DETAILED SOURCE REVIEW AND EVIDENCE AUDIT

People v. Marissa Elaine Keene (fictional) | D.A. Case No. 26F-041882 | Agency Case No. AUB-25-31874

Counsel copy, provided on request | Prepared by VdVLaw, Legal Support Services | August 20, 2026

Fictional demonstration matter. Method and format are VDVLAW's actual work product standard; all case facts, persons and identifiers are invented.

Reading guide

This audit is the working file behind the delivered Summary and Quick Reference. It is organized so that any statement in the delivered documents can be traced to a source here. Section 1 inventories the production and maps the Bates ranges used. Section 2 is the source registry: every source has a stable identifier, and the registry states what each source can and cannot establish. Section 3 is the evidence problem log, EP-001 onward: each entry states the defect, why it matters, and what would resolve it. Section 4 analyzes the six counts. Section 5 lists material not located in the production reviewed. Section 6 reconciles the media inventories. Section 7 is the open questions register. Section 8 is the request schedule. Section 9 is the table of authorities. Section 10 collects the questions for counsel.

Identifiers are stable and are never renumbered. "Not located in the production reviewed" means exactly that; it is not a finding that an item is missing, destroyed or suppressed.

1. Production inventory and Bates map

Category	Produced	Note
Bates-stamped discovery	6,742 pages	Felony complaint (Bates 000001-000006); People's bail memorandum (000013-000016); 2019 Sacramento County prior records (000024-000026); CHP collision narrative and supplements (000039-000043); warrants; business records; property summary; group texts.
Witness and responder interviews	12 sources	Four gathering witnesses (Velez, Dunn, Hsu, Cole), the following driver, first responders, investigating officers.
Video	18 files	BWC, patrol, and scene files. Not viewed; indexed only.
Audio	9 files	CAD, 911, radio, and interview files. Not heard; indexed only.
Photographs	74 indexed images	22 flagged as priority interior and evidence views. Not inspected at full resolution.
Medical records	328 pages	EMS PCRs for the client and both children; hospital records including laboratory and medication administration records. Coroner reference PC-25-0847 appears in the CHP supplement; the autopsy itself is not in the production.
Forensic laboratory	2 packets	Corrected DOJ alcohol report (October 28, 2025) and toxicology report (November 21, 2025), with partial chain documents.
Digital / reconstruction	1 extraction plus EDR / ACM materials	Phone extraction summary and validation references; EDR warrant material describing interrupted CAN communication.

Bates pinpoints used in this review: complaint, D1 Bates 000001-000006; bail memorandum, 000013-000016; 2019 prior records, 000024-000026; collision narrative, 000039-000043; group texts, 000441-000443 and 000446; retail transaction record, 004821-004825. A full Bates continuity check (gaps, duplicates, producing-party numbering) is an open item; see Q-007 in section 7.

2. Source registry

ID	Source	Can establish	Cannot establish
D1	Master discovery PDFs (6,742 Bates pages)	The filed complaint and its six counts; the bail memorandum; the 2019 prior conviction docket with the Watson advisement minute entry; collision narrative, 6:18 a.m. crash time, and 6:41 a.m. pronouncement; coroner reference PC-25-0847; warrants, including the EDR follow-up affidavit; retail transaction record; property and tow summary; group texts.	Cannot establish: the advisement language actually given in 2019 (certified plea record not located); whether the 2019 conviction was punishable under the repeat-offense provisions for § 191.5, subd. (d) purposes (Q-009); cause-of-death detail (autopsy not located); the bottle's presence in the vehicle (inventory does not list it).
W1	Witness and responder interviews (12 sources)	General alcohol exposure and social context; the children's presence at the gathering; Velez bottle-disposition account; Dunn tote account; the following driver's description of weaving and the left movement across the double yellow; responder scene observations.	Cannot establish: precise times (conflicts with X1 anchors of up to an hour); quantity consumed; bottle disposition after 3:12 a.m.; pre-crash driving beyond one account; cause of confusion (trauma against alcohol).
V1	BWC, patrol, and scene video (18 files)	Indexed coverage of scene, vehicle interiors, statements, and evidence handling.	Nothing established from content: not viewed. Index descriptions only.
A1	CAD, 911, radio audio (9 files) and CAD summaries	Dispatch sequence 6:19 to 6:23 a.m. from summaries.	Cannot establish exact wording or caller observations: master audio not produced; not heard.
P1	Photographs (74 indexed; 22 priority)	Existence and general subject of scene and vehicle images from the index.	Cannot establish presence or absence of the bottle, or seating and restraint detail: not inspected at full resolution.
M1	EMS and hospital records (328 pages)	EMS contact 6:28 a.m.; the children, S.K. and T.K., documented in the rear seats, transported and treated; hospital arrival 6:57 a.m.; serum ethanol 104 mg/dL drawn 7:11 a.m.; first fentanyl 7:14 a.m.	Cannot establish a forensic whole-blood BAC (serum matrix; audit trail not produced); the children's complete injury picture (records partial); anything about the decedent (coroner records not produced).

ID	Source	Can establish	Cannot establish
L1	Forensic laboratory packets (2)	Corrected whole blood 0.079 +/- 0.004 percent W/V; urine 0.043 +/- 0.002; carboxy-THC 7 ng/mL; the 8:02 / 8:37 time conflict as documented.	Cannot establish a driving-time BAC or resolve the time conflict: chromatograms, calibration, uncertainty policy, chain, and analyst notes not produced.
X1	Phone extraction and EDR / ACM materials	Location anchors (Save Mart 12:35; Meadow Springs 1:08 to 4:41; fuel station 5:03 to 5:07; crash detection 6:16:42); bottle photograph at 12:35; message content as extracted.	Cannot establish reliability of pre-crash EDR channels (documented CAN interruption; raw CDR files not produced) or completeness of the extraction (validation report not produced).

3. Evidence problem log

ID	Defect	Why it matters	What would resolve it
EP-001	The forensic blood specimen carries two collection times: 8:02 a.m. on the kit envelope, 8:37 a.m. on one tube label (L1).	Collection time controls any retrograde analysis and bears on chain integrity for Count 6 and the Count 2 predicate.	Collector notes, tube photographs, chain of custody, accession metadata, audit trail (PR-001, PR-004).
EP-002	The hospital value of 104 mg/dL is serum ethanol, not whole blood (M1).	Serum values run higher than whole blood; treating the figure as a BAC overstates it. Conversion requires matrix, method, and expert interpretation.	Hospital laboratory audit trail and assay method (PR-002); toxicologist review (DEC-002).
EP-003	The corrected whole-blood result is 0.079 +/- 0.004 percent W/V; the stated uncertainty spans 0.08 (L1).	The per se element of Count 6, and the DUI predicate read most favorably to the People, cannot be treated as established from the face of the report.	Full DOJ packet: chromatograms, calibration, uncertainty policy, bench notes (PR-001, PR-004).
EP-004	The Espolon bottle is supported before the gathering but is not identified in the written vehicle inventory after the crash. Velez states the main bottle was finished and recycled; Dunn recalls a tote of unknown contents (W1; D1; P1; X1).	The bottle question bears on witness reliability in both directions; asserting either answer now would be unsupported.	Full-resolution interior photographs, tow inventory, property log, first-officer BWC, any later search images (PR-001, PR-003).
EP-005	Warrant material documents interrupted CAN communication and missing or static pre-crash EDR channels; raw Bosch CDR files and the complete MAIT report are not produced (D1; X1).	The pre-crash driving reconstruction, including any corroboration or contradiction of the following driver's account, cannot be relied on by either side until the interruption is explained.	Raw CDR exports, module inspection records, complete MAIT report, synchronized video (PR-001; DEC-003).

ID	Defect	Why it matters	What would resolve it
EP-006	Witness arrival and departure estimates conflict with the device-location timestamps reported in the extraction summary by up to an hour (W1; X1).	Chronology built on witness memory would be impeachable. The reported timestamps are more precise than witness memory, but artifact-level detail and the validation report are outstanding, so they are treated as reported, not established.	Original recordings to confirm exact language (PR-001); full extraction and validation (PR-001); reconciled timeline in the working file.
EP-007	Responder accounts describe trauma-related confusion and do not document an alcohol odor (W1; V1 index).	The absence cuts against the impairment narrative, and the trauma context cuts against reading behavior as intoxication. The ambiguity runs both ways and is printed as such.	Original responder recordings and BWC review at the exact passages (PR-001).
EP-008	The 5:03 to 5:07 a.m. fuel-station stop has no confirmed transaction in the production (X1).	Unexplained stop invites speculation in either direction; significance cannot be assigned.	Card records or station surveillance if counsel directs (PR-001; DEC-004).
EP-009	CAD and 911 material is produced as summaries and a partial audio index; certified master audio is not produced (A1).	Exact wording of callers and responders is unverified; timing rests on summaries.	Certified master audio and full CAD event record (PR-001).
EP-010	The People's bail memorandum recites a 0.12 percent blood alcohol figure in its factual summary. The 0.12 traces to the 2019 prior conviction records, not to any current-case laboratory report (D1 Bates 000013-000016, 000024-000026; L1).	Left uncorrected, the current case reads as a 0.12 case. Every current-case number in the production is lower, and the whole-blood result spans the threshold.	Side-by-side sourcing of every alcohol number, carried in this audit; correction on the record is counsel's call.

ID	Defect	Why it matters	What would resolve it
EP-011	The Watson advisement supporting the implied-malice theory rests on a 2019 docket minute entry; the certified plea form and any transcript are not located in the production reviewed (D1 Bates 000024-000026).	Count 1 requires subjective awareness. What Keene was actually told, in what words, and what she acknowledged, is unverified on this production.	Certified court file for the 2019 case: docket, plea form, advisement language, transcript (PR-006).
EP-012	EMS records document the children in the rear seats and their treatment, but seat positions, restraint use, and the mapping of injuries to each child are incomplete (M1).	Bears on the endangerment circumstances of Counts 3 and 4 and the injury element of Counts 5 and 6.	Complete EMS and hospital records for both children, scene photographs, restraint inspection records (PR-001, PR-002; counsel directs access to minors' records).
EP-013	The decedent was pronounced at the scene at 6:41 a.m.; the autopsy report and coroner toxicology, coroner case PC-25-0847, are not located in the production reviewed (D1).	Cause and manner of death, and any contributing factors, are undocumented in the production; causation for Counts 1 and 2 rests on the collision narrative alone.	Coroner records request (PR-007).

4. Count-by-count analysis

Six counts are charged in the complaint of October 21, 2025 (D1 Bates 000001-000006). Each row gives the prosecution use and the defense testing point.

Count 1: Pen. Code, § 187, subd. (a), murder (implied malice); 15 years to life (Pen. Code, § 190, subd. (a))

Element	Prosecution use	Defense testing point
Killing	Head-on collision in the decedent's lane; pronouncement at 6:41 a.m. (D1).	Causation detail rests on the collision narrative; autopsy not produced (EP-013).
Implied malice: subjective awareness and conscious disregard (People v. Watson (1981) 30 Cal.3d 290, 296-297)	2019 DUI prior with docketed Watson advisement; drinking through the night with the children present; departure before dawn; weaving and the double-yellow crossing described by the following driver (D1; W1).	The advisement is a minute entry, not a certified record (EP-011); awareness in 2025 cannot be presumed from a 2019 docket line; the driving description is one account, uncorroborated while the EDR issue stands (EP-005); chemical evidence carries EP-001 to EP-003.

Count 2: Pen. Code, § 191.5, subd. (a); 4, 6, or 10 years (subd. (c)(1)); subd. (d) qualification open

Element	Prosecution use	Defense testing point
DUI predicate (Veh. Code, § 23152 or 23153)	Chemical results and consumption evidence (L1; M1; W1; X1).	Inherits EP-001 through EP-003; per se margin spans the threshold.
Gross negligence (objective) and causation	The described driving pattern read objectively; the fatal result.	Driving detail depends on one witness and unverified EDR channels (EP-005); gross negligence against ordinary negligence is a jury question counsel will frame.

Penalty qualification: Pen. Code, § 191.5, subd. (d) provides 15 years to life where a qualifying prior exists, including a prior Veh. Code, § 23152 conviction punishable under the repeat-offense provisions (Veh. Code, §§ 23540 to 23552); subd. (h) requires the qualifying fact to be alleged in the information or indictment and admitted or found true. The produced record shows a 2019 misdemeanor § 23152, subd. (b) conviction and does not state whether it was punishable under those provisions. No subd. (d) allegation appears in the complaint as produced. The 4, 6, or 10 year range is the presently supported range (Q-009).

Counts 3 and 4: Pen. Code, § 273a, subd. (a); 2, 4, or 6 years each (wobbler)

Element	Prosecution use	Defense testing point
Child placed in an endangering situation, willfully	S.K. and T.K. documented in the Subaru through EMS records (M1); driving after a night of drinking.	Rises or falls with the impairment and driving evidence; willfulness and the likelihood standard are argument, not record, at this stage.
Circumstances likely to produce great bodily harm or death	A fatal head-on with the children aboard.	Seating, restraint, and per-child injury documentation incomplete (EP-012).

Counts 5 and 6: Veh. Code, § 23153, subds. (a), (b); 16 months, 2 or 3 years (Pen. Code, § 18, subd. (a)), or jail 120 days to one year (Veh. Code, § 23560)

Element	Prosecution use	Defense testing point
Under the influence / 0.08 or more	Serum 104; whole blood 0.079 +/- 0.004 with retrograde argument; consumption evidence.	Face value below 0.08; uncertainty spans the threshold (EP-003); collection time conflicted (EP-001); serum matrix (EP-002); no documented odor at scene (EP-007).
Unlawful act or neglect; injury to another	The double-yellow crossing; the children's documented injuries (W1; M1).	Driving detail unverified while EP-005 stands; per-child injury mapping incomplete (EP-012).

Counts 1 and 2 charge one death on alternative theories, and Counts 3 through 6 arise from the same course of driving. Conviction structure, merger, and any stay are questions for counsel; no enhancement is alleged in the complaint as produced.

Penalty-provision note: because the 2025 offense is alleged within 10 years of the 2019 Veh. Code, § 23152 conviction, the applicable alternative-punishment provision for Counts 5 and 6 is Veh. Code, § 23560 (state prison, or county jail for 120 days to one year, and a $390 to $5,000 fine), not the first-violation provision, § 23554. Allegations watch for any information: Veh. Code, § 23558 provides a one-year enhancement per additional injured victim (maximum three) for a single § 23153 or Pen. Code, § 191.5 incident, and Pen. Code, § 191.5, subd. (d) provides 15 to life on a qualifying prior; both require the fact to be charged and admitted or found true, and neither is alleged in the complaint as produced (Q-009, Q-010).

5. 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 and on Q-009.
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 reported chronology.
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.

Nothing in this table is described as missing; each item is not located in the production reviewed, and the request schedule asks the holder to confirm what exists. Preservation authorities (Trombetta; Youngblood, section 9) are carried as doctrine that frames preservation requests; no destruction of evidence is established on this record.

6. Media inventories, reconciled

Type	Produced	What the reports say	State
Video	18 files	Reports reference BWC and patrol coverage for the response; the reports reviewed do not state an expected file count.	Reconciliation against the CAD unit list is open (Q-007). No file has been viewed.
Audio	9 files	CAD summaries reference 911, dispatch, and radio traffic.	Certified master audio not produced (EP-009). No file has been heard.
Photographs	74 indexed	Index descriptions cover scene, both vehicles, interiors, tote, console area.	22 priority views flagged. None inspected at full resolution (EP-004, EP-012).
Transcripts	12 working transcripts	Machine-generated from interview media, including the following driver, then reviewed for speaker continuity and formatting.	Search aids only. Uncertain passages flagged; none quotable without the recording.

7. Open questions register

ID	Question	Route to resolution
Q-001	What does the 8:37 a.m. tube label represent, and which time controls?	Chain documents and collector notes (PR-001, PR-004).
Q-002	Was the Espolon bottle in the Subaru after the crash?	Photographs, tow inventory, property log, BWC (PR-001, PR-003).
Q-003	Which EDR channels remain reliable despite the CAN interruption, and do they corroborate or contradict the following driver?	Raw CDR files and MAIT report, then expert review (PR-001; DEC-003).
Q-004	What happened at the 5:03 to 5:07 a.m. fuel-station stop?	Card records or surveillance, if counsel directs (DEC-004).
Q-005	What advisement language does the certified 2019 court file actually contain?	Certified docket, plea form, transcript (PR-006).
Q-006	What do the autopsy and coroner toxicology show on cause, manner, and contributing factors?	Coroner records, case PC-25-0847 (PR-007).
Q-007	Does the produced media set match the units and recordings the reports imply?	CAD unit list against file inventory; certified audio (PR-001).
Q-008	Where was each child seated, restrained how, with which injuries?	Complete pediatric records, scene photographs, restraint inspection (PR-001, PR-002).
Q-009	Was the 2019 § 23152, subd. (b) conviction punishable under Veh. Code, §§ 23540 to 23552, so as to qualify under Pen. Code, § 191.5, subd. (d)?	Certified 2019 court file (PR-006); sentencing minutes.
Q-010	Will an information add a Veh. Code, § 23558 multiple-victim allegation or a Pen. Code, § 191.5, subd. (d) allegation?	Monitor the information at or after the preliminary hearing; redo the exposure analysis from the pleading if so.

8. Request schedule

ID	Recipient	Records sought	Channel, authority, mechanics
PR-001	District Attorney (fictional), informal discovery letter	Complete DOJ packets; blood-kit documentation (EP-001); raw CDR files and MAIT report; full extraction with validation; original 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.	Channel: letter to DDA Calloway. Authority: Pen. Code, § 1054.1 (disclosure duties); Pen. Code, § 1054.5, subd. (b) (informal request, then court order if not provided within 15 days). Urgency: first, now; the preliminary hearing date controls.
PR-002	Hospital (fictional), subpoena duces tecum	Laboratory audit trail, collection log, tube type, assay method, accession audit, medication administration record for the client; the children's records as counsel directs.	Channel: SDT through counsel; minors' records on counsel's direction. Mechanics: custodian declaration. Urgency: with PR-001.
PR-003	Tow yard / storage (fictional), preservation letter	Both vehicles, contents, yard video, intake photographs, tow inventory.	Channel: preservation letter, follow-up inspection through counsel. Urgency: now; two vehicles, and preservation degrades.
PR-004	DOJ laboratory, records request	Uncertainty policy, method validation for blood and urine alcohol, analyst proficiency records.	Channel: through prosecutor or direct lab records request as counsel directs. Urgency: after PR-001 response.
PR-005	Witnesses (Velez, Dunn, Hsu, Cole; the following driver; principal responders)	Re-interviews on timing, quantity, bottle disposition, driving observations, scene observations, after original recordings are reviewed.	Channel: counsel or licensed investigator; no direct witness contact by VdVLaw. Urgency: after recordings arrive.
PR-006	Sacramento County Superior Court clerk	Certified 2019 court file: docket, plea form, advisement language, transcript if available.	Channel: certified records request through counsel. Urgency: now; central to Count 1 (EP-011).
PR-007	Coroner (fictional), case PC-25-0847	Autopsy report, toxicology, investigator narrative.	Channel: through counsel; route and timing are counsel's call. Urgency: now (EP-013).

9. Table of authorities

Alphabetical by case, then statutes by code and section. Full formal citations: case name, year, volume, official reporter, first page, pinpoint, then parallel reporters in square brackets. Short form with the pinpoint is used in running text. Statutes are cited by code, section and subdivision from the official Legislative Counsel text (leginfo.legislature.ca.gov). Authority verified August 20, 2026 against official or primary sources; parallel reporters cross-checked against published opinions. Demonstration copy: re-verify against the official reporters before any filing use.

Authority	Proposition
Arizona v. Youngblood (1988) 488 U.S. 51, 58 [109 S.Ct. 333, 102 L.Ed.2d 281]	Failure to preserve potentially useful evidence violates due process only on a showing of bad faith.
California v. Trombetta (1984) 467 U.S. 479, 488-489 [104 S.Ct. 2528, 81 L.Ed.2d 413]	Preservation duty attaches to evidence with exculpatory value apparent before destruction and not reasonably obtainable elsewhere.
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 out-of-court statements as true unless independently proven or covered by an exception.
People v. Watson (1981) 30 Cal.3d 290, 296-297 [179 Cal.Rptr. 43, 637 P.2d 279]	Implied malice requires subjective awareness of the risk and conscious disregard for life; distinguished from the objective gross-negligence standard.
Pen. Code, § 18, subd. (a)	Felony term where no other punishment is prescribed: 16 months, or two or three years.
Pen. Code, § 187, subd. (a)	Murder; Count 1.
Pen. Code, § 190, subd. (a)	Second degree murder: 15 years to life.
Pen. Code, § 191.5, subds. (a), (c)(1), (d), (h)	Gross vehicular manslaughter while intoxicated; 4, 6, or 10 years; 15 to life on a qualifying prior, which must be alleged and admitted or found true.
Pen. Code, § 273a, subd. (a)	Child endangerment under circumstances likely to produce great bodily harm or death.
Pen. Code, § 1054.1	Prosecutorial disclosure duties.
Pen. Code, § 1054.5, subd. (b)	Informal discovery request; court order available if materials are not provided within 15 days.
Veh. Code, § 23153, subds. (a), (b)	DUI causing injury; 0.08 percent or more causing injury.
Veh. Code, § 23558	One-year enhancement per additional injured victim (maximum three); must be charged and admitted or found true. Not alleged as produced.

Authority	Proposition
Veh. Code, § 23560	Punishment for a § 23153 violation within 10 years of a prior § 23152 violation: state prison, or county jail 120 days to one year, and $390 to $5,000.

10. Questions for counsel

DEC-001: whether to authorize the first verification phase (approximately 30 to 45 hours), sequenced ahead of the preliminary hearing. DEC-002: whether to retain a forensic toxicologist now; the per se margin and the Count 2 predicate make this earlier than usual. DEC-003: whether to retain a reconstruction expert once raw CDR and MAIT materials arrive; the following driver is presently the only detailed driving evidence. DEC-004: whether the bottle question and the fuel-station stop justify investigator work. Each is a recommendation for counsel to accept, modify or reject; the sequencing in section 8 assumes DEC-001 is decided first.

Status of this document

VdVLaw is not a law firm and does not provide legal advice. This audit is attorney-directed litigation support work product, held in the matter file and provided to counsel of record on request. Robert van der Vijver is not an attorney and is not counsel of record. Nothing here is a legal opinion or a legal conclusion. Any course of action identified is a recommendation for counsel to accept, modify or reject.

Methodology and limitations

AI tools assisted with organization, transcript preparation, cross-referencing, and drafting, directed by VdVLaw, which specified the sources and the comparisons and required source-grounded results. No audio was heard, no video was viewed, and no photograph was inspected at full resolution in preparing this audit; the registry marks those limits source by source. Assertions were cross-checked internally but not re-verified line by line. Original media and primary records control. This demonstration copy is built on a fully fictional record.