

BADGER FLATS GAZETTE

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"Dos Palos Y's"

INTERVIEW WITH EX-CHIEF OF POLICE BARRY MANN

Just minutes prior to going to print, The Badger completed an interview with ex-Chief Barry Mann. There are new trails to follow, and the Badger is going to be doing some more digging. In the meantime, and until the next edition, here are some questions for you to ponder.

1. Why would DP city attorney, Scott Jordan, deny knowing anything about forgeries on a petition, and Chief Barry Mann say emphatically that he told Jordan directly about it?
2. Did the breaking down of Mary Saavedra's door by DP Officers in search of a juvenile, who said he was "going to put a bullet in the head of Chief Mann," trigger the petition drive?
3. Does a certain Council Member carry a grudge against Chief Mann for arresting a family member?
4. Do the events of the cabal today circle back to the former DP Police Chief, Paul Lopez, being convicted of embezzlement?
5. Is a local DP businessman, who was once convicted for bank robbery and is now under investigation for possession of stolen property, one of the driving forces behind the Petition to have Mann removed?
6. Why is the father of one of the juveniles that circulated the Petition saying that his daughter was coerced into getting signatures?
7. Why is the new DP City Manager, Ayala telling ex-Chief Mann that the City Council was "setting Mann up to fail" according to Chief Mann?
8. Why has the City Council or Mayor never allowed Chief Mann to explain his position or address accusations against him?
9. How in the world could members of the DP City Council and Mayor Montejano justifiably fire DP, City Manager, Daryl Fonseca who refused to take action against Chief Barry Mann based upon a Petition that is now under heavy scrutiny?
10. How can such events of an outright government meltdown take place during election time and no want-to-get-your-vote politician steps up to the plate to demand a major investigation?
11. Could it be that public officials do not want to incite the natives to riot and point fingers at each other?
12. Where is Attorney General Bill Locker in this, and is he systematically helping to cover public official corruption up?
13. If the DPPD is not being taken over by the Merced County Sheriff's Office, why wasn't a DPPD Officer chosen to take Mann's spot when he was put on leave instead of a Merced County Deputy?

Look for the Badger Flats Gazette, and the next episodes similar to a Bullwinkle Show*"Badger Stew a la Lockyer"* or *"Lockyer, Tell Me It Ain't So!"*

SPECIAL REPORT: PART I

THE DOS PALOS "Y's"

by Gene Forte

PREFACE

The following CASINO NIGHT SPECIAL EDITION is a compilation of information from interviews conducted with confidential sources and public officials that spoke on the condition of anonymity. It contains personal opinions of its author and suggests scenarios that are *somewhat* speculative in nature. It is a preview of the type of reporting the full sized, eight page, Badger Flat Gazette, will be.

If any members of what has been mockingly referred to in the report as "cheap knock off versions of the Sopranos" are able to read and take offense, well—so what? Even though the author is part Italian, and vicious rumors have been spread that he is "connected," don't you boys believe it. It has also been said that he is "connected" with the Feds. Candidly, the author submits he doesn't know which untruth would be worse for you if true. The author steadfastly denounces both wild accusations...but *just thought any of you never-do-wells should know.*

WONDERING WHAT IS GOING ON?

For those of you that have been following the story about the cabal in Dos Palos by the Los Banos Enterprise and Merced Sun-Star, this report will provide you with information that may help you answer some questions you might have. The focus of the story that they feel is important to the public is quite different than that of what the Badger Flats Gazette thinks is important for the public to consider. (As a fair disclosure, both papers are owned by McClatchy Newspapers, and the author of this report has a Federal lawsuit C06-03948RS pending against McClatchy Newspapers. In a nutshell, the allegations are that the Monterey Herald, while owned by McClatchy Newspapers, participated in covering up public official corruption in Monterey County.)

WHAT OTHER NEWSPAPERS HAVE REPORTED

For those of you that have not read any of the news reports by McClatchy Newspapers after a few months of investigations by them, it is summarized below.

The Merced Sun-Star and the Los Banos Enterprise have reported that: Dos Palos Mayor Montejano and Dos Palos City Council requested state police protection from Dos Palos Police Chief Barry Mann and his officers.. ...Mayor and City Council ordered City Manager Daryl Fonseca to fire Chief Mann.....Fonseca refused...Mayor and City Council fired Fonseca...Daniel Ayala was hired to be new DP City Manager....Mayor and Council denies it was to fire Chief

Mann.....Merced County DA indicted two DP Police officers who Chief Mann had put on Administrative leave on October 13th, 2006.....Merced County Sheriff Deputy Sergeant Jason Goins takes charge of Dos Palos.....Ayala says that it is not a "take over of the DPPD".....Mann says it is....there are angry citizens on both sides of the fence.

THE BADGER TAKES A BITE AT IT - FORGERIES ON A PETITION?



The real story should not start with why the Mayor and City Council fired Daryl Fonseca. The focus should start with why does the Petition to remove Chief Mann, which was used by the City Council and Mayor Montejano to justify ordering Fonseca to fire Chief Mann, contain allegedly forged signatures of citizens? The Badger understands there have been police reports filed about it.

"Digging For The Truth"

You will also notice that the insert of a portion of the petition (See Fig. 1 on page 2) contains several names with signatures that look astonishingly the same. Even though most would think a petition should be signed by the person who is doing the direct complaining, and not by someone on his or her behalf, there should be an indication about it. For example, when a secretary signs the boss's name, she signs her initials behind it. But in light of the fact that at least one Dos Palos citizen has filed a police report saying that their signature was forged on the petition, maybe there ought to be a closer look at every signature on that list?

Supposing, and I am just saying supposing, if Mayor Montejano went around from house to house with a copy of that same petition, which now has been revealed to contain allegedly forged signatures, and mischaracterized what it really was, what then? Let's say Mayor Montejano misled people who trusted him to think that it was a voter certification for getting his name on the election ballot, what would you think then?

What if one of those people that Mayor Montejano *may have duped* for a signature started to compare notes with folks at church during small talk regarding what was signed? What if that person then raised holy hell when he found he actually signed a petition to remove Chief Mann? Wouldn't it be a kick in the head if the petition page, with the person's signature on it (along with neighbors on the same block), was taken from the Petition that was given to Mayor Montejano at an open meeting before it was made part of the public record?

By the way, you should know that Mayor Montejano received the petition at a DP City Council Meeting on August 22nd, 2006. Instead of handing it over to the City Clerk to make it part of the public record as he is required to, Montejano stuffed it in the

(See FORGERIES, Page 2)

(FORGERIES, from page 1)

back of his personal notebook, and took it home with him. When the DP City Clerk asked for a copy of it for the records, DP Attorney, Scott Jordan, first backed the position of Mayor Montejano, saying that Montejano did not have to hand it over.

DP CITY ATTORNEY ON THE LINE WITH THE BADGER

The Badger decided to get Jordan *on the line* to speak about this. Jordan openly stated that *after* seeing the document that Mayor Montejano took home, he reversed his position, and essentially told Mayor Montejano to cough it up. The "cough up" is the Badger's words, not Jordan's. The Badger does not want to be overcritical of DP City Attorney Jordan, but only suggests that it may be prudent that before Mr. Jordan gives an opinion about a document, he should take a look at it first.

When Jordan was asked by the Badger when the City Council members finally got a copy of the Petition, Jordan told the Badger that he is not sure if they ever received a copy, right up until October 13th, 2006. The Badger did get a little bit confused on that one, but Jordan helped the Badger to get back on the trail. Jordan explained that the document is *now available* for all of the City Council Members to see, but they have not necessarily looked at it. Hmm? Why did the Badger just get the flash of the three monkeys as a caricature of the DP City Council? You know, "See no evil, Hear no evil and Speak no Evil"?

While the Badger had Mr. Jordan still *on the line* he was asked if he noticed the similarities of a number of the signatures. Jordan said, "I didn't look any further than the first page and just put it down." The first page does not contain signatures. The Badger asked Jordan, while he was still *on the line*, if Jordan was aware of allegations of forgeries on the petition and of police reports of such. Jordan's reply was, "I haven't heard a thing about it, and I don't know nothing about it."

The Badger would like to think that it did some super detective work and dug down really deep to discover the specious nature of this petition concerning the forgeries. But the Badger really can't pat himself on the back that much. It really was a very simple piece of cake. Much of such was already out of the bag from meetings at City Hall.

In fairness to Mr. Jordan, when he's in the same position as Sergeant Schultz, of "Seeing Nothing, Knowing Nothing, and Hearing Nothing!" what's a guy going to do? Lie about it, and say he knows it all just to get *off the hook* for not knowing something?

Perhaps, since the Badger has given Mr. Jordan a head's up, he'll look into it? In fact, the Badger is making a note right now to get Mr. Jordan back *on the line* and ask him if he's looked at the Petition more carefully just for the heck of it!

ARE WANNABE SOPRANOS LURKING IN THE BACKGROUND?

What if one of the City Council members met privately, late at night, shortly before the petition was circulated with some one that may, or may not, have family members known to consort with what small town folks would consider never-do-wells.

The type that may think they're the Sopranos, but are nothing more than cheap knock off versions dealing in some really ugly prostitutes and bad drugs? What if that same City Council member was ticked off at Chief Mann because he was connected to the arrest of one of his/her close family members?

Confidential sources told the Badger that some of the individuals trying to get the petition signed to remove Chief Mann had police incident reports filed against them when they refused to leave citizens' premises that didn't want to sign the petition. Boy, talk about tough door-to-door salesmen.

ARE FELONIES BEING COVERED UP?

The Badger Flats Gazette is going to explain how, if it kicks the shin of AG Lockyer and the Good ol Boys in Monterey, the Merced County District Attorney rolls into action to protect what the Governor called in the movie *Blazing Saddles*, "our phony baloney jobs." The most recent kick concerns the Dos Palos cabal, but the Badger will show how other kicks involved may have helped to get DA Gordon Spencer wave, "Bye-Bye."

On Wednesday, September 28th, 2006, I informed four people, Mayor Mike Amabile, Mr. Dave Brown, Mr. Joel Whitehurst, and Mr. Tony Dutra, that the Merced County District Attorney's Office did not want the public to know that they had given two Dos Palos Police officers get-out-of-jail-free cards for dumping a person outside of the city limits of Dos Palos so that the County Sheriffs would have to handle arresting the guy instead of themselves.

I also told each that the Merced DA was not taking action, and that was going to be a breaking story in the Badger. I also told them that I was going to be laying this directly upon AG Lockyer who is suppose to make sure that DA's do their job and not cover up crimes.

Well, coincidentally, the following day, on September 29th, 2006, the Merced Sun-Star ran a story saying that the Merced County DA indicted two Dos Palos Police Officers for "dumping" a prisoner and false arrest. It boils down to a violation for police officers not doing their job and a misdemeanor. But, that was only a quarter of the story, and not where the real problem lays for us citizens, the Merced County DA, and AG Lockyer.

Let me suggest to you, based upon information developed from confidential sources, how the Merced County DA and the Merced County Sheriff's Department may have gotten into a sticky situation, and what that sticky situation is.

When the Merced County DA first looked into the matter as reported to them by the Merced County Sheriff's Department, one of the Dos Palos police officers lied about his involvement during the initial investigation. A lie told by a police officer under penalty of perjury during such an official investigation could be considered a felony,

(See *FELONIES*, page 3)

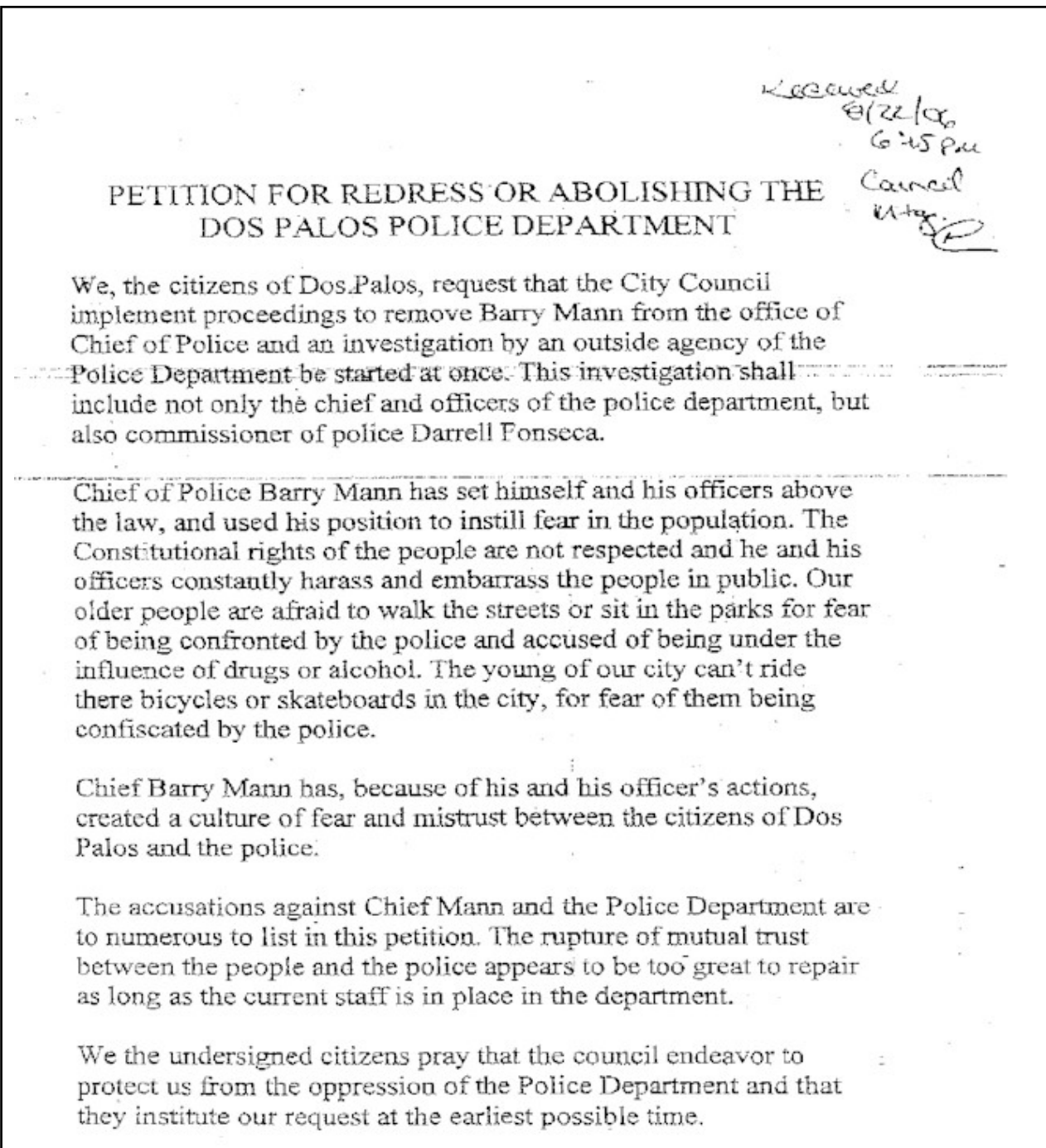


Fig. 1 Petition cover page that Dos Palos citizens said they were not being presented when asked for signature. Citizens filed complaints saying that they feared reprisal from individuals circulating petition if signature was not given. Mayor Montejano took paper home saying he thought it was a personal matter, not a city matter.

(FELONIES, from page 2)

not a misdemeanor. It could also be considered what is called obstruction of justice.

You have also heard the saying, "One lies and the other swears to it"? Well, sometimes when old adages are applied, you can save yourself an awful lot of costly legal research and head scratching.

The DA's department then gave the option to the Dos Palos Police Department AND the City Council to "handle the matter discretely" themselves, or the DA would step into the picture and prosecute the matter. But supposing one of the police officers was a favorite choice of some of the City Council Members and the Mayor for taking the job of Chief of Police instead of Barry Mann?

Now, what if that favorite choice also said that Chief Mann was involved in all kinds of improprieties at the DPPD. Those type of allegations certainly would wet the chops of members of the City Council that might have it in for Chief Mann. It certainly would be music to the ears of Merced County Sheriff Pazin because it helps along the idea of his taking over the DPPD.

Long story short, the officer was

given the option of resigning or being fired. The heat was seemingly off everyone.

The magnanimous gesture by the DA not to prosecute the matter would head off all of the bad news going public. The bad apple officer could get a job at another supposedly uninformed police department. Oh, let's say like here in Los Banos, Newman, or Gustine. By doing so, us stupid sheep would be none the wiser and the public faith in our public officials would remain intact.

But the best laid plans of mice and public officials trying to cover stuff up went wrong. The slick little blue devil tried to withdraw his resignation, and also said that he lied about lying. Oh, no! What was the Merced DA going to do about this? They were now in deep water if the public found out they were letting a felon get away, and the alleged felonious police officer could leverage such fact to make sure they didn't prosecute him.

GOOD OL BOY DA'S TARNISH THE INTEGRITY OF GOOD PEACE OFFICERS

The end result of the Good ol Boys at the DA's Office trying to keep the illegal acts of bad officers from public view jeopardizes

the integrity of all the good police officers. I personally think that our good officers deserve much better than that. AG Lockyer certainly does not want to expose that the DA's office has involved themselves in what would be legally termed a misprision of a felony, which means in simple terms, they have implicated themselves in covering a felony up.

Why? Well, I am sure that DA's have even more evidence of cover-ups by AG Lockyer than I do, because it is business as usual for them, and they have all done it before. It's the old if you rat on me I will rat on you.

The Badger takes the position that everything possible should be done to make sure that our police officers are afforded the dignity they deserve. When DA's go soft and cover up the crimes of some bad apples because they fear that those bad apples have the goods on DA's that are bad, the citizens and good police officers suffer.

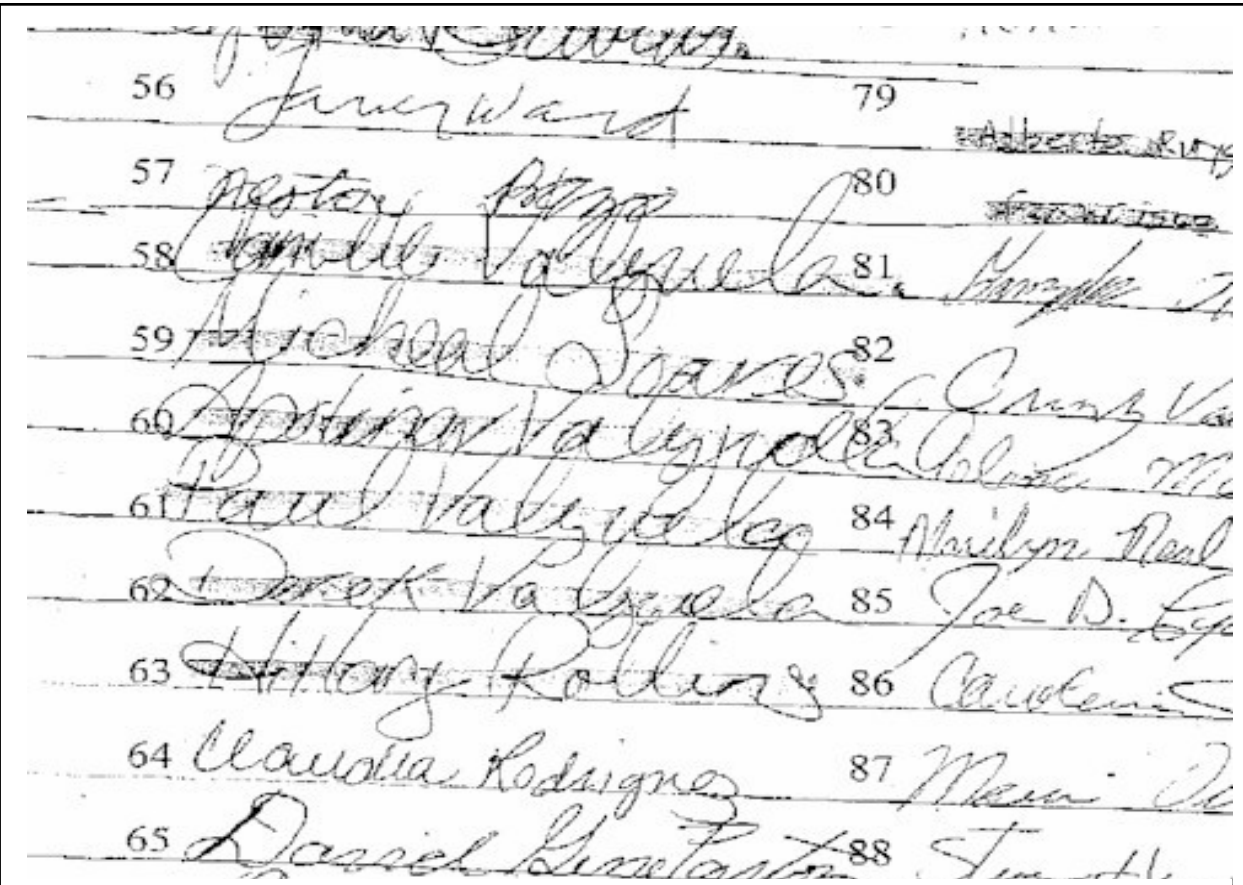
MORE PLAYERS ENTER THE GAME, MERCED COUNTY SHERIFF PAZIN WANTS MORE TURF?

More players are coming into this everyday. DP attorney, Scott Jordan, has been given a stern demand to provide information to the Operating Engineers Local Union No. 3, that represents the Dos Palos Police Officer Association, by 5:00PM, October 16th, 2006, or face civil action. The Badger interviewed Mr. Doug Gorman, representing the union and well...he was mad as a Badger!

It seems that clandestine meetings were taking place between the City Council of Dos Palos and the Merced County Sheriff's Department about closing down the DPPD. Gorman says the union was suppose to be informed about such matters, but was not. You know a little birdie told the Badger that Merced County Sheriff Pazin was meeting on the QT also with Mayor Montejano.

All the while, Montejano was saying publicly that he opposed the closing of the Dos Palos PD. Hmm? But why is it that reliable sources also informed the Badger that Montejano privately was singing an entirely different tune. It couldn't be that a politician would tell a lie to get a vote?

Who would ever think that Sheriff
(See **MORE TURF**, page 4)



Portion of signatures on Petition that is coming under scrutiny due to alleged forgeries. DP, Attorney Scott Jordan says he knew nothing about accusations of forgeries. Chief Mann says that he brought it to Jordan's direct attention. Do signatures on lines 58-63 look like they are signed by the same person? Police reports have been filed.

NOTICE TO ADVANCE SUBSCRIBERS

Due to the high level of activity of public officials (uncivil civil servants) running amuck there is neither enough time nor space to update you in much detail about anything. The above snippets about matters and the rushed Special Casino Night Edition will be covered more fully in the Badger Flats Gazette, which I hope to have out by the end of this month.

To those of you that have been kind enough to have already subscribed, thanks. If you're wondering why your checks haven't cleared your bank account yet, it's because I haven't deposited them. I don't plan to until after my first issue is out. In short, since the announcement of the debut of the Badger Flats Gazette, the Good Ol' Boys have increased their efforts in trying to keep me pre-occupied.

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FBI Says They're Tough on Official Corruption, But are They?

by Gene Forte

Did you know that public official corruption is ranked as the fourth highest priority of the FBI?

The FBI's official position is summed up as, "Abuse of the public trust cannot and must not be tolerated. Corrupt practices in government strike at the heart of social order and justice. And that's why the FBI has the ticket on investigations of public corruption as a top priority."

With that being the case, why is it that some *want-to-get-your-vote politician* doesn't make striking down public official corruption job number one? Well, I'll tell you my humble opinion why. The philosophy of going-along-to-get-along with his or her fellow public officials is far more important to his or her political career than your one time vote.

What never ceases to amaze me is that every political campaign manager I have spoken to tells me that the public is not interested in public official corruption according to the polls they conducted. I submit that if a poll is conducted that doesn't ask the question, then you won't get a response. In other words, "Don't ask the question you don't want the answer to."

A public official/politician knows better than most of us citizens that there is not a thing that can be done to take them down for public official corruption. Even though the FBI touts this as one of their highest priorities, in reality, they will only react when another public official rats on another. How often does that happen? About once in a very blue moon, and then, of course, politics are involved.

The real story of the public official corruption gets buried by partisan views. As an example, what is taking place in Merced County concerning DA Gordon Spencer, is left hanging in mid air. The simple question as to who left the barn door open never gets answered. The old, "the investigation is confidential" is used to politely tell citizens it's none of their business.

When a citizen picks up every newspaper, or tunes into every TV channel, and the same statement is made, then it starts to become what is commonly accepted as a truism. In that regards, I go along with the character of Ferris Bueller, who said that "isms" aren't good.

The question really needs to be simply asked, "Why are investigation of public officials by public official confidential?" Could it be that newspapers do not push the envelop on such a question because they want to make sure they get plenty of those political advertising bucks?

The Badger Flats Gazette is going to delve into those areas and not just with cheap talk. The Badger is going to encourage its readers to comment and give their opinions which will be posted regularly.

Currently, yours truly has a Federal lawsuit pending against Knight Ridder/McClatchy Newspapers alleging that they have been intentionally omitting facts and stating false facts to aid the covering up of public official corruption in Monterey County. At last count, there are eight judges under investigation due to a piece of evidence I filed in November 2005.

The Monterey Herald, however, makes sure never to mention my name, even in its article of just last week concerning one of the judges of the Superior Court. It makes sure never to mention that the evidence causing the investigations was filed in my court case. Why? Well, we'll go into detail about that in the Badger.

Let me leave you with a couple of things to think about starting with a question. Have you ever heard of "Operation Greylord"? I doubt very much if you have.

It was a FBI Sting Operation which took place in

"Watch Out For That Gavel"

In each of the Badger's issues, there will be segments from books that are in development, or available, authored by both Eileen and Gene Forte.

The books discuss what a person is up against when they stumble across, or is sucked into, the legal arena in civil matters, not criminal.

Basics of how the civil legal system works is explained in simple language not legalese, so that anyone can understand it.

Segments also focus on the rules and plays of what we call the Good Old Boys Game. So you, our reader, can hopefully keep yourself from being smashed by the old gavel.

Nothing from either Gene or Eileen can be considered legal advice or opinions. They are not attorneys and can not provide you any legal advice. If you have a legal issue you should consult an attorney, and hold on to your wallet as tight as you can.

The following is an excerpt from the introduction of the book:

"Watch Out For That Gavel"
by Eileen Forte

"Aaaahahahaaaaahhh.....thunk!!!"

Ouch!! My God!! Where did that come from?!? You are startled, jolted, shocked. You are George of the Jungle as you swing through the trees. Happy with your life, you exult in the thrill of the ride. Then out of the blue, you smash into the trunk of a tree. You are dazed and stupefied.

We are the ordinary people of this country. We can run headlong into something absolutely unexpected — the legal system as we never expected it to be. So, when you see this problem, how do you fix it?

The first step is to expose the

Chicago in 1984. At the root of the investigation were the fixing of traffic tickets for bribes. All in all, 92 public officials had been indicted, including 17 judges, 48 lawyers, 8 policemen, 10 deputy sheriffs, 8 court officials, and 1 state legislator.

Some of you may recall when I was writing the 'Tar & Feathers' column in "The Paper" in November of 2005, I focused upon the investigation conducted by Monterey County District Attorney Flippo of a Commissioner Richard

WATCH OUT FOR THAT
GAVEL!!



problem.

You say, that's what the newspapers and news programs are supposed to do. Yes, the media should be a check and balance. But what if it refuses to accurately report stories exposing certain important, powerful persons in your local area? Suppose the media are in bed with them? What if it's in their best interest to cover up corruption? Corruption can then flourish. You can be swept under the rug and stepped on.

Of course, we all want the fair, just, and great country we grew up believing in. Therefore, we all need to stand up and fight for our rights. But it's not easy. First, you need to realize that mainstream media will *not* tell any story that puts them against the big, bad boys' club in town, or as an attorney once told us, the "Good Old Boys."

The views and opinions expressed in the **Badger Flats Gazette** are solely those of the writers and do not necessarily reflect the views and opinions of Badger Flats, LLC.

There will be on going reports on the Dos Palos matter. Readers are encouraged to phone in, or write in with information, opinions, etc. Your name will be kept confidential if requested.

Complimentary copies available upon request.

Rutledge for ticket fixing.

Well, across the next year, Badger readers will be following a blow by blow knock down fight between myself, McClatchy Newspapers, Governor Schwarzenegger, AG Lockyer, and the Good ol Boys of Monterey County.

I will also show you how the public corruption in Monterey ties right back here to Merced County and DA Gordon Spencer. It is a very small world indeed.

(**MORE TURF**, from page 3)

Pazin would do something underhanded like that? Hell, next he'll be accused of putting a guy in jail to steal his property. Wait, didn't that already happen in a Federal lawsuit of RICHARD BYRD VS. PAZIN, SPENCER, HOSTETLER, ET AL? (You can bet your petunia the Badger will be all over that mess)

SOME QUESTIONS TO PONDER

Was Merced County Sheriff Pazin the guy that would benefit the most from the utter meltdown of public officials in Dos Palos?

Did Sheriff Pazin, with the help of the Merced County DA's, help careen the career of Chief Mann into a tree to take over the Dos Palos PD?

Did they orchestrate a scorched earth policy, not thinking for a moment that