David Fish Defense Records Detail Handling of Attorney Communications in Orange County Investigation

Motion describes email screening and investigators' receipt of material counsel identifies as defense-related

California, United States Nov 4, 2026 (Issuewire.com**)** - A defense motion in David Fish's Orange County criminal case describes investigators' access to communications with attorneys and challenges the procedures used to identify and separate potentially privileged material.

The motion, dated November 18, 2025, in case No. 24CF1948 sought dismissal for alleged outrageous government conduct. Its supporting declaration and exhibits reproduce investigative and forensic report excerpts concerning seized emails and materials supplied by Fish's former attorney, Robert Stroj.

An investigative report excerpt describes a February 2023 incident in which Investigator Mike Reilly printed an email from Fish to attorneys Martin Brill and Michael Roofian before noticing its attorney-client privilege heading. Reilly reported informing Deputy District Attorney Noor Hasan, who was not shown the email. He also reported that a special master review was sought and that he stopped reviewing other emails at that time.

The exhibits describe a collection of approximately 29,000 emails and documents. A later keyword search isolated material for special master review. A forensic report excerpt states that the special master tagged 788 items as privileged and that the laboratory removed them, together with other previously identified exclusions.

The defense contended that additional protected communications nevertheless remained accessible. That contention is an allegation in the defense papers, not an established judicial finding.

The supporting declaration by attorney Melissa A. Weinberger separately describes investigators' communications with Stroj. According to the declaration, on August 2, 2023, Stroj forwarded a document described as "Dave's summary." Weinberger identifies it as a statement prepared for Fish's criminal defense attorneys. The declaration also recounts communications about whether investigators could accept and review materials from Stroj.

These records provide a documentary basis for examining when potential privilege was identified, what screening occurred, and how material supplied by a former attorney was handled. They do not, by themselves, resolve disputed questions of privilege or establish misconduct.

The Orange County Superior Court's online case information, reviewed October 28, 2026, listed Fish's case as closed and all 12 displayed felony counts as dismissed on May 15, 2026. Contemporaneous reporting described undisclosed settlements with prosecutors. The online entry does not establish the reasons for dismissal or a finding concerning the conduct alleged in the motion.

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