



(FOR GRAND JURY USE ONLY)

Complaint ID: \_\_\_\_\_

Received By: \_\_\_\_\_

Date: \_\_\_\_\_

## GRAND JURY CITIZEN COMPLAINT FORM

**TO:** GRAND JURY  
P.O. Box 4910  
SAN LUIS OBISPO, CA 93403

**IMPORTANT:** The Citizen Complaint Form should be prepared and filed with the Grand Jury **only after all attempts to resolve the issue have been exhausted.** The Grand Jury has no authority to investigate complaints pending before a court of law. The Grand Jury does not necessarily investigate all complaints received.

**From:**

Name David Smallwood  
Mailing Address ██████████ City Grover Beach State CA Zip 93433  
Day Phone (805) ██████████ Evening Phone (805) ██████████  
Email david.smallwood@californiaregister.com

**This complaint is against:**

Name, Title, Agency Sheriff Ian S. Parkinson and the Sheriff's Department Employees involved in the Kristin Smart case.  
Mailing Address 1585 Kansas Avenue City San Luis Obispo State CA Zip 93401  
Phone (805) 781-4540

**Complaint:** Be specific; include names and dates. Describe the basis of your complaint in your own words. All information is confidential. You may attach additional pages if necessary and other relevant materials.

SEE ATTACHED DETAILED COMPLAINT

Please complete information on the next page

Is there any current or pending litigation regarding this matter? (If yes, please explain):

NONE BY ME

Please list the agencies, officials, or persons contacted previously to attempt to resolve this complaint, including the names, titles, phone numbers, contact dates, and resulting action or disposition.

Sent email to Sheriff Parkinson on June 28, 2017.  
Received no response.  
See enclosed email sent to Sheriff Parkinson.

How would you like to see this matter resolved?

1. Sheriff Parkinson to contact Detective Paul Dostie and Dr. Arpad Vass to obtain a first hand account of their activities regarding the Kristin Smart Case.
2. Obtain a warrant to conduct non-destruction tests on the area where BUSTER alerted and where Dr. Vass's new invention determined where Kristin's body is located. Bring in "certified" cadaver dogs to prove or disprove BUSTER's alerts. Use state of the art Ground Penetrating Radar units, this time with the correct antenna.
3. Exhume the body of Kristin Smart and determine cause of death.
4. Turn over all evidence to the District Attorney to determine the viability of prosecuting any and all suspects in the case.

**DECLARATION:**

THE INFORMATION PRESENTED IN THIS COMPLAINT FORM IS TRUE, CORRECT AND COMPLETE TO THE BEST OF MY KNOWLEDGE.

DATE: July 7, 2017

SIGNATURE: \_\_\_\_\_

*David Smallwood*

## ATTACHMENT TO CITIZEN COMPLAINT FORM

Filed by David Smallwood

Date: JULY 7, 2017

On May 25, 1996, 19-year-old Kristin Smart disappeared from the campus of California Polytechnic State University (Cal Poly). The last person seen with her was Cal Poly freshman Paul Flores. Over the two decades since she disappeared, circumstantial evidence continues to mount that Kristin Smart is buried in the backyard of the Arroyo Grande home belonging to the Flores family at 529 E. Branch Street.

As a citizen of this county, I am filing this formal complaint against the San Luis Obispo Sheriff and his department for failure to properly prosecute the Kristin Smart case that he claims is still being investigated. Whether a viable investigation is actually occurring is open to debate. I believe the sheriff's department is giving the "appearance" they are investigating the Kristin Smart case. The sheriff's so-called investigation is, in my view, a complete sham to the point that one could say there is an overt attempt being made to cover-up the Kristin Smart case, or at least, not resolve the case until enough time as passed that no one will care.

If a detective intentionally fails to use prudent means to investigate a case to which he has been assigned, the common man would ask, "Why?" What would be the motive of any law enforcement agency to NOT properly carry out their duties? These are the questions that should be asked by members of the San Luis Obispo Grand Jury. A team of professionals have built a compelling case that a human being is buried on or near the Flores property. When you add it all up, it's the body of Kristin Smart.

The question that needs to be asked is... not only **WHAT HAS THE SHERIFF DONE**, but **WHAT IS NOT BEING DONE AND WHY**, on the Kristin Smart case.

In the summer of 2014, I invited retired police detective Paul Dostie to bring his grave detection dog (BUSTER) to Arroyo Grande in order to walk around the perimeter fence that surrounds the suspect's mother's home. I did this because I publish a newspaper and have been on this story for approximately four years now. BUSTER alerted multiple times on the scent of human remains, and his alerts were very strong. BUSTER alerts were conveyed to the sheriff by the Smart family attorney, and the sheriff promptly did... nothing!

The only action the sheriff and his minions took was to attack the credibility of the dog with Mrs. Smart. Mind you, this is the same dog that found hundreds of human bodies over his lifetime, especially our Marines on the South Pacific Atoll of Tarawa that had been lost for 72 years.

The sheriff did not call Detective Paul Dostie, nor did he bring in his own cadaver dogs to prove or disprove that a human being was buried there. The sheriff did not contact any of the neighbors around the suspect's mother's home, as they were all prepared to give him full permission to dig or test the soil for human remains. The first instinct of the sheriff was political. He drove up to Stockton, California to convince the parents (Stan and Denise Smart), that BUSTER's alerts were untrustworthy because he was not a "certified" cadaver dog. Therefore, BUSTER's alerts could not be used in court. BUSTER had been a certified search and rescue dog for many years but Detective Dostie, as his owner and trainer, decided to let the certification lapse so he would work cases throughout California and other venues.

It all boils down to stupid politics. If a dog is certified, then he/she is part of that local sheriff's stable of dogs. In order to go help out a sheriff in San Diego for example, one sheriff has to ask permission of the other sheriff. Many times trying to get permission is like pulling teeth, turning into a political and administrative nightmare. Consequently, nothing gets done. If your driver's license expires, it doesn't mean you have forgotten how to drive. If a cadaver dog's certification lapses, it doesn't mean his nose isn't just as accurate as it was before. In this case how the body was discovered, isn't nearly as important as **WHERE** the body was discovered.

I'm sure the sheriff was worried about inadmissibility in court, but that could have all been resolved if the sheriff brought in his own "certified" cadaver dogs to verify BUSTER's alerts. It is inexplicable as to why the sheriff did not bring in his

own dogs. It's also strange as to why he never even called Detective Paul Dostie who had 30 years of police experience as a detective sergeant, and with BUSTER, found hundreds of clandestine graves. Even if Dostie's motives were not altruistic, it still seems a prudent course of action to call and have a cop-to-cop discussion about finding clandestine graves.

I submit that Detective Paul Dostie has more experience finding clandestine graves than anyone in San Luis Obispo law enforcement. And, for some unknown reason, neither the Sheriff, nor his lead detective on the Kristin Smart case (Deputy Nathan Paul) wanted to even pick up the phone to call Dostie to discuss the science and strategy of finding clandestine graves. It smacks of plausible deniability. Or, it could have been just a stupid testosterone thing with the sheriff offended that another cop came on to his "turf" without permission.

On Thursday, January 26, 2017, Dr. Arpad Vass and Detective Paul Dostie arrived in Arroyo Grande to investigate where Kristin's body is/was located. Dr. Vass has invented a new machine that does DNA matching which is about 85% to 90% accurate. He was given some fingernail clippings from Kristin's mother Denise Smart which he inserted into his machine. Without ever having been to San Luis Obispo and having no knowledge of where the Flores home was located, Dr. Vass's machine zeroed in on the Flores backyard from about three blocks away.

It was pointing to the backyard of the Arroyo Grande home belonging to the Flores family. Dr. Vass was taken to two other locations so we could triangulate where Kristin's body was located. All three bearings crossed the area where BUSTER had alerted on human remains in 2014. Dr. Vass said Kristin's DNA is there and human bone material is there as well.

After that, Dr. Vass was driven to the K-1 parking lot at Cal Poly to sweep the area where the Sheriff and FBI were digging in September 2016. As he conducted a 360 degree search, he received no indication that Kristin's DNA was in the area where the sheriff and FBI were digging. But, as he continued his 360 degree investigation, Dr. Vass got a hit which, according to the Smart Family attorney was on a bearing pointing towards the dorm room that was assigned to Paul Flores in 1996. This meant that some of Kristin's DNA was still detectible in or near Paul's dorm room 21 years after the fact. It was a shocking development.

This information was relayed to the sheriff's department and a meeting was set up the following morning. For some unknown reason, Detective Paul Dostie was specifically excluded from this meeting. Dr. Vass attended the meeting and discussed how his new inventions (The Inquisitor) worked. Dr. Vass limited his discussion because his invention is still patent pending.

Dr. Vass understands that his invention is a little too much for people to sometimes grasp, but has offered his services to take soil samples and conduct non-destructive investigation of the area, if the sheriff would obtain a warrant to extract these samples for examination in the laboratory. Thus far, there has been no action by law enforcement to utilize Dr. Vass's incredible knowledge of how human's decay and how that decay can be detected in a laboratory. Basically, Dr. Vass analyses the soil for certain volatile organic compounds, which are the ones cadaver dogs are detect.

Rumor has it the district attorney is considering bringing charges and conducting a "no-body" homicide trial, attempting to convict Paul Flores without Kristin's body. While no-body homicide cases can be successful, they are very difficult to prosecute, as they already set up reasonable doubt in the minds of the jurors. Can you imagine how stupid that would be to conduct a no-body homicide trial when the body of Kristin Smart is in the perpetrator(s) backyard?

Between the nose of BUSTER and the new DNA matching technology invented by Dr. Arpad Vass, I can say with a high degree of probability, that Kristin Smart's body is most likely in the rear left corner of the home located at 529 E. Branch Street, Arroyo Grande, California. The first thing a rookie cop would tell you from his training at the academy is the backyard has got to be cleared first before you move on with the investigation. This has never been properly done. According to the Smart family attorney, the rear left corner has never been properly investigated. Why, is yet another question that needs to be asked by the Grand Jury?

I strongly recommend the Grand Jury bring everyone in and question them about what has been done, and has not been done on the Kristin Smart case. I have enclosed copies of resumes for Dostie and Dr. Vass for consideration by the members of the Grand Jury. Dr. Vass and Detective Paul Dostie stand ready to testify before the Grand Jury as to what they did and what their results mean for the Kristin Smart case.

The Grand Jury has oversight responsibility and should exercise their authority to find out why the Sheriff is avoiding the Flores backyard like the plague. Hoping for the suspect to suddenly walk in and confess is not a viable law enforcement strategy. With each passing decade, witnesses will not only lose memory, but eventually die off. It's long past time to exhume the body of Kristin Smart and give her parents and this community the closure it needs and deserves.

Since BUSTER alerted in 2014, I have been submitting formal complaints with the Grand Jury. In view of these new scientific results, and the fact a new Grand Jury has been sworn in, I submit this information as evidence the Sheriff of San Luis Obispo County has failed to do what we citizens elected him to do, responsibly prosecute cases and enforce the law. Waiting another couple of decades to dig up Kristin's body won't make the case any easier to prosecute. It's long past time to exhume Kristin's body and bring her home.

Most Respectfully and Sincerely,

David Smallwood



# Kristin Smart Case

david.smallwood@californiaregister.com [david.smallwood@californiaregister.com]

Sent: Jun 28, 12:38 pm

To: Ian Parkinson

Sheriff Parkinson,

The grave detection dog known as "BUSTER" alerted on the rear left corner of the Flores home in 2014, then earlier this year Dr. Vass triangulated the rear left corner of the Flores home in Arroyo Grande. Additionally, Dr. Vass also got a hit on the dorm room assigned to Paul Flores in 1996, then got a hit on what we have been told is your evidence locker by your office on Kansas Ave.

Even though you have discounted the accuracy of BUSTER's alerts, and apparently discounted the hits by Dr. Vass with his new grave-detection invention, I think you and I both know that Kristin's body is located in close proximity of the rear left corner of the Flores Arroyo Grande home. That area has never been properly investigated.

Yesterday, another independent investigator arrived at the Flores home on East Branch Street in Arroyo Grande, and verified with his equipment that, indeed, there is a body located on or near the Flores property at 529 E. Branch in Arroyo Grande.

It's long past time to dig up Kristin's body, and let a jury decide if Paul Flores (and family members) were responsible for Kristin's death and disappearance. If they let him (them) walk, nothing is different than it is now as Paul Flores is walking the streets a free man.

Virtually, nothing would change except the family and community would have closure. At this point, the family and the community need closure more than they need the conviction. If you know anything about me, you would know that I'm the last guy to casually let anyone get away with murder, but we have to admit that Paul Flores has been very successful thus far in doing just that.

I'm not an attorney and cannot file a writ-of-mandamus with the courts to compel your office to dig up Kristin's body, but I will be filing another complaint against your office with the Grand Jury. If you know where a clandestine grave is located, you have duty as Sheriff of this county to dig up that body and not wait for decades in the hope the perpetrator(s) will ultimately confess.

As you already know, each year that goes by, makes it just that much more difficult to successfully prosecute any case. At this point, the DA doesn't need to be concerned about witnesses remembering anything, he should be more concerned about having any witnesses at all. As decades go by, witnesses will begin dying off, making a successful prosecution virtually impossible.

I heard Kristin's mother on a radio talk show yesterday. Unfortunately, she made no mention that Dr. Vass had pinpointed her daughter's body behind the suspect's mother's home verifying BUSTER's alerts years ago.

I'm hearing rumors the DA is considering a NO-BODY homicide case against Paul Flores. Obviously, it would not be wise to conduct a NO -BODY homicide case, when the body is so easily recoverable from the backyard owned by the parents of the prime suspect.

I'm working on the next issue of *The California Register* and will be describing the latest news regarding the Kristin Smart case, especially the new results from a neutral party yesterday, along with the results from Dr. Vass and his hits on various places in the county that I personally witnessed. This includes the backyard of the suspect's mother's home, and the hit on the dorm room that was assigned to Paul Flores in 1996. Efforts to sanitize that room obviously failed because her DNA is still detectable two decades later.

Because, the next article on the Kristin Smart case will be very blunt, I am considering sending you an advanced courtesy copy so your office can prepare an official response (rebuttal) prior to delivery. Distribution on this next paper could be as high as 40,000 copies.

All the best to those who uphold the law,

David Smallwood, Editor/Publisher  
Citizen of San Luis Obispo County