SUMMARY OF DISCOVERY REVIEW

People v. Marissa Elaine Keene | Superior Court of California, County of Placer | D.A. Case No. 26F-041882 | Agency Case No. AUB-25-31874

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1. Purpose

This Summary states what the production reviewed establishes, what it does not establish, and what would resolve the difference. It supports the three-page Case Quick Reference and is supported by the Detailed Source Review and Evidence Audit (document 03), which is held in the matter file and available on request in whole or in part.

Conservative language is used throughout. A fact is described as established only where an objective record establishes it. Witness accounts are reported as accounts. Items that the reports describe but that were not found in the production are described as not located in the production reviewed, never as missing or destroyed, because a difference between a report and a production is an unresolved completeness issue until the producing party confirms whether the item exists.

2. Controlled case facts

Client	Marissa Elaine Keene (fictional); in custody, bail $1,500,000 set October 22, 2025
Case numbers	D.A. Case No. 26F-041882; CHP Agency Case No. AUB-25-31874 (both fictional)
Event	Head-on, two-vehicle collision, October 18, 2025, at approximately 6:18 a.m., Auburn Folsom Road near Newcastle Road, Placer County. The decedent, Daniel Ashford, drove the second vehicle and was pronounced at the scene at 6:41 a.m. Keene's two minor children, S.K. (9) and T.K. (6), were rear-seat passengers in the Subaru and were transported and treated.
Charges	Felony complaint filed October 21, 2025 (D1 Bates 000001-000006): Count 1, Pen. Code, § 187, subd. (a) (murder); Count 2, Pen. Code, § 191.5, subd. (a) (gross vehicular manslaughter while intoxicated); Counts 3-4, Pen. Code, § 273a, subd. (a) (child endangerment); Counts 5-6, Veh. Code, § 23153, subds. (a) and (b) (DUI causing injury; 0.08 percent or more causing injury)
Prior conviction	2019 misdemeanor DUI, Veh. Code, § 23152, subd. (b), Sacramento County, reported result 0.12 percent; Watson advisement reflected in a docket minute entry (D1 Bates 000024-000026)
Counsel of record	Dana M. Whitfield, State Bar No. 999812 (fictional); Deputy District Attorney R. Calloway (fictional) for the People
Production reviewed	6,742 Bates-stamped pages; 18 video files; 9 audio files; 74 indexed photographs; 328 hospital and EMS pages; 2 forensic laboratory packets; 1 phone extraction with EDR and ACM materials
Next appearance	Preliminary hearing, January 22, 2026, 8:30 a.m., Dept. 30 (fictional demo setting)

3. What the record establishes

The following are anchored by business records, digital artifacts, medical records, or court records in the production reviewed.

Established point	Record basis
Retail purchase, 12:36 a.m.	A Save Mart transaction record lists Espolon Blanco tequila, grapefruit soda, two electrolyte drinks, ice, and a charging cable (D1 Bates 004821-004825). A photograph of an Espolon bottle was sent from the phone at 12:35 a.m. while the device was at the store (X1).
Presence at the gathering, 1:08 to 4:41 a.m.	Phone-location artifacts place the device near 1318 Meadow Springs Drive from approximately 1:08 a.m. until 4:41 a.m. The children were present at the gathering; one witness recalls being woken by them before Keene left (X1; W1).
Route and collision timing	Location artifacts show departure at 4:41 a.m., a short stop near a 24-hour fuel station at 5:03 to 5:07 a.m., and movement along Auburn Folsom Road before a phone crash-detection event at 6:16:42 a.m. The CHP collision record lists 6:18 a.m. (X1; D1).
The collision and the death	The CHP narrative describes a head-on collision in the decedent's lane; a following driver describes the Subaru weaving, leaving the shoulder, then moving left across the double yellow line. The decedent was pronounced at the scene at 6:41 a.m.; the coroner reference is case PC-25-0847 (D1 Bates 000039-000043; W1).
The children in the vehicle	EMS patient care records document S.K. (9) and T.K. (6) in the rear seats, their transport, and their treatment (M1).
Hospital serum ethanol	A venous specimen collected at 7:11 a.m. returned Ethanol, Serum 104 mg/dL. The first fentanyl administration is documented at 7:14 a.m., after the draw (M1).
Forensic laboratory results	The corrected DOJ report states whole blood 0.079 +/- 0.004 percent W/V and urine 0.043 +/- 0.002 percent W/V (October 28, 2025). Toxicology reports carboxy-THC, an inactive metabolite, at 7 ng/mL (November 21, 2025) (L1).
The 2019 prior	Sacramento County records reflect a 2019 misdemeanor conviction under Veh. Code, § 23152, subd. (b), with a reported result of 0.12 percent and a docket minute entry reciting a Watson advisement (D1 Bates 000024-000026).

4. What the record does not establish

Not established	State of the record
A current-case 0.12	The 0.12 percent figure in the People's bail memorandum traces to the 2019 prior, not to this collision. The current corrected whole-blood result is 0.079 +/- 0.004 percent W/V (D1 Bates 000013-000016; L1).
A whole-blood value at or above 0.08	The corrected result and its stated uncertainty span the threshold. The full laboratory packet, including the uncertainty policy, has not been produced.
The forensic specimen collection time	The kit envelope states 8:02 a.m.; one tube label states 8:37 a.m. The conflict is unresolved and affects any retrograde analysis.
Subjective awareness for implied malice	The Watson advisement rests on a docket minute entry; a certified plea form or transcript is not located in the production reviewed. What Keene was actually told, and when, is unverified.
The pre-crash driving in detail	The following driver's account is uncorroborated by reliable EDR data: warrant material documents interrupted CAN communication and missing or static pre-crash channels, and the raw Bosch CDR files and complete MAIT report are not produced.
Cause and manner of death detail	The decedent was pronounced at the scene, but the autopsy report and coroner toxicology are not located in the production reviewed.
The quantity Keene consumed	Witness accounts describe tequila drinking but do not fix a quantity; witness time estimates conflict with phone-location anchors by up to an hour.
The bottle's location after the crash	The Espolon bottle is supported before the gathering; the written vehicle inventory does not list it after the crash. Unresolved in both directions pending photographs, tow inventory, and property log.
Child seating and restraint detail	EMS records document the children's presence and treatment; seat positions, restraint use, and how each injury maps to each child are not fully documented in the production reviewed.
Impairment observations at the scene	Responder accounts describe trauma-related confusion and do not document an alcohol odor. The same accounts do not rule alcohol out; the ambiguity runs in both directions.

5. The counts

Six counts are charged in the complaint of October 21, 2025. Each subsection gives the elements, the prosecution reading, and the defense testing points, with exposure.

5.1 Count 1: Pen. Code, § 187, subd. (a), murder (implied malice)

The People proceed on an implied-malice theory: a killing where the driver, knowing the conduct endangers life, acts deliberately with conscious disregard for life. Implied malice requires subjective awareness of the risk; it is a higher standard than the objective gross-negligence test (People v. Watson (1981) 30 Cal.3d 290, 296-297). Exposure on second degree murder is 15 years to life (Pen. Code, § 190, subd. (a)).

Prosecution reading: the 2019 prior with a docketed Watson advisement, drinking through the night with the children present, the departure before dawn, and the described crossing of the double yellow support awareness and disregard. Defense testing points: the advisement evidence is a minute entry, not a certified record of what was said (EP-011); subjective awareness at 6:18 a.m. cannot be presumed from a 2019 docket line; the driving description depends on one following driver and cannot presently be corroborated by EDR data (EP-005); and the chemical evidence carries EP-001 through EP-003.

5.2 Count 2: Pen. Code, § 191.5, subd. (a), gross vehicular manslaughter while intoxicated

Elements: an unlawful killing without malice, in driving a vehicle, where the driving violated Veh. Code, § 23140, 23152 or 23153, and the killing was the proximate result of an unlawful act not amounting to a felony, or a lawful act done in an unlawful manner, with gross negligence. Gross negligence is measured objectively. Exposure: 4, 6, or 10 years (Pen. Code, § 191.5, subd. (c)(1)).

Prosecution reading: the same driving evidence read through the objective standard, as the alternative to Count 1 for the same death. Defense testing points: the predicate DUI element inherits the chemical-evidence issues (EP-001 through EP-003); the gross-negligence characterization of the driving depends on the following driver and the unverified reconstruction (EP-005); and Counts 1 and 2 describe one killing, so conviction structure and any merger are questions for counsel.

5.3 Counts 3 and 4: Pen. Code, § 273a, subd. (a), child endangerment

Elements: willfully causing or permitting a child to be placed in a situation where the child's person or health is endangered, under circumstances or conditions likely to produce great bodily harm or death. Felony exposure: two, four, or six years per count; the offense is a wobbler.

Prosecution reading: driving the children after a night of drinking, ending in a fatal head-on, is the endangering situation; the EMS records document their presence and injuries. Defense testing points: the counts rise or fall with the impairment and driving evidence above; the seating and restraint record is incomplete (EP-012); and the injury documentation for each child individually has not been produced in full.

5.4 Counts 5 and 6: Veh. Code, § 23153, subds. (a) and (b), DUI causing injury

Elements: driving under the influence (count 5) or with 0.08 percent or more (count 6), a concurrent unlawful act or neglect of duty, and bodily injury to a person other than the driver. The injury element is documented through the children's EMS records (M1). Exposure: 16 months, or two or three years (Pen. Code, § 18, subd. (a)), with the first-violation alternative of Veh. Code, § 23554.

Prosecution reading: the chemical results, the purchase and consumption evidence, and the collision. Defense testing points: the 0.079 +/- 0.004 result spans 0.08 on its face (EP-003); the collection time is conflicted (EP-001); the serum figure is a different matrix (EP-002); and any driving-time value depends on retrograde assumptions a toxicologist must defend.

5.5 Aggregate exposure

Exposure is driven by Count 1: 15 years to life on second degree murder. Counts 2 through 6 carry the determinate ranges stated above. Counts 1 and 2 address the same death, and several counts arise from the same course of driving; how the counts interact at conviction and sentencing, including any merger or stay, is for counsel. No enhancement is alleged in the complaint as produced.

6. Material not located in the production reviewed

Item	Bearing on the case
Certified record of the 2019 plea	Plea form, advisement language, and transcript. Bears directly on the implied-malice theory of Count 1.
Autopsy report and coroner toxicology (case PC-25-0847)	Bears on cause and manner of death, and on causation for Counts 1 and 2.
Complete DOJ alcohol and toxicology packets	Chromatograms, calibration, uncertainty policy, bench notes, tube photographs, accession records, chain of custody. Bears on Counts 2, 5 and 6 and on the specimen-time conflict.
Hospital laboratory audit trail	Collection log, tube type, assay method, accession audit. Bears on the weight of the serum result.
Children's complete medical records	Bears on the injury element of Counts 5 and 6 and the endangerment circumstances of Counts 3 and 4. Access route through counsel; a minor's records need counsel's direction.
Raw Bosch CDR files and complete MAIT report	Bears on whether any pre-crash EDR channel can corroborate or contradict the following driver's account.
Full phone extraction	Message export, call log, artifact-level location detail, validation report. Bears on the chronology that anchors the case.
Original witness and responder recordings	The working transcripts are search aids. Quotation and impeachment require the recordings, including the following driver's statement.
Certified 911 / CAD master audio and full CAD event record	Bears on collision timing and responder observations.
Full-resolution scene and vehicle photographs; tow inventory; property log	Bears on the bottle question, the seating and restraint question, and the physical predicates generally.
Retail surveillance and any fuel-station transaction record	Bears on identity, bottle handling, and the 5:03 to 5:07 a.m. stop, which currently has no confirmed transaction.

7. Reliability of machine-generated material

The interview transcripts in the working file were machine-generated and then reviewed for speaker continuity and formatting. They are search aids. No passage from them should be quoted in a filing or used for impeachment without verification against the original recording; passages flagged as uncertain in the working file should not be quoted at all. Phone-location artifacts are reported as extracted; the artifact-level detail and validation report needed to defend them have not been produced. No representation is made that any audio was heard, any video was viewed, or any photograph was inspected at full resolution.

8. Recommended requests, staged

The following sequence is recommended for counsel to accept, modify or reject. Request identifiers refer to the request schedule in the held audit.

ID	Request	Timing and note
PR-001	Informal discovery letter to the District Attorney: complete DOJ laboratory packets; blood-kit documentation resolving the 8:02 against 8:37 conflict; raw Bosch CDR files and MAIT report; full phone extraction with validation; original interview recordings, including the following driver; certified 911 / CAD audio; full-resolution photographs; tow and property records; retail surveillance; CHP supplements on the decedent and the children	First, now. Pen. Code, § 1054.1 covers most of it; the letter frames any later motion.
PR-002	Subpoena duces tecum to the hospital: laboratory audit trail, collection log, assay method, medication administration record for the client; the children's records as counsel directs	With PR-001. Independent of the prosecution's timetable.
PR-003	Preservation letter to the tow yard and any storage facility: both vehicles, contents, and any yard video	Now. Preservation degrades with time, and two vehicles are involved.
PR-004	DOJ laboratory records request: uncertainty policy and method validation for blood and urine alcohol	After PR-001 response; narrows any dispute.
PR-005	Re-interview or investigator contact: Velez, Dunn, Hsu, Cole, the following driver, and principal responders, after original recordings are reviewed	After recordings arrive. Through counsel or a licensed investigator.
PR-006	Certified records of the 2019 Sacramento County conviction: docket, plea form, advisement language, transcript if available	Now, from the court clerk. Central to Count 1.
PR-007	Coroner records request, case PC-25-0847: autopsy report, toxicology, investigator narrative	Now, through counsel; route and timing are counsel's call.

9. The working file

Document 03, the Detailed Source Review and Evidence Audit, is held in the matter file and is available on request in whole or in part. It contains the production inventory and Bates map, the

source registry with what each source can and cannot establish, the numbered evidence problem log (EP-001 through EP-013), the count analysis, the request schedule (PR-001 through PR-007), the open questions register (Q-001 through Q-008), and the verified authorities. This Summary and the Quick Reference are cut from it; where a fact needs a source, the audit gives the pinpoint.

10. Decisions needed from counsel

ID	Decision
DEC-001	Whether to authorize the first verification phase (approximately 30 to 45 hours): original recordings, priority video, full-resolution photographs, laboratory, coroner and EDR source packets, synchronized timeline, and an attorney watch guide, sequenced ahead of the preliminary hearing.
DEC-002	Whether to retain a forensic toxicologist now on the serum conversion, the uncertainty interval, the specimen-time conflict, and retrograde analysis. The per se margin and Count 2 predicate make this earlier than usual.
DEC-003	Whether to retain a reconstruction expert once the raw CDR files and MAIT report arrive; the following driver's account is presently the only detailed driving evidence.
DEC-004	Whether the bottle question and the fuel-station stop justify investigator work beyond the photograph and property-record review.

11. Authorities

Authority	Point
Pen. Code, § 187, subd. (a)	Murder; Count 1.
Pen. Code, § 190, subd. (a)	Second degree murder term: 15 years to life.
Pen. Code, § 191.5, subds. (a), (c)(1)	Gross vehicular manslaughter while intoxicated; 4, 6, or 10 years.
Pen. Code, § 273a, subd. (a)	Child endangerment under circumstances likely to produce great bodily harm or death; Counts 3 and 4.
Veh. Code, § 23153, subds. (a), (b)	Elements of Counts 5 and 6.
Veh. Code, § 23554	First-violation punishment alternative for section 23153.
Pen. Code, § 18, subd. (a)	Felony term where no other punishment is prescribed.
Pen. Code, § 1054.1	Prosecutorial disclosure duties supporting PR-001.
People v. Watson (1981) 30 Cal.3d 290, 296-297 [179 Cal.Rptr. 43, 637 P.2d 279]	Implied malice requires subjective awareness and conscious disregard; distinguished from objective gross negligence.
California v. Trombetta (1984) 467 U.S. 479, 488-489 [104 S.Ct. 2528, 81 L.Ed.2d 413]	Duty to preserve evidence with apparent exculpatory value; frames the vehicle, specimen, and EDR materials.
Arizona v. Youngblood (1988) 488 U.S. 51, 58 [109 S.Ct. 333, 102 L.Ed.2d 281]	Failure to preserve potentially useful evidence requires bad faith; frames any preservation motion realistically.
People v. Sanchez (2016) 63 Cal.4th 665, 686 [204 Cal.Rptr.3d 102, 374 P.3d 320]	An expert may not relate case-specific hearsay as true; bears on laboratory, coroner, and reconstruction opinions.

Authority verified August 20, 2026 against official or primary sources. Statutes are cited from the official Legislative Counsel text (leginfo.legislature.ca.gov); parallel reporters are cross-checked against published opinions, not a single database page. Demonstration copy: re-verify each authority against the official reporters before any filing use.

Status of this document

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Methodology and limitations

AI tools assisted with document organization, transcript preparation, cross-referencing, and drafting. The review was directed by VdVLaw, which specified the sources and the comparisons and required source-grounded results. No representation is made that audio was heard, video was viewed, or photographs were inspected at full resolution; the working transcripts are machine-generated search aids. Assertions were cross-checked internally against the production but were not re-verified line by line. Original media and primary records control. This demonstration copy is built on a fully fictional record; on a live matter this section also records the verification date of each cited authority.