF THE NAVY
NAVY MEDICINE READINESS AND TRAINING COMMAND
34800 BOB WILSON DRIVE
SAN DIEGO, CALIFORNIA 92134-5000

IN REPLY REFER TO:
1650
09HR
9 JUL 2020

From: Commander, Navy Medicine Readiness and Training Command
San Diego
To: Mr. Larry Millete
Subj: LETTER OF APPRECIATION

1. I take great pleasure in expressing my sincere appreciation for your outstanding performance and nomination as Senior Civilian of the Quarter, Second Quarter, Fiscal Year 2020.
2. Your professionalism, initiative, and willingness to accomplish the mission no matter the circumstance exemplifies the Navy's Core Values and the command's guiding principles. You have demonstrated the ability to communicate clearly, inspire, and motivate your subordinates and peers to accomplish any task within or outside the realm of your expected duties. Your outstanding professional performance and total dedication to duty reflected credit upon yourself and were in keeping with the highest traditions of the United States Navy.
3. Congratulations on a job well done!


B. L. SMITH

Exhibit 2



NAVAL MEDICAL CENTER SAN DIEGO

*Certificate of Outstanding Performance
for*

MR. LARRY MILLETE

In recognition of your outstanding contributions as Safety Representative, Naval Medical Center San Diego, Safety and Occupational Health Program from 1 October 2016 to 30 September 2017. Your commitment to high reliability helped foster a safe and healthful environment for your Shipmates and patients alike.

BZ on a job well done!

A handwritten signature in black ink, appearing to read "J. A. Roos", is positioned above a horizontal line.

J. A. ROOS
Captain, Medical Corps
United States Navy
Commanding Officer

Exhibit 3



Commanding Officer
Naval Medical Center San Diego

takes pleasure in presenting

THE COMMANDING OFFICER'S CUP

to

Optometry Department

for the First Quarter FY-20

Our Naval Medical Center San Diego staff is committed to delivering respectful, compassionate care with a preventive approach to all of our beneficiaries. The Commanding Officer's Cup trophy is presented on a quarterly basis to the most deserving department who has displayed superior patient and family centered care and outstanding customer service. They truly exemplify the philosophy of "Making a Difference" through service, respect, compassion and professionalism.

B. L. SMITH
Captain, Medical Corps
United States Navy

Exhibit 4



STAR PERFORMER

Certificate of Appreciation

Presented to

Mr. Larry Millete

With deep gratitude and appreciation for your outstanding customer service to merit your nomination as Star Performer for November 2014. You should take personal pride in your nomination and in the fact that your positive attitude and sincere concern for those you provided service to have been noted and were greatly appreciated. It gives me great pleasure to extend my appreciation for a job "Well Done."

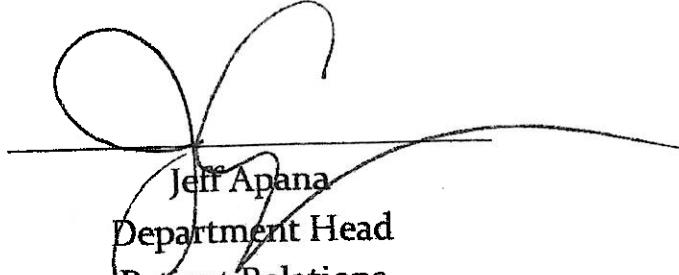

Jeff Apana
Department Head
Patient Relations

Exhibit 5



TEN YEARS SERVICE AWARD

ON

28 March 2015

PRESENTED WITH PLEASURE TO

LARRY MILLETE

IN GRATEFUL RECOGNITION AND APPRECIATION
FOR YOUR FAITHFUL AND VALUED SERVICE
TO THE DEPARTMENT OF THE NAVY
AND THE GOVERNMENT OF THE UNITED STATES

A handwritten signature in cursive script, appearing to read "J. A. Acosta".

CAPT J. A. ACOSTA, MC, USN
Commanding Officer
Naval Medical Center San Diego

Exhibit 6



NAVAL MEDICAL CENTER SAN DIEGO

Official recognition and praise is hereby given to

MR. LARRY MILLETE

in recognition for his outstanding work as the safety representative for the Optometry Department for fiscal year 2014. He continually ensures safety is a priority within the department, ensured safety inspections are smooth, deficiencies are corrected in a timely manner and required documentation is provided to the Command Safety Office.

His contributions have ensured the Commanding Officer Safety Program is successful.

Well Done

A handwritten signature in black ink, appearing to read "J. A. Acosta".

J. A. ACOSTA
Captain, Medical Corps
United States Navy
Commanding Officer

Exhibit 7

Date 07 May 2013

From: Terry D. Fonville (Department Head or Business Manager)
To: Larry I. Millete

Subj: APPOINTMENT AS DEPARTMENTAL SAFETY REPRESENTATIVE

Ref: (a) NMCS DINST 5100.3G

1. You are hereby appointed Departmental Safety Representative. Reference (a) is the Command Safety Manual and provides guidance as to how the safety programs are managed at Naval Medical Center San Diego.
2. As Safety Representative for your department, your duties include:
 - a. Providing and tracking monthly safety training of all department staff and forwarding signed rosters to the Safety Office.
 - b. Assisting with department inspections, tracking and correcting deficiencies, as well as providing copies of completed deficiencies to the Safety Department in a timely manner.
 - c. Assisting with required fire drills (quarterly and annually).
 - d. Ensuring mishap reports are submitted in a timely manner.
 - e. Inspecting and tagging all personally owned electrical equipment prior to use and annually thereafter.
 - f. Maintaining Material Safety Data Sheet (MSDS) Binders and ensure site specific hazardous materials training is being provided.
 - g. Ensuring all staff receive Unit Safety Orientation training.
3. The Safety Department recommends that prior to being relieved of your safety responsibilities you provide the name of the individual who will be assuming your duties to the Safety Specialist responsible for your area to ensure a smooth transition of the safety program.
4. The Safety Department appreciates your support of the Commander's Safety Program and looks forward to having you as a part of the team.



DH Terry D. Fonville, MBA
Business Manager Optometry