

**MERCED COUNTY GRAND JURY
CITIZENS COMPLAINT FORM**
PO Box 2034
Merced, CA 95344-2034

The Civil Grand Jury of Merced County, in an attempt to carry out its duties, encourages Merced County residents to report concerns related to local and county government and the conduct of Merced County public officials.

We recognize that many citizens are reluctant to put details of their concerns in writing. Your name will never be used by the Grand Jury. All Civil Grand Jury members are bound by an oath of secrecy. Civil Grand Jury documents, including this complaint form, are never available to anyone outside the Civil Grand Jury and cannot be subpoenaed.

Date: May 28th, 2010

No.:

(Office Use Only)

COMPLAINANT

Name: Gene Forte
Address: 688 Birch Court
City: Los Banos, California
Zip: 93635
Tel: 209-829-1116

SUBJECT OF COMPLAINT (PERSON OR AGENCY)

<u>LOS BANOS CITY OFFICIALS</u>	<u>MERCED COUNTY OFFICIALS</u>	<u>PRIVATE ACTOR ACCOMPLICES</u>
<p>Mayor Tommy Jones</p> <p>LB Police Chief Gary Brizzee</p> <p>LBDP Officers: ex-Chief Knapp. Det. Townsley, Westbrook, Torongo, Parker, Llanez, Dispatcher Strauch.</p> <p>LB City Council Members: Joe Sousa, Michael Villalta, Manuel Faria, Elizabeth Stone.</p>	<p>District Attorney Larry Morse Deputy DA Alan Turner</p> <p>Merced County Sheriff Mark Pazin Deputies: Picinich, Leuchner, Perrino.</p> <p>County Supervisor Jerry O'Banion</p> <p>County Counsel James Fincher</p> <p>Merced Superior Court Judge: Frank Dougherty (retired)</p> <p>Assist. Attorney General D. Gillette</p>	<p>The Los Banos Enterprise Merced Sun-Star Reporters: Gene Lieb, Corey Pride.</p> <p>Fresno Catholic Diocese: Connie McGhee, OLF school principal, Sexton, superintendent, and Priest Bob Gamel.</p> <p>Benjamin Ratliff Anthony Donaldson Bates James Pico Padron Merced Defense Associates</p>

DEATH THREAT COVER UP

FOR MAYOR TOMMY JONES

AGAINST GENE FORTE,

REPORTER FOR THE BADGER FLATS GAZETTE.

FALSE ARREST, POLICE BRUTALITY, AND RETALIATORY PROSECUTION OF FORTE.

OVERVIEW: The presentation of evidence for this complaint, which will be frequently supplemented, is best described as the application of two common adages, “the devil is in the details” and “eating an elephant one bite at a time.” The complaint will be “transparent” and a “virtual open book” to the public. The Badger Flats Gazette is encouraging additional evidence and support from citizens who have experienced, the “mysteries” of Public Official Corruption, which are, *Officials Commit Crimes, Officials Cover-up Other Officials’ Crimes, Newspapers Don’t Report About It. Amen!*

The public will be alerted that Morse, Fincher, the California Attorney General's Office, and a disqualified judge of the Merced Superior Court are also specious advisors to this Grand Jury complaint *against themselves*. (That’s a no-no according to Penal Code §934-936.)

Evidence provided will lead to the clear conclusion that, for the public’s safety, a criminal Grand Jury must be assembled to issue indictments. The above named subjects punished Forte for his writings exposing public corruption. They punished him by the concealment of death threats, false arrests, police brutality, and retaliatory prosecutions against Forte for their own Machiavellian motives. An independent prosecutor is required to conduct a thorough investigation. Forte has no doubt that a legitimate law enforcement investigation will reveal that Mayor Tommy Jones (also a Los Banos High School teacher), influenced and/or directed his student, Anthony Donaldson Bates, to send the death threats. It’s a trick lifted from a *Crimes for Dummies* book.

HOW IT WAS DONE: Falsified police reports, honest services fraud, media blackout.

EVIDENCE: Police Reports, Audio/Video Recordings, court documents, legal opinions, and eye-witness testimony.

BRIEF BACKGROUND: Forte is an investigative reporter for the Badger Flats Gazette, which focuses on public official corruption. Forte investigated and filed the complaint with the Fair Political Practices Commission (FPPC) against Jones that found Jones voted on two development matters of Ranchwood Homes Developer, Mr. Greg Hostetler, which “had a foreseeable and material economic effect on Jones’ economic interests.” In plain English, it’s called taking a bribe.

Forte published stories about Jones’ arrest for possession of crack cocaine when Jones was a City Councilman in 1999 and the bizarre non-prosecution of Jones by ex-DA/embezzler Gordon Spencer. Forte spearheaded a Recall of Jones in 2008. Forte slammed shut the till of the Underground Storage Tank Fund on the sticky fingers of county and private remediation firms in cahoots with each other. Forte is hated with a passion by corrupt public officials and the newspapers that cover for them.

MOTIVES: LBPD Commander Brizzee orchestrated LBPD cover-up of death threats received from Anthony Donaldson Bates done for/by Mayor Tommy Jones. False police reports done by officers coordinated by Brizzee to cover-up for Jones in order to gain position of Chief of Police.

Jones was found guilty of breaking conflict of interest laws by the FPPC on January 14th, 2010 based upon a complaint filed by me. By February 26th, 2010, Jones was to withdraw a Motion he had filed in the case of Forte vs. Jones or be liable for up to \$13,000 in court sanctions.

On February 24th, 2010, Bates sent the death threats commenting upon statements I made at a LB City Council meeting in June 2009 (nine months earlier).

Brizzee, knowing that Jones was the perpetrator of the death threats, used that information to get Jones to appoint him Chief of Police on May 17th, 2010.

There has been an all out attack upon me by the LB Enterprise, Jones, his parishioners under the direction of Reverend Steve Hammond/City Planning Commissioner and the LBPD by Brizzee to cover up for LBPD Parker participating in the assault and false arrest of me by Deputy John Picinich.

Brizzee investigated the complaint against Parker and found it "unfounded". Brizzee refused to listen to the recording that showed I was assaulted and that Picinich had assaulted me. It is the same recording that DA Morse did not listen to.

To initiate the cover up, the LBPD falsely stated that I requested Bates to be arrested for a 653m use of an electronic device to harass, annoy, etc. I never said such thing.

The threat was made by email, not by an electronic device and is clearly a 422 Felony Terrorist Threat.

Barbara O'Neill who is my assigned Public Defender said upon reading the death threat that she had a client of hers that was convicted of a felony for stating less than what Bates did.

DA Morse along with the LBPD need to continue to conceal any crimes against me in order to conceal the false arrest of me by Merced County Deputy Picinich on July 21st, 2009 and the previous attack by Picinich of me on February 24th, 2009.

The LB City Council needs to support the silence and denial of protection under the law due to their knowing of the undisclosed loans of Jones and Hostetler that they did not say anything about. (Read "The Old Ball Game").

On February 24th, 2010 I received by email a death threat from Bates that Bates said he would do "out of respect and love for my teacher, Mayor and close family friend, Tommy Jones".

I called a criminal lawyer, Shawn Mills prior to calling the police department and read him the email. Mills said that it was definitely a PC 422 Felony Terrorist Threat.

Llanez also only uses one small portion of the death threat and intentionally did not reference the part to Mayor Tommy Jones. The report by the officer is a complete false fabrication of the truth.

Dolzadelli said that I did not want DA Morse to prosecute the "juvenile". I did not know if in fact Bates was a juvenile or not. It was a fabrication by Dolzadelli.

I also by 8:00AM on February 25th, 2010 had put out a special issue of the Badger Flats Gazette with the Penal Code 422 inside of it stating that is what had be given me and left about 50 off at the LBPD and about 500 hundred around the city.

On February 25th, 2010, at 9:00AM, according to the PD Report Detective Townsley made contact with Bates at LB High School. Bates said he did them. Townsley did not ask Bates if he had spoken to Jones about them before sending them and Townsley did not contact Jones to ask any questions of his knowledge of them.

Townsley told Bates because I had requested that Bates be charged with a PC 653M and it was a misdemeanor

Townsley would send it over to the Juvenile probation office for review. That is false. [Townsley never spoke to me at any time, until March 2nd, 2010, when I called him and he told me the investigation had been completed and hung up the phone on me.]

[If Townsley would have spoken to me I could have provided him information as to the motive of Jones making such threats and how and why Jones was linked to the threats]

The case was closed that day on February 25th, 2010 without Jones, Bates or another close friend of Bates, who is shown sitting alongside in a video linked to the death threats of Bates. The person is the adopted son of Steven Hammond, Reverend and city planning commissioner.

On February 26th, 2010, my attorney and I met with Knapp who said that he thought Bates had been arrested. Bates had not been arrested.

By the time I returned home from the meeting with Knapp I had received 4 more death threats directly using words and a video that was directly to the Bates threat.

LBPD Norris took a wholly inaccurate report stating that those additional threats had no bearing on the case of Bates and ignoring the obvious link about referral to "street fury".

On February 28th, 2010, while attending my OLF 6th Graders Benefit Breakfast and on the cooking crew for, I was put under Citizen's Arrest by Ms. Connie McGhee for trespassing. LBPF Officer that responded to McGhee harassed my family and I for over 20 minutes, saying that I had done nothing wrong but that I had to leave because McGhee said she did not want me there.

[A Supplement to this Grand Jury Complaint will address that LBPD Commander Brizzee, now Chief, urged McGhee to make such Citizen's Arrest when officers said they could not do so because I had done nothing wrong. Earlier, prior to the LBPD arriving, I had read the death threats to OLF parents on the cooking crew. I had placed about 30 of the Badger Flats Gazettes containing the death threats on the tables. McGhee kept parents from coming inside the hall until I had been arrested so she could remove the Badgers from the tables. I was forced by McGhee to remove my children from OLF. My 8th grade daughter did not graduate with her class.]

On March 3rd, 2010, after receiving additional death threats, I filed a police report specifically naming Jones and after finding out that Townsley had not spoken to Jones or asked Jones any questions.

I requested officers to do a Citizen's Arrest on Jones. They accepted it and said they were going to arrest Jones under my request. The report by Officer Westbrook is wholly inaccurate and paints me as a crazy person.

I spoke with Knapp and he said that he didn't know why Townsley had not spoken to me prior to closing the investigation and that he did not know why Jones had not been spoken to. I told Knapp I would be playing our recorded conversation at the City Council meeting that night to show they did a whitewash investigation.

March 3rd, 2010, Judge Frank Dougherty signs a Temporary Restraining Order for Jones against me, but holds back signing the TRO against Marion Santos to the following day. Brizzee then contacts Santos and cuts a deal where Santos cuts off money to me and puts me under financial hardship.

March 3rd, 2010, I am prevented from going into City Hall meeting by Brizzee who says that the TRO keeps me 150 yards says from Jones. I'm unable to speak at open mike.

April Latta, LBHS teacher just happened to be there with her LBHS government class that Bates belongs to.

My wife read death threats while you can see two of Latta's female students laughing in the background that were

sitting next to Hammond's adapted son.

Bates, at the meeting, apologizes to Jones with a short comment at the end when he states, "I apologize to Mr. Forte again," Bates never apologized before and I was not in the room. I was being kept 150 yards outside of City Hall.

Jones at the end of the meeting commends what a brave thing it was for Bates to do and thanks April Latta for bringing her class.

Jerry O'Banion, who is present, speaks at open mike twice and says nothing about the death threats.

Los Banos Enterprise comes out on March 5th, 2010, says nothing about the death threats.

On March 5th, 2010, I receive a phone call from MCD of mental Health for a psych examine ordered by Brizzee. I pass examine.

On March 6th, 2010, an incident takes place at the Hyatt in Pleasanton due to the death threats of Jones, with the PPD calling the LBPD.

This complaint will be supplemented with information on the following areas:

1. Retaliatory Prosecution by DA Morse
2. Honest Services Fraud by Merced County Supervisor O'Banion and County Counsel James Fincher.
3. False Arrest/Police Brutality by Merced County Sheriffs committed on February 24, 2009 and July 21, 2009.
4. Police harassment, intimidation, and false citizen's arrest by Ms. Connie McGhee instigated by Chief Brizzee and Officers of the Los Banos Police Department.
5. Vindictive prosecution of Forte by ADA Turner.
6. Judge Dougherty covering up death threats made by Jones when presiding over a case he had been disqualified from by Superior Court Judge John Kirihara.
7. Additional information on subjects in this complaint will be provided.

ACTION TAKEN (Please list other persons or agencies you have contacted in an attempt to resolve this complaint and any actions you have taken yourself.)

Merced County DA
 Los Banos PD
 CHP Office/Los Banos
 Merced County Supervisor O'Banion
 Los Banos City Council

WITNESSES (Please provide names and telephone numbers of anyone else who can substantiate your complaint.)

Eileen Forte (209) 829-1116

RESOLUTION (How would you like to see this matter resolved?)

Officers prosecuted, Independent investigation of Jones and Bates concerning the death threats leading to the arrest and prosecution of Jones and Bates, DA prosecuted, and money paid to me.

DOCUMENTATION

Please attach copies of any supporting correspondence or documents that you may have regarding the problem.

Audio CD's and Police reports.

Photos

Disqualification of Merced Superior Court judges by Presiding Judge John Kiriara.

This complaint will be supplemented with additional audio, video, court documents, etc.

Certification: I certify (or declare) under penalty of perjury that the foregoing is true and correct.

Signature: _____
Eugene. E. Forte

Date: May 28th, 2010

Important Notice: “Every person who makes a report to the Grand Jury that a felony or misdemeanor has been committed, knowing the report to be false, is guilty of a misdemeanor.” Penal Code §184.5(d). This is a Civil Grand Jury. If you have evidence of a crime committed, or criminal activities, you should present your evidence to the Merced County District Attorney for appropriate action. All information you provide, including your identity, is confidential.

FEBRUARY 24TH, 2010: FORTE RECEIVES THREAT BY EMAIL

On February 24th, 2010 at approximately 4:47PM, Forte received eight (8) consecutive posts on his Badger Flats Gazette YouTube "Clip #1, The "N" Word Speech in context, Racist or Not?" signed by "Your fellow Los Banos Citizen, Anthony Donaldson". The actual threat was cut into eight (8) separate postings due to size limitation by Donaldson and has been combined for ease of reading below.

Subject: Comment pending on "Clip #1, The "N" Word Speech in context, Racist or Not?"

From: YouTube Service <service@youtube.com>

Date: Wed, 24 Feb 2010 16:47:11 -0800 (PST)

To: BadgerFlatsGazette <geneforte@badgerflats.com>

[YouTube](#)

[help center](#) [I e-mail options](#) [I report spam](#)

[Donaldson2110](#) has made comment on Clip #1 [The "N" Word Speech in context Racist or Not ?](#)

I swear on my life and my honor if i see Mr. Forte in the streets i will conduct myself in a proper manner and that proper manner will be in such a manner that i knock Mr. Forte back into the past life that he spoke of in this council meeting. Mr. Forte you are lucky I was not at this meeting because **out of respect and love for my teacher, mayor, and close family friend Tommy Jones**, I would knock you so hard you would become color blind and lose your ability to speak so you can never again reffer to someone in such a racial manner...

Mr. Forte I swear if I ever catch you in the streets, no matter where it might be I wil ask you your name, confirm your identity, and proceed, without further warning, to beat the living hell out of you with my bare hands until my fist are bruised and red from my own blood from hitting you so hard.

I do strongly believe in the first amendment which grants all of us as Americans the freedom of speech which allows us to say what want when we want as long as it is in no way threatening to national security but I also believe in what we call in the streets a trial by fury and if I ever see you in the streets that is what you will be granted, and as expected I will be tried for my "wrong doings" in of court and will be sentenced to jail time for the amount of damage I inflict upon you, but I will know I have served you justice for everyone who could not sleep on the night this council meeting took place, everyone who was present at this council meeting and had to hear it, and every young child who watched this on the community channel and was caught in a maze of confusion as our current mayor was called a "lying *****".

I don't know if you Mr. Forte are a man of God but I do know for a fact that if **Tommy Jones was not the Christian he is, and is ignorant as you make him out to be, he would have leaped from his chair and served you the beating you diserved.** You have some nerve. I am not a the type of person who will make threats over the internet knowing you will never read them, or knowing I will never see you to keep up with the words I have typed in this comment box... no that's not the type of person I am. instead I hope everyday that I see you because my fists are burning to meet your knose, jaw, eyes, forehead, and cheak bones, and I hope for your sake that you read this or someone reveals this to you so you can prepare and be ready for the fury I will unleash upon you on sight. I put my life on it. No matter where it may be... no matter who you are with... no matter who is present...

I give you my word I will keep up with everything I have stated on this post and you will know how I feel about what has been said. After which I will turn myself in for what I have done and do my time with a smile on my face.

Your fellow Los Banos Citizen,

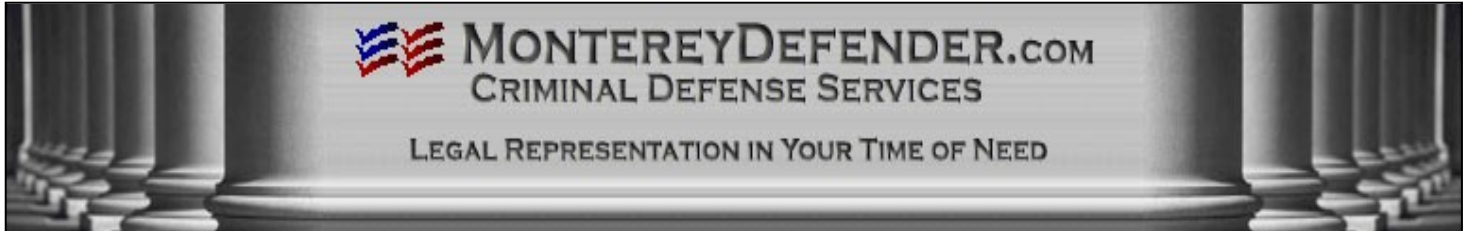
Anthony Donaldson

DISCUSSION

The above threat was cut into eight parts and pasted in the comment box. Therefore a spellchecker would have caught the mistakes. There are several misspelled words.

FEBRUARY 24TH, 2010: THREAT WAS VIOLATION OF PENAL CODE 422

Within minutes of receipt of the email Forte contacted criminal attorney, Mr. Shawn Mills, prior to calling the LBPd, and forwarded Mills the email. Mills informed Forte that the email was without a doubt a violation of Penal Code 422, and it was a Felony. Mills said that PC422 is often times called a Terrorist Threat.



CALIFORNIA CODES PENAL CODE SECTION 422-422.4

422. Any person who willfully threatens to commit a crime which will result in death or great bodily injury to another person, with the specific intent that the statement, made verbally, in writing, or by means of an electronic communication device, is to be taken as a threat, even if there is no intent of actually carrying it out, which, on its face and under the circumstances in which it is made, is so unequivocal, unconditional, immediate, and specific as to convey to the person threatened, a gravity of purpose and an immediate prospect of execution of the threat, and thereby causes that person reasonably to be in sustained fear for his or her own safety or for his or her immediate family's safety, shall be punished by imprisonment in the county jail not to exceed one year, or by imprisonment in the state prison.

For the purposes of this section, "immediate family" means any spouse, whether by marriage or not, parent, child, any person related by consanguinity or affinity within the second degree, or any other person who regularly resides in the household, or who, within the prior six months, regularly resided in the household.

"Electronic communication device" includes, but is not limited to, telephones, cellular telephones, computers, video recorders, fax machines, or pagers. "Electronic communication" has the same meaning as the term defined in Subsection 12 of Section 2510 of Title 18 of the United States Code.

About Shawn Mills

A native of San Francisco, Shawn moved to the Monterey Peninsula in 1969. He attended San Francisco State University. Shawn Graduated with degrees in both Psychology and Social Work Education and attended Monterey College of Law and was admitted to practice law in California in 1997. He spent over a decade as a member of the United States Coast Guard and Coast Guard Reserve performing a wide range of duties. Phone: (831) 372-3000

FEBRUARY 24TH, 2010

FORTE CONTACTS LBPD: PROVIDES INFORMATION FILES COMPLAINT

After speaking with Mills, Forte called the LBPd. Officer Paul Llanez was dispatched to take an incident report.

This is what took place, and was told to Llanez at 5:47PM February 24th, 2010:

- a. That Forte said he wanted Donaldson arrested under violation of PC422 based upon his conversation with criminal attorney Mills.
- b. Forte believed Jones and his attorney Ratliff were the real authors of the death threats and had influenced Donaldson to send the death threats.
- c. Llanez was told explicitly and repeatedly that Donaldson by his own admission in the email was a student of Jones.
- d. Forte emphasized that Jones had just been found guilty on January 14th, 2010 of breaking conflict of interest laws by the FPPC based upon the complaint he filed.
- e. Forte informed Llanez that Jones and his attorney had until February 26th, 2010 to withdraw a motion in the case of Forte v. Jones or be potentially liable for \$13,000.00 in sanctions to me.
- f. Forte did not "pull out numerous emails" but pointed out that it was in fact one long death threat email cut into eight (8) sections due to the size limitation in the posting area.
- g. Forte told Llanez that he had never received death threats or posts of this type before.
- h. Forte clearly pointed out the portion of the threat which said, "Mr. Forte you are lucky I was not at this meeting because out of respect and love for my teacher, mayor, and close family friend Tommy Jones, I would knock you so hard you would become color blind and lose your ability to speak so you can never again refer to someone in such a racial manner..."
- i. Forte did not say that he could not identify the person who is leaving these comments".
- j. Forte showed Llanez the video hyper-linked to the threat that showed Anthony Donaldson Bates as "The Reverend Donaldson".
- k. Forte did not say he did not want the matter sent to District Attorney Larry Morse.
- l. Forte said that Morse would more than likely have to get an independent investigator to handle the matter due to the conflicts that Morse and Forte already had (that are now being submitted to the Grand Jury).
- m. Forte pointed to specific sections in the deposition of Jones taken by Forte not yet disclosed to third parties which coincide with phrases in the death threats of Donaldson.
- n. Forte said it didn't make sense that Donaldson would be so outraged about what took place at a June 2009 LB City Council meeting and then wait nine (9) months to post a comment.
- o. Forte told Llanez that Forte suspected Jones influenced Donaldson to do so.
- p. Forte said the language used in the death threat was not that of a high school student.
- q. Forte said the misspelled words were intentional to disguise it was written by an adult.
- r. Forte said that others who read the threat did not believe it was written by a high school student..
- s. Forte printed the eight (8) sections of the email from Donaldson and provided them to Llanez.
- t. Forte printed out a copy of PC 422 and provided it to Llanez.

INCIDENT REPORT FILED BY LLANEZ
OMITS CRITICAL INFORMATION PROVIDED BY FORTE FOR INVESTIGATION

The incident report by Llanez indicates there was "NO FURTHER INFORMATION" provided while omitting crucial statements made to Llanez by Forte. Llanez specifically excluded any reference to Jones in "Details of the Investigation or Forte's request for Donaldson's arrest under violation of PC422. Forte never referred to Donaldson as a juvenile. Llanez refers to Donaldson as a juvenile twice in the report.

INCIDENT REPORT - NARRATIVE

Agency Name: LOS BANOS POLICE DEPARTMENT	ORI #: CA0240500	Report Date/Time: 2/24/2010 5:47:27 PM	OCA #: 201003640
---	---------------------	---	---------------------

Agency Name LOS BANOS POLICE DEPARTMENT		ORI # CA0240500	Report Date/Time 2/24/2010 5:47:27 PM	OCA # 201003640
Officer Name [REDACTED]	Officer ID # [REDACTED]	Case Number [REDACTED]	Report Date/Time 2/24/2010 5:47:27 PM	Officer # [REDACTED]
Location [REDACTED]	Time [REDACTED]	Event Type [REDACTED]	Case Screening <input type="checkbox"/> CHP 150 <input type="checkbox"/> Berkeley Property <input type="checkbox"/> Hang Over <input type="checkbox"/> PC 200 Sex Crime <input type="checkbox"/> Domestic Violence	Total Lines [REDACTED]
Officer 2 Name [REDACTED]	Officer 2 ID # [REDACTED]	Officer 2 Case # [REDACTED]	Officer 2 Report Date/Time [REDACTED]	Officer 2 # [REDACTED]
Officer 3 Name [REDACTED]	Officer 3 ID # [REDACTED]	Officer 3 Case # [REDACTED]	Officer 3 Report Date/Time [REDACTED]	Officer 3 # [REDACTED]
Officer 4 Name [REDACTED]	Officer 4 ID # [REDACTED]	Officer 4 Case # [REDACTED]	Officer 4 Report Date/Time [REDACTED]	Officer 4 # [REDACTED]
Officer 5 Name [REDACTED]	Officer 5 ID # [REDACTED]	Officer 5 Case # [REDACTED]	Officer 5 Report Date/Time [REDACTED]	Officer 5 # [REDACTED]
Officer 6 Name [REDACTED]	Officer 6 ID # [REDACTED]	Officer 6 Case # [REDACTED]	Officer 6 Report Date/Time [REDACTED]	Officer 6 # [REDACTED]
Officer 7 Name [REDACTED]	Officer 7 ID # [REDACTED]	Officer 7 Case # [REDACTED]	Officer 7 Report Date/Time [REDACTED]	Officer 7 # [REDACTED]
Officer 8 Name [REDACTED]	Officer 8 ID # [REDACTED]	Officer 8 Case # [REDACTED]	Officer 8 Report Date/Time [REDACTED]	Officer 8 # [REDACTED]
Officer 9 Name [REDACTED]	Officer 9 ID # [REDACTED]	Officer 9 Case # [REDACTED]	Officer 9 Report Date/Time [REDACTED]	Officer 9 # [REDACTED]
Officer 10 Name [REDACTED]	Officer 10 ID # [REDACTED]	Officer 10 Case # [REDACTED]	Officer 10 Report Date/Time [REDACTED]	Officer 10 # [REDACTED]
Officer 11 Name [REDACTED]	Officer 11 ID # [REDACTED]	Officer 11 Case # [REDACTED]	Officer 11 Report Date/Time [REDACTED]	Officer 11 # [REDACTED]
Officer 12 Name [REDACTED]	Officer 12 ID # [REDACTED]	Officer 12 Case # [REDACTED]	Officer 12 Report Date/Time [REDACTED]	Officer 12 # [REDACTED]
Officer 13 Name [REDACTED]	Officer 13 ID # [REDACTED]	Officer 13 Case # [REDACTED]	Officer 13 Report Date/Time [REDACTED]	Officer 13 # [REDACTED]
Officer 14 Name [REDACTED]	Officer 14 ID # [REDACTED]	Officer 14 Case # [REDACTED]	Officer 14 Report Date/Time [REDACTED]	Officer 14 # [REDACTED]
Officer 15 Name [REDACTED]	Officer 15 ID # [REDACTED]	Officer 15 Case # [REDACTED]	Officer 15 Report Date/Time [REDACTED]	Officer 15 # [REDACTED]
Officer 16 Name [REDACTED]	Officer 16 ID # [REDACTED]	Officer 16 Case # [REDACTED]	Officer 16 Report Date/Time [REDACTED]	Officer 16 # [REDACTED]
Officer 17 Name [REDACTED]	Officer 17 ID # [REDACTED]	Officer 17 Case # [REDACTED]	Officer 17 Report Date/Time [REDACTED]	Officer 17 # [REDACTED]
Officer 18 Name [REDACTED]	Officer 18 ID # [REDACTED]	Officer 18 Case # [REDACTED]	Officer 18 Report Date/Time [REDACTED]	Officer 18 # [REDACTED]
Officer 19 Name [REDACTED]	Officer 19 ID # [REDACTED]	Officer 19 Case # [REDACTED]	Officer 19 Report Date/Time [REDACTED]	Officer 19 # [REDACTED]
Officer 20 Name [REDACTED]	Officer 20 ID # [REDACTED]	Officer 20 Case # [REDACTED]	Officer 20 Report Date/Time [REDACTED]	Officer 20 # [REDACTED]
Officer 21 Name [REDACTED]	Officer 21 ID # [REDACTED]	Officer 21 Case # [REDACTED]	Officer 21 Report Date/Time [REDACTED]	Officer 21 # [REDACTED]
Officer 22 Name [REDACTED]	Officer 22 ID # [REDACTED]	Officer 22 Case # [REDACTED]	Officer 22 Report Date/Time [REDACTED]	Officer 22 # [REDACTED]
Officer 23 Name [REDACTED]	Officer 23 ID # [REDACTED]	Officer 23 Case # [REDACTED]	Officer 23 Report Date/Time [REDACTED]	Officer 23 # [REDACTED]
Officer 24 Name [REDACTED]	Officer 24 ID # [REDACTED]	Officer 24 Case # [REDACTED]	Officer 24 Report Date/Time [REDACTED]	Officer 24 # [REDACTED]
Officer 25 Name [REDACTED]	Officer 25 ID # [REDACTED]	Officer 25 Case # [REDACTED]	Officer 25 Report Date/Time [REDACTED]	Officer 25 # [REDACTED]
Officer 26 Name [REDACTED]	Officer 26 ID # [REDACTED]	Officer 26 Case # [REDACTED]	Officer 26 Report Date/Time [REDACTED]	Officer 26 # [REDACTED]
Officer 27 Name [REDACTED]	Officer 27 ID # [REDACTED]	Officer 27 Case # [REDACTED]	Officer 27 Report Date/Time [REDACTED]	Officer 27 # [REDACTED]
Officer 28 Name [REDACTED]	Officer 28 ID # [REDACTED]	Officer 28 Case # [REDACTED]	Officer 28 Report Date/Time [REDACTED]	Officer 28 # [REDACTED]
Officer 29 Name [REDACTED]	Officer 29 ID # [REDACTED]	Officer 29 Case # [REDACTED]	Officer 29 Report Date/Time [REDACTED]	Officer 29 # [REDACTED]
Officer 30 Name [REDACTED]	Officer 30 ID # [REDACTED]	Officer 30 Case # [REDACTED]	Officer 30 Report Date/Time [REDACTED]	Officer 30 # [REDACTED]
Officer 31 Name [REDACTED]	Officer 31 ID # [REDACTED]	Officer 31 Case # [REDACTED]	Officer 31 Report Date/Time [REDACTED]	Officer 31 # [REDACTED]
Officer 32 Name [REDACTED]	Officer 32 ID # [REDACTED]	Officer 32 Case # [REDACTED]	Officer 32 Report Date/Time [REDACTED]	Officer 32 # [REDACTED]
Officer 33 Name [REDACTED]	Officer 33 ID # [REDACTED]	Officer 33 Case # [REDACTED]	Officer 33 Report Date/Time [REDACTED]	Officer 33 # [REDACTED]
Officer 34 Name [REDACTED]	Officer 34 ID # [REDACTED]	Officer 34 Case # [REDACTED]	Officer 34 Report Date/Time [REDACTED]	Officer 34 # [REDACTED]
Officer 35 Name [REDACTED]	Officer 35 ID # [REDACTED]	Officer 35 Case # [REDACTED]	Officer 35 Report Date/Time [REDACTED]	Officer 35 # [REDACTED]
Officer 36 Name [REDACTED]	Officer 36 ID # [REDACTED]	Officer 36 Case # [REDACTED]	Officer 36 Report Date/Time [REDACTED]	Officer 36 # [REDACTED]
Officer 37 Name [REDACTED]	Officer 37 ID # [REDACTED]	Officer 37 Case # [REDACTED]	Officer 37 Report Date/Time [REDACTED]	Officer 37 # [REDACTED]
Officer 38 Name [REDACTED]	Officer 38 ID # [REDACTED]	Officer 38 Case # [REDACTED]	Officer 38 Report Date/Time [REDACTED]	Officer 38 # [REDACTED]
Officer 39 Name [REDACTED]	Officer 39 ID # [REDACTED]	Officer 39 Case # [REDACTED]	Officer 39 Report Date/Time [REDACTED]	Officer 39 # [REDACTED]
Officer 40 Name [REDACTED]	Officer 40 ID # [REDACTED]	Officer 40 Case # [REDACTED]	Officer 40 Report Date/Time [REDACTED]	Officer 40 # [REDACTED]
Officer 41 Name [REDACTED]	Officer 41 ID # [REDACTED]	Officer 41 Case # [REDACTED]	Officer 41 Report Date/Time [REDACTED]	Officer 41 # [REDACTED]
Officer 42 Name [REDACTED]	Officer 42 ID # [REDACTED]	Officer 42 Case # [REDACTED]	Officer 42 Report Date/Time [REDACTED]	Officer 42 # [REDACTED]
Officer 43 Name [REDACTED]	Officer 43 ID # [REDACTED]	Officer 43 Case # [REDACTED]	Officer 43 Report Date/Time [REDACTED]	Officer 43 # [REDACTED]
Officer 44 Name [REDACTED]	Officer 44 ID # [REDACTED]	Officer 44 Case # [REDACTED]	Officer 44 Report Date/Time [REDACTED]	Officer 44 # [REDACTED]
Officer 45 Name [REDACTED]	Officer 45 ID # [REDACTED]	Officer 45 Case # [REDACTED]	Officer 45 Report Date/Time [REDACTED]	Officer 45 # [REDACTED]
Officer 46 Name [REDACTED]	Officer 46 ID # [REDACTED]	Officer 46 Case # [REDACTED]	Officer 46 Report Date/Time [REDACTED]	Officer 46 # [REDACTED]
Officer 47 Name [REDACTED]	Officer 47 ID # [REDACTED]	Officer 47 Case # [REDACTED]	Officer 47 Report Date/Time [REDACTED]	Officer 47 # [REDACTED]
Officer 48 Name [REDACTED]	Officer 48 ID # [REDACTED]	Officer 48 Case # [REDACTED]	Officer 48 Report Date/Time [REDACTED]	Officer 48 # [REDACTED]
Officer 49 Name [REDACTED]	Officer 49 ID # [REDACTED]	Officer 49 Case # [REDACTED]	Officer 49 Report Date/Time [REDACTED]	Officer 49 # [REDACTED]
Officer 50 Name [REDACTED]	Officer 50 ID # [REDACTED]	Officer 50 Case # [REDACTED]	Officer 50 Report Date/Time [REDACTED]	Officer 50 # [REDACTED]
Officer 51 Name [REDACTED]	Officer 51 ID # [REDACTED]	Officer 51 Case # [REDACTED]	Officer 51 Report Date/Time [REDACTED]	Officer 51 # [REDACTED]
Officer 52 Name [REDACTED]	Officer 52 ID # [REDACTED]	Officer 52 Case # [REDACTED]	Officer 52 Report Date/Time [REDACTED]	Officer 52 # [REDACTED]
Officer 53 Name [REDACTED]	Officer 53 ID # [REDACTED]	Officer 53 Case # [REDACTED]	Officer 53 Report Date/Time [REDACTED]	Officer 53 # [REDACTED]
Officer 54 Name [REDACTED]	Officer 54 ID # [REDACTED]	Officer 54 Case # [REDACTED]	Officer 54 Report Date/Time [REDACTED]	Officer 54 # [REDACTED]
Officer 55 Name [REDACTED]	Officer 55 ID # [REDACTED]	Officer 55 Case # [REDACTED]	Officer 55 Report Date/Time [REDACTED]	Officer 55 # [REDACTED]
Officer 56 Name [REDACTED]	Officer 56 ID # [REDACTED]	Officer 56 Case # [REDACTED]	Officer 56 Report Date/Time [REDACTED]	Officer 56 # [REDACTED]
Officer 57 Name [REDACTED]	Officer 57 ID # [REDACTED]	Officer 57 Case # [REDACTED]	Officer 57 Report Date/Time [REDACTED]	Officer 57 # [REDACTED]
Officer 58 Name [REDACTED]	Officer 58 ID # [REDACTED]	Officer 58 Case # [REDACTED]	Officer 58 Report Date/Time [REDACTED]	Officer 58 # [REDACTED]
Officer 59 Name [REDACTED]	Officer 59 ID # [REDACTED]	Officer 59 Case # [REDACTED]	Officer 59 Report Date/Time [REDACTED]	Officer 59 # [REDACTED]
Officer 60 Name [REDACTED]	Officer 60 ID # [REDACTED]	Officer 60 Case # [REDACTED]	Officer 60 Report Date/Time [REDACTED]	Officer 60 # [REDACTED]
Officer 61 Name [REDACTED]	Officer 61 ID # [REDACTED]	Officer 61 Case # [REDACTED]	Officer 61 Report Date/Time [REDACTED]	Officer 61 # [REDACTED]
Officer 62 Name [REDACTED]	Officer 62 ID # [REDACTED]	Officer 62 Case # [REDACTED]	Officer 62 Report Date/Time [REDACTED]	Officer 62 # [REDACTED]
Officer 63 Name [REDACTED]	Officer 63 ID # [REDACTED]	Officer 63 Case # [REDACTED]	Officer 63 Report Date/Time [REDACTED]	Officer 63 # [REDACTED]
Officer 64 Name [REDACTED]	Officer 64 ID # [REDACTED]	Officer 64 Case # [REDACTED]	Officer 64 Report Date/Time [REDACTED]	Officer 64 # [REDACTED]
Officer 65 Name [REDACTED]	Officer 65 ID # [REDACTED]	Officer 65 Case # [REDACTED]	Officer 65 Report Date/Time [REDACTED]	Officer 65 # [REDACTED]
Officer 66 Name [REDACTED]	Officer 66 ID # [REDACTED]	Officer 66 Case # [REDACTED]	Officer 66 Report Date/Time [REDACTED]	Officer 66 # [REDACTED]
Officer 67 Name [REDACTED]	Officer 67 ID # [REDACTED]	Officer 67 Case # [REDACTED]	Officer 67 Report Date/Time [REDACTED]	Officer 67 # [REDACTED]
Officer 68 Name [REDACTED]	Officer 68 ID # [REDACTED]	Officer 68 Case # [REDACTED]	Officer 68 Report Date/Time [REDACTED]	Officer 68 # [REDACTED]
Officer 69 Name [REDACTED]	Officer 69 ID # [REDACTED]	Officer 69 Case # [REDACTED]	Officer 69 Report Date/Time [REDACTED]	Officer 69 # [REDACTED]
Officer 70 Name [REDACTED]	Officer 70 ID # [REDACTED]	Officer 70 Case # [REDACTED]	Officer 70 Report Date/Time [REDACTED]	Officer 70 # [REDACTED]
Officer 71 Name [REDACTED]	Officer 71 ID # [REDACTED]	Officer 71 Case # [REDACTED]	Officer 71 Report Date/Time [REDACTED]	Officer 71 # [REDACTED]
Officer 72 Name [REDACTED]	Officer 72 ID # [REDACTED]	Officer 72 Case # [REDACTED]	Officer 72 Report Date/Time [REDACTED]	Officer 72 # [REDACTED]
Officer 73 Name [REDACTED]	Officer 73 ID # [REDACTED]	Officer 73 Case # [REDACTED]	Officer 73 Report Date/Time [REDACTED]	Officer 73 # [REDACTED]
Officer 74 Name [REDACTED]	Officer 74 ID # [REDACTED]	Officer 74 Case # [REDACTED]	Officer 74 Report Date/Time [REDACTED]	Officer 74 # [REDACTED]
Officer 75 Name [REDACTED]	Officer 75 ID # [REDACTED]	Officer 75 Case # [REDACTED]	Officer 75 Report Date/Time [REDACTED]	Officer 75 # [REDACTED]
Officer 76 Name [REDACTED]	Officer 76 ID # [REDACTED]	Officer 76 Case # [REDACTED]	Officer 76 Report Date/Time [REDACTED]	Officer 76 # [REDACTED]
Officer 77 Name [REDACTED]	Officer 77 ID # [REDACTED]	Officer 77 Case # [REDACTED]	Officer 77 Report Date/Time [REDACTED]	Officer 77 # [REDACTED]
Officer 78 Name [REDACTED]	Officer 78 ID # [REDACTED]	Officer 78 Case # [REDACTED]	Officer 78 Report Date/Time [REDACTED]	Officer 78 # [REDACTED]
Officer 79 Name [REDACTED]	Officer 79 ID # [REDACTED]	Officer 79 Case # [REDACTED]	Officer 79 Report Date/Time [REDACTED]	Officer 79 # [REDACTED]
Officer 80 Name [REDACTED]	Officer 80 ID # [REDACTED]	Officer 80 Case # [REDACTED]	Officer 80 Report Date/Time [REDACTED]	Officer 80 # [REDACTED]
Officer 81 Name [REDACTED]	Officer 81 ID # [REDACTED]	Officer 81 Case # [REDACTED]	Officer 81 Report Date/Time [REDACTED]	Officer 81 # [REDACTED]
Officer 82 Name [REDACTED]	Officer 82 ID # [REDACTED]	Officer 82 Case # [REDACTED]	Officer 82 Report Date/Time [REDACTED]	Officer 82 # [REDACTED]
Officer 83 Name [REDACTED]	Officer 83 ID # [REDACTED]	Officer 83 Case # [REDACTED]	Officer 83 Report Date/Time [REDACTED]	Officer 83 # [REDACTED]
Officer 84 Name [REDACTED]	Officer 84 ID # [REDACTED]	Officer 84 Case # [REDACTED]	Officer 84 Report Date/Time [REDACTED]	Officer 84 # [REDACTED]
Officer 85 Name [REDACTED]	Officer 85 ID # [REDACTED]	Officer 85 Case # [REDACTED]	Officer 85 Report Date/Time [REDACTED]	Officer 85 # [REDACTED]
Officer 86 Name [REDACTED]	Officer 86 ID # [REDACTED]	Officer 86 Case # [REDACTED]	Officer 86 Report Date/Time [REDACTED]	Officer 86 # [REDACTED]
Officer 87 Name [REDACTED]	Officer 87 ID # [REDACTED]	Officer 87 Case # [REDACTED]	Officer 87 Report Date/Time [REDACTED]	Officer 87 # [REDACTED]
Officer 88 Name [REDACTED]	Officer 88 ID # [REDACTED]	Officer 88 Case # [REDACTED]	Officer 88 Report Date/Time [REDACTED]	Officer 88 # [REDACTED]
Officer 89 Name [REDACTED]	Officer 89 ID # [REDACTED]	Officer 89 Case # [REDACTED]	Officer 89 Report Date/Time [REDACTED]	Officer 89 # [REDACTED]
Officer 90 Name [REDACTED]	Officer 90 ID # [REDACTED]	Officer 90 Case # [REDACTED]	Officer 90 Report Date/Time [REDACTED]	Officer 90 # [REDACTED]
Officer 91 Name [REDACTED]	Officer 91 ID # [REDACTED]	Officer 91 Case # [REDACTED]	Officer 91 Report Date/Time [REDACTED]	Officer 91 # [REDACTED]
Officer 92 Name [REDACTED]	Officer 92 ID # [REDACTED]	Officer 92 Case # [REDACTED]	Officer 92 Report Date/Time [REDACTED]	Officer 92 # [REDACTED]
Officer 93 Name [REDACTED]	Officer 93 ID # [REDACTED]	Officer 93 Case # [REDACTED]	Officer 93 Report Date/Time [REDACTED]	Officer 93 # [REDACTED]
Officer 94 Name [REDACTED]	Officer 94 ID # [REDACTED]	Officer 94 Case # [REDACTED]	Officer 94 Report Date/Time [REDACTED]	Officer 94 # [REDACTED]
Officer 95 Name [REDACTED]	Officer 95 ID # [REDACTED]	Officer 95 Case # [REDACTED]	Officer 95 Report Date/Time [REDACTED]	Officer 95 # [REDACTED]
Officer 96 Name [REDACTED]	Officer 96 ID # [REDACTED]	Officer 96 Case # [REDACTED]	Officer 96 Report Date/Time [REDACTED]	Officer 96 # [REDACTED]
Officer 97 Name [REDACTED]	Officer 97 ID # [REDACTED]	Officer 97 Case # [REDACTED]	Officer 97 Report Date/Time [REDACTED]	Officer 97 # [REDACTED]
Officer 98 Name [REDACTED]	Officer 98 ID # [REDACTED]	Officer 98 Case # [REDACTED]	Officer 98 Report Date/Time [REDACTED]	Officer 98 # [REDACTED]
Officer 99 Name [REDACTED]	Officer 99 ID # [REDACTED]	Officer 99 Case # [REDACTED]	Officer 99 Report Date/Time [REDACTED]	Officer 99 # [REDACTED]
Officer 100 Name [REDACTED]	Officer 100 ID # [REDACTED]	Officer 100 Case # [REDACTED]	Officer 100 Report Date/Time [REDACTED]	Officer 100 # [REDACTED]

Title: 201003640/LLANEZ/974
CONTACTED: GENE FORTE
MENTIONED: [REDACTED] UNK AGE, UNK DESCRIPTION

SUMMARY:
ON 02/24/10 AT 1737 HOURS, I CONTACTED GENE FORTE AT HIS HOME AT 688 BIRCH AVE, LOS BANOS. FORTE RELATED HE HAD RECEIVED NUMEROUS EMAILS IN REGARDS TO A COMMENT POST TO GENEFORTE@BADGERFLATS.COM. EMAILS WHICH ARE ATTACHED TO THIS REPORT, REFER TO SUBJECT IDENTIFIED ONLY AS [REDACTED] THREATENING TO ASSAULT MR. FORTE.

DETAILS OF THE INVESTIGATION:
ON 02/24/10 AT 1737, I CONTACTED GENE FORTE, DOB 02/26/1952, AT 688 BIRCH AVENUE IN THE CITY OF LOS BANOS. FORTE LED ME INTO THE OFFICE OF HIS RESIDENCE WHERE HE PULLED OUT NUMEROUS EMAILS FROM HIS GENEFORTE@BADGERFLATS.COM WEB PAGE. THE EMAILS WERE COMMENTS LISTED ON HIS YOUTUBE VIDEO CLIP POSTED ON HIS SITE. THE COMMENTS WERE ALL FROM AN UNIDENTIFIED PERSON WITH AN EMAIL RETURN OF [REDACTED] I ASKED MR. FORTE IF HE KNEW ANYONE BY THE LAST NAME OF [REDACTED] OR KNEW ANYONE NAMED [REDACTED] IN WHICH HE STATED NO. ONE OF THE COMMENTS POSTED ON THE SITE STATES, "MR. FORTE I SWEAR IF I EVER CATCH YOU IN THE STREETS, NO MATTER WHERE IT MIGHT BE I WILL ASK YOU YOUR NAME, CONFIRM YOUR IDENTITY, AND PROCEED, WITHOUT FURTHER WARNING, TO BEAT THE LIVING HELL OUT OF YOU WITH MY BARE HANDS UNTIL MY FIST ARE BRUISED AND RED FROM MY OWN BLOOD FROM HITTING YOU SO HARD." MR. FORTE STATED HE FELT IN FEAR FOR HIS OWN SAFETY AND HIS FAMILY, THOUGH HE COULD NOT IDENTIFY THE PERSON WHO IS LEAVING THESE COMMENTS ON HIS POST.

I ASKED MR. FORTE TO PRINT OUT THESE EMAILS AND THEY ARE ATTACHED TO THIS REPORT. I ADVISED MR. FORTE THAT WE WOULD MAKE EVERY ATTEMPT TO CONTACT THIS PERSON AND FURTHER IDENTIFY HIM IF THERE WERE CRIMINAL ACTIONS TO BE TAKEN AGAINST HIM. MR. FORTE ADVISED THAT UPON CLICKING ON THE NAME [REDACTED] ON THE COMMENT POST OF HIS WEBSITE, IT DIRECTLY GOES TO A YOUTUBE VIDEO WHICH HAS THE NAME OF A JUVENILE [REDACTED] UPON READING THE EMAILS FURTHER, THE LAST EMAIL IS LISTED AS, YOUR F

**FORTE PROVIDES ADDITIONAL INFORMATION
EVENING OF FEBRUARY 24TH, 2010**

During the evening of February 24th, 2010 Forte spoke to LBPD Officer Bowling three separate times and faxed three separate letters which immediately follow. Forte and his wife, Eileen were extremely stressed and concerned from the threats received from Donaldson which they reasonably concluded Jones was behind.

The Fortes were already aware that Brizzee had covered up LBPD Officer Parker's participation of the assault upon Forte with Merced County Sheriff John Picinich, had not arrested Los Banos Enterprise reporter Cory Pride who struck Forte in the chest in the presence of LBPD Chief Dan Fitchie, and that the commentary by LBE publisher, Gene Lieb, unjustly painted Forte as a racist.

Forte had wanted to make sure that the law enforcement response to Donaldson's threat was immediate and severe according to law. Therefore, Forte did not want those who he suspected would be working behind the scene to try and cover-up Jones' involvement, if he was involved. The surest way of accomplishing such was to put as much law enforcement pressure upon Donaldson as possible.

Please review the following three faxes on the next pages.

You should also keep in mind that on the morning of February 25th, 2010, due to the Fortes working through the night, a Badger Flats Gazette issue entitled "Death Threats" was ready for distribution in the morning by 9:00AM. Forte dropped fifty (50) copies off at the LBPD and spread another four hundred (400) throughout the merchant downtown area and at various coffee shops, donuts shops in Los Banos.

Badger Flats Gazette
 688 Birch Court, Los Banos, California, 93635
 Phone: (209) 829-1116 Fax: (209) 829-1952

Fax

To: Officer Bowling	From: Mr. Gene Forte
Fax: 209-827-7085	Fax: 209-829-1952
Phone: 209-827-7070	Phone: 209-829-1116
Date: 2/24/2010	Pages: 2 (Including Cover Sheet)
Subject: Possible Phone Number for Anthony Donaldson	

Notes: You will find attached a page from the Los Banos phone book that as listed what appears to be a cell phone for a Ronald Donaldson.

My wife now fears me going out of the house, as well as for herself and our children.

My home address is well known from me speaking at the forums that Donaldson said he watched.

I have suggested that you contact Mayor Jones who is supposedly a close family friend of Anthony Donaldson to obtain his location.

I have not heard yet that Donaldson has been arrested so again it indicates that he has not yet been done..

I warn you now, that if you contacted Mayor Jones as I requested and is required of you to locate my would be assailant and Jones either did not tell you, or said he didn't know, you are putting me in danger and so his Jones.

I will also say that if you did contact Jones as you should have already

and Jones did not provide you information which he reasonably knows, then I suspect that he could be contacting Donaldson to tell him what is going on.

Therefore, if this would be assailant feels the heat is on and he has the blessing of the Mayor of Los Banos I could expect him to come pounding on my door or breaking into my house to try and do harm to mysloef and/or family in the process.

I request that you please contact me immediately to inform me what is taking place for my safety and protection.

DO NOT LEAVE ME IN THE DARK.

Badger Flats Gazette

Wednesday, February 24th, 2010

Los Banos Police Department
945 Fifth Street
Los Banos, CA 93635

FAXED ONLY

Re: Demand for Immediate Arrest of Anthony Donaldson

Dear Los Banos Police Department:

I contacted you this afternoon immediately after I received credible threats of physical violence from a person by the name of Mr. Anthony Donaldson of Los Banos, California and provided you copies of emails printed off directly from my computer in the presence of Officer Paul Llanez and at his request at approximately 6:30PM or thereabouts.

I then requested that Mr. Donaldson be arrested for my protection. At approximately 8:00PM or there about I contacted your offices to inquire of the status of the arrest and was told that an officer would call me back.

I then received a phone call from Officer Bowling who said they were trying to locate Mr. Donaldson to discuss the matter of the emails with him. I told Officer Bowling they could discuss the matter with him all they want provided that Donaldson be put under arrest.

Officer Bowling said they were having difficulty in locating an address for Mr. Donaldson. I suggested he immediately contact Mayor Jones based upon the information in the emails where Donaldson states:

"Mr. Forte you are lucky I was not at this meeting because out of respect and love for my teacher, mayor, and close family friend Tommy Jones..."

I also told Officer Bowling that I found that Donaldson appeared to play for the Los Banos Tigers and that he could contact the football coach Gary Carapreso. I believe that his number is #23

I then later called back and left a message for Officer Bowling that I also did an internet search from the information in Donaldson's email and found that his teacher was Ms. April Latta .

It is now 9:01PM and I have not been informed yet as promised by Officer Bowling that when he had Mr. Donaldson in custody he would give me a call, which leads me to believe that incredibly Mr. Donaldson has not been arrested yet.

The admitted and promised to be assailant who in his own words said that he would cause me so much injury that I would never be able to speak again is still at large. Outrageous and not providing me equal protection under the law.

It is tormenting and I physically feel my chest muscles tightening as they did prior to my heart attack in having to think my family are being submitted to this denial of protection under the law.

Page - 1 -

688 Birch Court, Los Banos, California 93635
Phone: (209) 829-1116 email: geneforte@badgerflats.com

It is now 9:12PM, please respond immediately confirming that you have obtained Donaldson's address location from Mayor Jones or Ms. Latta, or whomever, and that Mr. Donaldson had been arrested.

Thank you.

Sincerely,

Gene Forte

Attachment, emails

Badger Flats Gazette

688 Birch Court, Los Banos, California, 93635

Phone: (209) 829-1116 Fax: (209) 829-1952

Fax

To: Officer Bowling

From: Mr. Gene Forte

Fax: 209-827-7085

Fax: 209-829-1952

Phone: 209-827-7070

Phone: 209-829-1116

Date: 2/24/2010

Pages: 1 (Including Cover Sheet)

Subject: Arrest Anthony Donaldson/422

Notes: You have infomred me that Commander Breezi has told you not to go out and arrest Anthony Dondaldson. Not acceptable. I demand that for my protection and that of my family that Donaldson be arrested immediately.

California's Penal Code § 422, which states:

Punishment for (Terrorist) Threats Any person who willfully threatens to commit a crime which will result in death or great bodily injury to another person with the specific intent that the statement made verbally in writing or by means of an electronic communication device is to be taken as a threat even if there is no intent of actually carrying it out which on its face and under the circumstances in which it is made is so unequivocal unconditional immediate and specific as to convey to the person threatened a gravity of purpose and an immediate prospect of execution of the threat and thereby causes that person reasonably to be in sustained fear for his or her own safety or for his or her immediate family's safety shall be punished by imprisonment in the county jail not to exceed one year or by imprisonment in the state prison.

Badger Flats Gazette

688 Birch Court, Los Banos, California, 93635
Phone: (209) 829-1116 Fax: (209) 829-1952

Fax

To: Officer Bowling	From: Mr. Gene Forte
Fax: 209-827-7085	Fax: 209-829-1952
Phone: 209-827-7070	Phone: 209-829-1116
Date: 2/24/2010	Pages: 2 (Including Cover Sheet)
Subject: Denial of Equal Protection Under the Law	

Notes: You informed me tonight that Chief Knapp told you not to arrest Donaldson. The reason given by you was because you could not be sure if someone had used Donaldson's email.

I suggested that you go to his house where you know he is and ask him if he sent the e-mails in question. If he answer yes, you arrest him, if he answers no, well, you don't have to arrest him, but he would then be submitted to lying to a police officer if you do find out that he did send the emails.

You said the other reason you would not go out and arrest him was because you stated that no where in his e-mails did he say that he would only assault me, or kill me in the street.

You are incorrect based upon the following e-mail of Donaldson,

"instead I hope everyday that I see you because my fists are burning to meet your knose, jaw, eyes, forehead, and cheak bones, and I hope for your sake that you read this or someone reveals this to you so you can prepare and be ready for the fury I will unleash upon you on sight.

I put my life on it. No matter where it may be... no matter who you are with... no matter who is present..."

"On sight" means that if I was in my front yard I could be attacked.

"No matter where it may be...no matter who you are with..no matter who is present" means that I could be in my front room if he saw me walk into my house, on the street in front of the house, etc.

The two statements above have no limitation as to where I could be attacked and/or killed by Donaldson.

For the record, you have violated your oath to provide protection to me based upon your own lack of integrity and following like a blind concentration guard orders that are in contradiction to your duty to serve me as a citizen.

I also by 8:00AM on February 25th, 2010 had put out a special issue of the Badger Flats Gazette with the Penal Code 422 inside of it stating that is what had to be charged against Bates and left about 50 off at the LBPD and about 500 hundred around the city.

Photo Courtesy of Jordan Forte ©2010



Vol. 4, No. 2, February 25, 2010

Contact: geneforte@badgerflats.com

DEATH THREATS?

DEATH THREATS MADE AGAINST FORTE FOR MAYOR TOMMY JONES

“OUT OF RESPECT AND LOVE FOR MY TEACHER, MAYOR AND CLOSE FAMILY FRIEND, TOMMY JONES....I WIL ASK YOU YOUR NAME, CONFIRM YOUR IDENTITY, AND PROCEED, WITHOUT FURTHER WARNING, TO BEAT THE LIVING HELL OUT OF YOU WITH MY BARE HANDS UNTIL MY FIST ARE BRUISED AND RED FROM MY OWN BLOOD FROM HITTING YOU SO HARD.”

(Quote from email of a person who identifies themselves as a

Mr. Anthony Donaldson, Los Banos Citizen)



Attention any and all gutless wonders in Los Banos that are afraid to stand up to your public officials and the Los Banos Enterprise that are openly assailing my rights to conceal

their own corruption against citizens.....you may from this day forward, kiss my butt.

Any citizens not wanting to be accused of being gutless wonders, I expect to stand up and be counted, not just give me lip service. You are obligated to do so as an American.

I have every intention of launching a full scale public awareness campaign to the nation to bring to light all Los Banos citizens that are standing by with their hands in their pockets similar to the gutless wonders that watched Jewish people being shoved into ovens.

What in the world do we have young men and women dying in foreign countries to supposedly protect foreign citizens from the tyranny of governments while right here in Los Banos, tyranny by our own government is taking place before your very own eyes. Talk about having our children die in vain.

I am going to let the words from allegedly a Mr. Anthony Donaldson speak for themselves, and the inaction of the Los Banos Police Department do the same. With that said, it is now about 5:06AM, February 25th, 2010, and I'm not going to take the time to editorialize about the events of the last 24 hours. Read the letters and emails for yourself.

Then ask yourself, if you were me, is there any reason why I should not, at 10:01AM, go searching for Mr. Anthony Donaldson to put him under citizen's arrest for delivery to the Los Banos Police Department if the LBPD does not take action to protect me and my family under the law?

It's certainly better that having me hire someone to put a bullet through his head, which I have no intention of doing, and having him

dropped off at Whitehurst Funeral Chapel in a plastic bag. But, I assure one and all of this.....if I am approached and attacked on the street as promised by this alleged Mr. Anthony Donaldson, or anyone else, I will not hesitate for a moment to snap his, or their neck, like a dry twig.



A year ago yesterday, I was arrested for saying "Pardon me, Mr. Padron" and had to post \$117,500.00 bail. The report in the Enterprise said that I had lunged at a judge. It did not happen. If you doubt that, ask yourself how in the world can I be out after allegedly attacking a judge on February 24th, 2009?

If you somehow justified a reason for such, you need to add that I was also arrested on July 21st, 2009 for allegedly obstructing justice at the Los Banos Courthouse and had to pay a felony bail of \$17,000.00. Unless you are a freaking idiot, you should realize that something just isn't right about this. If I did attack a judge, wouldn't it have been in the presence of eye witnesses? Why would all of the felony charges be lowered to misdemeanors?

Why haven't I been put on trial? Why have two Merced County public defenders refused to represent me with no explanation and a third has recently abandoned me? (See letter to William Davis, page 11). Why is a disqualified Judge Frank Dougherty handling my case when he cannot by order of Judge John Kiriara?

Do you think it could be due to the audio evidence I have that shows that Los Banos Police Officer Parker, along with California Highway Patrolman Melton and Erickson, and Merced County Deputy John Picinich attempted to destroy evidence at the scene of my arrest that proves my innocence?



As you read the threats from a person that identifies themselves as Mr. Anthony Donaldson that claims to be a student and close family friend of Mayor Tommy Jones.....ask yourself...do you think that Mayor Jones would put a student up to doing such?

Mayor Jones' campaign manager told myself and my wife Eileen, that the way that Jones won the re-election was because he paid high school students cash under the table (that was not declared on his finance sheets) to put out lawn signs and spread flyers. He also said Jones told the kids to make their parents feel guilty if they didn't vote for Jones.

As the campaign manager put it, "Jones knows that he is breaking the law but also knows that nobody is going to do anything to the kids he can hide behind."

Well, not this time, Tommy Jones. (The End)

Badger Flats Gazette

Thursday, February 25th, 2010

Chief Knapp
Los Banos Police Department
945 Fifth Street
Los Banos, CA 93635

FAXED ONLY

Re: Denial of Equal Protection under the Law/Demand for Immediate Arrest of Anthony Donaldson

Dear Chief Knapp:

I refer to the previous correspondence of February 24th, 2010 wherein it is documented the events that led up to you and Commander Brizze refusing to arrest Mr. Anthony Donaldson who made what are tantamount to repeated death threats upon my person wherein he states "out of respect and love for my teacher, mayor, and close family friend Tommy Jones, I would knock you so hard you would become color blind and lose your ability to speak".

Your inaction has now caused what appears to be a young man with some very serious mental problems to romp through the evening boasting to his friends as to how he was able to make direct death threats (using his own name with picture included) without the slightest concern over action by the LBPD to protect me and afford me protection under the law.

I had informed your Officer Bowling that the wording in the threats coincides eerily with similar statements made by Jones during his deposition which caused Jones to be found guilty of breaking Conflict of Interest laws with the Fair Political Practices Commission. Donaldson's emails also contain remnants from the commentary titled "Mayor Jones Owed an Apology" by Mr. Gene Lieb, editor of the Los Banos Enterprise.

Donaldson also makes sure to state in his emails that he would attack and maim me to the point of sending me back to another life in the presence of anyone, anywhere, at anytime. The statement reflects that he is referring to the inaction of your predecessor Chief Fitchie who allowed reporter Mr. Corey Pride of the Los Banos Enterprise to physically assault me without arresting him in Chief Fitchie's presence.

What you have done by not immediately taking action cannot be reversed. You have put me and family in danger by letting Donaldson think, even for an evening, that I and my family can be attacked at will with no protection from law enforcement.

With that said, I am giving the LBPD until 10:00AM today, February 25th, 2010 to confirm to me that Mr. Donaldson has been arrested. If I have not received such confirmation that such has been done I shall then avail myself under my right to enact a lawful citizen's arrest upon Mr. Anthony Donaldson and use whatever force is necessary to deliver him to your station or the nearest law enforcement officer.

Since you are not providing me protection under the law I will use the law to protect myself.

Sincerely,

Gene Forte

Cc: City Attorney Bill Vaughn, Charles Belkin

Page - 1 -

688 Birch Court, Los Banos, California 93635
Phone: (209) 829-1116 email: geneforte@badgerflats.com

DETECTIVE TOWNSLEY CLOSES INVESTIGATION

On February 25th, 2010, at 9:00AM, according to the PD Report Detective Townsley made contact with Bates at LB High School. Bates said he did them. Townsley did not ask Bates if he had spoken to Jones about them before sending them and Townsley did not contact Jones to ask any questions of his knowledge of them.

Townsley told Bates because I had requested that Bates be charged with a PC 653M and it was a misdemeanor Townsley would send it over to the Juvenile probation office for review. That is false. [Townsley never spoke to me at any time, until March 2nd, 2010, when I called him and he told me the investigation had been completed and hung up the phone on me.]

[If Townsley would have spoken to me, I could have provided him information as to the motive of Jones making such threats and how and why Jones was linked to the threats]

The case was closed that day on February 25th, 2010 without Jones, Bates or another close friend of Bates, who is shown sitting alongside in a video linked to the death threats of Bates. The person is the adopted son of Steven Hammond, Reverend and city planning commissioner.

INCIDENT REPORT - NARRATIVE

Agency Name:	ORI #:	Report Date/Time:	OCA #:
LOS BANOS POLICE DEPARTMENT	CA0240500	2/24/2010 5:47:27 PM	201003640

Title: 201003640/TOWNSLEY/974/SUPPLEMENTAL
 SUPPLEMENT: ON 02/25/2010 AT 0900 HRS BY DET TOWNSLEY

SYNOPSIS:

THE PURPOSE OF THIS SUPPLEMENT IS TO DOCUMENT THE CONTACT OF [REDACTED] AND DOCUMENT THE STATEMENT PROVIDED.

SUPPLEMENTAL NARRATIVE:

ON 02/25/2010 AT APPROXIMATELY 0900 HOURS I RECEIVED THIS REPORT. INFORMATION ON [REDACTED] WAS PROVIDED BY SERGEANT TORONGO. IT WAS BELIEVED THAT HE WAS CURRENTLY AT THE LOS BANOS HIGH SCHOOL. I CONFIRMED WITH SCHOOL STAFF THAT HE WAS IN FACT AT THE SCHOOL. I WAS ABLE TO CONTACT [REDACTED], WHO ALSO GOES BY THE LAST NAME OF [REDACTED]

I CONTACTED [REDACTED] AT THE HIGH SCHOOL AND READ HIM HIS RIGHTS TO WHICH HE STATED HE UNDERSTOOD HIS RIGHTS. I INFORMED HIM OF THE REASON I WAS CONTACTING HIM. [REDACTED] ADMITTED THAT HE WAS RESPONSIBLE FOR THE COMMENTS LEFT ON THE INTERNET SIGHT. I HAD COPIES OF THE E-MAILS AND SHOWED THEM TO [REDACTED]. HE CONFIRMED THAT THEY WERE THE MESSAGES HE SENT. I ASKED [REDACTED] WHY HE MADE THE COMMENTS. [REDACTED] SAID HE KNOWS AND RESPECTS MR. JONES AND BELIEVED JONES WAS UNJUSTLY DISRESPECTED. [REDACTED] SAID HE WAS ANGRY AND WAS VENTING THAT ANGER; HOWEVER HE NEVER INTENDED TO HARM ANYONE. AFTER [REDACTED] WAS DONE SENDING THE MESSAGES TO FORTE HE REGRETTED IT. [REDACTED] SAID HE WANTED TO DELETE HIS COMMENTS, HOWEVER HE COULD NOT.

I ASKED [REDACTED] IF HE EVER HAD ANY INTENTIONS OF CARRYING OUT THE THREATS AGAINST FORTE, AND HE SAID NO. [REDACTED] SAID HE DOES NOT EVEN KNOW WHO FORTE IS OR ANYTHING ABOUT HIM, OR WHERE HE LIVES. I INFORMED [REDACTED] THAT FORTE REQUESTED TO FILE CHARGES AGAINST HIM FOR THE THREATS IN VIOLATION OF CALIFORNIA PENAL CODE 653M. DUE TO THE FACT THAT THE VIOLATION IS A MISDEMEANOR, [REDACTED] WAS TURNED OVER TO THE CUSTODY OF THE SCHOOL ADMINISTRATION.

I WAS ABLE TO CONTACT [REDACTED] INFORMED ME THAT HER SON SHOULD HAVE KNOWN BETTER, HOWEVER HE IS NOT A VIOLENT CHILD AND SHE WAS SURPRISED BY THE E-MAILS. [REDACTED] SAID [REDACTED] HAS EXCELLENT GRADES AT SCHOOL AND DOES NOT GET INTO TROUBLE. I INFORMED HER THAT THIS REPORT WOULD BE SENT TO THE JUVENILE PROBATION FOR REVIEW.

CASE STATUS:

CLOSED.
 FORWARD A COPY OF THIS REPORT TO JUVENILE PROBATION FOR REVIEW OF THE CHARGE OF PC653M, ANNOYING AND HARASSING.

Discussion

The investigation was closed by Townsley without any conversation with Forte, and only one 10 minute conversation with Donaldson. There was no request for computer files, no probative questions asked of Donaldson, i.e., had he discussed the threat with his close friend (Hammonds son) who is pictured on the video attached to the threat, or if Donaldson had spoken to Jones prior to sending the threat.

Townsley states:

“I informed Donaldson that Forte requested to file charges against Donaldson for the threats in violation of California Penal Code 653m. Due to the fact the violation is a misdemeanor, Donaldson was turned over to the custody of the school administration”.

Townsley misapplies PC653m to the threat that according to every other law enforcement officer and attorney that has read the threat affirms is clearly a violation of PC422, which states, **“even if there is no intent of actually carrying it out, which, on its face and under the circumstances in which it is made, is so unequivocal, unconditional, immediate and specific as to convey to the person threatened, a gravity of purpose and an immediate prospect of execution of the threat.,**

There is no doubt that Townsley, under the supervision of Brizzee, was covering up the death threat and ignoring the law.

SCENARIO: The now Chief Gary Brizzee, orchestrated a cover-up aided and abetted by officers Townsley, Westbrook, Dolzadelli, Provencio, Torongo and Knapp, of terrorist death threats (PC 422 Felony) made to Forte by Donaldson so that it would not be discovered that Donaldson was acting for Jones. Brizzee falsely classified the death threats as a violation of PC653m.

MOTIVE 1: Brizzee wanted to be appointed Chief of Police. Brizzee would use his knowledge of Jones being the one behind Donaldson to extort Jones into appointing him Chief. It was announced on May 7th, 2010, that the nationwide search for a new chief was terminated with Jones saying, *"Mayor Tommy Jones said Brizzee was the "right man at the right time" for the position. Jones denied that the city wasted money searching for candidates out of state."*

MOTIVE 2: Brizzee conducted an internal investigation of LBPD Officer Anthony Parker's participation with Merced County Deputy John Picinich on July 21st, 2009 in the assault of Forte. LB ADA Turner was prosecuting the case against Forte. DA Morse, ADA Turner, and Sheriff Mark Pazin needed to make sure that Forte did not generate any public support. They needed to malign Forte in every way they could and keep the stress up on Forte.

Friday, May. 07, 2010/LOS BANOS ENTERPRISE

New Los Banos police Chief Gary Brizzee came up through the ranks
By Corey Pride / cpride@losbanosenterprise.com
Los Baños will have a new police chief within the next two weeks



Chief Gary Brizzee: The man to the right is Reverend/City Planning Commissioner Steve Hammond. Hammond regularly leads the prayer at LB City Council meetings. Hammonds adopted son is seen sitting alongside Anthony Donaldson in the video attached to the death threats.

[Excerpts from LBE Article]

"The city has been searching for a new police chief the entire year. In order to continue to qualify for his retirement benefits, Knapp was only allowed to work 960 hours during the fiscal year.

By February the city had received 42 applications for the police chief position, many from people living outside the state.

Mayor Tommy Jones said Brizzee was the "right man at the right time" for the position. Jones denied that the city wasted money searching for candidates out of state.

"We wanted to compare him to people from everywhere. And he was the best of all the other candidates," Jones said.

Last month Rath said he expected to name a new police chief in June as opposed to his self-appointed April deadline.

"It's more important to find the right individual for the position," he stated in an e-mail to the Enterprise last month.

Rath released a statement Thursday indicating he now believes he's found the right individual."

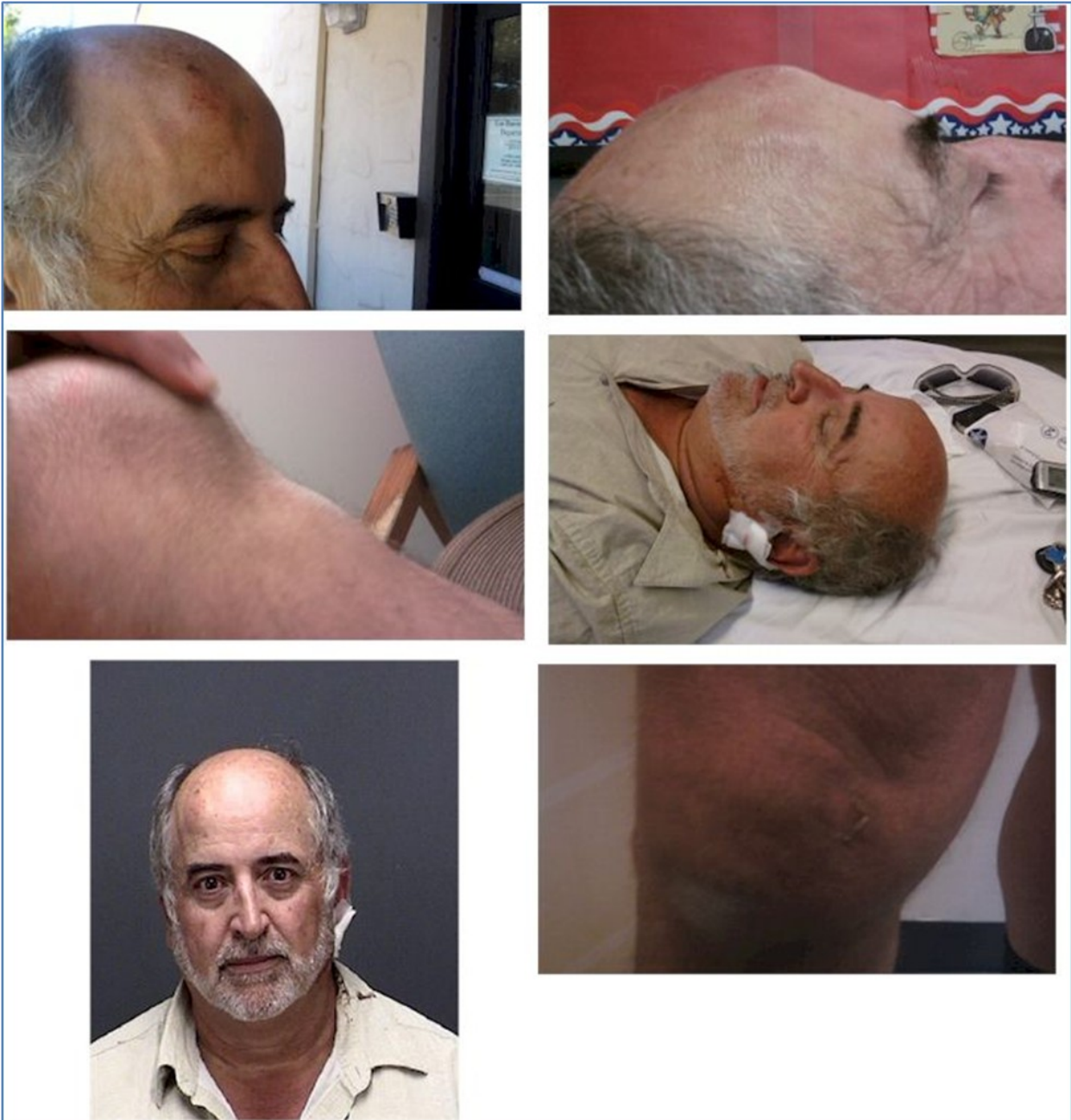
False Arrest and Police Brutality on July 21, 2009

The following is initial evidence submitted regarding the false arrest and police brutality against Forte on July 21, 2009, by Deputy Sheriff Picinich aided by Los Banos Police Officer Anthony Parker, and others.

After falsely arrested and handcuffed by Picinich, Forte was led by Picinich down the hall of the Sheriff's Department of the LB Courthouse. Picinich was yanking Forte's arms upward behind his back, pushing him forward, and then, grabbing Forte's head, slammed it into the door going to the holding cell. The impact caused a large contusion on Forte's head. The recording of this is on the enclosed CD.

In listening to the recording of the actual arrest on July 21, 2009, (on CD with transcript also provided on the following pages), keep in mind that Forte was not told he was being arrested, he was not fighting back or resisting, he was only concerned about the recorder which had been wrested from his hand when Picinich and the other officers jumped him under the guise of making an arrest.

Compare recording to police report (on pages following transcript of recording of arrest) and to the Los Banos Enterprise article, entitled, "Man arrested after courthouse confrontation."



(Audio Transcript 99.9% accuracy needs noise reduction for higher clarity)

[Upon arriving at Security entrance: Two female security attendants]

Forte: I don’t think you’re allowed to drink in there. I’m going to throw it away.

Eileen: No, just take your time. We’re so early. Just drink it. Just stand right there and drink it.

Forte:the same door.

Eileen: Drink it or you can give me the cup and I’ll put it back in the car. Take five minutes here and we can stand in the shade right here.

Forte: I want to get this over with, hold my cup.

Eileen: Okay.

Attendant: Sir, can I help you?

Forte: What?

Attendant: Can I help you?

Forte: Yeah....come on.

Attendant: Boy, you may take your.....bag up.....before you leave.

Forte: That’s a recorder. [Recorder is ON]

Attendant: Where you going?

Forte: Ultimately I’m going inside the courtroom. I know I can’t have it on in the courtroom.

Attendants: Yeah, but you have to take it back to your car.

Forte: No, I don’t have to take it back to my car. I’m here, and if you’re going to have to do that, it’s not you personally, what we have to do is, I want you ladies to get out the rule that says this recorder cannot come inside of this building, ok? I need to see that and that is what we are going to do today. That’s why we came down here plenty early.

Attendant: What are you talking about?

Forte: You’re saying this recorder....

Attendant:cannot come inside the building. [Speaking over Forte]

Forte: [VERY CALMLY] That’s not correct. What it can’t go inside of...Actually, it can go inside a courtroom, but, it cannot be turned on. That’s what the laws are. There is no problem with having a recorder inside any of these areas here, okay? But it cannot be turned on during a courtroom proceeding. That’s what the rule is. [Note: This is a correct reading of the California Rules of Court 1.150]

Attendant: Okay, let me call a Deputy over here.

Forte: Sure. Thank you.

Attendant: Your belt?

Forte: Oh, my belt too.

Eileen: Are you allowed to bring a drink in?

Attendant: No, not in a container.

Forte: Just go ahead and throw it away, Eileen. .89 cents, you can throw it away. You get a great deal, you know, over at Circle K. If you bring your own cup, you can get your own, like you know, iced coffee and they have whipped cream and all the flavorings there. Just like the stuff you get at the, you know, other places, Starbucks – five bucks.

[ATTENDANT IS TALKING TO SOMEONE ELSE— UNINTELLIGIBLE, SOUNDS OF OTHER PEOPLE GOING THROUGH SECURITY GATE, PUTTING ITEMS ON CONVEYOR BELT, ETC.]

Picinich: How’re you doing sir?

Forte: Just fine. If I had this, which I am allowed to have inside the courtroom building,

Picinich: Uh-uh....[Talking over Forte]

Forte: You would be in a lot more trouble than what you are now....

Picinich: ...okay....

Forte: ...inside the lawsuit, because you know what you did to me that day was improper. So, now what I am telling you is....

[INTERMITTENT METAL DETECTOR BEEPS DUE TO FORTE HOLDING RECORDER IN HAND IN FRONT OF HIM & OTHERS GOING THROUGH DETECTOR GETTING BEEPS FOR THEIR ITEMS]

Picinich: Sir, I don’t know who you are. [Speaking over Forte]

Forte: Gene Forte? The guy you arrested for a double felony for attacking a judge, remember, you and your buddy Jackowich, remember?

Forte: Do you recall that now?

Picinich: Yeah, ok.

Forte: February 22nd?

Picinich: [STAMMERING] But, you, you can bring that recorder inside the building, but you can’t bring it inside the courtroom.

[DEPUTY AFFIRMS FORTE CORRECT, ATTENDANT INCORRECT]

Forte: Absolutely correct.

Picinich: Uuhmm..

Forte: Absolutely correct.

Picinich: Because this is, we have the sheriff’s department here, we have, uh, court services here, we have probation here, we have the county recorder here.

[INTERMITTENT METAL DETECTOR BEEPS]

courtroom, I can, listen to what I'm gonna say. PAGE 22

Forte: I know.

Picinich: Sir, you're not....

Picinich: Okay.

Forte: Let me finish...

Forte: I can bring this inside of this building. Where I cannot bring it, where I cannot bring it in, I cannot bring it inside the courtroom. Actually I can bring it in the courtroom...

Picinich: You're not bringing it into the courtroom. That's the final answer. [SPEAKING OVER FORTE]

Picinich: No. [Talking over Forte.]

Forte: 5, 4, 3, 2, 1, you finished? Now, let me talk.

Forte: ...I just cannot....

Picinich: No, are you finished sir? You're not bringing that inside the courtroom.

Picinich: No. [Talking over Forte.]

Forte: Let me talk, quit over, quit talking over the top of me.

[INTERMITTENT METAL DETECTOR BEEPS]

Picinich: Sir, you're not bringing that inside the courtroom.

Forte: Excuse me, I cannot, see, here's the thing today. You don't have the ability to throw... well, you do have the ability to throw handcuffs on me, but, the last time you did that, my friend, you're still in so much trouble, you don't even know yet.

Forte: Let me tell you this. Let me tell you this. Don't walk, don't take one more step towards me.

Picinich: Sir...

Forte: Back up.

That's why Larry Morse asked me in front of your boss Mark Pazin, if I would drop everything and not file a lawsuit against you guys. That's not going to happen. So, what I am telling you is this, the rules of the courthouses, this recorder, can be brought in to a courthouse building. It can....

Picinich: Sir, you're sir, you're not taking....

Forte: Excuse me...

Picinich: This building in specific, yes. Though the, uh, Merced Courthouse, you'd have to check with them.

Picinich: Sir, you're not taking that...[TALKING OVER FORTE]

Forte: Uh, no, actually that one too. It's the same. I've already seen the rules there. We already looked at them one day.

Forte: Excuse me, officers? Come here, please. Officer, what's your name, officer?

Picinich: What is your purpose here today? Do you want to come in...or..?

Parker: Parker.

Forte: Parker. Officer Parker, the Los Banos Police Department?

Forte: Oh yeah. My purpose is I'm going to come in here today because my son is....

Picinich: You're not taking that device inside the courtroom. [TALKING OVER FORTE]

Eileen: It's beeping—the thing [SECURITY GATE]...

Forte: Los Banos Police Department, sir? Okay, would you call Chief Fitchie, if you want. Excuse me? Mr. Picinich, back over here please because I'm not finished talking to you.

[SECURITY GATE BEEPING DUE TO FORTE HOLDING RECORDER IN FRONT OF HIM WHILE SPEAKING]

Picinich: You're not going to tell me what to do. [SHOUTING OVER FORTE]

Forte: Excuse me. My, my son is appearing for a traffic ticket.

Forte: Listen.

[BACKGROUND NOISE OF OTHER PEOPLE GOING THROUGH GATE, ATTENDANTS ASKING FOR THEM TO PUT ITEMS ON TRAYS, BUSINESS AS USUAL]

Picinich: You're not bringing that inside the courtroom, that's it! [SHOUTING OVER FORTE]

Picinich: Okay.

Forte: Excuse me. Stop. Let me tell you this one more time...

Forte: So, we are going to be in the courtroom, but I'm not going to have this on in the courtroom.

Picinich: You're not gonna tell me anything, sir. You're not bringing that inside the courtroom. [SPEAKING OVER FORTE]

Picinich: Nope, you're not going to bring it inside the courtroom.

Forte: I'm gonna take a breath. Let me explain this to you again. Go and get then, the rules of court right now. I want to see them that prohibits me from having this recorder....

Forte: Let me explain this to you one more time, I'll tell you...

Picinich: Let me explain this to you one more time, you're not bringing that device inside the courtroom.

Picinich: Sir, you're not bringing that inside the courtroom. [SPEAKING OVER FORTE]

Forte: Okay, stop. What you are gonna have to do, for you to stop me from bring this court, I can bring this in a

Forte: I'm bringing it inside this building.

Picinich:	You can bring it inside the building. [SPEAKING OVER FORTE]		other sheriffs, is the one that falsely arrested me inside of a hallway that cost me \$150,000 bail—which by the way, has all been revoked and changed. All changed, because why? DA Morse asked me if I was gonna go ahead and do it. I gotta talk loud enough because...
Forte:	Let me explain this. I'm gonna tell you one more time...		
Picinich:	You can't bring it inside the courtroom... [SPEAKING OVER FORTE]	CHP:	(Inaudible)
Forte:	Let me tell you one more time....I'm gonna tell...	Forte:	What?
Picinich:	You can tell me as many times as you like, but you are not bringing that inside the courtroom. [SPEAKING OVER FORTE]		[SOUNDS OF ATTENDANTS CHECKING PEOPLE THROUGH SECURITY GATE, BUSINESS AS USUAL]
Forte:	You finished? Go and get the regulation that says I cannot have this recorder on....	CHP:	No you don't...(inaudible)
Picinich:	I'm not going to go and get any regulations.... [SPEAKING OVER FORTE]	Forte:	Pardon me? No. Here's what I'm gonna have happen. There's plenty of witnesses. Look, what is your name, officer? Excuse me, CHP. What is your name?
Forte:	Quit talking over me, Picinich.	CHP:	Don't worry about me.
Picinich:	Sir?	Forte:	No, I need to know your name.
Forte:	Excuse me. You're nothing but a civil servant, and let me tell you, the last time, you're in so much trouble already.	CHP:	No, you don't.
	So, let me tell you again. I am speaking loud enough for the people here in this lobby to hear, to hear that I'm asking, I am requesting you to go to contact, if you want, contact Mark Pazin....	Forte:	Yes, I do. I am requesting you, as a public official officer, to tell me your name. What's your name?
Picinich:	I'm not going to contact Pazin [TALKING OVER FORTE]	CHP:	Its right here, you can read it. [POINTING TO HIS NAME TAG. FORTE STANDING ABOUT 20 FEET AWAY FROM HIM]
Forte:bring the, bring the book that you have back there, the code book regarding instruments that can be brought into the courthouse and the courtroom.	Forte:	Excuse me. Cell phone. [TALKING TO SECURITY ATTENDANT WHILE GOING THROUGH METAL DETECTORS.]
	That's what I want to see now, and I am waiting here to see that.		[FORTE HANDS ITEMS TO SECURITY AND GOES THROUGH METAL DETECTOR.]
Picinich:	You can wait as long as you'd like sir. But, that's not going to happen.		[PICINICH WAVES WAND OVER FORTE.]
Forte:	Are you refusing to go ahead and tell me which the law is you're telling me that prohibits me from doing this?		Fine, Picinich.
Picinich:	Yes sir, I am telling you that you are not to bring that instrument in.....		Excuse me, move out of the way so I can get that other officer to take his picture. [FORTE SPEAKING TO PARKER AND HILL. FORTE TRYING TO TAKE PICTURE OF UNKNOWN CHP]
	[BACKGROUND NOISE OF ATTENDANTS TALKING TO PEOPLE GOING THROUGH SECURITY GATE UNOBSTRUCTED BY FORTE]		You gonna do that? [No response, just a stare.]
Forte:	Are you telling me, are you refusing to tell me what law you are using to prohibit me from bringing a recorder that is turned off inside the courtroom? Now you turned your back on me. You're sitting over there talking again. [DIRECTED TO CHP]		Would you please move so I can get, never mind. [THEY DIDN'T MOVE OR RESPOND, JUST STARED BACK.]
	[ACTUALLY, "SITTING" WAS REFERRING TO CHP OFFICER ERICKSON. PICINICH WAS TALKING TO OTHER OFFICERS INTO HIS MIKE ON HIS COLLAR AND IN THE DIRECTION OF ERICKSON WHO WAS RESPONDING BUT FORTE COULD NOT HEAR WHAT WAS BEING SAID.]		Hey Picinich, did Sheriff Pazin talk to you yet about what you guys did? [NO RESPONSE FROM PICINICH]
	These people should know, this man, along with five		I think that's a no, huh?
			[BACKGROUND NOISE OF PEOPLE GOING ABOUT THEIR BUSINESS, LAUGHING, TALKING]
			[SOUND OF REPEAT ECHO FROM UNKNOWN RECORDER OTHER THAN FORTE'S REPEATING FORTE SAYING...NEVER MIND]
			Okay, let me make this clear to you, excuse me. I'm bringing this tape recorder in, but I'm not going to bring it inside of the courtroom. Is that okay with you now?

Picinich: You're not allowed to bring a tape recorder inside the courtroom, that's correct.

Forte: Yeah, but I can bring it in here, open area. And I'm going to request, I'm going to send a letter to you specifically and your watch commander requesting you to provide the line in the book and the reason why I'm making such a big deal about this, if I had this recorder when you guys did what you did to me, you would be in more trouble than you are right now. The surveillance tapes disappeared from the cameras upstairs. You're in trouble.

[NOISE FROM SECURITY AREA, UNINTELLIGIBLE]

Forte: ...just a second. Which one's which? [TALKING TO ATTENDANT]

Picinich: You need the, uh, make sure that the tape recorder stays outside, sir.

Forte: Let me ask you, Picinich. When you went ahead and assaulted me that day, how did that make you feel?

Picinich: [Talking over Forte] I never....I never assaulted you, sir.

Forte: What did you do?

Picinich: Sir, I never assaulted you.

[PICINICH STARTS WALKING TOWARD FORTE FROM ABOUT 12 FEET AWAY]

Forte: Stand back. Do you want to try it again? You see what's he's doing?

[TALKING TO OFFICERS PARKER, HILL, ETC., AND WITNESSES]

Picinich: You need to move.

[STATING THIS WHILE WALKING DIRECTLY TOWARD FORTE WITH 4 FEET OF OPEN SPACE ON EACH SIDE OF FORTE]

Forte: He's doing what he did before.

Picinich: You need to move.

[STATING THIS WHILE WALKING DIRECTLY TOWARD FORTE]

Forte: Stand back.

Picinich: Sir, you need to move.

Forte: Don't encroach upon my personal space. Back off.

[PICINICH NOW STANDING WITH HIS FACE WITHIN 4 INCHES OF FORTE' FACE]

Picinich: I am trying to enter the courtroom, you need to move please.

[COURTROOM DOOR 35-40 FEET FROM FORTE'S BACK]

Forte: You have bad breath.

Picinich: You need to move.

[PAGE 24
PICINICH GRABS FORTE'S LEFT HAND WITH HIS LOWERED RIGHT HAND, THEN BUMPS FORTE WITH HIS RIGHT SHOULDER WHILE PULLING FORTE'S LOWERED LEFT HAND TOWARD PICNICH]

Forte: See that!? He just touched me. Ow! Did you see that!? Did you see that!? What he did to me, did you see that!? Did you see that!? Did you see this!? Did you take a picture? Get your hand off that recorder! Get your hands off that recorder!

[WHEN PICINICH DID THE GRAB AND BUMP FORTE, FORTE WAS HOLDING HIS RECORDER WITH HIS RIGHT HAND IN FRONT OF HIM. FORTE TOOK A SMALL STEP BACK WITH HIS RIGHT FOOT REVEALING THAT IT WAS PICINICH WHO HAD HOLD OF FORTE'S LOWERED LEFT HAND PULLING FORTE. PICINICH THEN STARTED TWISTING FORTE AROUND WHICH WAS WRESTED FROM FORTE'S HAND BY CHP ERICKSON]

Picinich: Come over here.

[FORTE WAS NOT RESISTING ANY MOVEMENTS EXERTED BY PICINICH. IT WAS PICINICH EXERTING PRESSURE AND TWISTING FORTE AROUND LIKE A RAG MUFFIN BECAUSE FORTE WAS NOT PUTTING UP ANY RESISTANCE TO PICNICH]

Female CHP: Take him down! Take him down!

[CHP PEGGY MELDEN COMES RUNNING FROM THE COURTROOM ENTRANCE ABOUT 35 FEET AWAY YELLING]

Forte: Take him down? Folks. Ouch! Excuse me. Let go of me, I will go peacefully with you. Please, people, let me go!! Let me go!!

[THE RECORDING SHOWS THAT THERE WAS AN INCREDULOUS TONE IN FORTE'S VOICE LIKE HE COULDN'T BELIEVE THIS WAS HAPPENING]

Eileen: You're hurting him!

Forte: Let me go! I am not going to fight you!

Eileen: Stop!

Forte: Let me go!

Eileen: He's not violent!

Forte: I am not fighting you! Eileen, get that recorder! He's trying to erase the recorder.take that recorder away from him....

[CHP ERICKSON WHO WOULD NOT PROVIDE HIS NAME EARLIER GRABBED THE RECORDER FROM FORTE'S OUTSTRETCHED HAND. ERICKSON THEN IS SITTING ON THE BENCH, ABOUT 2 FEET AWAY FROM FORTE, FUMBLING WITH THE RECORDER BUTTONS TRYING TO DELETE THE FILE.

ERICKSON WAS SMILING AT FORTE WHILE OFFICER PARKER WAS PUSHING HIS KNEE ON FORTE'S LEFT SIDE OF HIS HEAD AND GRINDING IT SO FORTE'S EAR WAS LACERATED AGAINST THE GROUND AND STARTED BLEEDING PROFUSILY.]

]

Eileen: Gene, try to relax. Where's the recorder?

Female CHP: Step back.

Forte: (unintelligible) Eileen! Get the recorder! He's trying to.....he's trying to....

Eileen: Okay. Relax Gene, relax. Relax Gene. It's okay. He's not going to hurt anybody! Stop it!

Female CHP: Get back please.

Forte: You bastards....you bastards. There I said it twice.

Eileen: Did you see what he did? He went like this to my husband and then attacked him saying that he had moved, he didn't move. The same thing he did at the Merced County courthouse.

Forte: ... Picinich, you're so in much trouble....

Eileen: I was watching him to make sure he's okay, I'm not going to touch anybody.

Female CHP: Get back.

Officer: Relax....

Eileen: I want to see my husband. He has a heart condition, he had open heart surgery. Please. That's not necessary.

[SOUNDS OF OFFICERS LAUGHING]

Forte: Please.... Eileen, turn on the recorder! Turn on the camera! Take a video!

Picinich: Let's go. On your feet sir.

Forte: See the blood on the floor right here?

Picinich: Roll over.

Forte: Hey!

Picinich: Roll over.

Forte: Excuse me.

Picinich: Roll over.

Forte: Call, call Dan Fitchie.

Officer 1: Is that drugs?

Forte: Los Banos Police Officer?

Officer 2: No, this is the recorder right here, Sergeant Smith.

Forte: Look at you,huh?

Officer: How do you turn it off?

Picinich: On your knees sir. Come on, roll up.

Male voice: He can't move...

CHP:we need to make any money? I refused to continue to look at him. [OFFICERS LAUGHING AND PLOTTING OUT THEIR STORY TO SUPPORT PICINICH.....]

Officer: We need to look at it...

Forte: Who're you?

[RECORDER STOPS, OFFICERS PULLED BATTERY OUT OF BACK THINKING IT WOULD DELETE RECORDING]

SHERIFF'S OFFICER PICINICH'S POLICE REPORT

Comparison with audio shows felony falsification of police report by Picinich and other officers.

Generated: 8/12/2009 13:59
Generated By 5173

Case: # 20090023282
Page 1 Of 14

MERCED COUNTY SHERIFF'S DEPARTMENT
MARK N. PAZIN SHERIFF-CORONER
700 W 22ND STREET
MERCED CA 95340

RECEIVED

AUG 18 2009

MERCED COUNTY
DISTRICT - PROBATION

REPORT AREA: 08 REPORT TYPE: FELONY ARREST REPORT
CASE NO: 20090023282 REPORTING OFFICER: PICINICH 5224
SECTION-CODE: PC69 CLASSIFICATION: OBSTRUCT/RESIST EXECTIVE
INCIDENT DATE/TIME FROM: 072109 1010 TO:
REPORT DATE: 072109 REPORT TIME: 1010 TYPED BY: DAVIS 5705
LOCATION OF OCCURRENCE: 445 I ST LOS BANOS

ARREST/BOOK/CITE SECTION

INVOLVEMENT: ARR ARREST DATE: 07 21 09
NAME: FORTE, EUGENE ESMOND
ADDRESS: 688 BIRCH CT
CITY: LOS BANOS STATE: CA ZIP: 93635
SSN: 572747186 DLN: S0876433 DL STATE: CA
DOB: 02 26 52 SEX: M WGT: 215 HGT: 510
EYES: BRO HAIR: GRY RACE: W PHONE: 209 829-1116 PHONE TYPE: H
CII: VEHICLE STOP RELATED: N
CHARGE: PC69 WAR-NUM: CITE-NUM:
REMARKS: EVIDENCE TAG

ADDITIONAL CHARGE SECTION

CHARGE: PC148(A)(1) CHARGE LEVEL: M CLEARED CASE NUM:
ARREST WARRANT#: ORIGIN:
REMARKS:

ADDITIONAL OFFICER INVOLVED

OFFICERS NAME: ERICKSON, REID ID/BADGE #:
AGENCY: CALIFORNIA HIGHWAY PATROL PHONE:

ADDITIONAL OFFICER INVOLVED

OFFICERS NAME: MELTON, PEGGY ID/BADGE #:
AGENCY: CALIFORNIA HIGHWAY PATROL PHONE:

ADDITIONAL OFFICER INVOLVED

OFFICERS NAME: ORTEGA, MARIA ID/BADGE #:
AGENCY: MERCED COUNTY SHERIFF'S DEPART PHONE:

ADDITIONAL OFFICER INVOLVED

OFFICERS NAME: PARKER, T ID/BADGE #:
AGENCY: LOS BANOS POLICE DEPARTMENT PHONE:

ADDITIONAL OFFICER INVOLVED

OFFICERS NAME: HARR, STACY ID/BADGE #:
AGENCY: PROBATION PHONE:

ADDITIONAL OFFICER INVOLVED

OFFICERS NAME: GARCIA, JASON ID/BADGE #:
AGENCY: PROBATION PHONE:

PROPERTY SECTION

INVOLVEMENT: EVD DATE: 07 21 09

Controlled Document

Duplication or Reissuance Controlled By Law
Merced County Sheriff's Office

Released To:
By:
Date:

Generated: 8/12/2009 13:59
Generated By 5173

Case: # 20090023282
Page 2 Of 14

CAT: P ARTICLE: PAPERS BRAND: Make: MODEL:
SERIAL NO: OAN:
DESCRIPTION: 1-1 COURT CALENDER FOR VALUE: \$0.00
TYP-CAT: CALIBER: OFFICER: 5224
REMARKS: 07-21-09

NARRATIVE SECTION

ON 07-21-09, AT APPROXIMATELY 1000 HOURS, I WAS CONTACTED OVER THE RADIO BY SECURITY SCREENING ATTENDANT ORTEGA, C-10, AT THE FRONT DOOR OF THE LOS BANOS COURTHOUSE. WHEN I ARRIVED AT THE FRONT DOOR, EUGENE FORTE WAS STANDING THERE DEMANDING ENTRY WITH A RECORDING DEVICE. FORTE YELLED AT ME SAYING THAT I WAS IN SO MUCH TROUBLE. FORTE WAS AGITATED AND LOUD, DEMANDING ENTRY. FORTE HAD BEEN TOLD BY THE SECURITY SCREENING ATTENDANTS THAT RECORDING DEVICES WERE NOT PERMITTED INTO THE COURTROOM. I TOLD FORTE HE COULD COME INTO THE BUILDING WITH THE PHONE AND RECORDER, BUT HE WOULD NOT BE ABLE TO ENTER THE COURTROOM WITH THOSE DEVICES.

INSIDE THE LOBBY WERE CALIFORNIA HIGHWAY PATROL OFFICERS REID ERICKSON, PEGGY MELTON AND LOS BANOS POLICE DEPARTMENT T. PARKER. FORTE YELLED AT THE CALIFORNIA HIGHWAY PATROL OFFICERS TELLING THEM AS PUBLIC OFFICERS THEY, ERICKSON AND MELTON, SHOULD CONTROL ME. FORTE YELLED AT LOS BANOS POLICE DEPARTMENT OFFICER, PARKER DEMANDING THAT HE GET HIS POLICE CHIEF OVER HERE. FORTE THEN YELLED AT ME TO GET PAZIN AND MORSE OVER HERE TO CONTROL ME. FORTE CONTINUED SCREAMING AND YELLING INSIDE THE LOBBY AND THEN MOVED TO THE SIDE OF THE SCREENING STATION, PULLED OUT HIS CELL PHONE AND RECORDER AND BEGAN TO ATTEMPT TO RECORD THE CALIFORNIA HIGHWAY PATROL OFFICERS AND LOS BANOS POLICE DEPARTMENT OFFICERS AWAITING ENTRANCE INTO THE COURTROOM.

I STEPPED APPROXIMATELY THREE FEET IN FRONT OF FORTE AND TOLD HIM TO PUT THE PHONE AND RECORDING DEVICES AWAY. FORTE AGAIN YELLED AT THE CALIFORNIA HIGHWAY PATROL OFFICERS, LOS BANOS POLICE DEPARTMENT OFFICERS, AND MYSELF DEMANDING US TO COME TO HIM. I TOLD FORTE TO CALM DOWN, AND THEN HE WOULD BE ALLOWED INSIDE THE BUILDING, BUT THE RECORDING DEVICES WOULD NOT BE ALLOWED INSIDE THE COURTROOM. FORTE BECAME LOUDER AND ANGRIER. FORTE WAS SO DISRUPTIVE AND INCREASINGLY LOUDER THAT I CONTACTED DISPATCH TO ADVISE THEM.

DEPUTY HILL, 5169, AND DEPUTY HOWARD, 5525, THEN ARRIVED. FORTE BECAME INCREASINGLY LOUDER AND MORE AGITATED. THE LOBBY BECAME CROWDED WITH CITIZENS AND PERSONNEL FROM PROBATION, (DPO HARR AND DPO GARCIA). FORTE WAS YELLING AT ME SAYING THAT I WAS NOT GOING TO STOP HIM FROM BRINGING IN THE RECORDING DEVICE AND THAT I WAS THE ONE WHO ARRESTED HIM LAST TIME, THAT I AM IN SO MUCH TROUBLE, AND I AM AN IDIOT.

WHILE FORTE WAS YELLING, SCREAMING AND ATTEMPTING TO RECORD AND TAKE PHOTOS, THERE WERE PEOPLE THAT WERE TRYING TO ENTER THE LOBBY, BUT COULD NOT COME THROUGH THE SCREENING STATION, DUE TO OUR ATTENTION TOWARDS FORTE, AND FORTE BEING IN A POSITION BLOCKING THE SCREENING STATION. FORTE TOLD ME HE WAS BRINGING THE RECORDER INTO THE COURTROOM, "NO MATTER WHAT" AND "I WAS NOT GOING TO STOP HIM". FORTE YELLED AT ME DEMANDING ME TO BRING HIM THE RULES OF THE COURT FOR RECORDING DEVICES AND TO GET PAZIN AND MORSE DOWN HERE. SIGNS ARE POSTED AT THE ENTRANCE DOOR, SCREENING STATION AND ENTRANCE INTO THE COURTROOM PROHIBITING RECORDING DEVICES.

FORTE CONTINUED WALKING IN AND OUT OF THE METAL DETECTOR EACH TIME COMING ABOUT HALF WAY THROUGH. THE METAL DETECTOR KEPT SOUNDING THE ALARM EACH TIME FORTE WALKED IN AND OUT. FORTE CONTINUALLY YELLED AND BLOCKED THE ENTRANCE. I DID NOT KNOW IF FORTE HAD ANY OTHER METAL

Controlled Document

Duplication or Reissuance Controlled By Law
Merced County Sheriff's Office

Released To: _____
By: _____
Date: _____

Generated: 8/12/2009 13:59
Generated By 5173

Case: # 20090023282
Page 3 Of 14

ITEMS OR WEAPONS ON HIM. FOR APPROXIMATELY FOUR TO FIVE MINUTES, I TALKED TO FORTE TRYING TO CALM HIM DOWN AND TELLING HIM THAT HE COULD ENTER THE BUILDING, BUT THE RECORDING DEVICES WOULD NOT BE ALLOWED IN THE COURTROOM. FORTE CONTINUALLY YELLED AND BLOCKED THE ENTRANCE SCREENING STATION PROHIBITING OTHER CITIZENS TO ENTER THE LOBBY. I RE-EMPHASIZED TO FORTE THAT HE COULD COME INTO THE BUILDING, BUT COULD NOT BRING THE RECORDING DEVICES INTO THE COURTROOM

I FINALLY WAS ABLE TO CALM FORTE DOWN. I CONVINCED HIM TO PLACE ALL METAL OBJECTS ONTO THE X-RAY MACHINE AND PASS THROUGH THE SCREENING STATION. FORTE THEN PASSED THROUGH THE DETECTOR. I TOLD FORTE TO MAKE SURE HE LEFT THE RECORDER OUTSIDE OF THE COURTROOM. FORTE THEN GRABBED HIS RECORDER AND CAMERA PHONE FROM THE X-RAY MACHINE AND STEPPED IN FRONT OF ME, LESS THAN SIX INCHES AWAY, FACING TOWARDS ME IN A CONFRONTATIONAL MANNER WITH HIS CHEST BOWED OUT AND HIS FACE WITHIN TWO INCHES OF MINE. FORTE HAD ALREADY PASSED THROUGH THE SCREENING STATION. FORTE DID NOT CONTINUE TOWARDS THE COURTROOM, CHOOSING INSTEAD TO BLOCK THE PUBLIC PATHWAY FROM THE SCREENING STATION TO THE COURTROOM AS I TRIED TO WALK FROM THE SCREENING STATION TO THE FRONT DOOR OF THE COURTROOM TO UNLOCK IT IN ORDER TO BEGIN THE 10 O'CLOCK COURT CALENDER. I TOLD FORTE TO MOVE OUT OF THE WAY. FORTE BECAME LOUD AND ANGRY, AGAIN YELLING, "YOUR NOT GOING TO STOP ME". I WAS UNABLE TO ACCESS AND UNLOCK THE COURTROOM DOOR BECAUSE FORTE WAS STANDING IN FRONT OF ME WITH HIS CHEST EXTENDED OUT, ARMS PARTIALLY RAISED IN AN AGGRESSIVE MANNER, WITH CLINCHED FISTS, HOLDING HIS RECORDER AND CELL PHONE REFUSING TO MOVE. I AGAIN TOLD FORTE TO MOVE OUT OF THE WAY AND I STEPPED TO MY RIGHT TO TRY AND WALK AROUND FORTE. WHILE FACING ME, FORTE MOVED TO HIS LEFT AND BLOCKED ME AND THEN BUMPED ME WITH HIS CHEST AS I TRIED TO WALK TOWARDS THE COURTROOM DOOR. I THEN TOLD FORTE HE WAS UNDER ARREST, GRABBED HIS LEFT HAND WITH MY LEFT HAND AND ATTEMPTED TO PLACE HANDCUFFS ON HIM. FORTE THEN SPUN AROUND WITH HIS OTHER ARM FLAILING, TRYING TO MOVE AWAY AND RESISTING. I TOLD FORTE TO QUIT RESISTING. FORTE CONTINUED YELLING, SPINNING AND PULLING AWAY WHILE FLAILING HIS ARMS. I TOOK FORTE DOWN TO THE GROUND BY TURNING TOWARDS MY RIGHT USING FORTE'S MOMENTUM AND HOLDING HIS RIGHT SHOULDER BY THE SHIRT, WHILE HE WAS FLAILING HIS ARMS AND SPINNING TOWARDS ME. FORTE AND I FELL TO THE GROUND SIMULTANEOUSLY. FORTE KEPT PULLING HIS ARMS AWAY, RESISTING, KICKING HIS LEGS AND TRYING TO GET UP. I AGAIN TOLD FORTE TO STOP RESISTING. FORTE KEPT TRYING TO FIGHT ME, PULL HIS ARMS AWAY AND GET UP UNTIL I WAS ABLE TO LEAN ON TOP OF HIM AND CUFF ONE HAND WHILE ANOTHER DEPUTY GRABBED HIS ARM AND HELD IT UNTIL I COULD GET THE OTHER HANDCUFF ON. I AGAIN TOLD FORTE TO CALM DOWN. I THEN ASSISTED FORTE IN SITTING UP AND SAW THAT HE WAS BLEEDING FROM HIS RIGHT NECK AND I WAS BLEEDING FROM MY RIGHT ELBOW AND RIGHT INDEX FINGER. WHILE HOLDING ONTO FORTE BY THE HANDCUFFS, I TOLD FORTE TO COME WITH ME. FORTE FORCEFULLY TRIED TO PULL AWAY FROM ME AND I PLACED MY LEFT ARM IN BETWEEN HIS ARM AND HANDCUFF AND HAD TO PHYSICALLY ASSIST FORTE IN ORDER FOR HIM TO MOVE. FORTE KEPT PULLING AWAY, BUMPING INTO THE WALLS AND FORCEFULLY RESISTING. I ESCORTED FORTE INTO THE INTERVIEW ROOM OF THE LOS BANOS SUBSTATION. I THEN TOLD FORTE TO SIT DOWN AND RELAX AND THAT I WOULD CALL MEDICAL ATTENTION FOR HIM. FORTE GOT UP FROM HIS CHAIR MOVED TOWARDS ME WHILE YELLING, "YOU SON-OF-A-BITCH, YOUR GONNA GET IT, YOU SHOULD SWALLOW YOUR GUN TONIGHT". I WALKED OUT OF THE INTERVIEW ROOM AND DEPUTY HILL ENTERED AND TOLD ME THAT MEDICAL WAS ON THEIR WAY.

PARAMEDICS ARRIVED AND ATTENDED TO FORTE. DEPUTY HOWARD ACCOMPANIED THE PARAMEDICS AND FORTE TO LOS BANOS MEMORIAL HOSPITAL.

Controlled Document

Duplication or Reissuance Controlled By Law
Merced County Sheriff's Office

Released To: _____

By: _____

Date: _____

Generated: 8/12/2009 13:59
Generated By 5173

Case: # 20090023282
Page 4 Of 14

FORTE WAS TREATED, CLEARED MEDICALLY AND TRANSPORTED AND BOOKED INTO THE LOS BANOS JAIL, FOR PC69 AND PC148(A) (1).

THE INJURIES I RECEIVED ALONG WITH A PAIR OF MY READING GLASSES BROKEN DURING THE INCIDENT WERE PHOTOGRAPHED BY DEPUTY HILL AND BOOKED INTO EVIDENCE AT THE LOS BANOS SUBSTATION. I BOOKED A COPY OF THE COURT CALENDER FOR 07-21-09, INTO EVIDENCE. I DID NOT SEEK PROFESSIONAL MEDICAL CARE, HOWEVER, THERE WAS BLEEDING AND SORENESS TO MY RIGHT ELBOW AND RIGHT INDEX FINGER.

NO FURTHER ACTION TAKEN, END OF REPORT.

PICINICH 5224 / CLD 07-22-09

_____ THIS IS THE END OF THIS REPORT _____

_____ Above Report Approved By: 5153 _____

Controlled Document

Duplication or Reissuance Controlled By Law
Marced County Sheriff's Office

Released To: _____
By: _____
Date: _____

Generated: 8/12/2009 13:59
Generated By 5173

Case: # 20090023282
Page 5 Of 14

MERCED COUNTY SHERIFF'S DEPARTMENT
MARK N. PAZIN SHERIFF-CORONER
700 W 22ND STREET
MERCED CA 95340

REPORT - SUPPLEMENTAL

CASE NUMBER: 20090023282 REPORT NUMBER: 2
REPORTING OFFICER: HILL 5169 TYPED BY: DAVIS 5705

PERSONS SECTION

INVOLVEMENT: WIT REPORT DATE: 07 22 09
NAME: ANDINO, LORENA
ADDRESS: [REDACTED]
CITY: [REDACTED] STATE: [REDACTED] ZIP: [REDACTED]
SSN: [REDACTED] DLN: [REDACTED] DL STATE: [REDACTED]
DOB: [REDACTED] SEX: [REDACTED] WGT: [REDACTED] HGT: [REDACTED]
EYES: [REDACTED] HAIR: [REDACTED] RACE: [REDACTED]
PHONE: [REDACTED] PHONE TYPE: [REDACTED]
REMARKS: [REDACTED]

PERSONS SECTION

INVOLVEMENT: WIT REPORT DATE: 07 22 09
NAME: MARCIOCHI, HELEN
ADDRESS: [REDACTED]
CITY: [REDACTED] STATE: [REDACTED] ZIP: [REDACTED]
SSN: [REDACTED] DLN: [REDACTED] DL STATE: [REDACTED]
DOB: [REDACTED] SEX: [REDACTED] WGT: [REDACTED] HGT: [REDACTED]
EYES: [REDACTED] HAIR: [REDACTED] RACE: [REDACTED]
PHONE: [REDACTED] PHONE TYPE: [REDACTED]
REMARKS: [REDACTED]

PERSONS SECTION

INVOLVEMENT: WIT REPORT DATE: 07 22 09
NAME: SHUGART, MARTY
ADDRESS: [REDACTED]
CITY: [REDACTED] STATE: [REDACTED] ZIP: [REDACTED]
SSN: [REDACTED] DLN: [REDACTED] DL STATE: [REDACTED]
DOB: [REDACTED] SEX: [REDACTED] WGT: [REDACTED] HGT: [REDACTED]
EYES: [REDACTED] HAIR: [REDACTED] RACE: [REDACTED]
PHONE: [REDACTED] PHONE TYPE: [REDACTED]
REMARKS: [REDACTED]

ADDITIONAL OFFICER INVOLVED

OFFICERS NAME: CORNEJO, AMALIA ID/BADGE #: [REDACTED]
AGENCY: MERCED COUNTY SHERIFF'S DEPART PHONE: [REDACTED]

PROPERTY SECTION

INVOLVEMENT: EVD DATE: 07 22 09
CAT: Q ARTICLE: DISK BRAND: [REDACTED] Make: [REDACTED] MODEL: [REDACTED]
SERIAL NO: [REDACTED] OAN: [REDACTED]
DESCRIPTION: 2-1 DISK OF AUDIO OF FORTE VALUE: \$0.00
TYP-CAT: [REDACTED] CALIBER: [REDACTED] OFFICER: 5169
REMARKS: [REDACTED]

Controlled Document

Duplication or Reissuance Controlled By Law
Merced County Sheriff's Office

Released To: _____
By: _____
Date: _____

Generated: 8/12/2009 13:59
Generated By 5173

Case: # 20090023282
Page 6 Of 14

PROPERTY SECTION

INVOLVEMENT: EVD DATE: 07 22 09
CAT: Q ARTICLE: DISK BRAND: Make: MODEL:
SERIAL NO: OAN:
DESCRIPTION: 2-2 DISK OF AUDIO OF FORTE (2) VALUE: \$0.00
TYP-CAT: CALIBER: OFFICER: 5169
REMARKS:

PROPERTY SECTION

INVOLVEMENT: EVD DATE: 07 22 09
CAT: Q ARTICLE: DISK BRAND: Make: MODEL:
SERIAL NO: OAN:
DESCRIPTION: 2-3 DISK CONTAINING PHOTOS OF VALUE: \$0.00
TYP-CAT: CALIBER: OFFICER: 5169
REMARKS: INJURIES TO DEPUTY PICNICH, 5224, FORTE, AND PHOTOS OF SIGNS
RESTRICTING RECORDING DEVICES FROM COURTROOM.

NARRATIVE SECTION

ON 07-21-09, AT APPROXIMATELY 1000 HOURS, I OVERHEARD A CALL FOR ASSISTANCE IN THE LOS BANOS COURTROOM, LOCATED AT [REDACTED]. DEPUTY PICINICH, 5224, WAS CALLING FOR ADDITIONAL DEPUTIES TO ASSIST HIM IN A SITUATION IN THE LOBBY AREA OF THE COURT.

I RESPONDED TO THE COURTROOM AREA WITH DEPUTY HOWARD, 5525. AS I WALKED UP BEHIND DEPUTY PICINICH, I COULD SEE A SUBJECT ON THE OUTSIDE OF THE SCREENING AREA, BETWEEN THE SCREENING AREA AND THE FRONT DOOR. THE SUBJECT APPEARED TO BE TRYING TO TAKE PICTURES, OR SOME TYPE OF VIDEO WITH HIS CAMERA PHONE AND WAS TELLING DEPUTY PICINICH TO GET OUT OF THE WAY. THE SUBJECT, LATER IDENTIFIED AS EUGENE FORTE, WAS VERY IRRITATED AND WAS BEING VERY LOUD AND BELLIGERENT TOWARDS DEPUTY PICINICH.

IN LISTENING TO THE CONVERSATION, IT APPEARED THAT FORTE WAS ATTEMPTING TO BRING IN SOME TYPE OF RECORDING DEVICE. I DID HEAR DEPUTY PICINICH TELL FORTE THAT HE COULD BRING THE RECORDING DEVICE INTO THE BUILDING, HOWEVER, HE COULD NOT TAKE IT INTO THE COURTROOM. AFTER APPROXIMATELY A MINUTE, FORTE MADE IT THROUGH THE SCREENING PROCESS AND WALKED INTO THE LOBBY AREA NEXT TO DEPUTY PICINICH. FORTE THEN TURNED AROUND AND GOT WITHIN APPROXIMATELY EIGHT INCHES OF DEPUTY PICINICH. DEPUTY PICINICH AGAIN SAID THAT HE COULD NOT TAKE THE RECORDING DEVICE INTO THE COURTROOM. FORTE GOT INTO DEPUTY PICINICH'S FACE AND WAS BEING VERY CONFRONTATIONAL WITH DEPUTY PICINICH. FORTE WAS CONTINUING TO BE LOUD AND DEROGATORY TOWARDS DEPUTY PICINICH. DEPUTY PICINICH ASKED FORTE TO MOVE SO HE COULD GET BY AND OPEN THE COURTROOM DOOR. WHEN FORTE DID NOT MOVE, DEPUTY PICINICH STEPPED TO THE LEFT OF FORTE, GRABBING FORTE'S LEFT ARM, TELLING HIM HE WAS UNDER ARREST AND ATTEMPTED TO TAKE FORTE INTO CUSTODY. FORTE BEGAN PULLING AWAY FROM DEPUTY PICINICH, AT THIS TIME, MYSELF AND A LOS BANOS POLICE DEPARTMENT OFFICER ASSISTED DEPUTY PICINICH, ATTEMPTING TO TAKE FORTE INTO CUSTODY. FORTE AND DEPUTY PICINICH, MYSELF AND THE LOS BANOS POLICE DEPARTMENT OFFICER, ENDED UP GOING TO THE GROUND AND BEING ON TOP OF FORTE. I WAS ABLE TO GET A HOLD OF FORTE'S LEFT ARM, WHICH WAS ALREADY BEHIND HIS BACK AND HOLD IT THERE UNTIL DEPUTY PICINICH WAS ABLE TO GET FORTE'S RIGHT ARM AND BRING IT BEHIND HIM AND PLACE HIM INTO CUSTODY. FORTE WAS THEN TAKEN INTO THE INTERVIEW ROOM AT THE LOS BANOS SUBSTATION BY DEPUTY PICINICH.

I CONTACTED SERGEANT VERDERBER, S-08, OVER THE PHONE AND ADVISED HIM OF WHAT HAPPENED AND ASKED HIM TO RESPOND TO THE LOS BANOS

Controlled Document

Duplication or Reissuance Controlled By Law
Merced County Sheriff's Office

Released To: _____
By: _____
Date: _____

Generated: 8/12/2009 13:59
 Generated By 5173

Case: # 20090023282
 Page 7 Of 14

SUBSTATION.

FROM THE BRIEFING ROOM AREA I COULD HEAR FORTE YELLING AT DEPUTY PICINICH AND USING SEVERAL FOUR LETTER WORDS, I DO REMEMBER FORTE TELLING DEPUTY PICINICH "TO GET THE FUCK AWAY FROM HIM". I TURNED ON MY DIGITAL RECORDING DEVICE AND WALKED INTO THE INTERVIEW ROOM, WHERE I SAT AND SPOKE WITH FORTE FOR APPROXIMATELY 20 MINUTES. DURING THAT TIME I DID CALL FOR AN AMBULANCE FOR FORTE, SEEING THAT FORTE DID HAVE WHAT APPEARED TO BE A SMALL CUT TO HIS LEFT EAR LOBE AREA. FORTE ALSO HAD A SMALL BUMP ON THE RIGHT SIDE TOP AREA OF HIS FOREHEAD.

DURING THE TIME I WAS WAITING FOR THE AMBULANCE I LET FORTE SPEAK FREELY. FORTE WAS TALKING SAYING THAT DEPUTY PICINICH HAD ASSAULTED HIM. THE PARAMEDICS ARRIVED AND ATTENDED TO FORTE. THE PARAMEDICS DECIDED TO PUT A BRACE ON HIM AND TRANSPORT HIM TO LOS BANOS MEMORIAL HOSPITAL.

I TOOK DIGITAL PHOTOS OF THE DAMAGE DONE TO DEPUTY PICINICH'S GLASSES, AS WELL AS A CUT HE RECEIVED ON HIS FINGER AND A BUMP HE RECEIVED TO HIS RIGHT ELBOW AREA.

I THEN DROVE OVER TO LOS BANOS MEMORIAL HOSPITAL AND TOOK SEVERAL DIGITAL PHOTOS OF THE INJURIES TO FORTE, INCLUDING THE BUMP ON HIS HEAD AND THE CUT ON HIS RIGHT EAR LOBE. IT SHOULD BE NOTED AT THE TIME, THE CUT ON HIS EAR LOBE HAD BEEN COVERED BY HOSPITAL PERSONNEL. FORTE ALSO COMPLAINED OF PAIN TO HIS LEFT KNEE AND SHIN AREA, HOWEVER, I DID NOT SEE ANY BRUISING OR MARKS AT THE TIME.

I DROVE BACK TO THE LOS BANOS SUBSTATION AND TOOK PICTURES OF ALL POSTED SIGNS PROHIBITING THE BRINGING IN OF ANY TYPE OF RECORDING OR DIGITAL DEVICE OR CELL PHONES INTO THE COURTROOM. IT SHOULD BE NOTED THERE WERE THREE SIGNS AT THE FRONT DOOR OF THE COURTROOM, PRIOR GOING THROUGH SCREENING AREA. THERE WERE ALSO TWO ADDITIONAL SIGNS ON THE COURTROOM DOOR, LEADING INTO THE COURTROOM. ALSO WHILE TAKING PHOTOS OF FORTE'S INJURIES, I DID HAVE MY DIGITAL RECORDING DEVICE ON AT THAT TIME. ALL THE DIGITAL RECORDINGS, CONVERSATIONS WITH FORTE WERE PUT ONTO A CD AND LOGGED INTO EVIDENCE AT THE LOS BANOS SUBSTATION. ALSO ALL THE PHOTOGRAPHS TAKEN OF THE INJURIES AND SIGNS WERE TRANSFERRED TO A CD AND LOGGED INTO EVIDENCE AT THE LOS BANOS SUBSTATION.

I SPOKE TO COURT SECURITY OFFICER, MARIA ORTEGA, C-10. ORTEGA SAID AT APPROXIMATELY 1000 HOURS, TODAY SHE WAS TAKING HER 10 O'CLOCK BREAK, SITTING DOWN NEXT TO THE SCREENING AREA. SHE SAID AMALIA CORNEJO, C-13, WAS HANDLING THE SCREENING AREA WHEN THE SUBJECT, LATER IDENTIFIED AS FORTE CAME IN AND TOLD BOTH MARIA AND AMALIA THAT HE KNEW THAT RECORDING DEVICES WERE PROHIBITED, BUT HE WAS BRINGING THEM IN ANYWAY. MARIA SAID BOTH HER AND AMALIA TRIED TO EXPLAIN THAT IT WAS AGAINST THE RULES FOR ANYONE TO BRING ANY TYPE OF RECORDING DEVICES INTO THE COURTROOM, HOWEVER, FORTE SAID HE WAS STILL GOING TO BRING THEM IN. MARIA SAID SHE TOLD ME SHE REMEMBERED THAT THE SAME SUBJECT HAD DONE THE SAME THING APPROXIMATELY SIX OR SEVEN MONTHS AGO. AT THAT TIME HE PUT THE RECORDING DEVICE BACK INTO HIS CAR, WHERE HE SAID HE WOULD BE TALKING TO THE SHERIFF PERSONALLY REGARDING THIS RULE.

I NEXT SPOKE WITH COURT SECURITY OFFICER AMALIA CORNEJO. SHE TOLD ME THAT THE SUBJECT, IDENTIFIED AS FORTE, WAS ATTEMPTING TO BRING A RECORDING DEVICE INTO THE COURTROOM AND STATED HE DID KNOW THIS WAS AGAINST THE RULES, HOWEVER, HE WAS GOING TO CONTINUE TO DO IT. AMALIA SAID SHE HAD MARIA CALL FOR DEPUTY PICINICH, WHO CAME OUT AND SPOKE WITH FORTE. AMALIA SAID THAT FORTE BECAME VERY UPSET WHEN HE SAW DEPUTY PICINICH AND WAS TALKING ABOUT A CONFLICT THEY HAD IN MERCED IN COURTROOM 6. AMALIA SAID DEPUTY PICINICH WAS VERY CALM AND DEPUTY PICINICH TIRED TO KEEP A SAFE DISTANCE FROM FORTE, HOWEVER, FORTE WOULD

Controlled Document

Duplication or Reissuance Controlled By Law
 Merced County Sheriff's Office

Released To: _____
 By: _____
 Date: _____

Generated: 8/12/2009 13:59
Generated By 5173

Case: # 20090023282
Page 8 Of 14

MOVE FORWARD TOWARDS DEPUTY PICINICH. ACCORDING TO AMALIA FORTE WAS SAYING HE KNEW THE RULES, HOWEVER, HE WANTED TO BRING IN HIS DIGITAL RECORDING DEVICE. AMALIA SAID DEPUTY PICINICH WAS VERY CALM AND CONTINUE TO LISTEN TO FORTE. SHE SAID FORTE WAS VERY UPSET AND LOUD, CONTINUED TO RAISE HIS VOICE, AND FORTE ATTEMPTED TO RECORD EVERYONE SITTING IN THE LOBBY OF THE LOS BANOS COURT AREA. AMALIA SAID SHE DID SEE FORTE WAS ABLE TO GET THROUGH THE SCANNER AREA AND THE NEXT THING SHE SAW WAS THE STRUGGLE WITH THE OFFICERS AND FORTE. SHE SAID SHE DID HEAR OFFICERS TELL FORTE THAT HE WAS UNDER ARREST AND NOT TO RESIST. MARIA SAID SHE DID NOT SEE VERY MUCH OF THE STRUGGLE BETWEEN THE OFFICERS AND FORTE.

I NEXT SPOKE WITH LORENA ANDINO, WHO WORKS AT THE COUNTY COURTS OFFICE. SHE SAID ON THIS DATE AT APPROXIMATELY 1000 HOURS, SHE COULD HEAR YELLING OUT IN THE COURTROOM. SHE SAID SHE WENT TO ADVISE HER SUPERVISOR AND WALKED OUT INTO THE LOBBY AND SAW THE SUBJECT, IDENTIFIED AS FORTE YELLING AT DEPUTY PICINICH. LORENA DID NOT SEE THE STRUGGLE OR THE ARREST.

I NEXT SPOKE WITH MARTY SHUGART, WHO IS LORENA ANDINO'S SUPERVISOR. MARTY SAID SHE WAS OUT IN THE LOBBY AND DID WITNESS THE STRUGGLE BETWEEN FORTE AND THE OFFICERS. SHE SAID SHE DID NOT HEAR ANYTHING, JUST WITNESSED A STRUGGLE AND THERE APPEARED TO BE BETWEEN THREE AND FOUR OFFICERS ATTEMPTING TO TAKE FORTE INTO CUSTODY. MARTY SAID SHE COULD HEAR THE YELLING THAT FORTE HAD BEEN DOING PRIOR TO THE STRUGGLE, WHILE SHE WAS INSIDE HER OFFICE.

I NEXT SPOKE WITH ANOTHER EMPLOYEE, HELEN MARCIOCHI. SHE SAID SHE WAS ALSO WAS PRESENT DURING THE TIME THAT DEPUTIES AND OFFICERS WERE ATTEMPTING TO TAKE FORTE INTO CUSTODY. SHE SAID IT APPEARED TO BE A PHYSICAL STRUGGLE, THERE WAS NO HITTING INVOLVED AND FORTE SEEMED TO BE TAKEN INTO CUSTODY WITH A REASONABLE AMOUNT OF FORCE.

NO FURTHER ACTION TAKEN, END OF REPORT.

HILL 5169 / CLD 07-22-09

_____ THIS IS THE END OF THIS REPORT _____

_____ Above Report Approved By: S-02 _____

Controlled Document

Duplication or Reissuance Controlled By Law
Merced County Sheriff's Office

Released To: _____

By: _____

Date: _____

Generated: 8/12/2009 13:59
Generated By 5173

Case: # 20090023282
Page 9 Of 14

MERCED COUNTY SHERIFF'S DEPARTMENT
MARK N. PAZIN SHERIFF-CORONER
700 W 22ND STREET
MERCED CA 95340

REPORT - SUPPLEMENTAL

CASE NUMBER: 20090023282
REPORTING OFFICER: LEUCHNER 5130

REPORT NUMBER: 3
TYPED BY: POMETTA 5716

NARRATIVE SECTION

ON 07/21/09 AT APPROXIMATELY 0950 HOURS, I WAS OFF DUTY IN CIVILIAN CLOTHES AT THE LOS BANOS SUBSTATION. I WAS STANDING IN THE CLERKS OFFICE IN THE RECEPTION AREA TO THE SHERIFF'S SUBSTATION WHEN I HEARD A LOUD AGGRAVATED VOICE COMING FROM THE COURT SECURITY SCREENING STATION LOCATED OUTSIDE THE FRONT DOOR OF THE SHERIFF'S OFFICE.

WHEN I ENTERED THE HALLWAY TO THE [REDACTED], I COULD SEE DEPUTY PICINICH, 5524, STANDING INSIDE OF THE METAL DETECTOR SCREENING STATION AND THERE WAS A WHITE MALE WITH GRAY HAIR APPROXIMATELY IN HIS LATE 50'S, YELLING AT DEPUTY PICINICH. THE WHITE MALE WHO WAS LATER IDENTIFIED AS EUGENE ESMOND FORTE, WAS YELLING STATING HE HAD THE RIGHT TO BRING RECORDING EQUIPMENT INTO THE COURTROOM. DEPUTY PICINICH WAS ATTEMPTING TO EXPLAIN TO FORTE THAT HE WAS NOT ALLOWED TO BRING RECORDING DEVICES INTO THE COURTROOM.

DEPUTY PICINICH HAD TO TRY SEVERAL TIMES TO TALK TO FORTE, BUT WAS INTERRUPTED BECAUSE FORTE WAS IRRATE AND WOULD NOT LET HIM EXPLAIN. I DID NOT HEAR THE COMMENT MADE BY A CALIFORNIA HIGHWAY PATROL OFFICER SITTING ON THE BENCH IN THE HALLWAY, BUT FORTE'S ATTENTION WAS ADVERTED TO THE OFFICER AND FORTE WAS BEING VERBALLY ABUSIVE TO THE CHP OFFICER.

FORTE ATTEMPTED TO PHOTOGRAPH THE CHP OFFICER AND WAS YELLING AT THE CHP OFFICER TO GIVE HIM HIS ID NAME AND BADGE NUMBER. THE CHP OFFICER REFUSED TO GET UP FROM THE BENCH WHERE HE WAS SEATED AND COMPLY WITH FORTE'S COMMANDS.

DEPUTY PICINICH STEPPED IN FRONT OF FORTE AS FORTE ATTEMPTED TO GO AROUND THE METAL DETECTOR STATION AND AVOID THE SCREENING MEASURES AT THE ENTRANCE. DEPUTY PICINICH ONCE AGAIN ADVISED FORTE THAT HE NEEDED TO STOP AND COMPLY WITH THE RULES AT THE COURTHOUSE. FORTE BEGAN RANTING AND RAVING TO DEPUTY PICINICH ABOUT THE COURTHOUSE BEING OPEN TO THE PUBLIC.

DEPUTY PICINICH FINALLY GOT A CHANCE TO EXPLAIN TO FORTE THAT THE COURTHOUSE WAS OPEN TO THE PUBLIC BUT HE WOULD HAVE TO GO THROUGH THE SECURITY SCREENING MEASURES BEFORE HE WAS ALLOWED IN. DEPUTY PICINICH THEN EXPLAINED TO FORTE THAT HE COULD BRING HIS RECORDING DEVICES INTO THE BUILDING BUT HE WAS NOT ALLOWED TO BRING THEM INSIDE THE COURTROOM WITHOUT APPROVAL FROM THE JUDGE.

AT THIS TIME, FORTE APPEARED TO COMPLY AND HE PLACED HIS PERSONAL ITEMS IN THE TRAY TO GO THROUGH THE X-RAY STATION AND HE WALKED THROUGH THE METAL DETECTOR. HE SET OFF THE METAL DETECTOR AND DEPUTY PICINICH SCREENED FORTE WITH A HAND-HELD WAND.

THERE WERE OTHER MEMBERS OF THE PUBLIC THAT WERE TRYING TO GET IN BUT HAD BEEN HELD UP BY FORTE'S INTERRUPTION. FORTE'S WIFE AND SON HAD ALSO GONE THROUGH THE SCREENING AND THEY WERE STANDING IN THE HALLWAY OF THE [REDACTED]

AT THIS TIME, FORTE WALKED PASSED DEPUTY PICINICH TOWARDS THE LOCATION WHERE THE CHP OFFICER WAS SITTING ON THE BENCH. I SAW WHAT

Controlled Document

Duplication or Reissuance Controlled By Law
Merced County Sheriff's Office

Released To: _____
By: _____
Date: _____

Generated: 8/12/2009 13:59
Generated By 5173

Case: # 20090023282
Page 10 Of 14

APPEARED TO BE FORTE EXCHANGING WORDS WITH THE CHP OFFICER AS DEPUTY PICINICH STARTED WALKING IN THE DIRECTION OF THE COURTROOM.

BY THIS TIME, DEPUTY HILL, 5169, AND COURT DEPUTY HOWARD, 5525, WERE STANDING IN THE HALLWAY. BOTH DEPUTIES HAD RESPONDED BECAUSE EARLIER WHEN FORTE WAS IN A VERBAL ARGUMENT WITH DEPUTY PICINICH, HE CALLED FOR EXTRA DEPUTIES WITH HIS RADIO.

IT WAS AT THIS POINT THAT FORTE TURNS HIS ATTENTION BACK ON DEPUTY PICINICH AND HAD WALKED UP TOWARDS DEPUTY PICINICH AND HAD BLOCKED HIS DIRECTION THAT HE WAS WALKING. FORTE ONCE AGAIN BEGAN RAISING HIS VOICE AND WAS VERBALLY HARASSING DEPUTY PICINICH.

DEPUTY PICINICH ATTEMPTED TO ANSWER FORTE'S QUESTIONS ABOUT RECORDING DEVICES IN COURTROOMS AND OTHER RANTING AND RAVING THAT FORTE WAS DOING AT THIS TIME. DEPUTY PICINICH WAS UNABLE TO ADDRESS FORTE WITH HIS IRRATIONAL BEHAVIOR.

DEPUTY PICINICH ATTEMPTED TO GO AROUND FORTE HOWEVER, EACH TIME FORTE WOULD STEP IN FRONT OF DEPUTY PICINICH AND CONTINUE TO HARASS HIM.

I WAS APPROXIMATELY EIGHT FEET AWAY FROM WHERE FORTE AND DEPUTY PICINICH WERE, STANDING BEHIND FORTE'S WIFE, WHEN I HEARD DEPUTY PICINICH GIVE FORTE SEVERAL VERBAL ORDERS TO STEP OUT OF HIS WAY. FORTE DID NOT COMPLY AND CONTINUED TO VERBALLY HARASS DEPUTY PICINICH AS HE ATTEMPTED TO PLACE FORTE UNDER ARREST. DEPUTY PICINICH HAD ATTEMPTED TO PLACE FORTE IN A CONTROL HOLD BUT FORTE RESISTED AND BEGAN TO PHYSICALLY SCUFFLE WITH DEPUTY PICINICH.

DEPUTY PICINICH HAD A HOLD OF FORTE'S LEFT ARM AS OTHER DEPUTIES AND OTHER OFFICERS THAT WERE PRESENT IN THE HALLWAY, ATTEMPTED TO SUBDUCE FORTE. AT THE TIME, FORTE'S WIFE BEGAN TO MOVE TOWARDS THE INCIDENT AND I INSTRUCTED HIS WIFE TO STAY OUT OF IT.

FORTE WAS TAKEN TO THE FLOOR AND HE CONTINUED TO STRUGGLE AND KICK HIS LEGS IN AN ATTEMPT TO RESIST THE DEPUTIES AND OFFICERS. FORTE CONTINUED TO YELL AND RESIST BUT HE WAS EVENTUALLY HANDCUFFED AND HE WAS TAKEN INTO THE SHERIFF'S DEPARTMENT SUBSTATION.

FORTE'S WIFE ATTEMPTED TO FOLLOW DEPUTIES INTO THE SUBSTATION AND I TOLD HER NOT TO. I IDENTIFIED MYSELF AS AN OFF DUTY DEPUTY SHERIFF AND I SPELLED MY LAST NAME FOR HER.

I WENT BACK INTO THE LOS BANOS SUBSTATION AND CHECKED ON DEPUTY PICINICH WHO HAD A SMALL RED BRUISE ON HIS RIGHT ELBOW. HE WAS TRYING TO FIX HIS BROKEN GLASSES AND FORTE WAS IN THE INTERVIEW ROOM YELLING THAT EVERYONE WAS GOING TO GET FIRED. AT ONE POINT I HEARD FORTE YELL OUT, "HEY PICINICH, WHEN YOU'RE HITTING THAT BOTTLE TONIGHT, TAKE THAT SERVICE REVOLVER OF YOURS AND EAT IT."

FORTE CONTINUED TO YELL THREATS THAT HE WAS GOING TO TALK TO THE DISTRICT ATTORNEY AND HAVE EVERYONE FIRED. I REMAINED IN THE SUBSTATION UNTIL RIGGS AMBULANCE SERVICE ARRIVED AND PLACED FORTE ON A GURNEY. RIGGS PERSONNEL REMOVED FORTE FROM THE SUBSTATION AND TRANSPORTED HIM TO THE HOSPITAL.

I GATHERED UP MY PERSONAL ITEMS AND LEFT THE SUBSTATION FOR THE WEEKEND. NO FURTHER ACTION TAKEN AT THIS TIME.

LEUCHNER 5130 / KLP 07/23/09

_____ THIS IS THE END OF THIS REPORT _____

_____ Above Report Approved By: S-03 _____

Controlled Document
Duplication or Reissuance Controlled By Law
Merced County Sheriff's Office

Released To: _____
By: _____
Date: _____

Generated: 8/12/2009 13:59
Generated By 5173

Case: # 20090023282
Page 11 Of 14

MERCED COUNTY SHERIFF'S DEPARTMENT
MARK N. PAZIN SHERIFF-CORONER
700 W 22ND STREET
MERCED CA 95340

REPORT - SUPPLEMENTAL

CASE NUMBER: 20090023282
REPORTING OFFICER: HOWARD 5525

REPORT NUMBER: 4
TYPED BY: DAVIS 5705

PERSONS SECTION

INVOLVEMENT: OTH
NAME: FORTE, EILEEN MARY
ADDRESS: [REDACTED]
CITY: [REDACTED] STATE: [REDACTED] ZIP: [REDACTED]
SSN: [REDACTED] DLN: [REDACTED] DL STATE: [REDACTED]
DOB: [REDACTED] SEX: [REDACTED] WGT: [REDACTED]
EYES: [REDACTED] HAIR: [REDACTED] RACE: [REDACTED] HGT: [REDACTED]
PHONE: [REDACTED] PHONE TYPE: [REDACTED]
REMARKS:

NARRATIVE SECTION

ON 07-21-09, AT APPROXIMATELY 1030 HOURS, I ESCORTED EUGENE FORTE TO THE LOS BANOS MEMORIAL HOSPITAL. FORTE WAS TRANSPORTED TO THE

[REDACTED] UPON ARRIVING AT [REDACTED] I STAYED WITH FORTE THROUGHOUT HIS STAY AT THE HOSPITAL, DUE TO THE FACT HE WAS IN CUSTODY AFTER AN INCIDENT AT THE [REDACTED] LOCATED AT [REDACTED] WHERE HE WAS TAKEN INTO CUSTODY.

WHILE AT THE HOSPITAL WITH FORTE, HIS WIFE EILEEN FORTE ENTERED THE EMERGENCY ROOM AREA OF THE HOSPITAL AND MADE CONTACT WITH HER HUSBAND, EUGENE FORTE. AT THIS TIME FORTE ASKED EILEEN IF SHE HAD RECORDED THE INCIDENT ON AUDIO OR ON VIDEO, AT WHICH TIME EILEEN ADVISED FORTE THAT SHE DID NOT RECORD ANY AUDIO OR VIDEO OF THE INCIDENT THAT OCCURRED AT THE [REDACTED] FORTE THEN BECAME EXTREMELY AGITATED WITH HIS WIFE AND KEPT REPEATING AND ASKING HER WHY SHE DID NOT RECORD IT, WHY SHE DID NOT RECORD IT. EILEEN ADVISED FORTE THAT SHE BECAME UPSET DURING THE INCIDENT AND FORGOT HOW TO OPERATE THE AUDIO OR VIDEO EQUIPMENT AT THAT TIME. FORTE THEN BEGAN TO REPEATEDLY TELL MEDICAL STAFF DOCTORS IN THE EMERGENCY ROOM ABOUT THE INCIDENT AT THE [REDACTED] CLAIMING THAT HE WAS ASSAULTED BY A MERCED COUNTY DEPUTY AND THAT IS HOW HE SUSTAINED HIS INJURIES.

FORTE THEN CALLED ME OVER TO HIS BEDSIDE AND TOLD ME TO ADVISE DEPUTY PICINICH THAT WHILE HE WAS AT HOME TONIGHT, FOR DEPUTY PICINICH NOT TO PUT HIS GUN IN HIS MOUTH AND PULL THE TRIGGER AND LAUGHED ABOUT IT. FORTE WAS THEN GIVEN NUMEROUS MEDICAL TESTS AT THE [REDACTED] AND WAS MEDICALLY CLEARED WITHIN AN APPROXIMATELY THREE HOUR PERIOD.

I THEN TRANSPORTED FORTE TO THE [REDACTED] WHERE HE WAS BOOKED ON THE ABOVE MENTIONED CHARGES AND RELEASED ON BAIL BOND IMMEDIATELY. NO FURTHER ACTION TAKEN, END OF REPORT.

HOWARD 5525 / CLD 07-28-09

THIS IS THE END OF THIS REPORT

Controlled Document

Duplication or Reissuance Controlled By Law
Merced County Sheriff's Office

Released To: _____

By: _____

Date: _____

Generated: 8/12/2009 13:59
Generated By 5173

Case: # 20090023282
Page 12 Of 14

Above Report Approved By: S-14

Generated: 8/12/2009 13:59
Generated By 5173

Case: # 20090023282
Page 13 Of 14

MERCED COUNTY SHERIFF'S DEPARTMENT
MARK N. PAZIN SHERIFF-CORONER
700 W 22ND STREET
MERCED CA 95340

REPORT - SUPPLEMENTAL

CASE NUMBER: 20090023282 REPORT NUMBER: 5
REPORTING OFFICER: HOWARD 5525 TYPED BY: DAVIS 5705

ADDITIONAL OFFICER INVOLVED
OFFICERS NAME: ERICKSON, REID ID/BADGE #: [REDACTED]
AGENCY: CALIFORNIA HIGHWAY PATROL PHONE:

ADDITIONAL OFFICER INVOLVED
OFFICERS NAME: MELDEN, PEGGY ID/BADGE #:
AGENCY: CALIFORNIA HIGHWAY PATROL PHONE:

PROPERTY SECTION
INVOLVEMENT: EVD DATE: 07 30 09
CAT: R ARTICLE: TAPES BRAND: Make: MODEL:
SERIAL NO: OAN:
DESCRIPTION: 5-1 TAPE OF INTERVIEW VALUE: \$0.00
TYP-CAT: CALIBER: OFFICER: 5525
REMARKS:

NARRATIVE SECTION

ON 07-28-09, AT APPROXIMATELY 1430 HOURS, I MET AND INTERVIEWED CALIFORNIA HIGHWAY PATROL OFFICERS, REID ERICSON AND PEGGY MELDEN REGARDING AN INCIDENT INVOLVING DEPUTY PICINICH AND EUGENE FORTE. THIS INCIDENT OCCURRED ON 07-21-09, AT APPROXIMATELY 1000 HOURS, AT THE [REDACTED] LOCATED AT [REDACTED] IN [REDACTED]

THE FOLLOWING IS A SYNOPSIS OF THE AFORE MENTIONED INTERVIEWS. OFFICER ERICKSON RELATED THAT ON 07-21-09, AT APPROXIMATELY 1000 HOURS, HE WAS ENTERING THE MERCED COUNTY COURT BUILDING LOCATED AT [REDACTED] IN [REDACTED] AT THIS TIME OFFICER ERICKSON OBSERVED A MERCED COUNTY SHERIFF'S DEPUTY ATTEMPTING TO CALM A WHITE MALE ADULT DOWN NAR THE INTERIOR OF THE ENTRANCE TO THE COURT FACILITY. THE SUBJECT WAS SHOUTING AT THE DEPUTY AND OTHER PEOPLE THAT WERE GATHERED IN THE LOBBY OF THE BUILDING. THE DEPUTY TIRED TO CALM THE SUBJECT FOR ANOTHER 15 MINUTES, BUT ENDED UP IN A PHYSICAL CONFRONTATION BETWEEN THE DEPUTY AND THE WHITE MALE ADULT, AFTER THE WHITE MALE ADULT ATTEMPTED TO FORCE HIS WAY PASSED THE DEPUTY.

PLEASE REFER TO THE TAPED INTERVIEW FOR FURTHER DETAILS. THE FOLLOWING IS A SYNOPSIS OF THE AFORE MENTIONED INTERVIEWS. OFFICER MELDEN RELATED THAT ON 07-21-09, AT APPROXIMATELY 1000 HOURS. SHE WAS SITTING IN THE [REDACTED] LOCATED AT [REDACTED] IN [REDACTED] AWAITING COURT.

AT THIS TIME, OFFICER MELDEN OBSERVED A MERCED COUNTY SHERIFF'S DEPUTY ATTEMPTING TO TALK WITH A WHITE MALE ADULT, LATER IDENTIFIED AS EUGENE FORTE, WHO HAD STARTED TO SHOUT AT THE DEPUTY IN A VERY LOUD VOICE.

A PHYSICAL CONFRONTATION THEN ERUPTED BETWEEN THE DEPUTY AND FORTE. OFFICER MELDEN THEN ASSISTED THE DEPUTY IN BRINGING FORTE UNDER CONTROL.

Controlled Document
Duplication or Reissuance Controlled By Law
Merced County Sheriff's Office

Released To: _____
By: _____
Date: _____

Generated: 8/12/2009 13:59
Generated By 5173

Case: # 20090023282
Page 14 Of 14

REFER TO THE TAPED INTERVIEW FOR FURTHER DETAILS.
I LOGGED THE TAPED INTERVIEWS INTO EVIDENCE AT THE LOS BANOS
SUBSTATION.

NO FURTHER ACTION TAKEN, END OF REPORT.
HOWARD 5525 / CLD 07-30-09

THIS IS THE END OF THIS REPORT

Above Report Approved By: S-14

Man arrested after courthouse confrontation

<http://www.losbanosenterprise.com/114/v-print/story/43211.html>

Friday, Jul. 24, 2009

Man arrested after courthouse confrontation

ENTERPRISE STAFF REPORT

Eugene Forte, 57, of Los Banos was arrested Wednesday outside of the Los Baños courtroom suspected of obstructing an executive officer and resisting arrest.

According to a written statement issued by the Merced County Sheriff's Office, Forte arrived at the courthouse at about 10 a.m. and attempted to enter the building with a recording device. When told by security personnel he was not allowed to bring a recording device into the courtroom, Forte reportedly became agitated and began yelling.

The statement reported additional deputies arrived on scene and explained to Forte that he would be allowed into the building, but he could not bring the recording device into the courtroom per established California Rules of the Court. He again began yelling at the deputies saying they were not going to stop him and refused to walk through the metal detectors.

The statement reported Forte finally complied with requests to go through metal detectors and was allowed into the building, but when he was reminded by a deputy not to take the recording device into the courtroom, Forte allegedly got in front of the deputy and began yelling again.

According to the statement, the deputy told Forte he needed to move out of the way. Forte allegedly refused to do so and when the deputy attempted to walk around the man Forte allegedly put out his left arm blocking the deputy's progress and bumping into him with his chest.

According to the statement, the deputy then told Forte he was under arrest and was attempting to place handcuffs on him when Forte reportedly began pulling away.

The statement reported as the deputy was attempting to gain control of Forte, the two fell to the ground where the deputy was able handcuff Forte. The deputy received a minor injury to his elbow during the scuffle and Forte suffered a minor injury to his neck.

According to the statement, Forte was taken by paramedics to Los Banos Hospital where he was medically cleared then booked into Los Banos Jail.

Forte was released from custody after posting bail of \$17,000, a Merced County Jail spokesman said Thursday.

DUI suspect arrested

The Los Baños Police Department arrested a local man who was allegedly drunken driving early Sunday morning.

The incident unfolded shortly before 2:30 a.m. when Sgt. Ray Reyna Jr. observed a vehicle that reportedly failed to stop for a red light at the intersection of Mercey Springs Road and Pacheco Boulevard.

According to a press release, police attempted to stop the vehicle by activating patrol car lights and sirens. The driver allegedly continued traveling east on Pacheco Boulevard for a mile and a half, eventually yielding in the 2900 block of the street.

Police arrested the driver, 41-year-old Hector Castro, of Los Baños on suspicion of driving under the influence of alcohol, evading police and not possessing a valid driver's license.

A spokeswoman at the Merced County Jail said Castro was taken to Los Baños Jail following the arrest and was eventually released on his own recognizance.

- Kim Yancey

MAY 13 2008

CINDY LANDRUM

District Attorney Larry Morse was originally sued by Forte in a cross-complaint filed on May 13, 2008.

1 Gene. E. Forte
2 688 Birch Court
3 Los Banos, California 93635
4 209-829-1116
5 Email: geneforte@badgerflats.com

6 In pro per

7 SUPERIOR COURT OF CALIFORNIA
8 COUNTY OF MERCED

10 TETRA TECH, INC.,) Case No. 150938
11)
12 Plaintiff,) CROSS-COMPLAINT FOR
13 vs.) DECLARATORY RELIEF;
14) COMPARATIVE INDEMNITY

15 M.G. SANTOS, INC. A CALIFORNIA
16 CORPORATION, MARION SANTOS AN
17 INDIVIDUAL; AND DOES 1-50 INCLUSIVE
18 and DOES 1through 50, inclusive,

19 Defendants.

20 MARION SANTOS AN INDIVIDUAL,
21 Cross-complainant
22 and Defendant,

23 vs.

24 GENE FORTE,
25 and DOES 51 through 61 inclusive

26 Cross-defendants.
27
28

Tetra Tech v. Santos, No. 150938

1 GENE FORTE,)
2)
3 Cross-complainant)
4 And Defendant,)

5 Vs.)

6 TETRA TECH, INC, SOMMACH,)
7 SIMMONS AND DUNN, A PROFESSIONAL)
8 LAW CORPORATION, MICHAEL VERGARA,)
9 STUART SOMACH, TIMOTHY SWICKARD,)
10 MERCED COUNTY DEPARTMENT OF)
11 ENVIRONMENTAL HEALTH, MR. ERIC)
12 SWENSON, MR. JEFF PALSGAARD, MR.)
13 JOHN VOLANTI, MERCED COUNTY)
14 DISTRICT ATTORNEY'S OFFICE, DISTRICT)
15 ATTORNEY LARRY MORSE, ASSISTANT)
16 DISTRICT ATTORNEY MATT MACLEAR,)
17 WILLIAM SHEEHE, MOORE SERVICES,)
18 INC., MERCED COUNTY RISK)
19 MANAGEMENT DEPARTMENT, MR. BRAD)
20 SMITH, MERCED COUNTY SUPERVISOR)
21 JERRY O'BANION, MERCED COUNTY)
22 COUNSEL JAMES FINCHER and DOES 62)
23 through 75 inclusive)

24 Cross-defendants.)
25)
26)
27)
28)

- 1. Cross-defendant and Cross-complainant **GENE FORTE**, an individual, is, and at all times herein mentioned was, a resident of Merced County, California.
- 2. **SOMMACH SIMMONS AND DUNN** is a professional law corporation incorporated in California and doing business in the state of California, including Merced County, California.
- 3. **MICHAEL VERGARA, STUART SOMACH,** and **TIMOTHY SWICKARD**, are individuals doing business in Merced County, California and are agents of or real parties in interest in **SOMMACH SIMMONS AND DUNN**.

On February 24, 2009, Forte was arrested at the Merced County Superior Court. Public Relations Deputy Sheriff Mackenzie provided a release which was used, essentially verbatim, by the Merced Sun Star and the Los Banos Enterprise to print the following article:

MERCED SUN-STAR

Thursday, Feb. 26, 2009

Los Banos man arrested after reportedly lunging at judge

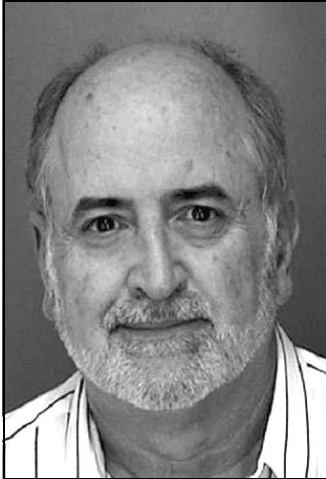
By COREY PRIDE
Los Banos Enterprise

Los Banos resident and publisher of the Badger Flats Gazette, Eugene Forte, was arrested after lunging at a judge during a civil case in Merced County Superior Court on Tuesday morning, a Merced County Sheriff's Department spokesman said.

In an e-mail, Deputy Tom MacKenzie said Forte started arguing with a pro-tem judge who was hearing Forte's civil case in Merced.

"He was late for the appearance, so they continued it and he got mad," MacKenzie stated.

In the e-mail MacKenzie said that Forte kept yelling at the judge, "wanting him arrested for obstruction of justice."



The confrontation went on for some time.

"After 45 minutes of trying to calm him down, the deputies had to arrest him when he lunged at the pro-tem," MacKenzie wrote.

According to MacKenzie, Forte also blocked the doors several times, refusing to let anyone in or out of the courtroom.

Forte was arrested on suspicion of assault, obstruction of justice, resisting arrest, preventing witnesses from testifying and disturbing the peace. Forte is free on \$100,000 bond, a Merced County Jail spokeswoman said.

Reporter Corey Pride can be reached at (209)388-6563 or cpride@losbanosenterprise.com.

After Forte's arrest on February 24, 2009, and multiple oral requests for the surveillance tapes, a letter was sent to Ms. Goetsch, the Court Executive Officer.

Forte

March 10, 2009

Ms. Kathleen Goetsch/Court Executive Officer
Merced County Superior Court
670 West 22nd Street
Merced, CA 95340

RE: Request for Surveillance Tape

Dear Ms. Goetsch:

Per our conversation yesterday between you, myself, and Ms. Crystal Powser of the Badger Flats Gazette, I am requesting in writing a copy of the surveillance tape of the Courthouse, first floor hallway, middle cameras (next to Room 1202), on February 24, 2009 between 8:50am until 11:00am.

Since the attack by the man with knives at the Merced County Courthouse last April 28, 2008, of which surveillance videos are currently posted on the internet, we know that surveillance in the form of video cameras are standard procedure for security at the courthouse. In fact, these particular videos of the man with knives apparently come from the cameras we are now interested in.

I merely state this due to my encounter with Officer Tom Mackenzie, the Public Information Officer of the Sheriff's Department. If you recall, you gave me his name in reference to any correspondence or press releases between the courts and the press. In our conversation with him, he indicated that there may not be any videos in existence. It would certainly seem odd and somewhat unbelievable to citizens that there has been a decrease in video security surveillance since the horrendous incident of April 28th, 2008.

Officer Mackenzie also informed us that the email he sent to reporter Corey Pride of the Los Banos Enterprise which gave birth to "Los Banos man arrested after reportedly lunging at judge" has been deleted. The story did not convey the true gist of what took place and contained provable false facts. Officer Mackenzie was shocked, as most people are, when they find that Pride did not interview my husband or me so as to get our side of what took place.

Potentially non-existent surveillance tapes, deleted emails.....it just seems we're not off to a very good start.

The surveillance tapes will help prove exactly what occurred between my husband, Gene Forte, the Sheriff's Officers, and Mr. Padron outside of Room 1202. If you are not aware, my husband, a law abiding citizen/publisher was arrested and charged with two felony counts which entailed a bail amount of \$117,000 in his attempt to enact a lawful citizen's arrest upon Mr. Padron. This is certainly a most serious situation and your prompt response is most appreciated. Thank you.

Sincerely,



Eileen Forte

Badger Flats Gazette

Wednesday, March 25th, 2009

District Attorney Larry Morse
Merced County District Attorney
2222 M Street
Merced, CA 95340

Re: Arrested for Requesting a Citizen's Arrest & Interesting Times

Dear District Attorney Morse:

I write this letter to commemorate that I have now left you two phone messages which have not been returned since February 24th, 2009 and request your cooperation to insure that justice is served concerning my arrest on such day. A Chinese proverb translates to "You live in interesting times" was not meant to convey that such was a *good thing*, quite the opposite, and here we are.

As you know, on February 24th, 2009 at approximately 9:50AM, I attempted to contact you and spoke with your secretary Angie. Angie was informed that I sensed there was a problem developing at the Merced County Courthouse due to Sheriffs not performing a Citizen's Arrest for me upon an attorney, Mr. James Padron.

The Sheriffs were not telling me they would not perform a Citizen's Arrest while not doing so and simultaneously telling me that I could perform one myself outside of the courthouse on the street.

There is no need to go into the details at this time...but there will be a time no doubt.

The second phone message left, which has not been returned, was to inform you of the difficulty that I have experienced in obtaining copies of the tapes from the surveillance cameras monitoring Case Management Conference Room #1202. Today I was informed by Ms. Charlene Carroll that her superior, Ms. Kathy Goetsch, was reviewing my request, but since such a request had never been made before to obtain surveillance video tapes, it may take some time to decide what to do.

I thanked Ms. Carroll for conveying the message and assured her that I realized that she was in fact only the messenger, not the creator of the erroneous message.

I pointed out that in fact the surveillance videos of those same cameras are all over the internet documenting the tragic incident of the crazed person who was shot and killed in the courtroom down the hallway from Case Management Conference Room #1202.

The video of such is available at <http://www.truveo.com/RAW-Merced-Courthouse-Shooting-Surveillance/id/144115201474690783> and was released somewhere around May 1, 2008 by Merced County Officials. Therefore, the excuse that surveillance video has not been released before is a blatant lie. The intent of the lie is to obstruct my access to the video which undoubtedly proves my innocence and justifiably will end the careers of a bunch of neo-Nazi type rookies before they can do further and more lethal harm to the public.

I have politely informed Ms. Carroll to inform Ms. Goetsch that I wanted answers to these questions by 10:00AM, Thursday, March 26th, 2009:

1. Is there in existence video tapes/CD's of the surveillance cameras in question from February 24th, 2009, yes, or no?
2. What time may we pick up copies of them on Friday, March 27th, 2009 and what is the cost?

The Merced Sun-Star/Los Banos Enterprise/McClatchy Newspapers, Inc. newspaper articles about the incident of my arrest were based upon an email from Sheriff Tom Mackenzie to Mr. Corey Pride. Mackenzie has stated that he would usually do a press release but in this matter he did not. Mackenzie said he put the details in an email which has since been destroyed.

For your knowledge, I have requested that Mackenzie reconstruct from his memory the email to Pride with the aid of the arrest sheet if necessary. Five bucks will get you ten, he doesn't do it.

I also notified Pride and Mr. Gene Lieb of Enterprise *not to destroy the email* which certainly did not contain any confidential communication information but, in fact, a public statement from the public information officer for the Sheriff's Department.

You, who informed me were once a professional journalist of sorts, realize that Pride should have contacted me for my side of the story. You will find attached the letter demanding corrections sent to McClatchy Newspapers which identifies with specificity the erroneous content of the article.

On a personal note, I want to share with you my feelings on the night when I read the article of my arrest in the Merced Sun-Star on line. At first, my attention was drawn to an article about your son. I had no idea about the awful tragedy when I had first contacted Angie on the 24th.

Honestly, my heart bled as I felt pain for you and your family as I put myself in your position as a father of four children myself, three of them now teenagers. My frustration and anger over what had taken place to me took a back seat to feeling your pain, believe it or not, and my heart and thoughts from my family go out to yours.

I find it most embarrassing that I was forced into an untenable situation by the conduct of arrogant officers who I have been informed were rookies with Marine Corp backgrounds. I have not verified such information as yet, but a source within the Sheriff Department, who spoke on the condition of anonymity, said,

"What happened should have never have happened. The officers were rookies that had no idea how to handle the situation. They were way out of line. They should have performed the Citizen's Arrest and let the chips fall where they may."

From my observation, such is not totally accurate. There were two seasoned Officers present, Hymiller and Picinich, whose conduct was reprehensible.

I have been informed that the Sheriff's department interviewed eye-witness Mr. Grant Wilson the very day after the incident. If Wilson told you the same things he told us that he observed that day, which accurately supports another eye-witness' observations, Ms. Eileen Forte, the officers are in serious trouble.

The week before my arrest, Merced County Supervisor Jerry O'Banion was arranging with me a "do over social lunch" between you, him, me, and Mr. Marion Santos at the Wool Growers. Regrettably, it looks like that perhaps may not take place for awhile.

For now, the cherry on the top of the sundae is the fact that you and the DA's Department are co-defendants in the lawsuit of *Tetra Tech v. Marion Santos*, wherein all Merced Superior Court Judges, including the arrogant attorney Mr. James Padron acting as a pro tem judge, has been disqualified. Therefore, there was neither a judicial officer present for me to supposedly assault, nor a judicial proceeding taking place for me to interrupt.

Point to ponder. How can I be criminally arraigned by a disqualified Merced County Judge while I continue to object to assignment of judges by defendant Chief Justice Ronald George who has finally disqualified himself from my case?

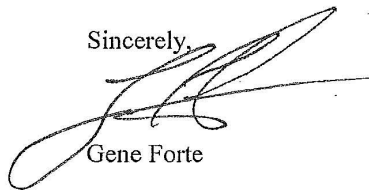
In closing, I ask that you request that the Merced County Court house staff, public information officer Deputy Mackenzie, and all those involved trying to cover up what took place and to keep the surveillance tapes out of my hands begin to cooperate with me and not obstruct my investigation.

A copy of this letter is also being sent to Merced County Supervisor Jerry O'Banion who I intend to keep public pressure upon so that he keeps the pressure up on all Merced County public servants to do their job honestly and not play games with me as has been done thus far at getting those surveillance tapes.

With the above said, I look forward to a response and hopefully a face to face meeting to discuss where this goes from here.

If you have any questions, please feel free to call. My family and I will continue to keep you and your family in our prayers and hope for the best for your son.

Sincerely,



Gene Forte

Enclosure: Demand Letter for Corrections

Cc: Jerry O'Banion, Ms. Goetsch, Judge Kirihara, Judge Mayhew, Brian Davis, W. Vaughn, B. Ratliff, S. Mills, R. Lucas, P. McMurray, G. Lieb, DPS Agents Millsbaugh/Maniord

Badger Flats Gazette

COPY

Tuesday, March 17, 2009

Mr. Hank VanderVeen
Merced Sun-Star
3033 North G Street
Merced, CA 95340

FAXED & EMAIL

Mr. Gene Lieb
Mr. Corey Pride
McClatchy Newspapers/Los Banos Enterprise
1253 West "I" Street
Los Banos, CA 93635

Re: Demand for Corrections/Corey Pride Articles February 26-27th, 2009

Dear Gentlemen:

I write this letter to demand that you make/print corrections and include substantive facts to the articles published between February 26–27, 2009 written by Mr. Corey Pride entitled, 'Los Banos man arrested after reportedly lunging at judge', 'Local man gets arrested in Merced, Man posted bail same day as arrest', 'Man gets arrested, Publisher lunged at judge, deputy says', written by Mr. Corey Pride which would then accurately convey the facts and the true gist of the story leading to my being arrested on February 24th, 2009.

The articles you published were grossly inaccurate, defamatory, slanderous and contain provable false facts. Eyewitnesses to my arrest such as me, Ms. Eileen Forte or Mr. Grant Wilson were not contacted by Pride. Pride relied solely upon statements provided to him by an Officer Mackenzie who was not present at anytime during the arrest and therefore could not have seen me "lunge" at anyone.

Pride did nothing to test the accuracy of the statements or events.

If I would have been contacted, or if Pride would have checked the court filings the following facts would have been known:

1. The Merced County civil case is CU150938, Tetra Tech, Inc. vs. M.G. Santos, Inc., and cross complainant Marion Santos vs. Merced County Health Department, Gene Forte, and me as a cross defendant/cross complainant vs. Merced County District Attorney's Office/Larry Morse.
2. All judges of the Merced County Bench were disqualified by Presiding Judge John Kirihara from hearing this case since September or October 2008 and the case has been assigned to Judge Mayhew in Stanislaus County.
3. The hearing of February 24th, 2009 was a Case Management Conference (CMC) set for 9:00AM.
4. The hearing was set to take place in Room #1202 at the Merced County Courthouse.
5. Room #1202 is not a courtroom but in fact a room which is approximately 8' x 6' with a desk inside and two or three chairs.

Page - 1 -

688 Birch Court, Los Banos, California 93635
Phone: (209) 829-1116 email: geneforte@badgerflats.com

6. Court records will indicate that I objected to any pro-tem judge hearing any matters in the case. Even though such is only a formality once there has been an objection to a pro tem judge handling the case by a litigant a pro tem judge cannot hear any matters in the case including a Case Management Conference which is only a formal meeting with the attorneys for the parties present to keep the case on track to get it to court.
7. Upon arriving at the courthouse on Feb 24th, 2009 at approximately 8:50AM, I requested Officer Prock, who was at the security entrance, to accompany me and my wife to #1202 due to incidents that had taken place between me and Mr. James Padron at the last two CMCs.
8. Upon arriving at #1202 at approximately 8:55AM with Officer Prock and my wife we found the door open and Padron speaking on a speaker phone setting on the desk. Padron then abruptly told me to sit down and asked who my wife was. When I started to introduce my wife he abruptly and rudely shouted "Get out!" to my wife.
9. Padron then continued to talk to the people on the speaker phone without them responding except an occasional, "O.K.". Padron then said "Conference is over", hung up the telephone and then told me "Get out!"
10. I then asked Padron what took place and he told me again to "Get out" and said, "Do you want me to call the Sherriff like the last time to have me arrested.
11. I told Padron that I had brought a Sherriff with me who was standing outside the door that had been left open so that my wife could hear the conversation between Padron and myself.
12. I went to the door to get Officer Proc but he had already started walking down the hallway. I called him back.
13. Upon Prock arriving I requested him to place Padron under citizen's arrest for me.
14. Officer Prock said that he had to speak to his supervisor. A few minutes later while my wife and I sat on the hallway bench an Officer Hymiller and Officer Rogers came up.
15. Officer Hymiller and Rogers then went in and spoke with Padron for about 15 minutes.
16. Upon Hymiller coming out of the room he told me that Padron told him that he had done nothing wrong, that the conference had been moved to a later date and that there was no exparte communications.
17. I told Hymiller that Padron could tell that to the judge one day but until then I wanted Padron put under citizen's arrest for me.
18. Hymiller told me that I could arrest Padron outside and I told him no it was safer for all involved that it be done here.
19. Hymiller then said he had to check with someone else and went away while my wife and I continued to sit peacefully on the bench in the hallway outside of #1202.
20. While waiting for Hymiller to return I called DA Larry Morse and spoke to his secretary Angie informing her to make DA Morse aware that there was a problem developing at the courthouse where deputies were not performing a Citizen's Arrest for me upon Padron but they were not saying that they were not going to do so. Angie told me that she would have DA Morse call me.
21. I then called Mr. Shawn Mills, attorney for Marion Santos in the case, and told him what was taking place concerning Padron. I then put Mills on my cell phone speaker and introduced him to Officer Prock and Rogers with my wife being present.
22. Mills, a criminal law attorney form Monterey, informed both officers that it was my right to have them perform a citizen's arrest upon Padron.
23. Upon Hymiller returning he then told me that he would rather have me file a complaint with the court than me perform a citizen's arrest on Padron, or that if I wanted to I should do it outside.

24. I then asked Hymiller to prepare an incident report of them not performing a Citizen's Arrest and he told me that he would not do so. I then told Hymiller that he gave me no choice but to perform the citizen's arrest and that he would have to assist me.
25. I then repeated to Hymiller the procedure for performing a lawful citizen's arrest according to Penal Code 837 and told Hymiller that I would ask Padron to turn himself over peacefully or make arrangements to go to the police station to be booked.
26. Hymiller told me that he might have to arrest me if I put my hands on Padron to turn him over to Hymiller under citizen's arrest.
27. I immediately told Hymiller that for him to do so would be totally improper and in fact abusing my rights and arresting me for lawfully performing a citizen's arrest. Hymiller then told me that he would not do so.
28. Hymiller then left saying that he was going to check with other superiors.
29. The exchange between Hymiller and me went on for about an hour and 40 minutes. At all times I was either sitting with my wife or standing peacefully talking with the officers who now numbered about 9-10 in the court hallway.
30. I told the officers that what has now taken place while I was waiting for them to perform the citizen's arrest was that people going by may think that I was being guarded by the officers for some reason.
31. After I turned around from speaking with my wife there was an Officer Picinich (spelling) standing in front of me with his face no more than 2 inches away from me. Officer Picinich then asked me what the problem was and said he did not have the slightest idea as to what was taking place.
32. I told Picinich that he was being disingenuous at best because I had noticed him standing at the end of the hall observing the matter for at least the last 40 minutes. I then told Picinich that I wanted a citizen's arrest performed on Padron and he told me that I could do that outside in the street but not in the courthouse.
33. I told Picinich to back away from me by stating loudly, "Back off!" He did not do so. I then spoke louder and said "Please back off!". Picinich then started to lean against me with his body so that if I pushed back it would appear that I had shoved him.
34. I told the officer standing to the right of me who was blocking the view of witnesses to please move aside so the witnesses sitting on the bench could see that Picinich was trying to make it appear that I was pushing against him. The officer then said he would not move. That was Officer Jaskowiak who was the officer that arrested me.
35. I then told Officer Picinich that since he would not back away from leaning against me I would just sit back down on the bench and he could then look like a fool standing there in the middle of the hallway.
36. I then told Picinich that I would be requesting him to perform to assist me in effectuating the citizen arrest and that if he either did not affirm that he would do so, do so, or refuse to do so, I would then request Padron to turn himself over. I also said that if Padron did not do so I would then place under citizen's arrest.
37. Padron then started to exit the door of #1202 which was behind a wall of officers. When Padron came out he asked officer Picinich to arrange an escort out of the building. At such time I requested Officer Picinich to perform the citizen's arrest for me. Picinich did not respond but just stood there with a dead stare.
38. I then calmly and slowly leaned to my right to look around Picinich and said, "Pardon me, Mr. Padron.." at the moment I did so Officer Picinich grabbed me by my arms along with several

- other officers and started to push me backward while spinning me around and wrenching my arm behind my back. The officers then slammed me against the wall of the hallway.
39. The record in the case will verify that James Padron is not even a pro tem judge on the case because no judges pro tm or not of the Merced County Bench can hear any matters in my cases.
 40. I did not disrupt any court proceedings, or courtroom because we were not in any court proceeding and we were not in a courtroom.
 41. I did not stop any witnesses from testifying because there were no witnesses and no court proceedings taking place.
 42. I did not block any "doors several times" to the courtroom because there is in fact no "doors" to the #1202. There is one door and the only people blocking the entrance to the door were the Officers standing in front of it.
 43. I did not lunge at anyone.
 44. I was not late for any court appearance. I was in fact on time for a Case Management Conference that could not take place.
 45. The deputies after my waiting for over an 1 hour and 45 minutes falsely arrested me while I was attempting to effectuate a Citizen's Arrest upon attorney, James Padron, who in fact was not a pro tem judge in my case or a judge in any of my cases.

The above is not meant to be an extensive list but the facts are within the files which show that James Padron was in fact not even a pro-tem judge in my case. You leave out the name of the case, fail to mention that no judges in Merced County can hear the case and fail to state the name of the alleged pro-tem judge that I allegedly lunged at.

McClatchy Newspapers again intentionally defamed me and misrepresented to the public as they did in authoring the article "County Judiciary Under Fire" which they have been sued for in the Federal case #C06-03948-JW Forte vs. Knight Ridder, McClatchy Newspapers, et al..

If you have any questions as to what was misrepresented or a question as to the facts which were left out please contact me so that we may discuss them so that the corrections and additions to the article are accurate and satisfactory.

Thank you.

Sincerely,



Gene Forte

Badger Flats Gazette

688 Birch Court, Los Banos, California, 93635

Phone: (209) 829-1116 Fax: (209) 829-1952

Fax

To: District Attorney Larry Morse **From:** Mr. Gene Forte

Fax: 209-385-7473 **Fax:** 209-829-1952

Phone: 209-385-7381 **Phone:** 209-829-1116

Date: 3/31/2009 **Pages:** 2 (Including Cover Sheet)

Subject: Ms. Kathleen Goetsch/Surveillance Tapes

Notes:

For openers, again I sincerely hope things are improving for your family.

With that said, I hate to digress immediately into commemorating how unpleasant and unprofessional Ms. Goetsch is behaving concerning my obtaining both straight answers and surveillance video tape.

Its obvious someone looked at them on or after February 24th, 2009 and know that the tapes will end the career of about 5 or 6 deputies, two of them senior nearing retirement (Hymillar & Picinich).

Too bad! Not my doing or problem. They did it to themselves with the guidance of Padron I conjure.

You will be given last minute notice when we will be standing in front of Ms. Goestch's office on public property with cameras rolling and blow horn blowing. "Do you have the tapes or not?"

Think I won't? Try me. Your office might be the next spot before we film Supervisor O'Banion 60 Minutes style.

 BADGER FLATS GAZETTE

Tuesday, March 31st 2009

Ms. Kathleen Goetsch
 Executive Court Officer
 627 W. 21st Street
 Merced, CA 95340

FAXED ONLY

SENT VIA DA MORSE

Re: 60 Minutes, the Surveillance Tapes & You, "I'm done!"

COPY

Dear Ms. Goetsch:

I write this letter to commemorate that upon me calling you for the very first time yesterday, you laughed in my face and hung up the phone on me. Your reaction, though grossly inappropriate, is the standard MO (modus operandi) for a person that has painted themselves into a corner when trying to avoid answering a very simple question.

As an offhanded compliment to you, I certainly don't think you are a blithering idiot who needs to have the same question repeated over and over again. You have been sent two letters. The second letter was asking you to provide a clear answer to the question you didn't answer in the first.

Therefore, if you don't want to start getting a letter every day like in Shawshank Redemption, please answer the following question (and the additional ones poised in the last letter that were necessary due to your game playing):

1. Are there surveillance video tapes for the hallway of room #1202 from February 24th, 2009, yes or no?"

If I do not have a clear and definite answer by the end of Thursday, April 2nd, 2009, be prepared to have news cameras coming into your office when you least expect it just like on 60 Minutes, or waiting for you outside on the street filming you while a bull-horn asks if you have the surveillance tapes of my arrest or not. (Not to worry, I'll request a police civil standby in advance *to protect us* from your boys at the courthouse.)

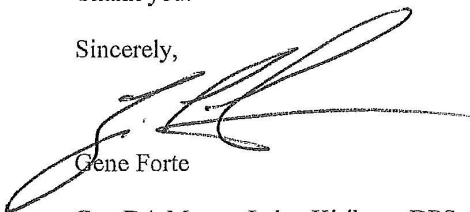
You can then choose to hold books in front of your face, or over your head.

You were laughing at me and saying "I'm done! I'm done!" while I pleaded for you not to hang up the phone before answering my question. You obviously didn't consider, or don't care, what that nasty little troll Padron with the neo Nazi police thugs did to me and the tarnishing of my good name and my family.

With that said, my uncivil civil servant, you're not done until you give me a straight answer to my question.

Thank you.

Sincerely,



Gene Forte

Cc: DA Morse, Judge Kirihara, DPS Agents Millspaugh/Maniord

Page - 1 -

DISTRICT ATTORNEY

DISTRICT ATTORNEY
Larry D. Morse II

CHIEF DEPUTY
DISTRICT ATTORNEY
David W. Moranda



ASSISTANT
DISTRICT ATTORNEY
Joseph M. Tresidder

CHIEF DEPUTY
DISTRICT ATTORNEY
Harold L. Nutt

2222 "M" STREET, MERCED, CA 95340
TELEPHONE (AREA CODE 209) 385-7381
FAX (209) 725-3563

April 1, 2009

Gene Forte
Badger Flats Gazette
688 Birch Court
Los Banos, CA. 93635

Dear Mr. Forte:

I am in receipt of your letter of March 25th and a copy of your letter to Executive Court Officer Kathleen Goetsch from March 31st. We are reviewing the police reports that were sent to this office in the aftermath of the incident involving you, James Padron and members of the Merced County Sheriff's Department on February 24th, 2009 in the Merced County Superior Court.

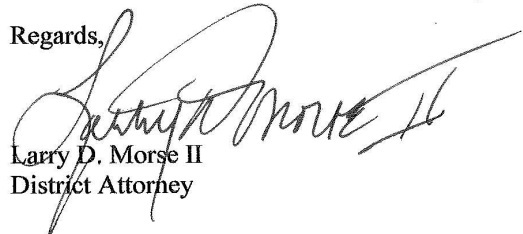
The Merced County District Attorneys office has a conflict in this matter as at least five members of our office are eyewitnesses to portions of the events of that morning. I directed all said employees to provide written statements of their observations which they did. Those statements were forwarded to the Sheriff's personnel conducting the follow-up investigation.

In view of the fact that five members of our office have given statements concerning the events of February 24, 2009, I do not believe we can prosecute this case. In such instances, we routinely request the California Attorney General to intercede. That request was made in this case. However, while the Attorney General's office agreed that a conflict did, in fact, exist, we were informed that because of budget considerations the Attorney General's office will no longer accept "conflict" cases from District Attorneys.

I am seeking the assistance of one of my colleagues from another county to assume jurisdiction of this case to determine whether or not a criminal prosecution should be initiated and to handle that prosecution if one is in fact initiated. In the meantime, our office will not be involved in responding to requests for information you believe should be discovered to you in connection with this matter. Should a prosecution be commenced, any material relevant to the events of February 24, 2009 that is in the possession of the prosecuting agency and the investigating agencies would be provided to you pursuant to the rules of discovery.

Your kind words regarding my son's situation were appreciated.

Regards,


Larry D. Morse II
District Attorney

Badger Flats Gazette

Wednesday, April 15th, 2009

District Attorney Larry Morse
 Merced County District Attorney
 2222 M Street
 Merced, CA 95340

FAXED

Re: Straight Answers/ "budget consideration"

Dear District Attorney Morse:

I am in receipt of your letter dated April 1st, 2009, postmarked April 3rd, 2009, today, April 6th, 2009, which was a partial response to my letter of March 25th, 2009 with no response to my letter to you of March 30th, 2009, or response to my letter to Mr. Kathleen Goetsch of March 30th or 31st, 2009.

Bear with me while I address a few of your inaccurate statements and document the time frame of your partial responses, non-responses and your turning a blind eye to the legally actionable conduct of some Merced County Deputies in conspiracy with Mr. James Padron to do me harm. The content of your letter is sheer balderdash.

You have been made aware that Ms. Goetsch's actions, which you and/or other county officials benefit from, are tantamount to her working as an advance person to destroy evidence, obstruct justice, and aid a cover-up for Merced County Deputies who will be defended by Merced County Counsel, Mr. James Fincher.

Wish as you might, but your stating in your first paragraph that "the aftermath of the incident...on February 24th, 2009 *IN* [EMPHASIS ADDED] the Merced County Superior Court," does not make it so. The "incident" was that I was attacked by Deputies *in a hallway* of the Merced County Courthouse. There was no court, courtroom, judge, or legal proceeding taking place.

With that said, let's start with a very simple question, "Have you or anyone that you know of viewed the surveillance tapes from the courthouse hallway in front of Case Management Room #1202 for the day of February 24th, 2009?"

Next, please provide me the names of the five members from your offices that are eyewitnesses to the event, the police report, any and all written statements obtained by you and the name, phone number and address of who you sent the files to.

Please provide me with the name of the person at the Office of the Attorney General, and any correspondence from them rejecting your referral of the case to them due to "budgetary considerations".

I have now left a second message on April 14th, 2009 for you after waiting patiently for a return phone call that has gone unreturned. There is no doubt that it is the intent of your offices to obstruct my obtaining information which will support my litigation against Merced County Sheriff's Department, Merced County Superior Court, and all other responsible parties.

On April 1st, 2009, when you and I met at the Sportsmen Lodge in Los Banos, the first thing you told me was that you had just sent me out a letter that day. Next, you asked, "Is there a way that this thing could all go away with no lawsuit?" My response to you was, "Of course on the condition that I would be totally publicly cleared and there would have to be some serious ass kissing and public apologies by the officers that were involved."

Frankly, as far as Deputies Picinich and Jaskowiak, I don't see how I could sleep at night for any amount of money knowing those jackals are on the loose carrying guns, so they have got to go.

Deputy Hymiller was just a gutless wonder who went along with assaulting me that is close enough to retirement that for his participation in assaulting me should usher in his retirement..

As far as Mr. Padron, I want to make sure that little arrogant toad doesn't ever have the chance to sit as a pro tem judge over a dog show.


Judge Mayhew of the Stanislaus Superior Court is now being brought into this mess and I am going to hold your feet to the fire to do what you should do as a responsible public official. There is overwhelming evidence that judges of the Monterey Superior Court aided Monterey County District Attorney, Dean Flippo to obstruct justice with Commission Richard Rutledge in the case of MAR12536 *Forte v. Flippo and ADA Terry Spitz*. It is going to be dropped in your lap to investigate and /or refer to investigative authorities.

With that said, the references to information put forward to you in previous letters and in letters copied to you sent to Deputy Mackenzie, Ms. Goetsch, and others reveals that crucial evidence such as the surveillance tapes which can be used to either prosecute me, or for me to prove my claims against Merced County Deputies are being kept from me, and possibly destroyed.

If you were serious about wanting this matter to become history without a litigation filed by me, you have had a very odd way of reaching such end. Please let me know if you are going to provide me a response and/or a return phone call and when.

Thank you.

Sincerely,



Gene Forte

After Forte's second arrest, on July 21, 2009, Forte writes this fax to DA Morse.

Badger Flats Gazette

688 Birch Court, Los Banos, California, 93635

Phone: (209) 829-1116 Fax: (209) 829-1952

Fax

To: District Attorney Larry Morse **From:** Mr. Gene Forte

Fax: 209-385-7473

Fax: 209-829-1952

Phone: 209-385-7381

Phone: 209-829-1116

Date: 7/24/2009

Pages: 4 (Including Cover Sheet)

Subject: Forte Assaulted by Picinich/Investagited by Perrino

Notes: LBPD Chief Knapp refused to provide a civil standby to insure the peace and denied me equal protection under the law among others things..

DA Morse please call.

I wish to know the status of the investigation of my alleged lunging at a judge, the investigation of Tommy Jones for perjury regarding the FPPC, and the investigation of Mr. Corey Pride for assaulting me, and now of course Deputy Picinich assaulting me once again

Myself and family are being put in danger by the inactions of public officials/peace officers committing honest services fraud.

Please help us by simply doing your job.

Thank you.

Gene Forte
209-829-1116

Badger Flats Gazette

July 27th, 2009

(*TYPO CORRECTED*)

Investigator Scott Millspaugh
Investigator Mark Maniord
California Highway Patrol
Dignitary Protection Section
1801 9th Street
Sacramento, CA 95814

EMAIL/FAX

Re: ESCALATED DANGER TO SELF AND FAMILY DUE TO HONEST SERVICES FRAUD BY PUBLIC DIGNITARIES UNDER YOUR PROTECTION, THEFT/LARCENY BY CHP OFFICER/ PLEASE CONTACT ME

Dear Investigators Millspaugh and Maniord:

I write this letter out of dire necessity while under great duress requesting that you intercede as law enforcement officers to insure that no further harm comes to me or family by public official/dignitaries under your protection. On July 21st, 2009, I was assaulted by Merced County Deputy Picinich with the aid of, and in the presence of a yet unknown California Highway Patrol Officer.

The California Highway Patrol Officer who refused to identify himself took possession of/and stole for his intended benefit my hand held digital recording for the purpose of deleting and/or destroying exculpatory evidence of my innocence at a crime scene.

I am requesting that you provide me the name and pictures of CHP Officers that were present at the Los Banos Courthouse on July 21st, 2009, between approximately 9:45AM-10:30AM (more than likely appearing in traffic court). If you do not do so..... I believe you are attempting to obstruct justice with him by your inactions.

The Los Banos Enterprise staff report (Corey Pride, Gene Lieb, Kim Yancey) said that "Forte sustained a minor injury to his neck". The LBE staff, then undisclosed to readers and to hide the level of physical assault upon me by officer assailants used the file photo from the first assault upon me by Deputy Picinich from February 24th, 2009, thereby hiding the obvious massive contusion to my forehead.

Yes, my neck was injured as a result of Picinich suddenly grabbing me by the back of my hair while I was handcuffed behind my back and lunged my forehead full force into a solid wood door he had opened part way, and/or by LBPD Officer Parker grinding his knee into my neck to crush my ear into the floor. (See attached news article and photos.)

The unidentified CHP officer is heard laughing and stating to the other Merced County Deputies and LB PD Officer Parker that he had the recorder and talking about its operation. After Deputy Picinich slammed my head against a solid wood door while I was handcuffed behind my back, my wife was told to pick up the recorder and my personal belongings that had been scattered across the floor.

Therefore, the recorder, which was forcibly taken from me and in the possession and control of the unknown CHP and the arresting officers, was removed from, tampered with, and then dropped back at, the scene of the crime.

Page - 1 -

688 Birch Court, Los Banos, California 93635
Phone: (209) 829-1116 email: geneforte@badgerflats.com

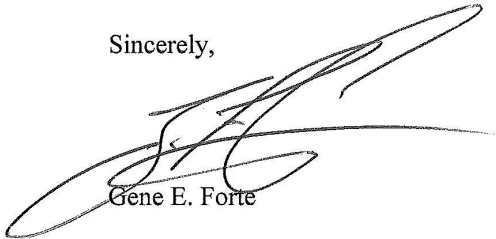
You have been repeatedly informed that I am both a victim and witness of crimes perpetrated against me by top government officials of the State of California. You have ignored responding to my letters and have treated your visit to my home as if it had never happened. It took place the day after I had published in the newspapers the intent to recall Mayor Tommy Jones.

It is evident and documented on video/audio that I have no local law enforcement protection from the public officials I have cornered; I am demanding that you provide me and my family protection.

Please contact me immediately to discuss what needs to be done in insure that we are protected from the public officials you are to protect and that investigations are begun.

Thank you.

Sincerely,



Gene E. Forte

Attachment: Hospital photos, LBE news article

Cc: Detective Jeff Coburn, DA Morse, LBPB Chiefs Fitchie and Knapp, Merced County Counsel, Merced County Sherriff Pazin, Merced County Supervisor, Jerry O'Banion

IT IS ANNOUNCED TO ALL PARTIES CALLING MY PHONE PRIOR TO BE TRANSFERRED TO ME THAT CALLS MAY BE RECORDED FOR BROADCAST AND BY SPEAKING ON THE LINE THAT HAVE GIVEN THERE EXPRESSED CONSENT FOR THE RECORDING.

July 31, 2009 Telephone call from DA Larry Morse (Excerpts)

Morse: Yeah. Gene, here's what's going on with your cases. I'll just level with you about what's going on. I cannot handle any of your cases because you have sued me. Right? Uh, I'm a cross complainant in the uh, suit with uh, Marion. And ethically I cannot make a decision on any of your cases uh, while I'm, you know, after having been sued by you. I mean it's just unethical on its face. Uh, it looks either punitive or retaliatory or that I'm currying a favor with you in some way no matter what I do. The problem is that given budget constraints, uh, the AG's office, who we ordinarily when we have a conflict we usually send stuff up to the Attorney General's Office, right?

Morse: Everyone I have spoken to about this in my office and in other counties agrees that I have a, a conflict.

Morse: The problem is I believe, and you know my chief investigators, we've discussed this allot, and we all believe that we have a conflict. The incident in the jail or in the courts, the first one uh, involving uh, oh, what's his name? Was acting as pro tem?

Morse: Padron, yeah. That was the one we were looking when we talked over at the Sportsmen Lodge...and that's when I had spoken to you about it and I said can we work this out in some way? Because Padron, he was not you know uh, all that enthusiastic about pursuing uh, uh, you know the case?

So, but, we sat down and talked about it in the office and uh, immediately we said, isn't, uh, uh Mr. Forte uh, suing you? And I said, yeah, I think so. And I can't keep track of who's all suing me but, we went and pulled the uh, you know pulled the papers and I'm being sued. Well there's a specific uh, section that you know that's applicable in the ethics manual for prosecutors that you can't uh, you know, you can't file a complaint against somebody who has a lawsuit against you. Now if you had sued me after I had filed a complaint against you or something else that's a different story. But, if you had a standing uh, legal action which I'm the named defendant and I understand somewhat peripherally but, I am a named defendant.

Morse: As I understand it, is that there was someone, I don't know what exactly you were charged with.

Morse: But, I need to tell you that what I'm trying to do is give you a status report. And so you can, you know, do whatever you need to do. One of the problems is that uh, the Attorney General's Office, if there is a conflict, a lot times now what the conflict might uh, cause the defense, if we file a case, the defense files a motion and says we think the District Attorney's Office has a conflict and we don't think they should be prosecuting this case.

Then it goes to the Attorney General's Office and they either come in or contest the disqualification or they agree to take the case. Now there current practice is to contest every uh, disqualification. The

problem here is, that I can't even review these cases to make a filing decision, because of the conflict that I have.

Morse: I can't even make a determination whether I think there's enough here to file on against you or against anybody else in this matter. Uh, so, that doesn't even give you the opportunity to challenge us you know, being the prosecuting agency.

Morse: So, I have, I just put a call into Dan Girard. He's the, the head of the criminal division at the Attorney General's Office. Because I've been fighting with one of his uh, subordinates about this, we've fought back and forth about the conflict.

Morse: The other thing what I have been doing, when I have a conflict, uh, we've had, uh, you know, we had, periodically we have conflicts. We file thirteen thousand cases sometimes there's a reason why we can't do it. Right, uh Judge Garcia's brother in law was charged with child molestation. I asked the District Attorneys Stanislaus County to take that case. Cause we sort of been swapping cases in view of what the AG's office has been doing. Cause ordinary we go to the Attorney General's Office when we have a conflict.

But, understanding what the AG's office agenda is these days, we have sort of had a little you know polite exchange with other counties. Okay, that's fine. The problem is because you are Gene Forte, and have a reputation for being one of the most litigious people in North America; I cannot in good conscious give this case to another county. You know, I want; I want to remain friends with these guys.

Forte: Uh, let me tell you, excuse me. I really don't agree with the colorisms you added to that.

Morse: Well, let's say you have a rich history.

Forte: I've only held public officials feet to the fire that needed it.

Morse: My guess is, I, I know that, you know, you believe all that is, is justified under the law, but, I have to uh, under abundance of candor, tell you know, the DA of Stanislaus County," hey, you know, I'd like you to take this case or now these cases but, in you know, in fairness I have to tell you that Mr. Forte's been around the block a few times. He is an experienced you know, uh litigator. Although he is not an attorney, he's got a lot more experience than many attorneys in doing this and you can find yourself in litigation five years from now." I you know I cannot in good conscious make that exchange with one of my colleagues.

Morse: So, here's what I want. I'm back and you know, I've explained this to the Attorney General's Office. I'm ordinarily happy to comply and find one of my fifty seven colleagues to swap the case out, but, I can't do it with your particular case. So, I am telling the Attorney General's Office by God, I have a ethical conflict in this case. We all agree with this, you need to take this case, evaluate these matters, decide what if anything should uh, should be filed against Mr. Forte and set this thing in motion so he can avail himself of all his legal rights uh, and actions. And if nothing's gonna be filed, etcetera etcetera, there needs to be some clarity and some closure on this. And I have just been frankly getting the run around from the AG's Office. And so, it leaves me in a you know, state of suspension, I can't help you

get this thing moving one way or the other until I get some fricking clarification from the Attorney General's Office.

Morse: I, I told him I was going to call Jerry Brown after thisI'm gonna go see Jerry and I'm gonna present to him all this stuff that stands in favor of a conflict that demands that I have a ethical conflict that precludes me from evaluating whether I'm filing these cases.

Forte: Larry, I know, Larry I understand it. But, you know the issue here really comes to be? Those officers were also involved and it's all on this recording. They thought they deleted the recordings, off this machine and what had actually had happened is they were trying to figure out to do it and they figured wrong.

Right to the point of you can hear them laughing throwing that, officers picking up a recorder, me yelling at them, saying, " put that recorder down, put that recorder down. Eileen get the recorder, they're trying to delete the recordings." And the guys saying they're trying to delete the recording. Then, as I'm being taken up, he goes ahead and you hear him on the recorder talking about what they're doing and they stop it and laughing, throw it back down on the ground. And the security guard, the one's that talked to Eileen, told her to pick our stuff over there. So, really what they're doing is taking a piece of evidence, knew that it was there, and stole the piece of evidence away from me. Went ahead clearly and tried to destroy evidence, tamper with evidence, exculpatory evidence and what I said from the very beginning would show everything from the minute I hit that gate, to the end.

Morse: hmm.

Forte: Then they threw it back down on the scene? Hey, you know who the guy that was holding the recorder was, it was CHP officer. Hello CHP, who is the guy that put his...?

Morse: Gene, here's here's let me, let me interject here a second, have you talked to Pazin?

Forte: No, how can I talk to Pazin? What I've been trying to do Larry is, you're the only one I trust and I wanted to get through to you first, cause I'm telling you...

Morse: I unfortunately am the one's who's hands are really tied in this thing. You know, I am really sort of, I'm stuck.

Badger Flats Gazette
688 Birch Court, Los Banos, California, 93635
Phone: (209) 829-1116 Fax: (209) 829-1952

Fax

To: DA Larry Morse **From:** Mr. Gene Forte

Fax: 209-385-7473 **Fax:** 209-829-1952

Phone: 209-385-7381 **Phone:** 209-829-1116

Date: 8/10/2009 **Pages:** 4 (Including Cover Sheet)

Subject: Please Contact Federal Authorities Immediately

Notes: PLease find attached letter

Badger Flats Gazette

Monday, August 10th, 2009

District Attorney Larry Morse
 Merced County District Attorney
 2222 M Street
 Merced, CA 95340

COPY

FAXED/CERTIFIED MAIL

Re: Department of Justice/Obstruction of Justice by Law Enforcement/Your Conflict, but still your duty.

Dear District Attorney Morse:

I wrote this letter on Friday afternoon, August 7th, 2009, still hoping that you will be in contact with me as you promised from our conversation of Friday, July 31st, 2009, of last week. Be that as it may, it is necessary for me to state very clearly in writing that there are audio recordings in my possession which are prima facie evidence of obstruction of justice to frame me, coupled with actual battery and assault of my person by Merced County Deputy John Picinich and other officers of the California Highway Patrol and the Los Banos Police Department.

At this time, any investigation being done by those organizations flies in the face of justice in that they are, in fact, parties that stands everything to gain by continuing the obstruction of justice by destroying or attempting to destroy more evidence and intimidate witnesses.

The offenses against me by these law enforcement individuals are felonies at every level of our government, including Federal, punishable by severe prison sentences. (US Code Section 18 § 1505. Obstruction of proceedings before departments, agencies, and committees, § 1512. Tampering with a witness, victim, or an informant.) You would know the numbers on that better than I...and the correct identification of charges based upon the evidence I possess.

The point is law enforcement agencies are all over private citizens for obstruction of justice. It should certainly go double for public officials/agencies involved in the obstruction of justice against a citizen (me), coupled with battery of me while under arrest, to ward me off from seeking redress of my grievances.

I am a past certified candidate for Governor of California. I may have lost, but it doesn't make me any less certified. Therefore, I am an individual that my opponents in court assert is a public figure.

I magnanimously offered last week to have both you and Merced County Sheriff Mark Pazin to my home to listen to the evidence of the assault upon me by Picinich and others. You said that you would speak to Mark about that at the picnic at the lake and get back to me by today. As I told you, it was for Mark's benefit, not mine. I have enough evidence to prove my case against Picinich and the other law enforcement agencies.

There is something very important at stake, our national security. Not to sound like a broken record, or Chicken Little, but it involves Mr. Leon Panetta, head of the CIA, and evidence I have on several judges, attorneys and public officials/state actors in California. I have repeatedly forewarned my wayward government official adversaries that matters would only get worse...and they have.

Page - 1 -

688 Birch Court, Los Banos, California 93635
 Phone: (209) 829-1116 email: geneforte@badgerflats.com

The real rub for everyone, as I have told you, is that I have evidence that public officials out of Monterey County, including the Monterey County Counsel, the District Attorney's Office, and judges on the Superior Court bench have obstructed justice in the case of *Forte v. Flippo*. They were aided in honest services fraud by the Monterey Herald/McClatchy Newspapers, Chief Justice R. George and Bill Lockyer.

The cabal of Monterey spilled over into Merced County when the attorneys for Tetra Tech requested judicial notice of the defeated vexatious litigant motion made against me in the private capacity of Governor Schwarzenegger, Lockyer, et al. As you know, The Herald reported I had lost the motion in a front page, 2000 word article, then weeks later printed a small retraction/correction on a back page.

Now we have them misreporting again on the assault of Picinich upon me, LBPD refusing to arrest Mr. Corey Pride for assaulting me, and the LBE saying that I am a known racist. Essentially, now I have to reasonably expect the honest services fraud to continue until you contact Federal Authorities and have them get in here to protect me, not dog pile on top of me.

I am the victim here. Your suggestions that I look to Judge Kirihara and Ms. Kathleen Goetsch of the courts to remedy the issue of your progress in the cases concerning Mr. Cory Pride for assaulting me, Mr. Tommy Jones for perjury on the FPPC forms, Padron having me put under what I now understand to be a citizen's arrest, and now Picinich's second assault upon me with other officers obstructing justice is not well founded....AT ALL. Frankly, Larry, it is a run around.

Padron's actions were not that of a judge pro-tem. We had already formally objected to any pro tem judges, and further no judges of the Merced County Bench could preside over the case. Padron, the attorney, not a pro tem judge, and acting under the color of law was attempting to obstruct justice with the counsel for Tetra Tech against Mr. Marion Santos and myself.

Shawn Mills, attorney for Santos has already informed the court that he was going to be amending the complaint with the court's permission to include the attorneys for Tetra Tech, the opposing attorneys for the law firm defendants, Somach, Simmons and Dunn and James Padron.

Padron was under the misguided impression that since I was an in pro per and there had been a motion to declare me a vexatious litigant, even though I defeated it, he decided he was going to cut me out of the legal process. Padron was going to deny me due process and eliminate me from the lawsuit of Tetra Tech and Santos, *of which you are a named, but not yet served defendant.*

If you have not contacted me by the end of today, Friday, August 7th, 2009, I regrettably have to seriously consider that you are in the mode to thwart my progress at seeking justice and that you have joined in at attempting to cover up the honest services fraud and obstruction of justice against me.

I implore you Larry, please do the right thing. Do your duty to protect me and my family. Provide me not only equal protection under the law but due process. I again request copies of all of my files, arrest reports, police reports, surveillance tapes and witness reports from both February 24th and July 21st, 2009.

You had said in our conversation that you were going to be calling Attorney General Jerry Brown next to talk to him about this matter. My response to you is that it is not Jerry Brown, but Bill Lockyer and crew that needs to sit down *with us*, along with Mr. Leon Panetta and some of the key media conspirators, and yes, Larry, that is what they are. I hope you take note of the "us".

The reason that I am requesting that you sit down with me as a law enforcement agent is so that I may show you the evidence I have concerning Chief Justice George, the malicious and misguided vexatious litigant motion.....and what I say is the evidence of obstruction of justice by the Monterey District Attorney, Mr. Dean Flippo.

I also want to say, that as far as your excuses as your inability to refer the case against me out to another colleague in a different county is because I am known as one of the most litigious individual in North America is sheer clap trap. What you really should tell me is, Gene, there is no way in hell we can prosecute you because we know we don't have a case.

The reason why you are not doing that is to try and let Padron, et al, walk away from this deal unaccountable. I will legally not let that happen and will scream this case out to the public.

First, I am not litigious. The courts have found that I am not, ergo, the phony vexatious litigant slander worked, but it also backfired on everyone, as it does you now when you try to poke me with it. Please do not continue to do so. You certainly know, due to your personal involvement in helping to work on the vexatious litigant bill, how far out of the legal boundaries it was for Lockyer, et al., to bring.

Therefore, you know that something stinks in Denmark, that being the heinous act to defame me with the Monterey Herald/McClatchy Newspapers publishing the false fact that I was declared a vexatious litigant with a small retraction. The major damage was done to me publicly and they now continue the assault of me in Merced County.

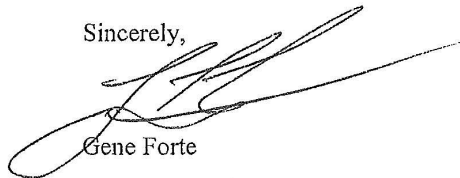
I asked you point blank: did view the surveillance tapes, where they were. and you didn't answer.

Please approach this with an open mind and do not take the wrong path as other public officials thus far have done who now find themselves stuck to a tar baby like as Braer Rabbit.

If I have not heard from you by 12:00PM, Monday, August 10th, 2009, I will have no choice but to accept that you are joining in with those that should be held accountable, and I will attempt to contact the FBI and the Justice Department on my own to explain the matter.

Thank you.

Sincerely,



Gene Forte

Cc: Judge Kirihara, K. Goetsch, Supervisor Jerry O'Banion, Merced County Counsel, Detective Coburn

PS: It is now 6:00PM August 7th, 2009 and you have not called. You have cost me ten bucks. I had bet my wife and Crystal five dollars each that you would call. Not good Larry, not good. You're causing me to not only lose faith in you, but you are having me get egg on my face when I tell people that I trust in you.

PSS: I waited until 8:25AM, Monday august 10th, 2009 to fa you this letter hoping that I would have heard from you. Oh well! It didn't happen.

Page - 3 -

688 Birch Court, Los Banos, California 93635
 Phone: (209) 829-1116 email: geneforte@badgerflats.com

DA Morse writes to Forte and says that the Attorney General's Office "would have the same conflict we do." Two separate attorneys have told Forte that if the DA's Office and the AG's Office have a conflict, they normally assign a special prosecutor to handle the case. In this case, they did not.



DISTRICT ATTORNEY
LARRY D. MORSE II

2222 M Street
Merced, CA 95340
Phone (209) 385-7381
Fax (209) 725-3669

Assistant District Attorney
JOSEPH M. TRESIDDER

Chief Deputy District Attorney
HAROLD L. NUTT

Chief Deputy District Attorney
MARK V. BACCIARINI

Director of Administrative Services
JEANNETTE PACHECO

INVESTIGATIONS
(209) 385-7383

Chief Investigator
PATRICK N. LUNNEY

VICTIM WITNESS
(209) 385-7385

Victim Witness Program Director
LISA DeSANTIS

LOS BANOS DIVISION
445 I Street
Los Banos, CA 93635
Phone (209) 710-6070
Fax (209) 827-2029

www.co.merced.ca.us/da

August 26, 2009

Gene Forte
Badger Flats Gazette
688 Birch Court
Los Banos, CA 93635

Dear Mr. Forte:

I am in possession of your last letter dated August 18, 2009. The Attorney General's office has recently indicated that they do not believe our office has a conflict in this matter and that they, too, have been involved in litigation with you and would have the same conflict that we do. As a result, I will be meeting with my management staff to determine how best to proceed with the reports we have alleging criminal conduct by you.

I should tell you at the outset that a decision has already been made by our office that no charges will be filed against Corey Pride of the Los Banos Enterprise regarding an incident between the two of you following a Los Banos City Council meeting earlier this year. Our decision is based primarily on the fact that we do not believe a jury would find beyond a reasonable doubt that Mr. Pride was guilty of battery. Our ethical obligation is to only file those cases in which we believe we have a reasonable likelihood of securing a conviction and after discussion of the facts in this matter we do not believe we can meet that burden. Should you wish to pursue this issue, your avenue is through the civil courts.

Finally, it concerns me that you have set forth a demand that I convene a meeting with the President of the United States, the Director of the Central Intelligence Agency and the Treasurer of the state of California to address your grievances, many of which have no nexus whatsoever with Merced County. I would like to believe that you do not seriously hold the view that I have the power to summon these individuals to a meeting with you.

My office has spent a substantial amount of time dealing with issues in which you are involved. Despite your conspiratorial suspicions and allegations, I have no interest in your affairs beyond evaluating whether a crime has been committed that requires prosecution by our office. Now that the Attorney General has given a definitive opinion that no conflict exists in our handling of the two cases in which you have been arrested, we will proceed expeditiously with a review of the facts and make an appropriate decision.

We filed more than 13,000 felony and misdemeanor cases last year. The allegations against you will be reviewed in the same manner as every other case before a filing decision is made. Your suggestion that a vast conspiracy exists to deny you constitutional protection is a creature of your own imagination. Speaking for the rest of the law enforcement community, I can assure you that we all find ourselves

Page 2
August 26, 2009

having to do more with less these days and have much more pressing issues to address in our respective communities.

You will be notified when a filing decision is made.

Regards,

A handwritten signature in black ink that reads "Larry D. Morise II". The signature is written in a cursive, flowing style.

Larry D. Morise II
District Attorney

cc: Honorable Judge John Kiriara
Supervisor Jerry O'Banion
James Fincher, Merced County Counsel
Bill Vaughn, Los Banos City Attorney
Sheriff Mark Pazin

PEACE, IN THAT SAID DEFENDANT(S) DID WILLFULLY, UNLAWFULLY, AND MALICIOUSLY DISTURB ANOTHER PERSON BY LOUD AND UNREASONABLE NOISE.

COUNT 3

ON OR ABOUT FEBRUARY 24, 2009, DEFENDANT(S)
EUGENE ESMOND FORTE
DID COMMIT A MISDEMEANOR, NAMELY, A
VIOLATION OF SECTION 240 OF THE CALIFORNIA PENAL CODE, ASSAULT, IN THAT
SAID DEFENDANT DID WILLFULLY AND UNLAWFULLY HAVING THEN AND THERE THE
PRESENT ABILITY TO DO SO, ATTEMPT TO COMMIT A VIOLENT INJURY ON THE
PERSON(S) OF JAMES P. PADRON

COUNT 4

ON OR ABOUT JULY 21, 2009, DEFENDANT(S)
EUGENE ESMOND FORTE
DID COMMIT A MISDEMEANOR, NAMELY, A
VIOLATION OF SECTION 148(A) OF THE CALIFORNIA PENAL CODE, RESISTING,
IN THAT SAID DEFENDANT DID WILLFULLY AND UNLAWFULLY RESIST, DELAY
OR OBSTRUCT DEPUTY C. PICINICH

, WHO WAS/WERE THEN AND THERE A POLICE OFFICER,
PUBLIC OFFICER, OR AN EMERGENCY MEDICAL TECHNICIAN ATTEMPTING TO OR
DISCHARGING ANY DUTY OF HIS/HER/THEIR OFFICE AND EMPLOYMENT.

COUNT 5

ON OR ABOUT JULY 21, 2009, DEFENDANT(S)
EUGENE ESMOND FORTE
DID COMMIT A MISDEMEANOR, NAMELY, A
VIOLATION OF SECTION 415(2) OF THE CALIFORNIA PENAL CODE, DISTURBING THE
PEACE, IN THAT SAID DEFENDANT(S) DID WILLFULLY, UNLAWFULLY, AND
MALICIOUSLY DISTURB ANOTHER PERSON BY LOUD AND UNREASONABLE NOISE.

AN INVESTIGATION HAS BEEN CONDUCTED TO DETERMINE IF SAID
DEFENDANT(S) DID COMMIT THE STATED CRIME. REPORTS OF THE
INVESTIGATION, ATTACHED HERETO AND INCORPORATED BY REFERENCE,

Badger Flats Gazette

Thursday, October 22nd, 2009

COPY

Mr. Jerry O'Banion
Merced County Supervisor
2222 M Street
Merced, California 95340

EMAIL/CERTIFIED MAIL

Re: Honest Services Fraud/It Is Your Duty/Response to Your email (*Wink, wink!*)

Dear Mr. O'Banion:

I write this letter in response to what you proffer as an email of October 16th, 2009, written by you to me which is both disappointing and amusing. It is typical Merced County District Attorney Larry Morse rhetoric authored through you. The good reputation you may have built across the years is being put in jeopardy by county public official colleagues that you have a duty to citizens to hold accountable.

Both Mr. Marion Santos and I want to make it clear that it doesn't make any difference if, as you say in your email, "you don't desire to get involved." It is your responsibility as a Merced County Supervisor to run herd on erstwhile civil servants that are involved perpetrating honest services fraud, or be implicated in it yourself with them for aiding and abetting them.

Marion and I are victims and witnesses of crimes committed against us by Merced County public officials. Your attention is being brought to the matter.

The Merced County judicial system has disqualified itself from all of my cases, including Tetra Tech vs. Marion Santos in which you are potentially an un-served cross defendant. Therefore, you are not intruding upon the "State of California Court System" as you (and Morse the Mouse whispering in your ear) disingenuously try to say in order to confuse the issue.

Nice try Jerry, but we won't let you skirt your duty as you run for the exit door.

You are required to report and address evidence of Merced County public officials involved with honest services fraud against citizens.

Again, both Marion and I request that you meet with us as a Merced County Supervisor and listen firsthand to the recordings of the events leading up to my arrest. You will also hear the evidence of obstruction of justice by an officer of the Los Banos Police Department, members of the Merced County Sheriff's Department, and officers from the California Highway Patrol.

Also, you can listen to a real police state storm trooper favorite, my head being brutally slammed against a door while handcuffed.

You were present at the Los Banos City Council meeting of October 7th, 2009 whereat Ms. Caryn Cox, ex-mayoral candidate, said that Mayor Tommy Jones and the Los Banos Enterprise owe me and the Badger Flats Gazette a public apology for telling people that I was a known racist, among other false facts.

Page - 1 -

688 Birch Court, Los Banos, California 93635
Phone: (209) 829-1116 Fax: (209) 829-1952 Email: geneforte@badgerflats.com

The vicious public character assassination of me by Merced County officials carried out by McClatchy Newspapers flies in the face of what every American believes cannot, and must not take place in America.

The smut campaign orchestrated by those under your watch is backfiring in a major way. We assure you that I will not rest until all those that are responsible for betraying American ideals, endangering the domestic peace of our nation, and behaving like third world dictators are held publicly accountable.

You were also present at that same city council meeting when I said that you were one of the few public officials that I still trusted. I also said that I was going to be laying all of these matters in your lap. It is your job and duty Supervisor O'Banion.

Please don't put Marion and me in a position to have to include you, due to your conduct, with public civil servants that must be held accountable.

Check the law books or ask District Attorney Larry Morse who I believe wrote your reply to me.

If you're wondering why I think such, I'll share with you my thoughts.

First, I don't think you would be so cavalier and irresponsible to respond to me in any way without first checking with DA Morse, or your potential defense counsel, Merced County Counsel James Fincher first.

You knew that DA Morse also received a copy of the email sent you prior to sending me a reply.

Therefore, that professional spinner of tales, ex-D.C. Congressman Press Secretary, California Legislature Communications Director for the Senate Democratic Caucus, turned lawyer, and now DA used the old propaganda trick of the "Big Lie." Confuse the issue and get the public mad at Gene jargon is your smut campaign cry.

You both knew that whatever you sent me would more than likely be published in the Badger Flats Gazette.

That is why within the two sentences of your email, you told two big whoppers. First, you turn our request for you to hold county public officials accountable into a request by us for you to hold State judges accountable. We did not make such a stupid request no matter how many times you say we did.

Next, you and Morse the Mouse say it is all about a personal criminal matter of mine, which it is, and is not. It is a personal because it concerns me, but it affects me as a citizen who says he is under attack by public officials under your charge committing criminal acts under the color of law, i.e., DA Morse filing charges when he knows he can't win and when he has a conflict in filing the charges.

With that said, this is now where the rubber meets the road. A copy of this letter is being sent to Merced County Counsel James Fincher requesting that he immediately contact Federal authorities to obtain information from me concerning honest services fraud, retaliatory prosecution, and obstruction of justice by his would be client, DA Larry Morse and members of the Attorney General's Office.

Merced County Counsel Fincher along with Judge John Kirihara by receipt of this letter are being informed that the US Justice Department and the FBI must be contacted by them immediately and told that the courtroom at the Robert Falasco Justice Center is holding criminal proceedings without any court reporter, or audio recording for the court record. In other words there is no court record albeit for a handwritten minute order. *It is absolutely outrageous.*

You, along with all other officials receiving a copy of this letter are being notified that there is a Star Chamber operating in Merced County, meting out injustice to Merced County residents. You, along with the others are being requested to contact Federal authorities immediately. Ask Merced County Counsel Fincher

his legal opinion about a court handing out criminal sentences without a record of the proceeding except a minute order hand-written by a clerk. If he says there is nothing wrong with it, tell him to get his resume ready. I will make sure that he is one of the next civil servants to be rooted out.

As it stands, I should have never been arrested twice, nor even once. I should not have had my head bashed into a door while handcuffed. Morse should not be pursuing what were once triple felonies that cost me \$135,000.00 for bail bonds that have now been lowered to misdemeanors.

Morse already said any cases filed by him against me would be clearly considered retaliatory, and he is correct. Therefore, Morse is going to cost the taxpayers a ton of money in order to keep up the appearances that I should have been arrested for something. The county is also going to rightfully pick up the tab for my defense.

Then, in my subsequent civil lawsuits against the county and responsible parties, I am going to get a ton of money. I plan on spending the bulk of it to root out more public officials that need to be held accountable and perhaps supplied a room out at Sandy Mush or in a Federal Penitentiary.

Citizens shake their heads in disbelief as they read the Los Banos Enterprise articles about my arrests. I supposedly kept witnesses from testifying, blocked entrance doors in the courtroom and then after 45 minutes, lunged at the judge! People ask themselves, if I did those things, why I wasn't shot or tasered by one of the trigger happy deputy bailiffs that were present.

Citizens are now asking themselves, how could I have done those things in the presence of six deputies and only now be charged with misdemeanors.

DA Morse is covering up for county officials and law enforcement officers that are guilty of police brutality and obstruction of justice. Morse is on track for wasting hundreds of thousands of dollars of citizen's money instead of going after his public official colleagues.

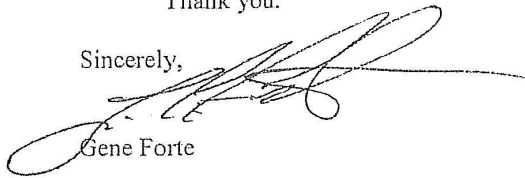
It is honest services fraud. I hate to say it, but it is criminal. Larry needs to be held accountable and explain his actions.

If you do not jump all over this matter immediately to stop it dead in its tracks, you, Jerry, are in the same pot they prepared for themselves.

I look forward to your response with date and times for a meeting at my home with Marion where the recordings can be easily played.

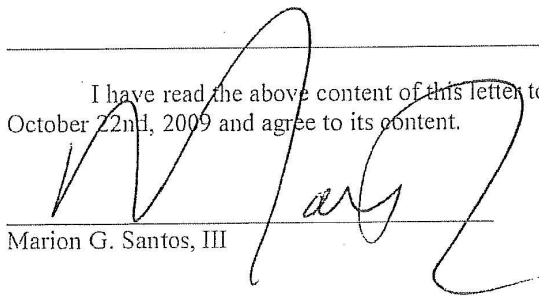
Thank you.

Sincerely,


Gene Forte

Cc: Merced Counsel, Judge Kirihara, DA Morse, Judge Dougherty, DPS Agents S. Millsbaugh, M. Maniord

I have read the above content of this letter to Merced County Supervisor Jerry O'Banion dated October 22nd, 2009 and agree to its content.


Marion G. Santos, III

Dated: 10-22-09

Badger Flats Gazette

Thursday, May 20th, 2010

District Attorney Larry Morse
Merced County District Attorney
2222 M Street
Merced, CA 95340

FAXED

Re: Filing: 02/28/10, Ms. Connie McGhee, OLF/Citizen' Arrest/Retaliatory Prosecution & The Nexus

Dear District Attorney Morse:

I write this letter to commemorate that I consider myself to be the victim of retaliatory/vindictive prosecutions by yourself and your offices. You have denied me equal protection under the law by *purportedly* investigating complaints filed by me against individuals that have perpetrated crimes against me, such as Mr. Cory Pride, Mr. Anthony Donaldson, and Mayor Tommy Jones.

As you know, you have been a cross defendant in the case of *Tetra Tech vs. Marion Santos*, #150938 since May 13th, 2008, therefore you and your offices could not be involved in either investigating complaints against me, filing charges against me, or investigating any complaints I have against others, without breaching your ethical duties due to your conflict.

You adamantly stated in a conversation with my wife Eileen on July 31st, 2009, when discussing the incidents of my arrest of February 24th, and July 21st, 2009, that you could not handle any such complaints because you had been sued by me. At the time, you explained that because you were a cross defendant in the Tetra Tech case, you and your offices were ethically precluded from making any decisions on any of my cases.

You explained that it would be unethical on its face, and it would look either punitive or retaliatory, or that you were currying a favor with me in some way no matter what you did. You informed me that you could not even make a determination whether there was enough evidence to file charges against me, or other parties such as Merced County Deputy John Picinich, or other law enforcement officers that I allege falsely arrested me, and brutalized me.

During the same conversation, you informed me that you had discussed the conflict extensively with all of the investigators in your offices and you all agreed there was a conflict. You even informed me that there was a specific section that was applicable in the ethics manual for prosecutors prohibiting you from filing a complaint against someone that had sued you.

Notwithstanding your admissions that you could neither investigate any complaints against me, nor file any charges against me, *you did investigate the complaints against me and you did file charges against me*. You also supposedly conducted investigation of my complaint against Mr. Cory Pride for his assault upon me without asking for any evidence or giving me the opportunity to provide you with the video that clearly shows Pride did strike me physically.

Therefore, by your own admissions of knowing what you could not ethically do, you willfully did so anyway. By your investigating the filing charges against me, and then in fact filing charges against me, by

your investigating complaints filed by me, and then not filing charges against Cory Pride, Anthony Donaldson, and Mayor Tommy Jones, and now the investigating of Ms. Connie McGhee's charges against me, it smacks of the appearance that you are currying a favor to them against me, and that you have in fact breached your ethical duties and have willfully launched retaliatory/vindictive prosecutions of me.

I checked with the Merced County DA's Department, Los Banos office on April 28th, 2010, regarding the status of the complaint filed by Ms. Connie McGhee who had enacted a Citizen's Arrest upon me on February 28th, 2010. My wife and I confirmed with Julia, the secretary of ADA Turner, that the matter had been investigated by your offices and that there had been a decision made by your offices to file charges against me. I also confirmed directly with ADA Turner on May 14th, 2010 that charges had in fact been filed against me. It was on that same day that ADA Turner stated that the case he was prosecuting against me was "political" in nature.

In short, you did again in such case what you could not do in the other cases of my arrest of February 24th and July 21st, 2009. You again have launched a retaliatory/vindictive prosecution against me in contradiction to your duties as a DA.

I next come to the extremely serious matter of two separate complaints I had filed concerning terrorist death threats (PC 422) made against me on February 24th, 2010. I filed a complaint against Mr. Anthony Donaldson on February 24th, 2010, and I also filed a separate complaint against Mayor Tommy Jones on March 3rd, 2010.

I have not been informed of the status of either, and I adamantly object to your offices having been involved, or being involved in the investigations of either of them due to the same obvious conflict explained by you to myself as early as July 31st, 2009.

You have partaken in a serious breach of your duties as a District Attorney, and quite frankly Larry, both Eileen and I are shocked. I find it very specious at best that your son Dylan had his sentence lowered by nine years by Sonoma Superior court Judge Kenneth Gness on December 2nd, 2009. You know how I sincerely felt that the initial sentence of 12 years was extremely harsh, and my heart bled for you.

But, the extremely rare matter of Judge Gness dropping nine years from Dylan's sentence when there was on the surface no new evidence, or changes from when the initial sentence was handed down by Gness on July 15th, 2009, has puzzled many jurists. It does not seem on parity with another vehicular manslaughter prosecution that you and your offices were involved with three years ago concerning Ms. Aubree Hogue of Dos Palos, California.

You stated in your letter of August 26th, 2009, the following,

"The Attorney General's office has recently indicated that they do not believe our office has a conflict in this matter and that they, too, have been involved in litigation with you and would have the same conflict that we do."

"Finally, it concerns me that you have set forth a demand that I convene a meeting with the President of the United States, the Director of the Central Intelligence Agency and the Treasurer of the state of California to address your grievances, many of which have no nexus whatsoever with Merced County. I would like to believe that you do not seriously hold the view that I have the power to summon these individuals to a meeting with you."¹ (See pg. 5)

Badger Flats Gazette

“Despite your conspiratorial suspicions and allegations, I have no interest in your affairs beyond evaluating whether a crime has been committed that requires prosecution by our office.”

“Your suggestion that a vast conspiracy exists to deny you constitutional protection is a creature of your own imagination.”

Larry, let me be perfectly clear with you. Any and all attorneys that have looked at the matter of your filings against me cannot phantom how you could commit such a blatant breach of your duties and quizzically wonder what would cause a DA to endanger his entire career by doing such. They also cannot understand why the Attorney General’s Office did not follow standard procedure and assign a special prosecutor in your stead.

I opine that the real answer to the riddle is not what a DA would do, but how far a father would go to help his son get his sentence lowered by nine years. I think Larry that a deal was cut and I was used as the bartering chip.

You did not have such a heavy bartering chip until after I was falsely arrested and assaulted on July 21st, 2009. Therefore, I submit that the significant changes between July 15th, 2009 and December 2nd, 2009, which effected your son’s decrease in sentence was my false arrest and your filing retaliatory charges against me in September 2009.

Your letter of August 26th, 2009 clearly states that the Attorney General’s Office admitted that they had the same conflict that you did in my cases. Therefore, it wasn’t decided there wasn’t a conflict for both you and the AG’s Office...it was decided that you both had the same conflict.

Therefore, both you and the AG’s Office willfully conspired to launch a retaliatory/vindictive prosecution against me. You were put on the front line to take the fall...*IF*...in the unlikely event things did not go well...and they didn’t...BIG TIME.

When I received the terrorist from Donaldson, which I am confident an independent investigation would reveal that Jones was the perpetrator ofand you finally realized that I did in fact have an audio recording of the assault upon me by Picinich (which you refused to listen to prior to filing charges)...you realized that not even the destruction of the surveillance videos of the first incident of February 24th, 2009, would stop your slide down the slippery slope you found yourself upon.

It is my firm belief, even though it may be hard to prove...but not impossible...that you were willing to take the front position on filing what are clearly retaliatory/vindictive prosecutions of me in order to get your son’s sentence lowered.

I want to be clear about this communication to you. At present I am represented by an attorney, Ms. Barbara O’Neill, who was assigned by the Merced County Defense Associates. Ms. O’Neill only represents me in the cases emanating from my arrest on February 24th, and July 21st, 2009. Ms. O’Neill does not represent me on the case filed by your office concerning my arrest on February 28th, 2010, or the matters of the bogus investigations conducted by your offices of Donaldson, Jones, and McGhee.

I did not discuss in advance with Ms. O'Neill this communication to you, nor did I seek any legal advice from her in drafting this letter to you. There was no need to, nor would it have been appropriate for me to do so. At this time, I represent myself in pro per until assigned a public defense attorney for the February 28th, 2010 incident. *A courtesy copy of this letter is being sent to Ms. O'Neill for her files.*

With that said, so it is clear, this communication, though mentioning the matters of the previous filings as background, was not a communication to the DA's Office on such cases.

The communication was to put on record that again you have already filed another retaliatory/vindictive prosecution against me based upon my arrest of February 28th, 2010, and you have unethically participated in whitewashing, and I allege covering up the death threats made against myself and family by Donaldson and Jones.

With the above said, I request that I be provided any and all evidence in your possession that you based your filing of charges against me stemming from my arrest of February 28th, 2010 within the next seven days.

On a personal note, I sincerely hope that your son is doing well under the circumstances, and if it is that you were able to use me as bartering chip, I hold no ill will. But, at the same time, it does not alleviate the fact that such should not have been done, if it were.

Either way, you do need to be held accountable for your retaliatory prosecutions of me even if there is no apparent direct *nexus* between myself and the lowering of your son's sentence.

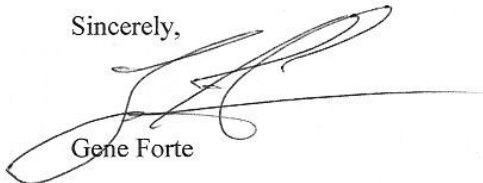
But, I do believe there is a very clear nexus between Lockyer and I, between you and Lockyer, between Lockyer and Chief Justice George, and between George and Judge Gness.

I would also dare say that if Mr. Leon Panetta, Director of the CIA, can't figure out who they all are and be able to pick up the phone and make a call...well, I just don't think any American would buy it.

Again, this letter is not meant to violate the attorney relationship I have between Ms. O'Neill and ADA Turner in her representing my interests in the case she is assigned. The copy of this letter to ADA Turner is due to his informing me that he was filing the charges concerning my arrest of February 28th, 2010, *that Ms. O'Neill does not represent me on*, and to you regarding the matters of McGhee, Jones, and Donaldson.

If you have any questions or would like to sit and discuss this, please call. Thank you.

Sincerely,



Gene Forte

PS: For the record, I have documented extensively the conflict of Mr. William Davis, my previous public defender, who shares offices with your wife, Ms. Cindy Morse. Davis did not disclose such to me for an inordinate period of time and then, only when I actually went to his office and saw your wife's name on the door.

Cc: B. O'Neill, ADA Turner, Merced County Supervisor Jerry O'Banion

¹ Your attempt to marginalize my request, and smut me up, washes away when the names of the parties are input. The director of the CIA is Mr. Leon Panetta who hails from Monterey, California, who you know had contacted me directly and asked if I could just “move on” when I was bringing heat to Monterey Superior Court Judges (which led to seven judges’ early retirements). You were aware that Panetta did not disclose to me at the time of his contact that his attorney son, Christopher, was employed by the Fenton & Keller Law Firm, that I have evidence had “fixed” a real estate case against me that I was a plaintiff in. Ex-Monterey Judge Richard Silver said that I had been victimized by the attorneys (but did nothing about it except retire).

The Treasurer of California is none other than past Attorney General Mr. Bill Lockyer, who had filed what Judge John Golden called a “purported motion” to declare me a California Vexatious litigant which I soundly defeated. It is no small matter that you personally worked with Lockyer in helping to draft such vexatious litigant statute. Lockyer also was the attorney representing Judge O’Farrell in the case of *Forte vs. O’Farrell* that he had filed the unmeritorious “purported” vexatious litigant motion in, not for O’Farrell, but for himself personally and Governor Arnold Schwarzenegger. It is also no small matter that the Judge presiding over the case of *Forte vs. O’Farrell*, was O’Farrell who I had to file a CCP 170.3 because he did not voluntarily disqualify himself.

It is no small matter that Lockyer was also a named defendant in the Federal case of *Forte vs. Knight Ridder*, and that he was sitting alongside Chief Justice Ronald George and Sixth Appellate Court Presiding Justice Conrad Rushing on the nomination committee of Monterey Superior Court Judge Wendy Duffy. It was at that hearing that I presented solid evidence of the corruption of the Superior Court bench that Duffy ignored and thereby participated in. It is also no small matter that Lockyer’s “purported motion” to declare me a vexatious litigant was filed only two days before my presentation.

It is also no small matter that Lockyer participated with Chief Justice Ronald George in changing the Guidelines of the Commission on Judicial Appointments by attaching a copyright to the video of the public hearing in order to prevent me from obtaining a copy of it AFTER I had requested it in when there was no copyright. I should also say, how in the hell do you copyright a public document?

The nexus which you claim does not exist clearly exists when it is known that a ludicrous Request for Judicial Notice of the **defeated** motion to declare me vexatious litigant was made in the Tetra Tech case that you are a defendant in. My successful opposition to the Request for Judicial Notice done by the Tetra Tech attorneys (which was done to perpetrate a fraud upon the court and paint me in a bad light) requested that the Merced Superior Court hold to their Canon of Judicial Ethics and request an investigation of the Monterey Superior Court and the parties involved in bringing such motion (Lockyer, Schwarzenegger). The Merced Superior Court response to such was to issue an extremely rare blanket recusal of the bench in all of the cases I was involved, including *Forte vs. Jones*.

President Obama is an African American, who named Mr. Leon Panetta as director of the CIA, notwithstanding the fact that I had sent numerous packages of well documented information to his aides, Senator Feinstein and the vetting committee prior to Panetta’s appointment. The information clearly showed that Panetta was aware of the corruption within the Monterey Superior Court, and that co-members of his within the Monterey County Bar Association were involved in fixing cases.

Mayor Tommy Jones is also an African American, was busted by the FPPC due to my complaint, who you ignored pursuing felony perjury charges against for not disclosing loans on his FPPC documents, and now, after the time of your letter, I assert has issued death threats against me. It is also no small matter that Mr. Cory Pride is an African American who has repeatedly written poisonous slanderous articles about me, laced with false facts, and who in fact was able to strike me in public in the presence of law enforcement captured on video and you do not bring charges against. It is of the utmost importance for the credibility of the presidency that there is no hint of racial favoritism given to African American public officials that in the case of Jones attempt to use the color of his skin to cover for their crimes, and in my case assault me publicly with the aid of McClatchy Newspapers who were also co-defendants with Lockyer in *Forte vs. Knight Ridder*.

In a sentence Larry, a conspiracy does exist at the highest levels of our government to keep concealed the substantial evidence I have that will seriously damage the public’s faith in the integrity of the entire judicial system. You

attempted to take advantage of such, for what you thought would be for your own personal benefit concerning your son Dylan, which is explained further in the letter above.

As they say, you gents may be able to fool some of the people some of the time, but you cannot fool all of the people all the time, especially in my situation.