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**MONTEREY COURT CORRUPTION**  
**"JAIL TIME & DOMINOES"**

by Gene Forte



Dedicated to America's favorite real life G-Men, "Elliot Ness & The Untouchables"

**Preface:** Okay, Badgers, sharpen your claws and teeth. Do a few push ups. Look tough! Use your dime to call Gertie. Tip her to put a file in the cake...you're gonna see some jail time! Well, actually not you. The Badger's already done the stretch for you — eight hours in Monterey County Jail!

The Badger says he could have done it standing on his head. The truth be told — the Badger spent most of it peacefully napping after munching down too many donuts with the guards in the squad room. No matter, it is a very serious thing when your freedom is taken away. The reasons will be provided to you in this edition for your consideration.

The Badger's trial and jailing by Monterey County Superior Court Judge Robert O'Farrell is similar to, "Judge Al Capone presiding over the trial of Elliot Ness." (See Fig. 1, p. 5, for info on Elliot Ness.) It was the first domino tipping back on the Good ol' Boys. It started a cascade of dominoes, each act of corruption exposing more than the last.

As Americans, as humans, we are conditioned. If a person accused of a crime tells us something, it is always taken "with a grain of salt." We're taught to believe a person is "innocent until proven guilty," but it's an

illusion. When a judge finds a person guilty of a crime, that person holds as much future credibility as a rusted bucket holds water.

Remember the movie "Shawshank Redemption"? When any inmate was asked, "Why are you here?", they winked, smiled, and replied, "I'm innocent. My attorney screwed me." I can't use that excuse because I wasn't permitted an attorney at my trial.

Sit back, put your feet up, look through the bars, and be informed of facts supported by court documents. Who knows? You might understand why I was able to "nap peacefully" instead of prowl back and forth like a caged Badger.

When asked what I was in jail for, I say with a wink and a smile, "Because I caught a crooked judge!" Read on and reach your own conclusions about the truthfulness of my answer.

**HOW A CASE WAS FIXED**

It all started with a real estate lawsuit where I was the plaintiff. The Good ol' Boys got in trouble with me when I caught the attorneys fixing the trial. These attorneys  
*(JAIL TIME, Continued on page 5)*

**THE BADGER FLATS GAZETTE WILL BE AVAILABLE AT:**

**Los Banos**  
**CALIFORNIA DAIRIES, Inc.**  
 G & N Street on Santa Rita, (209) 826-4818

**FANTASIA RECORDS & TAPES**  
 921 6<sup>th</sup> Street, (209) 826-0197

**Monterey**  
**SMOKE N STUFF**  
 541 Tyler Street, (831) 642-9714

**Pacific Grove**  
**GROVE NUTRITION CENTER**  
 543 Lighthouse Ave., (831) 372-6625

**Salinas**  
**CORRAL DE TIERRA MARKET**  
 Corner of Hwy 68 & Corral de Tierra, (831) 484-2553

(Call the Badger for a location nearest you not listed.)

**TRAILING THE BADGER**

In order to make it a little easier for you to trail the Badger articles, you will find icons throughout the paper. They are designed to lead you through the article from one page to the next and indicate phone calls, emails, etc. In this edition, the icons represent::

- Jail Time & Dominos 
-  Start Here—A Foreword Done Backwards
- Mayor Jones Viciously States Forte KKK 
-  What Panetta & The Herald Don't Want You to Know They Know
- Emails 



**START HERE**

**A FOREWORD DONE BACKWARDS**

by Gene Forte

You are now reading the final piece I wrote for this edition. It was an afterthought, and may not make total sense until after you have read the Badger probably two or three times. The Badger is a real life mystery novel that is, as they say, "Stranger than

*(START, Continued on page 2)*



**MAYOR JONES VICIOUSLY STATES FORTE IS DANGEROUS KKK MEMBER**

by Gene Forte

Mayor Tommy Jones told me he wasn't going give me an interview to discuss the progress of the city, and his reason was this, and I quote, "You scare the hell out of me! You're dangerous! Nothing you write makes

*(KKK, Continued on page 14)*

**STOP LOCAL CORRUPTION**



**\$1,000,000 CLAIM FILED AGAINST MAYOR JONES**

*(See Fig. 20, page 2)*

A claim has been filed against the City of Los Banos due to Mayor Jones slandering me publicly while performing his official duties. It is the first phase prior to filing a lawsuit. I am not going to waste my breath with Mayor Jones asking for a public apology. Even if he

*(CLAIM, Continued on page 2)*



**NEWSPAPER/ PUBLIC OFFICIAL CORRUPTION**

**WHAT LEON PANETTA & THE MONTEREY HERALD DO NOT WANT YOU TO KNOW THEY KNOW**

by Gene Forte

On December 4<sup>th</sup>, 2005, The Monterey Herald falsely informed its readers that I was declared a California Vexatious litigant by the court in the case of Forte v. Judge Robert O'Farrell. The title of the front page, 2000 word article was "County Judiciary Under Fire." In this paper, you will be provided proof that at the time they printed the article, they knew that I had defeated the motion. **I was NOT declared a vexatious litigant. So, why did they tell you I was?**

On December 16<sup>th</sup>, 2005, they ran a small correction saying that their "mistake" was due to an "error" in court records. The statement is a deliberate lie and cover-up.

*(HERALD, see page 21)*



(CLAIM, Continued from page 1) gave one, it will would make no difference.

The claim is being made for \$1,000,000.00 taking into consideration they aren't going to pay a dime, even if I was to hypothetically ask for \$5.00. Therefore, when they deny my claim, and I am forced to file my lawsuit in Superior Court, I can seek the damages of \$1,000,000.00 and not be limited to the hypothetical \$5.00.

If any citizen, or blind supporters of Mayor Jones think I am making a big deal out of nothing, it is those same citizens I blame for letting our government get out of control as it now is. They have not lifted a finger to stop the assault upon citizens by government officials and would rather sit back and let our country go to hell in a hand basket. Therefore, they reap what they sow at this time. I certainly am not going to stand by, or not stand up to a public official attacking my good name without trying to stop it.

Unless, Mayor Jones can prove I am a card carrying member of the Ku Klux Klan then he again has put the reputation and the financial coffers of the City of Los Banos at risk just like he did when he accused the Los Banos Police of planting crack cocaine on him. Everyone should be reminded that Mayor Jones sued the City of Los Banos.

WHAT'S WORSE?

What's worse? Mayor Jones dealing with people questioning if the crack cocaine found in his car was his or not — Or, my dealing with the concern that some crazed racial fanatic could harm my wife or children because Mayor Jones, a public official, says I'm a dangerous member of the KKK?

If McClatchy's Los Banos Enterprise doesn't report upon this matter, and do so in a balanced and fair way, then it will prove my case against them in Monterey County. It will also show citizens of Los Banos and Merced County that their newspapers are nothing more than shells for public officials.

While the lawsuit progresses toward court I will conduct what is called discovery. In video taped depositions I will probe into other incidents where Mayor Jones may have used the technique of slandering someone as his defense, i.e., when he was busted for possessing crack cocaine.

Mayor Jones will not have the comfort of knowing that the person in charge of prosecuting the lawsuit has a political agenda using velvet gloves, and staying clear of the truth.

In closing, my feelings are that Mayor Jones has brought this all upon the City of Los Banos on his own. There is no doubt in my mind that, in the long run, my bringing him to task on this will circumvent even greater damage to the City of Los Banos under his direction.

THE END FOR NOW

NOT A MEMBER OF THE KKK

I, Eugene Forte, declare under penalty of perjury under the laws of the State of California on this day of May 8th, 2007 in the County of Merced that I am not, nor have I ever been, a member of the Ku Klux Klan.

Eugene Forte signature

(START, Continued from page 1) Fiction."



The articles in The Badger are a string of dominoes. When I start to tell you one thing, it tips into a need to tell you something else in order to make it more understandable.

I started out by wanting to emphasize the outrageous conduct of a Judge O'Farrell arresting me for something no citizen should be arrested for. But, in order to make sure you understood that I was not just some sore loser moaning over nothing, I then needed to fill you in about a Judge Velasquez being taken off the bench, and provide you copies of Disciplinary proceedings that you could read for yourself.

Then, in order to show that it was odd why Judge Velasquez didn't get himself off the hot seat by ratting out Judge O'Farrell for what he did to me, you need to read the letter I wrote to the attorney representing Judge Velasquez. The letter documents my conversation with him.

The information you will receive in The Badger Gazette is not available in a similar format anywhere in the United States, or the world for that matter. Humbly, I will tell you that some have told

me that it is the creative genius of yours truly. Others say is that it is an ingenious plan of mine to trap the Good ol' Boys and expose them to the public.

NO CREATIVE GENIUS

I don't consider myself any sort of a creative genius by any stretch of the imagination. I don't necessarily consider what I am doing as an "ingenious plan to trap the good ol boys." The Good ol' Boy public officials trap themselves. I didn't, as the Good ol' Boys sometimes say, "set them up" to do criminal, heinous, stupid things, etc.

As an example, I did not put the words into Mayor Tommy Jones' mouth, nor did I trick him into telling one of my best friends, an African American, that I was a dangerous KKK member. No, Mayor Jones did that all himself by letting his arrogance get the best of him, a common Waterloo for many would-be tyrants.

As a final precautionary note and disclosure, nothing told to you in this Badger can be considered legal advice or legal opinion. I, Gene Forte, am not an attorney and have had no formal legal training whatsoever. It has been disclosed to you. Enjoy the read.

THE END

CLAIM FORM CENTRAL SAN JOAQUIN VALLEY RISK MANAGEMENT AUTHORITY. Includes fields for CLAIM AGAINST, Claimant's Name, Date of Birth, Address, Date of Incident, and Amount of money sought.

Fig. 20—Claim Form Filed With The City of Los Banos



Digging For The Truth

# HAVE A BADGER BITE!

The Badger takes the opportunity to share its observations about local, national, and even international matters. Some are serious, some are done in jest, and some are poised to mock events taking place around us.

## IMMIGRATION, WAR, THE ECONOMY & HEALTHCARE

The first thing I would do is order all troops immediately home from Iraq and every other location on the planet earth we are now trying to protect under the guise of democracy. In order to save on transportation, cost, and time, I would destroy every bit of equipment and ammunition where it sits.

I saw a bumper sticker one time that said, "BE NICE TO THE U.S. OR THEY WILL BRING DEMOCRACY TO YOUR COUNTRY." Democracy is an illusion created by the two party system to rip all citizens off.

I would take the money that we have been burning through at the rate of a few billion dollars a week, and educate all of our soldiers in some type of trade. Maybe finance them in some type of business. Who cares if they go broke a few times, our government cannot say they have done any better.

The men and women who have risked their lives so that we can now pay \$4.00 a

gallon for gas should get something extra. As example, they could be given gas cards from all the major gas companies and not have to pay for another gallon of gas for as long as they live. And no, the gas companies will not be reimbursed with taxpayers' money.

Next, with the money we are saving, immediately put pressure on the auto industry to manufacture a car within twelve months that either runs on salt water, air, or pee for that matter, just as long it is something that does not pollute, is cheap to make, and we do not have to depend upon any foreign country to sell it to us.

Set the outside limit of two years that all cars now running on gas will be converted to something else, whatever it is.

With all of the extra troops we have on our own soil with nothing to do, line the borders of the Unites States (including Canada) and prevent *all* illegal immigrants from entering the country. Do not use lethal force, but have the soldiers use plastic bullets if they need to shoot.

Simultaneously, make it known that all illegal aliens must be registered within twelve months. Any and all illegal aliens that have felony criminal records will be deported. If an unregistered illegal alien felon is apprehended they will be imprisoned for the rest of their life

with no possibility of parole. Wait, on second thought, we should have no fear that they will get be able to get back into our country if our patrol of the borders is effective, so deport them back to their own country. Why should we buy them their meals and provide them a place to sleep?

If the illegal felon does get back into our country, well, sorry, lethal injection should be the answer.

In order to help spur the economy, prohibit out-sourcing of tech support jobs to third world countries. There is a double benefit. It creates jobs for citizens, and will also lower the cost of medical bills associated with Americans blowing out blood vessels when they can't understand that well intended Pakistani.

Since we now have reached the point of discussing the health of Americans, I think we should prohibit the snake oil wagons, now known as pharmaceutical companies, from conning people into believing that every kid that gets a bad grade, or doesn't pay attention needs to be put on a drug.

Well, The Badger is finished with its commentary. You decide what portions are in jest, mockery, or seriousness. The answer is what you want it to be. THE END

## NOTICE TO READERS

The Badger was planning to include in this edition a follow up entitled "Speaking of Edmund" as the second part of the tribute to Mr. Edmond Lewis who had passed away recently.

An investigative report "Cemetery Séance" about the intentions of the Los Banos Cemetery to sell off property adjacent to it will follow shortly. Due to the recent developments in the Federal case pending against state and news media defendants, those reports will be delayed until next issue. THE END

## BADGER GROWLS

Readers are encouraged to send letters to The Badger for consideration for inclusion in Badger Growls. The usual rules apply in that the Badger reserves the right for final editing. Letters are limited to 500 words instead of the chintzy 150-200 in most newspapers.

Peruse the Growls that at times contains letters written to other newspapers asking why they are not reporting upon local public official corruption fully and accurately.

As example, you will find a letter written by Monterey City Councilman, Jeff Haferman to Ms. Virginia Hennessey reporter for the Monterey Herald, asking her, "What's up about not mentioning Gene Forte?" See Fig. 21, right.

THE END

**Subject:** Fw: "Judge Scott subject of probe"  
**From:** "Jeff Haferman" <jeff@haferman.com>  
**Date:** Tue, 30 May 2006 18:16:01 +0000 GMT  
**To:** geneforte@sbcglobal.net

Gene - response from Virginia Hennesey...

Sent via B/B

-----Original Message-----  
**From:** "Virginia Hennesey" <vhennesey@montereyherald.com>  
**Date:** Tue, 30 May 2006 11:00:28  
**To:** Jeff Haferman <jeff@haferman.com>  
**Subject:** Re: "Judge Scott subject of probe"

on 5/28/06 7:16 PM, Jeff Haferman at jeff@haferman.com wrote:

----- private correspondence -----

Dear Virginia -  
 Thank you for your 3 articles in the Herald today (Sunday, May 28, 2006) detailing some of the allegations of corruption in the Monterey Superior Court.

I have been following this very closely, and I know other government officials in the county are also watching closely. Many are afraid to speak out, or simply find these charges of corruption to be just too far-fetched.

I am slightly perplexed as to the conspicuous absence of any mention of Gene Forte and/or Judge Robert O'Farrell in your articles. Have you read the Powser declaration? At paragraph 24, she claims that Judge Fields acknowledged that Judge O'Farrell "exchanged" 170.6's as presiding judge of the Civil Court in Monterey County. I know that complaints pertaining to this have been filed with the Commission on Judicial Performance. Perhaps you can get your attorney sources to comment on this.

Thanks again,  
 Jeff Haferman  
 [Monterey City Councilmember, but writing this to you as a private citizen]

----- private correspondence -----

I did not mention the O'Farrell allegations because O'Farrell, to my knowledge, is not being investigated and because, other than Crustal mentioning it, no one has complained about that situation. The problem is that this switching of the 170.6s is apparently not against code; it's only the pairing of that with the coaching of prosecutors that seems to have triggered the investigation into Scott. I am aware of Forte's allegations.

Fig. 21—Email sent to The Badger with Monterey City Councilman Jeff Haferman's email to Virginia Hennessey of the Monterey Herald, and her response back to him (bottom)



**MEMORY LANE**

Take a trip down memory lane with The Badger. If you recognize any of these fine young boys, please let us know.

If you have some old photos you would like to share give The Badger a call.

**BOYS NIGHT OUT**

*By Gene Forte*

The Badger thought the classic picture below, dug out from an old tattered box given to him eighteen years ago by his mother, was very apropos for this edition.

Please help The Badger by providing the names of as many of "the boys" either you, your parents, grandparents, friends, or relatives recognize. It would be great if you can also find

out where the picture was taken and why.

In an effort not to spoil anyone's fun, but to give you a start here's couple of hints. The happiest of them had a tragic accident. Another was a dead-eye shot that loved Black Jack Gum.

THE END



*Class of 1966 Eighth Grade Graduates from Our Lady of Fatima School. Pictured in the Los Banos Enterprise. Find The Badger? How many can you name? Need help? See page 10 for names.*

**GRADUATES . . .** Following a breakfast honoring these graduating eighth graders, Monsignor Thomas Morahan poses with the 42 graduates of the Our Lady of Fatima School. The breakfast was given at the Recreation Center following Mass on Monday morning. The breakfast was put on by the OLF Mothers' Club and hosted by the seventh graders' mothers.

(JAIL TIME, Continued from page 1)



worked for the Fenton & Keller law firm and the Horan law firm, both powerful and influential. Judge Terrance Duncan, Judge Robert O'Farrell, Judge Richard Silver, and my own attorney fixed it with them.

How do I know it was fixed? What proof do I have?

My own attorney, Larry Lichtenegger, told me that Judge Duncan had "been gotten to" by the opposing attorneys. He told me that the Judge's ruling was "illegitimate." He acknowledged all this in a legally recorded phone conversation. Lichtenegger told me he would not bring it out because he feared he'd be punished. His other clients would suffer, and his legal career would be over.

Instead, he said he had to "throw me to the lions to save himself" if I attempted to bring it to the attention of District Attorney Dean Flippo, other public officials, or The Monterey Herald. Lichtenegger did not tell me at the time that he was involved in the fix.

After fighting these Good ol' Boys, I now understand what Lichtenegger knew (as well as all the other attorneys). Justice is an illusion in Monterey County. My running for help was me actually running to the comrades of the Good ol' Boys! Boy, was I naïve.

After about a year, I was out close to \$200,000 in court costs and legal fees. Approximately at this time, a hidden document floated to the surface. It had been hidden to enable a key witness, my real estate agent Ms. Stephanie Crabb, to commit perjury.

With the hidden document in hand, I then filed a lawsuit against my own ex-attorney Lichtenegger and another law firm that represented me in the failed real estate transaction.

By doing so, I had the right to take the

deposition (see definition in Fig. 2 below) of Ms. Stephanie Crabb in the new lawsuits. I could ask her about the "hidden" document (which was her own typed notes) which contradicted her previous testimony. It would be a piece of cake to whip saw Crabb between her perjury used to fix the previous real estate trial, and the truth revealed by her own typed notes.

The stage was now set for all hell to break loose on the Good ol' Boys. They certainly weren't going to give up without a fight. The Good ol' Boys now had to stop me by closing down my lawsuits which I could use to reveal the fix.

**JUDGES INTIMIDATE ATTORNEYS**

It is child's play for judges to intimidate attorneys into selling you out. Most attorneys are more than willing to do whatever it takes to advance their position with the court. I embarked upon a path riddled with attorneys who would drain me of \$10,000 here, \$20,000 there, coming to a grand total to date of about \$300,000.00.

Once attorneys got involved and saw for themselves the pattern of the "not according to law rulings," they ran for cover. Each time, they ran away with my money.

James Rummonds, an attorney originally from Los Banos, is now practicing law in Aptos. Rummonds said in legally recorded phone conversations that judges were committing felonies against me. He told me I was in "harms way."

Of course, it did not prevent Jim from taking about \$20,000 from me. I actually think I still owe him about \$15,000.00 that he will get about the same time hell freezes over.

I don't harbor any bad feelings toward him, and I think he harbors none towards me. We still talk occasionally on the phone. At

least he was blatantly honest about the screwing I got, though he continually tried to mis-characterize my fight against the injustice done to me as a "jihad." (See definition in Fig. 2 below) For the record, I will be sending Jim a complimentary copy of this Badger (with an invitation that he buy me lunch at The Woolgrowers).

All avenues for legal representation by an attorney were cut off. I was forced to become my own attorney. This meant my time was consumed. My income tumbled from close to \$600,000 down to practically zero, and my savings were depleted. But when I was forced to represent myself, it was the best thing that ever happened.

I started to realize from researching the laws and court procedures why it was so obvious that the case had been fixed. Judges were systematically making rulings under what is called the "color of law." They did this to cover the trail of their brethren Good ol' Boys. It was at that time that I became even more determined. I was not going to let this happen to me without trying to expose it. I would also find out if it happened to others.

I launched a website called AttorneyBusters.com, ran in the recall race for Governor of California, and started to host a radio program. All of these efforts will be covered in future Badgers.

**WHY LICHTENEGGER WAS SUED**

I filed a lawsuit for legal malpractice against Lichtenegger. It was based in part on the fact that Lichtenegger abandoned me 30 days prior to going to trial. This was after I had already paid him \$50,000. The effect of his abandonment caused me to be without an attorney to try the second phase of my real estate case. This phase accused the sellers of fraud.

Lichtenegger made a motion (request) to the court for permission to withdraw as my counsel. Later, after my studying the laws and procedures, I learned that Lichtenegger did not file the motion properly. I was not given adequate time to respond and oppose it. The judge should have pointed this out to Lichtenegger and have him re-set the hearing, but he did not.

It was at that motion that I first (JAIL TIME, Continued on page 6)



Eliot Ness, 1903-1957

Eliot Ness was an American Prohibition agent, famous for his efforts to enforce Prohibition in Chicago, Illinois as the leader of a legendary team nicknamed The Untouchables.

In 1926, his sister's husband, Alexander Jamie, a Bureau of Investigation agent

(this became the FBI in 1935), influenced him to enter law enforcement. He joined the Treasury Department in 1927, working with the 300-strong Bureau of Prohibition in Chicago.

Following the election of President Herbert Hoover, Andrew Mellon was specifically charged with bringing down Alphonse Capone. The federal government approached the problem from two directions: income tax evasion and the Volstead Act. Ness was chosen to head the operations under the Volstead Act, targeting the illegal breweries and supply routes of Capone.

With Chicago's corrupted law-enforcement agents endemic, Ness went through the records of all the treasury agents to create a reliable team, initially of

fifty, later reduced to fifteen and finally to just ten men. Raids against stills and breweries began immediately; within six months Ness claimed to have seized breweries worth over one million dollars. The main source of information for the raids was an extensive wire-tapping operation.

An attempt by Capone to bribe Ness's agents was seized on by Ness for publicity, leading to the media nickname "The Untouchables". There were a number of assassination attempts on Ness, and one close friend of his was killed.

The efforts of Ness and his team had a serious impact on Capone's operations, but it was the income tax evasion which was the key weapon. In a number of federal grand jury cases in 1931, Capone was charged with 22 counts of tax evasion and also 5,000 violations of the Volstead Act. On October 17, 1931, Capone was sentenced to eleven years, and following a failed appeal, he began his sentence in 1932.

**THE UNTOUCHABLES**



His book, *The Untouchables*, was published in 1957 shortly after his death at the age of 54 following a heart attack.

(GO BACK TO JAIL TIME, P. 1)

Fig. 1— Excerpt from Wikipedia, the online free encyclopedia on Eliot Ness and his career.

**DEFINITIONS**

**deposition**

a : testifying especially before a court  
 b : DECLARATION; *specifically* : testimony taken down in writing under oath  
 c : *out-of-court testimony made under oath and recorded by an authorized officer for later use in court; also : a meeting at which such testimony is taken.*

**jihad**

1 : a holy war waged on behalf of Islam as a religious duty; *also* : a personal struggle in devotion to Islam especially involving spiritual discipline

Fig. 2—Definitions from Merriam-Webster Online Dictionary

(**JAIL TIME**, Continued from page 5)  
encountered Judge Robert O'Farrell.



Lichtenegger stated to Judge O'Farrell that he had to withdraw because there were irreconcilable differences between us. He blamed my filing of the declaration which opposed his withdrawal. "Scurrilous" (see definition in Fig. 3 below) accusations against him and the court in the declaration were the reason he could no longer represent me.

### LEGALLY RECORDED CALLS

At the hearing, I offered legally recorded audio recordings which supported my declaration. They showed that Lichtenegger said everything I said he did such as, "the case had been fixed by Judge Duncan," "judges were manipulating trial dates and sabotaging motions to punish him for representing me," and that he agreed that he had "to throw me to the lions to save himself."

The tapes also showed that there were no irreconcilable conflicts between he and I, except my saying that I didn't think he could refuse to go to court, and I was not going to sign a paper allowing him to withdraw.

O'Farrell refused to listen to the tapes and determined that Lichtenegger should be allowed to withdraw. Much later on, James Rummonds delivered what I call the "mea culpa" (See definition in Fig. 3 below) of Judge Richard Silver. Silver listened to the tapes I submitted into evidence. He told Rummonds that I was "a man of integrity" and "had been victimized by a number of attorneys." Silver did not say any of this publicly. He knew that the "victimization" was done by attorneys fixing the lawsuit with Judge Duncan, but it did not stop him from terminating my lawsuit which proved this.

You **need to know** that when Silver dismissed my lawsuit, it led to a \$105,000 judgment rendered against me. The attorney that had fixed the trial gave me the choice to have the judgment dismissed if I gave up my right to appeal Silver's ruling. I told them, "No, that's not going to happen." You need to know that The Monterey Herald later refers to the \$105,000 in the same news article in which they said I was declared by the court to be a California Vexatious Litigant, **when I was not**.

Judge Silver confirmed that Lichtenegger actually said what I said he did (what Judge O'Farrell called my "scurrilous" accusations against Lichtenegger). A few days afterwards, Judge Silver retired. The recorded tapes in evidence also revealed that it was Judge Silver who was said to be "manipulating trial dates and sabotaging motion against me" by Lichtenegger.

### HUNG OUT TO DRY

When O'Farrell permitted Lichtenegger to withdraw as my attorney, Judge O'Farrell said I should immediately make a motion for a continuance (postponement) of the trial so that I could find a new attorney. I did within seven days. Strangely (or not so strangely if you understand his motives), Judge O'Farrell then denied my request for continuance.

The end result was that I had to go to trial by myself. I had to be the plaintiff representing myself before Judge Duncan,

the same judge who Lichtenegger said fixed the first phase of the trial.

More than eyebrows of ethical attorneys are raised by the matter of Judge O'Farrell permitting Lichtenegger to withdraw when there was evidence that he was lying through his teeth. The matter of Judge O'Farrell denying my continuance of the trial to get an attorney sends ethical attorneys over the top. It is the flashing red light that warns all that "the fix was in to close me down."

### JUDGE O'FARRELL "STINGS LIKE A BEE" AND DISMISSES MY CASE AGAINST LICHTENEGGER

I won an appeal that overturned Judge O'Farrell's dismissal of my lawsuit against Lichtenegger. In that appeal, I described O'Farrell as having the fighting style of Mohammed Ali. He would, "Float like a butterfly" into a case he wasn't assigned to at a critical moment, and then "Sting like a bee" and rule against me.

I won't go into the details now, but you **need to know** that just before the hearing where Judge O'Farrell arrested me, he was served (given) my opening appellate brief. This brief ultimately overturned his ruling. In no uncertain terms, it outlined the evidence of Judge O'Farrell and Judge Duncan's involvement in the fixing of the real estate case I lost. It talked about the perjury by Crabb which was suborned (see Fig. 3 for definition) by her attorneys and the set-up by my own attorney Lichtenegger.

Keep in mind that I assert that a reasonable person knowing of these facts would doubt if Judge O'Farrell could be an impartial judge in any proceeding concerning me. (See Fig. 9, page 11)

### CRABB SUBPOENAED FOR DEPOSITION

If a key witness has not given testimony in a specific case, they must appear at a deposition, when subpoenaed (see definition in Fig. 3 right), to answer questions. You **need to know** that a motion to stop this would be considered frivolous (see definition in Fig. 3) by the courts. Just because Ms. Crabb had her deposition taken once in a *Forte v. Powell*, the original lawsuit concerning the real estate transaction, it didn't mean that I did not have the right to take it again in *Forte v. Albov* (lawsuit against my ex-attorney for legal malpractice in the same real estate transaction).

This legal fact did not stop Crabb's attorney, Mr. Dennis McCarthy of the Fenton & Keller Law Firm, from filing a Motion to Quash her deposition subpoena. In other words, he wanted to stop her from having to answer more questions. Since it was he who had suborned Crabb's perjury during her first deposition in order to fix the real estate trial, it is obvious why he wouldn't want Crabb questioned again when I had her "hidden" typed notes now in my badger teeth!

You **need to know** that it is very common for one failed real estate transaction to develop into multiple lawsuits due to the separate liability for each person or party involved. In my instance, I had two sets of attorneys in the failed real estate transaction providing me with legal advice.

There had to be two separate cases filed due to the different liabilities of each.

You also **need to know** that the retired Judge John Golden legally determined that I have never filed any frivolous, meritless (worthless) lawsuits, scandalous writings, or voluminous papers to harass people. The illusion that the Good ol' Boys like to put out to the uninformed person is that I sue everybody, and that they are just another poor victim.

### NOT SO, SAID THE JUDGE

Not so, and it was legally determined that I do not by Judge Golden. (Fig 17, Pg. 26)

In reality, when the Good ol' Boys tried to cover their tracks, it developed into what can be described as a whole bunch of rats nipping at me from different angles. I had to cast a wide net. You **do not need to know** all of that now. It will be explained in later Badger editions.

You do **need to know** the imminent danger that was present for all of the Good ol' Boys – the judges, the attorneys, and the real estate agent (Alain Pinel Realty) that were involved. If I was to get her into a deposition with the typed notes they had hidden in order to suborn her perjury and fix the case that caused me to lose my home, the perjury would be shown very clearly. I predicted that she would ultimately become so frustrated she would throw up her hands and say, "My attorneys told me to lie" to save herself.

You **need to know** that the case of *Forte v. Albov* was assigned to Judge Michael Fields. The motion to stop her deposition was scheduled to be heard before him on December 19<sup>th</sup>, 2003.

### POP GOES THE WEASEL

As I described earlier, Judge O'Farrell had the habit of "popping" up on the bench without any warning at the very last moment. He would say  
(**JAIL TIME**, Continued on page 7)

## DEFINITIONS

### frivolous

**1 a** : of little weight or importance

**b** : having no sound basis (as in fact or law)  
<a frivolous lawsuit>

**2 a** : lacking in seriousness

**b** : marked by unbecoming levity

### mea culpa

a formal acknowledgment of personal fault or error

### scurrilous

**1 a** : using or given to coarse language

**b** : vulgar and evil <scurrilous imposters who used a religious exterior to rob poor people -- Edwin Benson>

**2** : containing obscenities, abuse, or slander  
<scurrilous accusations>

### Suborn

**1** : to induce secretly to do an unlawful thing

**2** : to induce to commit perjury; also : to obtain (perjured testimony) from a witness

### Subpoena

a writ commanding a person designated in it to appear in court under a penalty for failure

Fig. 3—Definitions from Merriam-Webster Online Dictionary

(JAIL TIME, Continued from page 6)



he was taking over a case even though he wasn't assigned to it, something a judge is not allowed to do.

In my appeal that ultimately overturned the ruling of O'Farrell dismissing Lichtenegger the Squealer, I provided copies of all the court transcripts showing how he repeatedly played these tricks of popping up like a weasel on the stand. The record also showed that I was respectful and let him get away with it without an argument.

In the early stages of my learning the procedures of court, I didn't know how wrong that was. When Judge O'Farrell did this before, I would ask him politely why he was hearing the case when another judge had been there before. O'Farrell would basically tell me to sit down and shut up. I let it slide. Actually, and I know they hate to hear this, he was given enough rope to hang himself.

**THE CUT AND PASTE TECHNIQUE**

**You need to know** that AG Lockyer would cut and paste the above phrase "enough rope to hang himself" to infer that I'm threatening to hang Judge O'Farrell.

**You need to know** that Attorney General Bill Lockyer said I made "not so thinly veiled threats supporting judicial hangings and murders" when he filed the motion to Declare me a California Vexatious Litigant. Lies supported by the cut and paste technique.

Badgers, excuse me for a moment for a personal direct comment to my buddy, "Bill, you are probably the most lying, disingenuous, slanderous, deceiving jerk this side of the Pecos River. I wouldn't doubt you'd probably bitch if you got hung with a new rope! Go and cut and paste that one into your papers!"

**CCP 170.6, THE SILVER BULLET**

The day before the Motion to Quash the deposition of Ms. Crabb was scheduled to be heard, I called the court to verify that assigned Judge Fields was going to hear it. I was transferred to his clerk, Ms. Erica Dunn. I mention her name for future reference because she will be a recurring character that has got certain parts of her caught in a wringer.

The Monterey Court phone system announces that calls are being recorded. Therefore, I recorded my conversation with Erica and later filed them with the court. When I asked Erica if Judge Fields was going to be hearing the motion, she put me on hold for several minutes. On returning, Erica told me that Judge O'Farrell was going to be hearing the motion. I asked, "Did Judge Fields disqualify himself?"

**GO ASK THE JUDGE**

Erica snapped and said, "I can't tell you that. You'll need to ask Judge O'Farrell that." Before I could get another word in edge-wise, she hurriedly said, "I can't talk anymore. Good-bye" and hung up the phone.

I read the Code of Civil Procedure provisions for disqualifying a judge. I decided that this time, I wanted to disqualify O'Farrell.

The rules allow a one-time disqualification of a judge in a case with no questions asked. It is called a Peremptory Challenge 170.6. (See Fig. 4 below). It is sometimes called the "Silver Bullet" like the ones used on werewolves, vampires, and in this case, a crooked judge. It immediately disqualifies a judge from a case.

**You need to know** that the only basic reason a CCP 170.6 can be refused to be

accepted by a judge is if you present it "after a proceeding (motion) has commenced." A proceeding commences at the moment the attorney bringing the motion starts to put forward his legal argument.

**IF YOU'RE LATE, YOU'RE OUT OF LUCK!**

In *almost all* cases, there is plenty of time to file a CCP 170.6 in advance of a hearing because you are made aware of who the judge is going to be weeks in advance. But, not with that floating butterfly and stinging like a bee O'Farrell.

**You need to know** that a CCP 170.6 can be filed with the clerk's office, or in the court room by giving it directly to the bailiff, clerk of the court, or the judge.

The hearing was set for 9:00AM, and the clerk's office of Monterey County didn't open until 9:30AM. When I arrived at the courtroom, I first asked the bailiff if he would accept the CCP 170.6, and he said no. The bailiff said he wasn't sure if O'Farrell or Fields was going to be the judge on the case. The clerk also refused to accept it and told me to wait until the case was called.

Before I share with you the court transcript of the hearing, there are a couple of other things **you need to know** about proper courtroom procedures. First, judges are required to give every attorney, or person representing themselves, the chance to speak. You will find in the panel the rule pertaining to such. **Please take the time to read them now.** See Fig. 5 below.

The matter of litigants having the opportunity to speak is a major, major issue.

Judge Jose Velasquez was ordered removed from the bench on April 25<sup>th</sup>, 2007, (JAIL TIME, Continued on page 8)

**170. 6 (a) (1) No judge**, court commissioner, or referee of any superior court of the State of California **shall try any civil or criminal action** or special proceeding of any kind or character **nor hear any matter therein that involves a contested issue of law or fact when it shall be established** as hereinafter provided **that the judge** or court commissioner **is prejudiced against any party** or attorney or the interest of any party or attorney **appearing in the action or proceeding.**

(2) **Any party** to or any attorney appearing in any action or proceeding **may establish this prejudice** by an oral or written motion without notice supported **by affidavit or declaration under penalty of perjury** or an oral statement under oath that the judge, court commissioner, or referee before whom the action or proceeding is pending or to whom it is assigned is prejudiced against any party or attorney or the interest of the party or attorney so that the party or attorney cannot or believes that he or she cannot have a fair and impartial trial or hearing before the judge, court commissioner, or referee..... **If the motion is directed to a hearing (other than the trial of a cause), the motion shall be made not later than the commencement of the**

Fig. 4—California Code of Civil Procedure on The Peremptory Challenge or CCP 170.6.

**CODE OF JUDICIAL ETHICS, CANON 3**

A JUDGE SHALL PERFORM THE DUTIES OF JUDICIAL OFFICE IMPARTIALLY AND DILIGENTLY

"A. Judicial Duties in General. All of the judicial duties prescribed by law \* shall take precedence over all other activities of every judge. In the performance of these duties, the following standards apply. B. Adjudicative Responsibilities (1) **A judge shall hear and decide all matters assigned to the judge except those in which he or she is disqualified.**"

1. ADVISORY COMMITTEE COMMENTARY - 2002 Electronic Update

"Canon 3B(1) is based upon the affirmative obligation contained in the Code of Civil Procedure. (2) **A judge shall be faithful to the law** \* regardless of partisan interests, public clamor, or fear of criticism, and shall maintain professional competence in the law. (3) A judge shall require \* order and decorum in proceedings before the judge. (4) **A judge shall be patient, dignified, and courteous to litigants**, jurors, witnesses, lawyers, and others with whom the judge deals in an official capacity, and shall require \* similar conduct of lawyers and of all court staff and personnel \* under the judge's direction and control. (5) A judge shall perform judicial duties without bias or prejudice. **A judge shall not, in the performance of judicial duties, by words or conduct manifest bias or prejudice**, including but not limited to bias or prejudice based upon race, sex, religion, national origin, disability, age, sexual orientation, or socioeconomic status. (7) **A judge shall accord to every person who has a legal interest in a proceeding, or that person's lawyer, full right to be heard according to law.** \*

Fig. 5 — Code of Judicial Ethics regarding duties of a judge.

(JAIL TIME, Continued from page 7)



but the main reason was due to his not permitting criminal defendants to ask reasonable questions. At this time, please read the excerpt of the Commission on Judicial Performance findings. See Fig. 6, right.

Okay, for you Badgers that have been patient enough to prepare yourself for the reading of the transcript, it is now time to read it. See Fig. 7, page 9.

#### WHAT JUDGES AND ATTORNEYS REALIZE FROM READING THE TRANSCRIPT

All neutral attorneys have stated that it was obvious from the transcript that Judge O'Farrell was angry, he interrupted me, he was trying to prevent me from speaking, and he arrested me without proper cause for exercising my right to disqualify him with the filing of the CCP 170.6 Peremptory Challenge.

Mr. James Murphy was the attorney who recently unsuccessfully defended Judge Jose Velasquez. Velasquez ended up being removed from the bench for not allowing litigants to speak. Murphy told me that what Velasquez did pales in comparison to what Judge O'Farrell did to me.

Mr. Murphy was perplexed as to why the Commission on Judicial Performance (CJP) has not taken any action regarding O'Farrell despite the many times I have brought it to their attention. (See Fig. 19, page 29). As I explained to Mr. Murphy in my recent letter commemorating our conversation (see Fig. 18, page 27), Velasquez is either being used as a scapegoat, or he is the designated player to take one for the Good of Boys.

If you take into consideration the following that:

1. Prior to walking into that courtroom, O'Farrell would have read my opening appellate brief which provided evidence that Crabb committed perjury suborned by the Fenton & Keller Law Firm, et al.
2. The brief outlined O'Farrell's participation in helping to fix the trial by letting Lichtenegger out and covering the perjury up.
3. The brief showed how Judge Duncan fixed the case with the opposing attorneys as well as my own.
4. Court records indicate that Judge Fields had not disqualified himself from the case as O'Farrell says he did.

It is easy to see that Judge O'Farrell was not only as "mad as a hornet" but also "scared as a rabbit." In his mind, he had to do whatever it took to stop me from taking the deposition of Ms. Crabb.

#### ARRESTED LIKE A COMMON CRIMINAL

As I mentioned, O'Farrell had previously bullied me down on several occasions. This time, when I respectfully stood my ground, he freaked and made a very fatal mistake. Judge O'Farrell went too far. He arrested me without cause. He can say that it was for contempt all he wants but saying it does not make it so. Just as the attorneys representing Judge Velasquez said, there is nothing contemptuous about what I did, and it was outrageous what O'Farrell did to me.

#### SPECIAL BAILIFF, SPECIAL TREATMENT

O'Farrell had me thrown against a concrete wall by the bailiff, who I found out had never been a bailiff in a civil courtroom before.

### STATE OF CALIFORNIA BEFORE THE COMMISSION ON JUDICIAL PERFORMANCE

INQUIRY CONCERNING JUDGE  
JOSÉ A. VELASQUEZ,  
No. 180

DECISION AND ORDER  
REMOVING JUDGE JOSÉ A.  
VELASQUEZ FROM OFFICE

(excerpt)

.....Nevertheless, Judge Velasquez contends that he should not be removed. We disagree and order Judge Velasquez removed from office.

Judge Velasquez has engaged in an egregious pattern of misconduct that infringed the constitutional rights of numerous defendants and transgressed the limits of his authority, often in a capricious and malicious manner. The masters concluded as do we that "Judge Velasquez incarcerated several defendants without respect for their constitutional rights; he showed irritation when defendants asked him straightforward and respectful questions about their sentences; he coerced defendants into attending AA meetings; he expressed his unhappiness with attorneys by not recalling warrants for the arrest of their clients and by making disparaging remarks; and he used humor inappropriately at the expense of persons whose constitutional rights he has sworn to uphold." ....

Fig. 6 — Excerpt from the ruling by the Commission on Judicial Performance removing Monterey County Judge Jose Velasquez from the bench.

He was brought in special that day from the criminal court for the hearing. Do I think that O'Farrell was setting this up from the beginning to rough me up? Absolutely.

O'Farrell had me put in a holding cell of the Sheriff's Office on a lower floor of the building while still handcuffed behind my back. Then he had me brought back into the courtroom and put me on display in the empty jury's booth. He kept me handcuffed behind my back for at least two hours.

Then the next most incredible and damning thing took place. He put me on trial.

#### JUDGE, JUROR, AND EXECUTIONER

Many of you may have heard the above phrase but have never seen it maliciously applied. I will only briefly touch upon the trial O'Farrell convened that day of me and provide you the first few pages of the proceeding. See Fig. 8 page 10.

Before getting to that, **you need to know** that it could not and should not have been done for a stack of reasons in the law books a mile high. See Fig. 9, page 11. Some attorneys tried to rationalize to the outer limits of absurdity as to what provisions of law did O'Farrell possibly think that he had authority to hold such a trial.

The only thing that the brightest came up with after much thought is:

"Well, I guess a judge could do that possibly under a direct contempt charge?"

1. The answer to this is, "No."
2. There was no urgency for a trial to take place, and, when there is evidence of

personal embroilment between the judge and the person charged with contempt, a trial must be held by another judge. (See Fig. 9, page 11, bottom of 2nd column).

In the end, after scratching their heads, attorneys realize there is no justifiable excuse for what O'Farrell did. When all of the facts are presented to them such as:

1. I did not do or say anything contemptuous to be arrested for.
2. I was asking a judge to please not interrupt me while I was trying to file the CCP 170.6 to disqualify him.
3. Judge O'Farrell was the one interrupting me, and he admitted that he did during the trial.
4. When I was out of the courtroom (in the holding cell), Judge O'Farrell acknowledged that he had been served the CCP 170.6 and that time was not of the essence. (See Fig. 7, page 9 after recess)
5. Judge O'Farrell knew that once he received that CCP 170.6, he could not convene any trial of me, even for direct contempt, due to his disqualification.
6. The transcript of the trial (the first 3 pages in Fig. 8, page 10) shows that O'Farrell went into fantasy mode. He said he had asked me to take a seat in the jury's booth and I refused, but the record shows otherwise (read it for your self).
7. O'Farrell, still in his fantasy mode, says that I yelled and screamed, struggled with the bailiff, and several bailiffs had to be summoned to arrest me. Not so.

(JAIL TIME, Continued on page 11)

CERTIFIED COPY

SUPERIOR COURT OF CALIFORNIA
COUNTY OF MONTEREY
HONORABLE ROBERT O'FARRELL, JUDGE

EUGENE FORTE, PLAINTIFF,
VS. NO. M 54914
MICHAEL ALBOV, ET AL., DEFENDANTS.

TRANSCRIPT OF PROCEEDINGS
COURTHOUSE, MONTEREY, CALIFORNIA
DECEMBER 19, 2003

APPEARANCES:

EUGENE FORTE, IN PRO PER
DENNIS MC CARTHY

AMANDA BERKELEY, CSR 5613

1 SIT DOWN. WE'LL HEAR FROM THE MOVING PARTY FIRST, AND
2 THEN WE'LL HEAR FROM YOU.
3 MR. FORTE: YOU'RE ALLOWING ME -- YOU'RE NOT
4 ALLOWING DUE PROCESS, YOUR HONOR.
5 THE COURT: TAKE A SEAT.
6 MR. FORTE: HERE'S A PEREMPTORY CHALLENGE.
7 YOU'RE OUT OF HERE. TAKE IT; IT'S FILED. PEREMPTORY
8 CHALLENGE. PEREMPTORY CHALLENGE, YOUR HONOR.
9 THE COURT: TAKE HIM INTO CUSTODY, PLEASE.
10 MR. FORTE: PEREMPTORY CHALLENGE, YOUR HONOR.
11 AND I WANT TO HAVE THE MINUTE ORDERS -- WHILE YOU'RE
12 HANDCUFFING ME, I WANT TO HAVE THE MINUTE ORDER -- IN
13 FRONT OF MY CHILDREN BACK THERE. YOU, YOUR HONOR, HAVE
14 DISRESPECTED THIS JUDICIAL SYSTEM LONG ENOUGH.
15 LET GO OF MY HAND.
16 THE COURT: LET'S REMOVE HIM FROM THE
17 COURTROOM.
18 MR. FORTE: MR. MC CARTHY, IT'S NOT OVER.
19 JUDGE O'FARRELL, YOU'LL BE RETIRING, SIR. HAVE A HAPPY
20 HOLIDAY, SIR.
21 AND YOU'RE HURTING MY WRIST. YOU DON'T CARE,
22 HUH? IT'S JUST GOTTEN WORSE, SIR.
23 THE COURT: ALL RIGHT.
24 MR. FORTE: YOU DIDN'T ALLOW ME MY DAY IN
25 COURT TO SPEAK, DID YOU, SIR? OW, YOU THREW ME INTO THE
26 WALL. OW.
27 THE COURT: WE'LL TAKE A RECESS.
28 (RECESS.)

AMANDA BERKELEY, CSR 5613

2

DECEMBER 19, 2003

\* \* \*

1 THE COURT: THE NEXT MATTER IS FORTE VERSUS
2 ALBOV.

3 MR. MC CARTHY: GOOD MORNING, DENNIS MC CARTHY
4 APPEARING FOR STEPHANIE CRABB.

5 MR. FORTE: GOOD MORNING, YOUR HONOR.

6 THE COURT: GOOD MORNING.

7 MR. FORTE: GENE FORTE, PROPRIA PERSONA.

8 YOUR HONOR, PRIOR TO THIS -- COMMENCEMENT OF
9 THIS HEARING, I WOULD LIKE TO ASK A COUPLE OF QUESTIONS.
10 HOW WAS THIS CASE ASSIGNED TO YOUR HONOR?

11 THE COURT: WE'RE NOT GOING TO GET INTO THAT.

12 IT'S MY CASE, I'M TAKING IT. JUDGE FIELDS HAD THE
13 MATTER. HE DISQUALIFIED HIMSELF. I HAVE GOT THE CASE.
14 THAT IS THE END OF IT.

15 MR. FORTE: EXCUSE ME.

16 THE COURT: NO, THAT'S IT.

17 MR. FORTE: EXCUSE --

18 THE COURT: NO, EXCUSE ME. WE'RE GOING IN THE
19 ORDER THAT THIS MOTION WAS SET.

20 MR. FORTE: NO, PARDON ME, YOUR HONOR.

21 THE COURT: NO, IF --

22 MR. FORTE: EXCUSE ME, YOUR HONOR, YOU'RE
23 INTERRUPTING ME.

24 THE COURT: IF YOU KEEP INTERRUPTING ME, SIR,
25 I'M GOING TO HAVE TO CITE YOU FOR CONTEMPT. AND I'M
26 TELLING YOU THAT NOW, WARNING YOU. YOU SIT DOWN. YOU

AMANDA BERKELEY, CSR 5613

1

1 THE COURT: CONTINUING WITH THE FORTE MATTER.
2 IT APPEARS HE IS DESIROUS OF FILING A 170.6. I ASSUME
3 THAT WILL HAPPEN. IT WILL HAVE TO BE REASSIGNED TO
4 ANOTHER JUDGE, THE MOTION ITSELF. THAT IS NOT GOING TO
5 HAPPEN TODAY.
6 MR. MC CARTHY: OKAY.
7 THE COURT: THE DEPOSITION IS SET FOR WHAT
8 DATE?
9 MR. MC CARTHY: IT ACTUALLY PASSED. IT WAS
10 SET FOR EARLY DECEMBER. I FILED MY MOTION, AND,
11 THEREFORE, IT'S OVER UNTIL IT'S RULED UPON.
12 THE COURT: SO, TIME IS NOT OF THE ESSENCE,
13 THEN. THE 9TH OF JANUARY.
14 MR. MC CARTHY: THAT IS FINE, YOUR HONOR.
15 THE COURT: THE 9TH OF JANUARY IN A DEPARTMENT
16 TO BE ASSIGNED.
17 MR. MC CARTHY: THANK YOU.
18 THE COURT: YOU'RE WELCOME.

\* \* \*

AMANDA BERKELEY, CSR 5613

3

Fig. 7 — The above transcripts of the hearing where I was arrested reveals many things that Judge O'Farrell absolutely should not have done. He immediately started to interrupt me when I was trying to say, "Here is your Peremptory Challenge." He was insisting that McCarthy start to speak so he could then deny my filing of the CCP 170.6. O'Farrell, after I left the courtroom, had a hearing with McCarthy. That could not be done. O'Farrell told McCarthy "it appears" I was "desirous" of filing the CCP 170.6". Look at the rules. When a judge knows that you are going to file one, he has to let you. He has to let you speak. O'Farrell did not. He knew that he was disqualified when I ultimately blurted it out on record while holding the paper in my hand, raised up. It was filed and he knew he could not put me on trial a couple of hours later. But he broke the law and did it anyway. Judge, juror, and executioner is what O'Farrell was that day. It was an orchestrated plan to malign me. They said I supported judicial murders and hangings, but it was all proven to be absolutely false.

(GO BACK TO P. 8, 1ST COLUMN)

1 IN THE SUPERIOR COURT OF CALIFORNIA  
 2 IN AND FOR THE COUNTY OF MONTEREY  
 3 DEPARTMENT 14 HON. ROBERT O'FARRELL, JUDGE  
 4  
 5  
 6 EUGENE FORTE, )  
 7 Plaintiff, ) No. M 5 4 9 1 4  
 8 v. ) December 19, 2003  
 9 MICHAEL ALBOV, et al., ) Monterey, California  
 10 Defendants. ) 11:10 a.m.  
 11 ) HEARING RE CONTEMPT  
 12 )  
 13 REPORTER'S TRANSCRIPT OF PROCEEDINGS  
 14  
 15  
 16  
 17  
 18 Reported by: Linda S. Kinkade, RMR, CRR  
 19 CSR License No. 2612  
 20 Post Office Box 222579  
 21 Carmel, CA 93922  
 22 Office: (831) 625-6500  
 23  
 24  
 25  
 26  
 27  
 28

1 disrupted the entire courthouse or at least certainly the  
 2 second floor of the courthouse. Other bailiffs had to be  
 3 summoned to subdue you. You delayed the proceedings in this  
 4 court.  
 5 The Court, after that -- the courtroom itself was highly  
 6 disrupted. The Court had to take a recess. The proceedings in  
 7 this department were delayed. Other departments in this  
 8 building were awaiting the court reporter in this department,  
 9 and we anticipated we would have finished in a timely fashion  
 10 so they could start their calendars appropriately. They were  
 11 subsequently delayed because of your action.  
 12 This isn't the first time you've been in court. You've  
 13 been in court many, many times. You have filed many, many  
 14 papers, briefs, and pleadings, and so on. The general tenure  
 15 of every one of them that I can recall has been very arrogant,  
 16 and you have approached your sessions in court much, as I said  
 17 earlier, quite a bit like a bully.  
 18 Certainly in the past I have warned you about contempt. I  
 19 never found you in contempt. I've warned you. You've been  
 20 aggressive and disruptive, but, ultimately, in the past, you  
 21 have waited your turn. Today you obviously refused to do that,  
 22 and you came in here loaded for bear, so to speak. That was  
 23 pretty evident.  
 24 I find that you were rude, disruptive, and did delay the  
 25 proceedings of the court, and I do reaffirm the finding of  
 26 contempt for those reasons.  
 27 Is there anything you'd like to say, sir?  
 28 MR. FORTE: Yes, Your Honor.

1 P R O C E E D I N G S  
 2 THE COURT: All right. The matter of Eugene Forte,  
 3 who is in custody and sitting in court right now. I did find  
 4 and I do find or affirm the finding of contempt based on your  
 5 conduct in court this morning. I'll recite for the record what  
 6 happened, although the transcript of those proceedings will  
 7 speak for themselves, I believe.  
 8 The case in which you're involved was called for hearing  
 9 on the motion that was -- it was the motion of the other party  
 10 to the case. You asked to be heard first. I granted that  
 11 request, and you asked a question, which I gave an answer to.  
 12 And then you insisted on asking more questions, and I told you  
 13 that's not the proper time, you will have a chance to reply  
 14 after the attorney on the moving side was completely heard.  
 15 You wouldn't accept that and you kept talking, raising  
 16 your voice, and being, frankly, bully-ish. And when I warned  
 17 you a number of times to please sit down, stop talking -- and  
 18 let the record reflect right now that you are smirking in a  
 19 very arrogant fashion -- that when you failed to do that, I  
 20 asked you to take a seat in the jury box and we would deal with  
 21 the matter afterwards.  
 22 You refused to do that and continued to force yourself  
 23 upon the Court verbally. And at that time I had no other  
 24 option, to ensure that the proceedings of the court were  
 25 conducted properly, other than to remand you into custody,  
 26 which I did.  
 27 Then when you went into custody, you gave the bailiff an  
 28 extremely difficult time. You wrestled. You screamed. You

1 THE COURT: Go ahead.  
 2 MR. FORTE: I disagree with your observations, number  
 3 one. Number two, when I came into this courtroom today, I  
 4 stated very clearly to the Court that prior to the commencement  
 5 of the motion I need to go ahead and get an indication for the  
 6 record exactly how this case had gotten transferred to you.  
 7 And the reason for that being is that I checked on Monday of  
 8 this week and discovered the case first had been assigned to  
 9 Judge Michael Fields. I then contacted the court again, the  
 10 clerk, on, I believe it was Wednesday or Thursday of this week,  
 11 and I was informed that it had not been assigned to Judge  
 12 Michael Fields any longer, but it had actually been assigned to  
 13 you.  
 14 I then spoke to Erika, who is Judge Fields' clerk, who  
 15 informed me that she could not tell me how it became assigned  
 16 to you, one, and, number two, she could not tell me why Judge  
 17 Michael Fields was not going to hear the matter.  
 18 Therefore, between then and now, what I did when I came  
 19 into the courtroom today, I intended to ask you, as I did, for  
 20 how did it get transferred to you, according to my right to  
 21 understand the due process here.  
 22 Number two is, is that when you had responded, you then  
 23 started to speak over me when I was then going to state, Your  
 24 Honor, that what I had was a peremptory challenge, which I was  
 25 going to file, concerning the motion and concerning you, Your  
 26 Honor. However, you continued to interrupt me. I was trying  
 27 to go ahead and speak. And at that point in time -- I think,  
 28 Your Honor, we certainly know that there is a number of things

Fig. 8 — Compare what Judge O'Farrell says the record will reflect took place at the earlier hearing to what the actual transcript says took place. For example, I was not asked to take a seat in the jury's booth The appeal that I wrote and won also showed that I was never warned at any other hearings that I was being contemptuous. The transcripts of Lombardo and Stamp show that I was not yelling or screaming or wrestling with the bailiff. There were no other bailiff's called to subdue me. All the statements of Judge O'Farrell were pure fantasy. Due to page limitation, other statements made by O'Farrell during the kangaroo proceeding show that he actually admitted that he was interrupting me from speaking. It is important for you to read the rules that a judge must adhere to, i.e., giving you your right to speak. A judge cannot shout you down while you are attempting to disqualify him. It is called denial of due process, etc. Refer to my letter to James Murphy concerning what Judge Velasquez was removed from the bench for. Look at the complaint to the Commission on Judicial Performance and ask yourself, why aren't they investigating Judge O'Farrell? Ask yourself why, since I was the catalyst for four judges retiring and one being removed, my name is never mentioned, and my case is only referred to the "unrelated case"? I am the best hidden secret that is looming over the head of The Monterey Herald, McClatchy Newspapers, and the Good ol' Boys, better known as some corrupt public officials. If you would like to see the entire transcript of the trial that was not supposed to happen, just ask!

**(GO BACK TO PAGE 8, MIDDLE COLUMN)**

**Answer to 8th grade OLF graduates of 1966 (With thanks on some names to Mary (Paternain) Zabalbeascoa)**  
 Front Row (left to right): Craig Silva, Robert Martin, Abel Gomes, Stephan Desa, David Daguerre, John Welsh, Bobbie Souza.  
 Second Row (left to right): Darlene Stroh, Laurie Lima, Renette Shirley, Monsignor Morahan, Candice LoBue, Rosemary Beal, Lynn Patricio, Joan Falasco.  
 Third row (left to right): Peggy White, Adelele Etcheverry, Claudia Chamberlain, Judy Brown, Patricia Erreca (I think almost totally hidden by Mary Paternain), Mary Paternain, Linda Brooks, Diane Perreira, Michelle DeGregori, Christine Sears, Paul Carlotti, Celeste Coehlo, Sandra Marx, Debbie Adrian, Yvette Paulini, Lisa Ferro, Barbara Bettencourt, Mary Lou Thiercof, Katheleen Areias, Elizabeth Schmidt (hidden behind Katheleen)  
 Fourth Row (left to right): Christopher Mendes, Samuel Rivas, Joseph Rivas, Jim Etcheverry, Stephan Patricio, Ronald Garbini, Mark Parreira, (Teacher's aide, help me?)

(JAIL TIME, from page 8)



In order to try and clear my name, and build my case against O'Farrell, I took the depositions of two well known and respected attorneys in Monterey County. These attorneys were present in the courtroom when I was arrested.

You will find the partial deposition transcripts of Mr. Tony Lombardo, attorney for Mr. Clint Eastwood, and Mr. Michael Stamp, attorney for ex-Judge Richard Silver in Fig. 10, page 12.

Both testified under oath that they saw no struggle between myself and the bailiff, nor did I yell and scream. Stamp said he didn't even know I was arrested.

Judge O'Farrell committed the following acts:

1. He did not have my Miranda Rights read to me.
2. He denied me my right to an attorney during a criminal trial which he could not convene according to law.
3. He had me stand before him to defend myself while still handcuffed behind my back.
4. He made demeaning personal attacks upon myself while he held his kangaroo trial saying:
  - a. That I was mentally unstable, and
  - b. He questioned my fitness as a father.
5. He denied me my right to have a fair and impartial judge.
6. He sent me directly to jail without the required three day stay prior to imprisonment.

It was nothing more than O'Farrell's effort to get information into the court record that his Good ol' Boys' partners in crime, The Monterey Herald, could use to assassinate my character to the public.

You will find The Monterey County Herald article of December 20<sup>th</sup>, 2003, entitled, "Recall Candidate jailed for Contempt" in Fig. 11, bottom of page 12, which was attached to Mr. Stamp's deposition as an exhibit.

Ask yourself,

1. Who were the "unnamed witnesses" that saw the "heated exchange"?
2. Why did the Herald not mention that Judge O'Farrell was disqualified?
3. Why was I characterized as "leading a one-man assault"?
4. Why would they say that the lawsuit was against "several attorneys" when it was not?
5. Why would they want to ridicule me for the "landslide defeat"?
6. Why didn't they interview me while I was in jail to get my side of the story?

Could it be that their "undisclosed" witness to the proceedings was none other than madman Judge Robert O'Farrell himself?

**CLOSING DOWN FOR NOW**

I'm going to close down this section at this time for a few reasons that are obvious to individuals and friends that know me. Even though at times I try to make light of it, it is distressing to re-live  
(JAIL TIME, Continued on page 12)

*"Judge who yelled at public defender after she indicated her intent to seek judge's disqualification, and who thus failed to be patient, dignified, and courteous, committed prejudicial misconduct, as basis for judicial discipline. Fletcher v. Commission on Judicial Performance (1998) 81 Cal.Rptr.2d 58, 19 Cal.4th 865, 968 P.2d 958, rehearing denied."*

*Where a motion to disqualify a judge is timely filed and in proper form, the trial court is bound to accept it without further inquiry. Grant v. Superior Court (App. 6 Dist. 2001) 108 Cal.Rptr.2d 825, 90 Cal.App.4th 518, review denied. Judges 51(4)"*

The statutory right to disqualify a judge is automatic in the sense that a good faith belief in prejudice is alone sufficient; thus, proof of facts showing actual prejudice is not required. People v. Superior Court (Maloy) (App. 5 Dist. 2001) 109 Cal.Rptr.2d 897, 91 Cal.App.4th 391, review denied. Judges 51(1)

If affidavit of prejudice is timely and properly made, **immediate disqualification** of trial judge, commissioner or referee **is mandatory**. Los Angeles County Dept. of Public Social Services v. Superior Court for Los Angeles County, Juvenile Court (App. 2 Dist. 1977) 138 Cal.Rptr. 43, 69 Cal.App.3d 407. Judges 51(4)"

Because a peremptory challenge of a judge takes effect instantaneously and irrevocably, then later events do not cause a rescission of the challenge. Davcon, Inc. v. Roberts & Morgan (App. 4 Dist. 2003) 2 Cal.Rptr.3d 782, 110 Cal.App.4th 1355. Judges 51(1)

If judge in civil action is presented with a timely and proper challenge seeking disqualification, **judge must immediately transfer case for reassignment**. Truck Ins. Exchange v. Superior Court (App. 2 Dist. 1998) 78 Cal.Rptr.2d 721, 67 Cal.App.4th 142. Judges 51(1)"

When an affidavit of prejudice is timely and properly made, **immediate disqualification is mandatory, and** once an affidavit of prejudice has been filed, **court has no jurisdiction to hold further proceedings** in matter except to inquire into timeliness of affidavit or its technical sufficiency under this section. McCartney v. Commission on Judicial Qualifications (1974) 116 Cal.Rptr. 260, 12 Cal.3d 512, 526 P.2d 268. Judges 51(4)"

"6. [3:195] Timeliness of Challenge: **The major limitation on the right to make a § 170.6 challenge is that it must be timely**. [See *Grant v. Sup.Ct. (Jacobs)* (2001) 90 CA4th 518, 527, 108 CR2d 825, 831;. (*Briggs v. Sup.Ct People*) (2001) 87 CA4th 312, 319, 104 CR2d 445, 449\_\_timeliness not subject to waiver; and ¶ 3:266.1]"

"(1) [3:259] Opportunity must be given to provide sworn statement: **A party or attorney who announces the intent to exercise a § 170.6 challenge must be given an opportunity to provide the sworn statement required by statute**. [*People v. Whitfield* (1986) 183 CA3d 299, 305, 228 CR 82, 86]"

"c. [3:263] Ruling on challenge: Because a timely and proper challenge results in automatic

disqualification (see ¶ 3:271), **the only issue that usually can be raised is whether the challenge was timely**. [See *Schoenberg v. Benner* (1967) 251 CA2d 154, 164, 59 CR 359, 366]"

**"If a judge is disqualified all of his actions in the proceeding after such disqualification appears would be void**. *Turkington v. Municipal Court of City and County of San Francisco* (App. 1 Dis. 1948) 85 Cal.App.2d 631, 193 P.2d 795. Judges 56"

**Because of the penalties that may be imposed, a civil contempt proceeding is criminal in nature, and the constitutional rights of the accused must be observed; for example, he is entitled to presumption of innocence, cannot be compelled to testify, contempt must be proved beyond a reasonable doubt, and presumptions or intendments may not be indulged in to support the contempt order**. *In re Martin* (App. 5 Dist. 1977) 139 Cal.Rptr. 451, 71 Cal.App.3d 472. Contempt 30; Contempt 60 (1)

**Due process requires that someone other than trial judge try contempt charge against lawyer if the trial judge has become so personally embroiled with the lawyer at trial as to make the judge unfit to sit in judgment on the contempt charge, and inquiry must be not only whether there was actual bias on judge's part, but whether there was likelihood of bias or appearance of bias**. *In re Martin* (App. 5 Dist. 1977) 139 Cal.Rptr. 451, 71 Cal.App.3d 472. Constitutional Law 273

Whether direct or indirect, where hearing on contempt is continued to a later date, **basic due process requires that the hearing be before a truly impartial judge**. *In re Martin* (App. 5 Dist. 1977) 139 Cal.Rptr. 451, 71 Cal.App.3d 472. Constitutional Law 273"

**Where contempt charged has in it the element of personal criticism or attack on judge, and where delay would not be impracticable, judge must ask another jurist to rule on contempt in his place**. *Little v. Kern County Superior Court*, 294 F.3d 1075 (9<sup>th</sup> Cir. 2002).

Where contempt charged has in it the element of personal criticism or attack on judge, and where delay would not be impracticable, judge must ask another jurist to rule on contempt in his place. *Little v. Kern County Superior Court*, 294 F.3d 1075 (9<sup>th</sup> Cir. 2002).

County court violated attorney's due process right to impartial adjudicator of contempt charges against him when judge failed to ask colleague to preside over contempt proceeding; alleged contumacious conduct was in nature of personal attack against judge, and judge's behavior showed bias against and personal embroilment with attorney, and thus judge likely was unable to maintain calm detachment necessary for fair adjudication. U.S.C.A. Const., amend. 14. *Little v. Kern County Superior Court*, 294 F.3d 1075 (9th Cir. 2002).

When judge has become personally embroiled with alleged contemnor, it is compelling proof that judge fails to represent impersonal authority of law, and therefore, judge must ask judicial colleague to preside over contempt proceedings. *Little v. Kern County Superior Court*, 294 F.3d 1075 (9th Cir. 2002)"

Fig. 9—Case law regarding disqualifications, contempt, and personal embroilment showing that Judge O'Farrell could not legally do what he did to Forte.

**EXCERPTS OF THE DEPOSITION OF ATTORNEY  
MICHAEL STAMP TAKEN ON 02-10-04**

23 Q. But do you believe that Mr. Forte was taken into  
24 custody because he filed a preemptory challenge?

25 A. I don't know why he was taken into custody.

DEPOSITION OF MICHAEL STAMP (02-10-04)

40

6 enough." Did Mr. Forte fight with the bailiff to have the  
7 handcuffs put on, do you know; do you recall?

8 A. At that point?

9 Q. Yes.

10 A. No. I didn't see it if he did.

11 Q. Mr. Forte put his hands behind his back and was being  
12 handcuffed as far as you recall at that point in time?

13 A. Yes.

11 Q. So you didn't believe Mr. Forte was actually being  
12 arrested for contempt of court?

13 A. I had no idea why you were arrested. I knew you were  
14 removed from the courtroom in handcuffs. That's all I knew and  
15 until I read the paper the next day, I had no idea what  
16 happened after that. I assume you came back into court in the  
17 jury box at some point, but I wasn't paying attention to what  
18 you were up to.

**EXCERPT OF THE DEPOSITION OF ATTORNEY  
ANTHONY LOMBARDO TAKEN ON 02-19-04**

15 Q. Do you recall, was Mr. Forte fighting with the bailiff  
16 at that time period? Was he wrestling with the bailiff in any  
17 way?

18 A. You did not appear to be putting up any type of  
19 physical struggle with the bailiff.

20 Q. I had my hands behind my back and was being handcuffed.

21 A. Yes.

*Fig. 10—Excerpts from the depositions of Attorney Michael Stamp and Anthony Lombardo who were present in the courtroom when Judge O'Farrell had Forte arrested, handcuffed and removed from the courtroom during the hearing. I only included brief statements due to page limitation..*

Herald.com

Posted on Sat, Dec. 20, 2003

**Recall candidate jailed for contempt**

A Monterey County man who has waged a one-man assault on the local court system was jailed for eight hours Friday after a judge held him in contempt for arguing in the courtroom.

Gene Forte, who operates the AttorneyBusters.com Web site to break up what he calls "the good old boys club" in Monterey County's judicial system, was found in contempt by Judge William O'Farrell. O'Farrell was presiding over a hearing in a civil dispute between Forte and several Monterey attorneys who once represented Forte in another dispute.

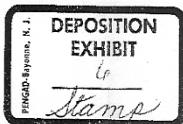
Witnesses said O'Farrell's action followed a heated exchange of words between the judge and Forte, who was representing himself in the Monterey courtroom.

Forte was also one of the 146 candidates on the gubernatorial recall ballot in October, finishing next to last with 235 votes.

Forte contends that Monterey County judges, prosecutors and attorneys routinely condone perjury and hide documents in a conspiracy to protect one another.

His Web site details his contentions that a massive cover up among judges and attorneys, whom he refers to as "rats on a skewer" and "dirt bags."

Forte said his landslide defeat in the recall election was proof that "the media propaganda machine (is) calming down the sheep as they are led to the slaughtering pen."



*Fig. 11— Article in the Monterey Herald on December 20, 2003, the day after Judge O'Farrell arrested and threw Forte in jail. It was just the first hit job by the Good ol boys. The major attack upon me took place on December 4th, 2005, "County judiciary under fire". I will cover that in future issues.*

**GO BACK TO JAIL TIME, P. 11**

(JAIL TIME, Continued from page 11)



over and over again what has taken place.

No, I just can't move on and anyone that would say it is my own fault and choice has got a couple of screws loose. If I did "move on," my children and yours will have absolutely no chance to be brought up in a country not ruled by tyrants in black robes.

If I do not expose that the media is involved in covering up government corruption, I seriously doubt if anyone will be able to take it to the level I have. On the bright side, I have got the Good ol' Boys on the mat, and I am going to twist their legs until they cry uncle.

If the Los Banos Enterprise/McClatchy Newspapers continues to ignore and not report what I have uncovered so that people can make their own judgment calls, it is my hopes to close them down. In doing so, the citizens of Los Banos can send the first signal across the United States that all newspapers involved in covering up government official corruption are not wanted, and will not be tolerated. (Look to the Hershey Kiss Award for more info)  
**THE END FOR NOW**

**PLEASE HELP ME, HELP US, NOW!**

Here is an opportunity to help someone that is sincerely standing up to public official corruption. Don't let me continue to stand alone. If you do, then the public officials and the newspapers that have a strangle hold on us will continue to squeeze. They will know that you are scared of them. You do not have to be. You can stand in the background hidden if you want and support me. Don't support me by wishing me good luck Lip service is what our public officials give, and what we are fighting. Basically, not helping me is helping public officials to run over the top of all of us. The way that I see it is if you are not with me, you are against me.

I need funds for my family to live and to fight these traitors to American principles. I cannot continue to devote my time to my professional career while at the same time fighting this cancer upon our country and our lives. I do believe the end is very close from the desperate actions they, the Good ol' Boys, have had to recently take. You, we, have the opportunity to get the entire nation to take notice of what we are doing, and we can force these newspapers and the corrupt public officials that control them to their knees. There may be good public officials, attorneys, and judges out there, but they need to know that we will support them when they stand up with us.

I swear to you there is nothing in my background that these jokers can pull out to discredit me. If there were, they already would have done so. They will not give us any mercy as they strip us and the future of our children away at an even more alarming rate. Please do not fall into the excuse that it is somebody else's problem or just mine. I did not start this fight, and I don't like doing it, but as they say, somebody had to.

I implore you not to sit back and say to yourself you're going to wait and see what happens, or if others join in to help me first. Be one of the first ones to do so. Don't say you already know the outcome of what you have been trained to think is a losing battle. It is not. Give me the opportunity to be heard publicly about this. Demand that I be given the chance to either prove what I am saying, or be proven wrong. Don't let them investigate the matter themselves, and tell you there is nothing to what I say. **DO NOT TAKE ANY OF THE NEWSPAPERS' WORD AT THIS POINT. AS YOU BECOME FAMILIAR WITH WHAT I SHOW YOU IN THE COURT FILES, YOU WILL UNDERSTAND WHY.**

No other person has been able to bring the battle this far and to this level. I doubt if anyone will again. The evidence I have is overwhelming. The fact that newspapers are not saying a word about it shows how very scared they all are. You are only seeing tiny bits and pieces of the evidence that is in the court files. Yes, I have won two appeals, but that does not mean they are giving me justice. It does show that I know the law pretty well for a non-lawyer. Appeals are not easy to win and are very seldom granted, but when you win, it often only means that I have to go back to the lower court that made the "fixed ruling." I tell you I have the Good ol' Boys in a corner because of what my appeals show, please just give me the benefit of the doubt at this point.

My winning of appeals give the illusion of "the appearance of fairness", but it is not "true" fairness. The Sixth Appellate Court Justices should be called on the carpet for ignoring and not taking action against the denial of my equal protection under the law. The obstructing of justice by the public officials in my cases is very clear. The Appellate court just keeps silent. It is a trick. Sending me back to the snake pit is not justice. I have been waiting the assignment of judges to the cases now for over nine months. That is NOT NORMAL. Judges do not want to take the cases because I demand they call in Federal authorities or be added to the chain of corruption that I have documented.

With Mayor Jones now thinking he can accuse me of being a dangerous KKK member, it means that you could also be accused of being a Klansmen by any public official that does not want you to ask questions. No citizen of any race or color is safe from attack by public officials that will say anything to turn the victim into the accused. Mayor Jones knows that my wife is Chinese and my best friend is black. I've included the requirements of being a Klan member for your information so you didn't think somehow that the KKK requirements have changed.

I am now forced into a position to openly state that I think the KKK are hate mongers. Are corrupt public officials pleased that I need to address such? Of course, because now racists that would consider me a traitor to white supremacy can now be added to the list of corrupt public officials that would rather see me dead.

Please help me by buying The Badger and contributing to bringing our country back under our control. If you make copies for friends, tell them to also send me the money for it.

I will not get down on my hands and knees to beg people. Those that would like me to do so, or laugh at me should go and lay with the dogs that I am fighting against.

DON'T WAIT FOR TOMORROW TO HELP, PLEASE HELP ME TODAY! PICK UP THE PHONE, CALL ME, OR JUST SEND ME A CHECK. BUT JUST DON'T SIT THERE. (209) 829-1116

Thank you. Gene Forte

## A COMMUNION CELEBRATION

by Gene Forte



My family and I were honored to accept an invitation to the gathering of Javier and Arcelia Galvan's family to celebrate their daughter Elizabeth's First Holy Communion on April 29<sup>th</sup>, 2007. Even though I have long forgotten the high school Spanish taught to me by Professor Castillo, all of the Galvan family members that came from as far away as Pittsburgh, Ca. and Los Angeles, made us feel welcome.

Elizabeth's sisters Veronica, Martha, and Mayra, along with brother Francisco Javier, were sure to be present and offered special prayers for her first communion.

It wasn't an unfamiliar scene to that which I experienced as a child growing up in Los Banos. The only difference was the food, and instead of old immigrant Italians and Portugese huddling together at one end of the picnic tables in the shade, there were old immigrants from Mexico.

The elders and young feasted on delicious beef purchased from La Salvia's Los Banos Abattoir, marinated and then barbecued to perfection Virria Estilo de Jalisco style by Javier and Arcelia. There were plenty of hot sauces and Mexican specialties for all to enjoy.

My children fit right in with the Galvan family children in building sand castles and having water fights in the warm waters of the Los Banos Creek Forebay. The cake was as delicio as it was beautifula. Enjoy some of the photographs taken at the festivity that day and many blessings and thanks from the Forte Family to the Galvan Family.



## MONTEREY AREA BOOK STORE DECLINES TO OFFER BADGER FOR SALE TO CITIZENS

by Gene Forte



"The Works Does Not Want to Take a Political Position Against Local Public Official Corruption?"

WHAT?!?

The Works, formerly The Bookworks of Pacific Grove, was requested to be an outlet for the Badger Flats Gazette. The Nov-Dec copies were submitted for review and consideration to the manager, Ms. Pam Hensley. Ms. Hensley commented that she thought The Badger was "very interesting, well written, and controversial which was a good thing"..... but needed to get final approval from the new owners.

Hensley also commented upon the timeliness of the Badger's content. It was focusing upon Monterey public official scandals that have been plaguing Monterey County. The Badger assured Ms. Hensley that upcoming special reports concerning GPU4 were in process. The Works was told that Badger Special Reports would include court filed documents, not made known to the public, which were at the nucleus of the investigations and sudden retirement of several judges.

As part of the marketing plan, The Badger was going to distribute weekly "teaser content" flyers throughout Monterey County directing them to The Works.

### BADGER HIT WITH SHOVEL OUT OF THE BOX

Everything seemed like a green light for The Badger to have a local outlet.....until the owners decided they "did not want to take a political stand against local public official corruption." The Badger felt that someone snuck on it and hit it with a shovel. Its head was ringing and its mind was whirling trying to figure what "not wanting to take a political stand against local public official corruption" meant in plain English besides "get lost."

It seems that such a position would be taken by a bookstore operating under the fear of the regime of a Saddam Hussein or an Adolph Hitler! It was as if The Works was not located in Pacific Grove, "America's Last Hometown," but somewhere in the darkest corners of Russia.

I had known that Ms. Hensley had been the manager of Thunderbird Books in Carmel for many years. It seems that she would be aware that a seller of a newspaper does not assume liability for its content. Thunderbird books sold any and all books and newspapers that would by many be considered controversial. Face it, controversy is what sells books.

The Badger would even bet his whiskers that there were at least a dozen books talking about Watergate which was certainly about public corruption.

The Badger would also bet that Thunderbird Books never had on its shelves one book about any local public official corruption. Hmmm ...What could be the reason for that? (wink, wink!)

### NO DEBATING OR ARGUING, JUST SHARING!

I did not debate the point with Ms. Hensley who was not the decision maker, and who actually seemed embarrassed by the decision. I simply said that I was very disappointed.

My decision instead was to share The

Works' reasoning with Pacific Grove Citizens and Monterey County residents. It appears that the Good ol' Boys of Monterey County can control what the local media does not say or says about them. It can also intimidate local bookstores from selling The Badger that would make their palms sweat without even talking to them.

Talk about burying The Badger right alongside Freedom of Speech and Freedom of the Press!

### ASK "THE WORKS," DO THEY SUPPORT LOCAL PUBLIC OFFICIAL CORRUPTION?

Think about that for a moment. A bookstore in "America's Last Hometown" does not want to take a political stand *against* public official corruption? Doesn't that mean there must be a political stand that *supports* public official corruption? Of course it does.

It's called the party of bi-partisan corrupt public officials known as the Good ol' Boys.

I certainly feel that if a citizen takes a neutral stand against public official corruption, they are in essence condoning (supporting) it.

I urge you as citizens of Pacific Grove to ask the owners of The Works why they think making available for sale a newspapers that discusses local public official corruption is "taking a political stand against local public official corruption."

You might also want to ask The Works how "taking a political stand against local public official corruption," if there is such a thing, would be a bad thing?

THE END

(KKK, Continued from page 1)



any sense. I know for a fact that you're a member of the Klan, the KKK!" Whoa!! If Mayor Jones thinks I am going to let the official position of my hometown be that I am a member of the KKK, he has lost his mind!

I was so flabbergasted I didn't know what to say. The first thing I decided to do was get a third party to verify that Mayor Jones was saying that he knew for a fact that I was a dangerous Klan member. Fortunately, Mr. Clinton Galloway was standing next to my car about ten feet away. He is one of my best friends and has been for 37 years. Coincidentally, he is also an African American.

I immediately called Clinton over to Mayor Jones who had started to walk away. I introduced Clinton to Mayor Jones and asked Mayor Jones to repeat what he had just said. Incredibly, Mayor Jones said again, "I know for a fact that Gene is a member of the KKK, he's dangerous, and I ain't talking to him."

Clinton first let out a guffaw. If he had milk in his mouth, it would have come out through his nose. Clinton then looked seriously at Mayor Jones and said, "I've known Gene for over thirty years, he's like a brother to me. I guarantee you, he ain't no member of any Klan!" Mayor Jones just said, "Whatever... I know for a fact he is!"

For those of you that are not surprised at the stupidity of Mayor Jones, **you need to know** I'm not trying to surprise you.

### THE INTERVIEW WITH MAYOR JONES

This is how my interview with Mayor Jones came to be. I was asked me to drive three of the Little Princesses in the May Day Fair. I was directed to park behind the car, which was going to carry Merced County Supervisor Jerry O'Banion in the parade.

As with most parades, it didn't start on time. Clinton Galloway, along with my son and all the other parade participants, ended up mulling around for about an hour and a half. During the wait, there was a cavalcade of public officials passing by my car. Even though it's pretty hard to miss a Classic Rolls Royce Convertible, my car and I were oddly invisible to the Los Banos City Council members. I'll talk about this more before the end of this article.

My car and I certainly weren't invisible to Supervisor Jerry O'Banion who happened to walk by. Supervisor O'Banion stopped, shook my hand, and joked about where I wanted him to take me to lunch. O'Banion was making reference to the "luncheon for two with Supervisor O'Banion" he donated to the Our Lady of Fatima silent auction. I think it was a fine gesture by Supervisor O'Banion. It was also a charitable auction item that The Badger absolutely couldn't pass up and would have bid a lot more than \$250.00 for if necessary.

After about a half an hour of waiting, I noticed Mayor Jones chewing the fat with the female passenger of the car Supervisor O'Banion would be riding in. At first, I thought about going up to them, but I didn't want to intrude upon their conversation. After about another 15 minutes, I thought, what the heck? I approached them and politely asked Mayor Jones if I could interview him for just a couple of minutes when he had the chance. Mayor Jones looked at me in an irritated way and nodded yes.

### IGNORED

I then went back to my car and waited.

Another 15 or 20 minutes passed with Mayor Jones still involved in the same conversation with the same female passenger. I then got the distinct feeling that Mayor Jones either forgot, or was planning on refusing me the few minutes he said he would give me for the interview. I felt ignored. I had been patient and courteous. So I approached Mayor Jones again and politely said, "Pardon me Mayor, but I would really appreciate just a couple of minutes for an interview."

Mayor Jones and I walked a few feet away out of earshot of the female passenger he was speaking to. I told him, "Mayor Jones, I'm not planning on grilling you about the crack cocaine fiasco. I just want to ask you about your progress, or lack thereof, so far as Mayor." It was at that time that Mayor Jones jumped back and said, "I don't care, I'm not going to talk to you. You scare the hell out of me! You're dangerous! Nothing you write makes any sense. I know for a fact that you're a member of the Klan, the KKK!"

After Mayor Jones repeated it again in the presence of Mr. Galloway, I then noticed Mayor Jones standing in a circle with City Council Members, Tom Faria, Joe Sousa, Fire Chief Chet Guintini, Anna Balatti, and I think the City Manager. I felt some uneasy glances toward my direction.

I then approached the circle and said, hello folks! Chief Guintini, immediately turned his back. I said jokingly, "Hey Guintini, don't you turn your back on me". He turned back around smiled and said, "Hey, Gene!"

In the middle of his handshake, I said loudly enough, addressing all those in the circle, "So, has Mayor Jones told you all that he knows for a fact that I am a dangerous KKK member?" Chief Guintini jerked his hand away high in the air as if he was shaking hands with a rattlesnake. There was a dead silence. I then said, "I thought so!", smiled and walked away.

### MERCED SUPERVISOR O'BANION AND FIRE CHIEF GUINTINI

A short time later, Supervisor O'Banion was strolling by my car, and I called him over. I introduced him to my friend, Clinton Galloway and said, "You ready for this? Mayor Jones just said he was scared of me and said he knew for a fact that I was a dangerous member of the KKK." Supervisor O'Banion started laughing and said, "You're kidding me right?" Galloway then said, "No, Mayor Jones told me that too."

A few minutes later, Chief Guintini was walking by. I had to call to him two or three times to come over to my car. The Chief seemed reluctant to come over, but did so.

Since the Chief didn't respond when I asked him before while he was standing in the circle if Mayor Jones had told him he knew for a fact that I was a dangerous KKK member I decided to give him an offer of proof of Mayor Jones' statements. I then introduced him to Clinton Galloway and repeated again to Chief Guintini what Mayor Jones had said. Chief Guintini asked if I was kidding.

Galloway then verified that Mayor Jones had made those statements to him directly also. Chief Guintini, just shook his

head. But you know what, I don't think Chief Guintini was really all that surprised and he was only hearing repeated what Mayor Jones had already told him sometime before.

### NOT A LAUGHING MATTER "NAPPY-HEADED HOS & DANGEROUS KKK MEMBERS"

For the past few years, I paid the price (and continue to do so) for having caught some corrupt public officials, judicial officers, and newspapers involved in the obstruction of justice. The price has been having to defend, alone, an attack upon my good name that has caused me to put aside my professional career and forego my family's financial security. I suffered a heart attack in the courtroom and underwent open-heart surgery.

All has been done because I know it is the right thing to do for my children and my country's future. I'm not getting paid by anybody, and I do not have any big pocket political backers. What I am exposing is a united bipartisan front to keep public official corruption concealed from the public.

Mayor Jones, in his official position for the City of Los Banos, says that he "knows for a fact that I am a dangerous Ku Klux Klan member" was an attack to ward off any questions I have as a member of the press to inquire into the workings of our government.

More importantly it attacks my family, and endangers the safety of my children from radical racists that would be stupid enough to believe Mayor Jones.

It is not a laughing matter.

Mayor Jones should have learned from Don Imus's public shtick (See Imus The Actor & Shill) that racial insults and racial attacks are off limits. What Mayor Jones said is a jillion times worse. Imus, who is not a public official, was fired. Mayor Jones has an even greater responsibility not to do what he did and he should also be forced to resign, or be fired. It is very simple matter.

Just as it is an affront to African American women to be referred to as "nappy-headed hos," it is more of an affront to myself, a white Portuguese/Italian, to be labeled a "dangerous KKK member." Add also that my wife is Chinese American. What kind of a donkey is Mayor Jones anyway?

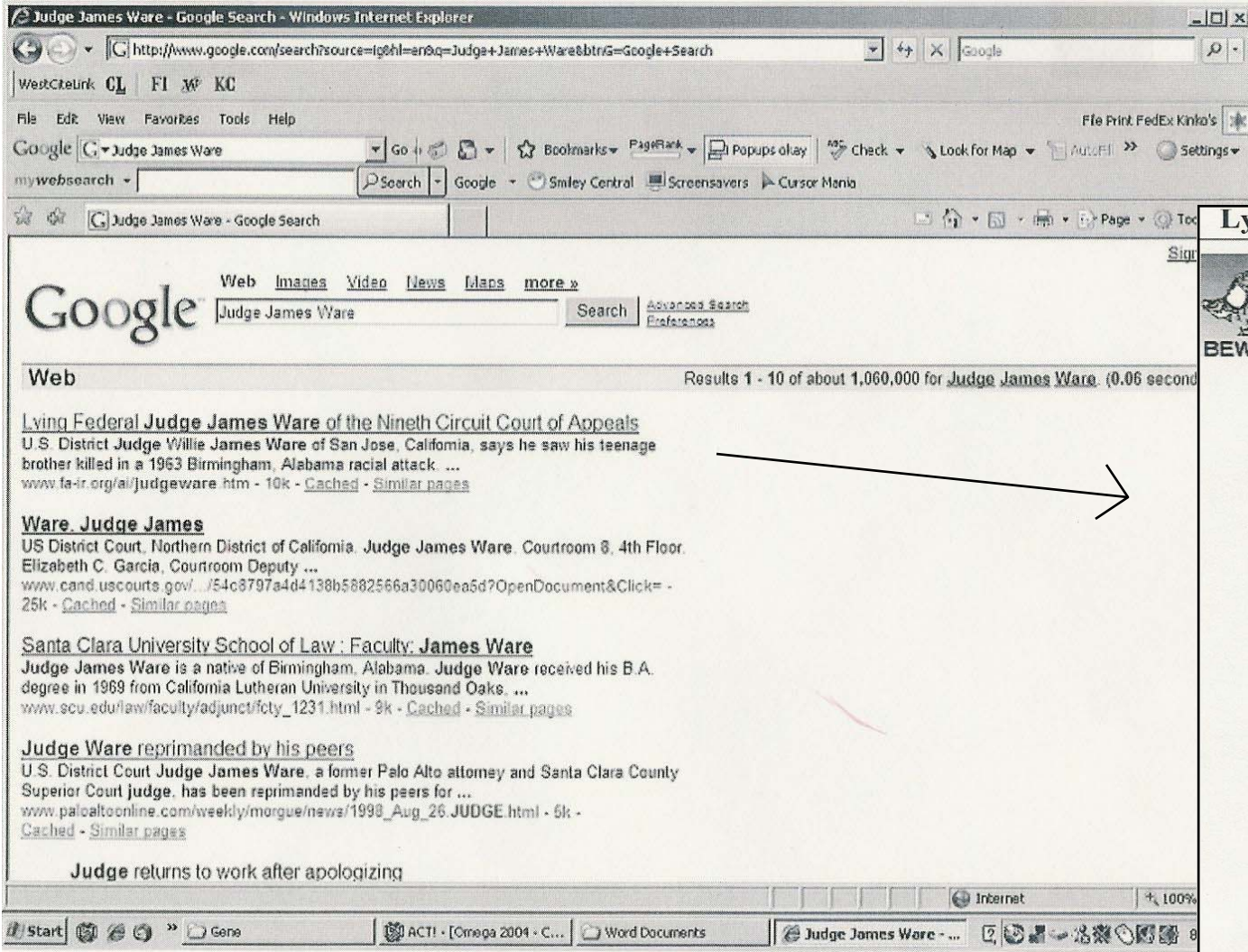
### PUBLIC OFFICIALS ATTACK WITH NEWSPAPERS

The Federal Case that was dismissed last week will soon be the subject of a blistering and meritorious appeal. It evidences how high ranking public officials will defame a citizen at the drop of hat to avoid accountability with the assistance of McClatchy newspapers, the owner of the Los Banos Enterprise.

I want to make it very clear that the case was not dismissed because the government officials were found innocent of what I accused them of. The dismissal was based solely upon the Federal judge, James Ware, who is also known as "Lying Judge James Ware" (See Fig. 12, page 13) determining that the government officials were immune from any crimes they may have committed.

Even though I am not an attorney, I have written and won two appeals. I assure you that Judge Ware's ruling is as legitimate as his story that he carried "his dying brother Virgil Ware from a ditch in Alabama." Judge James Ware

(KKK, Continued on page 15)



**Lying Federal Judge James Ware**

Thursday, November 6, 1997

**BEWARE**

U.S. District Judge Willie James Ware of San Jose, California, says he saw his teenage brother killed in a 1963 Birmingham, Alabama racial attack. The Alabama native nominated for a prestigious federal judgeship faces scrutiny over his claims that his brother was shot in a racial attack on the same day as the Sixteenth Street Baptist Church bombing that killed four African American girls.

Birmingham family members of the slain 13-year-old, Virgil Ware, say they don't know U.S. District Judge James Ware, and Senate staffers are asking questions about Judge Ware's accounts.

Lying Judge Ware, in a spellbinding speech to 300 lawyers and judges in 1995, said his passion for justice was formed on the September 1963 day when his brother Virgil was shot off the handlebars of a bicycle he was pedaling, according to a story in the *San Francisco Chronicle*. "It molded me into a person who was hungry for justice," Ware told the *Chronicle*, saying the shooting remains a blur.

But the San Jose federal judge now being considered for the 9th U. S. Circuit Court of Appeals - the nation's largest federal appeals court - is not the same James Ware who pedaled that bike, said Virgil Ware's Birmingham family members. "It wasn't him, it was me," Virgil's brother, James Ware of north Birmingham, said Wednesday, November 5, 1997. "We don't know him."



(KKK, Continued from page 14) was sought out to speak at public events and re-tell the tragic story.

For years, Judge Ware said it was on that day that he decided to serve the law so that everyone could receive equal justice. He would give these tear jerking speeches I'm sure while lapping down free drinks, lunches, and dinners while he was a Federal Judge judging the truthfulness of others. Then came the public rub. **Judge James Ware was not the brother of Virgil Ware** but falsely and callously assumed the identity of Virgil Ware's real brother, also named James.

I wouldn't suggest any private citizen, other than a public official or Federal Judge, to try telling that lie in public and expect to still be employed after it was exposed. But, thanks to the media and Judge Ware's fellow judges who he now grants immunity to, he incredibly kept his position as judge.

Do I believe any ruling by Judge James Ware is an honest one? No, and especially not in my case where the media and our government has been caught in bed with each other violating my rights as a citizen.

**MODUS OPERANDI OF PUBLIC OFFICIALS**

My court cases in Monterey County clearly show that the public officials' modus operandi is to falsely accuse, slander, and malign a citizen that has caught them in the act of committing a crime. They do this in order to avoid prosecution or accountability.

The public official realizes that the citizen needs to go to another public official or public enforcement agency. Little does the citizen know that the other public official is conditioned to support the idea of "what the public doesn't know about crooked public officials is best for the country and especially for us public officials."

It fulfills the oath of the judiciary (and our government) to uphold the "appearance of justice and fairness." It is done under the guise that chaos would reign if citizens knew their public officials cannot be trusted. In other words, their reasoning is that "if the public knew how much we were screwing them, our public officials jobs and lives could be in danger."

Under such operating principle, it's easy for them to justify themselves and allows the corruption to fester and multiply. Occasionally, a "public show" is made, a well organized media event intended to keep up the pretense that they're doing their jobs. It is a bi-partisan effort to pull the wool over the public's eyes and makes Big Time Wrestling pale in comparison.

The media propoganda machine of our government sets to a have the matter end in a way that nothing was accomplished, no one was found guilty of anything, and it was nothing more than two opposing political parties fighting. Whatever was at the center of the controversy just fades away into obscurity. It is replaced by the next revelation that the government-controlled media says is important to the public. All the while, gas prices keep going up and \$500 billion dollars missing in Iraq is only a blip on the radar screen in comparison to Don Imus supposedly walking the plank.

The worse the public official's crimes, the more it justifies concealment from the public. The public officials do not care if citizens who are fighting for justice are wronged. They do not care if these citizens get sacrificed in order to "keep up the appearance of fairness and justice."

The citizen is marked as being on a personal vendetta, a delusional conspiracy theorist, or falsely reported as having been declared a vexatious litigant by the court. In the case before the citizens of Los Banos, an African American Mayor Jones says that he knows for a fact that I am a dangerous member of the KKK.

The more the citizen struggles and fights for justice, the more the boa constrictors (public officials) tighten their coils to crush their victim. Thankfully, I don't crush so easily. I have actually maneuvered my way down the throat of the boa and am now tearing its guts apart.

**THE INVISIBLE MAN & THE COLD SHOULDER**

I mentioned that I was going to comment upon my invisibility to Mayor Jones' (KKK, Continued on page 16)



Photo by Monique Schoenfeld, Town Crier.

James Ware, A U.S. District Court judge, holds a light bulb as he describes how Lewis Howard Lattimer, a black man, obtained the patent to Thomas Edison's invention.

**Judge asks, "Can't we just get along?"**  
By Clyde Noel

Published on 02/10/1997

Town Crier Staff Writer

At last week's Morning Forum lecture in Los Altos, Ware recalled riding on a bicycle with his brother when a young white man walked up and shot his brother.

He held his dying brother in a gutter. The killer had just attended an anti-segregation meeting. "I came out of that ditch with a hunger for justice," Ware said. "Since that day, I dedicated my life towards equal justice and a life where everyone can be proud."

Fig. 13 — Judge James Ware was said to bring his audience of judicial peers to the brink of tears as he shared his heart wrenching story. The only rub was it was a lie!

(KKK, Continued from page 15)



entourage of the City Council members who were only a few feet from my car and me. I watched Mayor Jones hee-hawing around like a donkey with each one of them after he told myself and another African American that I was a member of the KKK.

Council member Mike Villalta continued to look over toward me, with Mayor Jones' arm over his shoulder, but he looked right through me with a blank stare. I waved to him several times. Not once did he smile, nod his head, or wave back. It was like I wasn't even there. It was the classic cold shoulder. I frankly found it very offensive, since Mike and I also went to school together and I considered him a friend, though not a close one.

Anytime Mike has seen me at Hollywood Video or about town, he always makes it a point to say hello and engage me in conversation. Why not now?

Council member Tom Faria and Council member Joe Sousa were somewhat more artful about giving me the cold shoulder. They made sure they kept their backs turned toward me for over an hour. They had always been friendly to me before. Why not now?

As fate would have it, the director of the parade told me that I had to pull my car up closer, to within three feet of Supervisor O'Banion's parade car in front of me. In order for the Council members, led by the proud peacock Mayor Jones, to get to the Los Banos Fire Truck they were riding in, they now had to pass through the narrow passage in front of my car.

I wish I had a camera with me to capture the looks on their faces.

Councilman Villalta made a nervous and offensive joke while walking through the narrow passage by saying, "Everybody look out! Gene might crush our legs!" which the others all nervously laughed at. I responded, "Hello Mike, you didn't see me here before?" I then shook his hand along with Councilman Faria.

What would make long time friends that you've had good friendly relationships for years turn their back on you in public, pull their hands away during a handshake, and look through you like you were invisible?

**ANSWER:** When an African American Mayor Tommy Jones, confides in them that he knows for a fact that you are a dangerous member of the KKK out to get him.

Mayor Jones used a malicious attacking excuse as to why he would never answer any of my questions, or give me the time of day for an interview. It is technique used by Mayor Jones. Did he use the same trick before by attacking the LBPD when crack cocaine was found in his car?

It will be interesting to find out if Mayor Jones when busted with crack cocaine possession said white Los Banos Police Officers were out to get him .....but did he or did he not know for a fact, they were members of the KKK?

Perhaps, Mayor Jones feels he now has credibility and power to assert as facts what he knows are his own malicious lies? It is known as, "Arrogance before the fall" and I assure you he is regretting it at this very moment.

**COUNCIL MEMBERS AND ALL PARTIES ARE FOREWARNED**

I have little doubt that Mayor Jones has been running this malicious story around for quite some time. It is allot smaller town that one may think. The truth always does come out if one persists...and if I am anything at all, I am certainly persistent!

Council members are urged to come clean by simply telling the truth. If Mayor Jones told them as I absolutely suspect he did that he knew for a fact that I was a dangerous member of the KKK, he should suffer the consequences for his actions if he cannot prove it. I ask them to put themselves in my position for a moment.

I forewarn them in advance I will have a zero tolerance to game playing. I have a proven track record of making people look stupid that try to dodge around questions. Their stories end up by not being believable to a reasonable person.

Don't doubt for a moment that I am not resourceful enough to get you strapped to a lie detector, or make fools of those that refuse to take one.

Mayor Jones's malicious statement rolled off his tongued like he had said it a thousand times before. Mayor Jones was not making a crass joke, he was earnestly vicious and serious. Mayor Jones just didn't think it up on the spot. Anyone familiar with Mayor Jones' character knows that he loves to talk.

I suggest the council members and all public officials that Mayor Jones confided his concocted factual information of knowing that I was a dangerous member of the KKK should heed the adage, "Better to jump a sinking ship, than go down with it."

#### **DO NOT EVEN INFER I AM CAPABLE OF A VIOLENT CRIME AGAINST A PUBLIC OFFICIAL**

You *don't need to know now* the details concerning McKee v. Forte, DVH 3863, but I only mention it to you in passing so none of my adversaries can try to twist the truth by saying you were not told something by me. It will be covered in detail in the future. I assure you that it is an overwhelming block of

evidence against the Good ol' Boys as great as my being jailed for alleged contempt of court (See JAIL TIME & DOMINOS).

There is very good reason as to why I will not tolerate any public officials throwing out an off colored comment of my being capable of a violent crime such as intentionally crushing people's legs with my car.

Based upon what Mayor Jones told a third party who he didn't know about my being a dangerous member of the KKK, I have every reason to believe that Mayor Jones had the same diarrhea of the mouth with City Council members who he does know. It certainly would be understandable then as to why City Council members did not want to raise the ire of Mayor Jones by fraternizing with a rooted out Klansman. Right?

#### **NO WAY FOR LOS BANOSANS TO KNOW, EXCEPT FROM THE BADGER**

There is no way Los Banosans at this time can know how my matters of taking public officials to task in Monterey County caused the top officials of our state to come in to rescue them, and how it ties directly with DA Gordon Spencer resigning from office.

There is no way for Los Banosans to know how my Federal lawsuit against The Monterey Herald which is being sold by McClatchy Newspapers (owner of the Los Banos Enterprise), prompted the California Newspapers Publishers Association (CNPA) to select Gene Lieb, publisher of the Los Banos Enterprise, to be the replacement for Ms. Jayne Speizer of the Monterey Herald on the CNPA Board in April 2007.

There is no way for Los Banosans to know how Leon Panetta and the Panetta Institute recently hosting a lecture in Monterey for Dan Rather and Bob Woodward about news media not holding public officials accountable, and that is nothing but a phony act to conceal precisely what I have accused Leon Panetta and The Monterey Herald of doing.

The local Monterey media is going beyond not reporting upon it, they are actually  
(KKK, Continued on page 18)



From left to right: Japanese American matron of honor, Chinese American bridesmaid, Chinese American bride, Porta-Wapp groom, African American best man, Portuguese groomsman



Fig. 14 — KKK Spook or KKK Spoof? Mr. Clinton E. Galloway and guess who?

## WHAT KIND OF A DONKEY?

By Gene Forte

What kind of a donkey states that he knows for a fact that I'm a dangerous member of the Ku Klux Klan even though I have an Chinese American wife?

What kind of a donkey states that he knows for a fact that I'm a dangerous member of the Ku Klux Klan even though I have four children of Italian, Portuguese, and Chinese descent?

What kind of a donkey states that he knows for a fact I'm a dangerous member of the Ku Klux Klan even though I had an African American as my best man and as a friend?

What kind of a donkey doesn't know that Ku Klux Klan members must be white, cannot be married to nonwhites, and cannot have nonwhite dependents, or nonwhite friends?

The same kind of donkey that if caught with drugs would state for a fact the drugs weren't his, the police planted them on him, and expect people to believe him.

(Reference material: [www.KKK.com](http://www.KKK.com), requirements for "Application for Klansman/ Klanswoman: "I am white and not of racially mixed descent. I am not married to a nonwhite. I do not date nonwhites nor do I have nonwhite dependents").

**THE END**



### SWORN DECLARATION OF CLINTON E. GALLOWAY

I, Clinton E. Galloway, declare the under penalty of perjury, that:

- 1) I make this declaration of my own personal knowledge and if called as a witness I could and would testify to the facts stated herein.
- 2) I am a 55 year old African American residing in the City of Los Angeles.
- 3) I have known Gene Forte for 37 years and was the best man for him at his wedding to his wife of Chinese heritage, Eileen.
- 4) My father and mother, along with all of my family members have always considered Gene to be part of our family in every sense of the word
- 5) Gene's children always refer to me as Uncle Clinton, and in fact, I consider them my nieces and nephews.
- 6) Gene always introduces me in public to others as one of his very best and oldest friends.
- 7) I traveled to Los Banos and stayed with Gene and his family on May 4<sup>th</sup> through May 6<sup>th</sup>, 2007.
- 8) At the time I went to Los Banos, I was not aware that the May Day Fair was taking place nor did I have any expectation of meeting Mayor Jones.
- 9) On the morning of May 5<sup>th</sup>, 2007, I accompanied Gene due to his being requested to participate in the May Day Fair Parade.
- 10) On May 5<sup>th</sup>, 2007, Gene pointed out to me Mayor Tommy Jones who was having a conversation with a female occupant of the car parked in front of us which Gene told me was going to carry Merced County Supervisor Jerry O'Banion.
- 11) Gene left the car we were sitting in and proceeded to talk with Mayor Jones.
- 12) Gene returned to the car and said that Mayor Jones would talk to him in a few minutes.
- 13) After several minutes of waiting, Gene then approached Mayor Jones and the two of them engaged in a conversation out of my hearing distance.
- 14) Gene then called me over to he and Mayor Jones and introduced me to Mayor Jones.
- 15) Until Gene introduced me to Mayor Jones, I had never met or spoken with Mayor Jones.
- 16) Gene asked Mayor Jones to repeat to me what Mayor Jones had just told him.
- 17) Mayor Jones then told me that he knew for a fact that Gene was a member of the KKK and that he was dangerous.
- 18) I then told Mayor Jones that I had known Gene for over thirty years and that I was absolutely positive that Gene was not a member of the Ku Klux Klan.
- 19) Gene and I then returned to his car.
- 20) A few minutes later, a gentleman walked by that Gene engaged in conversation and introduced me to as being Supervisor Jerry O'Banion.
- 21) Gene told Supervisor O'Banion in my presence that Mayor Jones said that he knew for a fact that Gene was a dangerous member of the KKK.
- 22) Supervisor O'Banion laughed and said, "You're kidding?" I then told Supervisor O'Banion that Mayor Jones also told me directly that he knew for a fact that Gene was a dangerous member of the KKK.
- 23) A few minutes after that Gene engaged another individual in a conversation that was walking by and introduced him to me as being Fire Chief Chet Guintini.
- 24) Gene then told Fire Chief Guintini that Mayor Jones told Gene that he knew for a fact that Gene was a dangerous member of the KKK.
- 25) Chief Guintini, laughed and said the same thing as Supervisor Jerry O'Banion, "You're kidding me, right?"
- 26) I then told Chief Guintini that Mayor Jones told me directly that he knew for a fact that Gene was a dangerous member of the KKK.
- 27) From knowing Gene for over thirty years, I could see that he was greatly distressed over what Mayor Tommy Jones had said.
- 28) Gene had shared with me the information about Mayor Jones saying that he had been framed by Los Banos Police Department officers by their planting crack cocaine in his car.
- 29) I told Gene jokingly that from Mayor Jones' irrational statements in telling myself, a fellow African American who considers Gene one of his best friends and brother, that he knows for a fact Gene is a dangerous member of the KKK, it appears that Mayor Jones may still be smoking crack.
- 30) Gene shared with me his concerns about not knowing how many people Mayor Jones has been telling that Gene is a dangerous member of the KKK.
- 31) Gene told me that he was worried that if radical racists were to believe that the statements of Mayor Jones saying that Gene was a dangerous member of the KKK were true, that his wife and children could be in danger.
- 32) I also believe that Gene and his family could be in danger of harm from radical racists if they were to believe that Gene was a dangerous member of the KKK.

I declare such under the penalty of perjury under the laws of the State of California on this day of May 8<sup>th</sup>, 2007 in the County of Los Angeles.


Clinton E. Galloway 

Fig. 15—Declaration signed under penalty of perjury by Clinton E. Galloway.

(KKK, Continued from page 16)

involved in covering up the local public official corruption that leads to the top officials of the State of California.



But, due to Mayor Jones recent slandering of me, and the on-going efforts of The Badger, Los Banosans will start to get an idea as to how all of these events tie together.

### WHERE'S THE CUP?

It is hard for me to phantom as to how Mayor Jones on one hand says nothing I write makes any sense, meaning that he had read The Badger, and then also say that I am a dangerous member of the KKK.

The first issues of The Badger focused upon the railroading of ex-Dos Palos Police Chief Barry Mann, an African American. I took the position that Mann was being set up by those that had an agenda of retribution against him such as Merced County Sheriff Pazin possibly wanting to get more turf for the Merced County Sheriff's Department, or police officers who were caught committing felony perjury during an investigation by DA Larry Morse but were not prosecuted.

In the November-December issue I forewarned the Mayor-elect Jones not to try and spin the tables and say that my criticism of him was a "white guy versus black guy thing." As an offer of proof, I included my wedding party picture (Pg 16) that shows that my wife Eileen is Chinese, and my best man Clinton Galloway, is African American.

There is another personal factor of mine which eliminates me from ever being able to being a member of the Klan in that I am Catholic. The KKK hates Catholics probably as much, if not more than African Americans.

If you consider that I am a Catholic, Italian/Portuguese married to a American Chinese woman who had as his best man, and as a close friend an African American, you can be assured the KKK wouldn't want to have anything to do with me.

Mayor Jones acknowledged he had read my writings in The Badger that he says don't make any sense to him. It also seems more than reasonable that he also saw the picture of my wedding party (Pg 16). As they say, "A picture is worth a 1,000 words." If Mayor Jones is in control of all of his faculties, he should have readily been able to figure out that the KKK doesn't permit its members to have Chinese wives or African Americans as their best man.

If Mayor Jones says he didn't know that simple fact about the KKK, or couldn't connect the dots obvious from my wedding picture that I couldn't be a member of the KKK, then I personally don't think he is smart enough to be Mayor of any city, and/or I want to know when the last time Mayor Jones peed in a cup to see if he was on drugs!

### A REAL DANGER TO MY FAMILY

It is not a laughing matter for me, who has put myself and family in harm's way while rooting out public official corruption, to now be proclaimed by an African American public official such as Mayor Tommy Jones that he "knows for a fact" that I am a dangerous member of the Ku Klux Klan.

Is it the intention of the corrupt public officials I have been exposing to put me in harm's way from those radical enough and foolish enough to believe that I am a dangerous member of the KKK?

Or are they preparing to have as an alibi and cover if they themselves orchestrate harm to

family or me, that I had a long list of enemies?

I am anxious in having Mayor Jones under sworn penalty of perjury show and tell how he confirmed *his, and thereby the City of Los Banos's known fact* of my being a dangerous member of the KKK?

Let's see if Mayor Jones when under pressure to save his own skin sings like a canary that someone, such as one of my well-known public official adversaries, put him up to spreading such a heinous and outrageous lie.

Mayor Jones and any attorney defending him are going to have a very tough road to hoe.

I've taken the liberty, for the health of my heart, to provide them with some mocking evidence. (See Fig. 14, page 17)

### TO THE CITIZENS OF LOS BANOS

I thought long and hard since Mayor Jones stated that he knows for a fact that I am a dangerous Ku Klux Klan member, prior to filing my complaint against the City of Los Banos.

No matter how I looked at it, it really was an easy decision that adds another load of work to that of which I am already overloaded and not paid for. It continues to send me deeper into financial chaos. There is a price for doing the right thing, and a far greater one for not.

There was only one right choice. Some people say that doing the right thing is difficult. I disagree. It is a natural instinct that is only overridden by fear of loss, or ridicule by those unwilling to take action. I guarantee you that doing the right thing does make you sleep better at night.

It gives me no pleasure in realizing that there is going to be more than likely a substantial drain of City resources to fight this matter if they so chose.

At the same time, I seek solace in

## PREVIEW OF THE NUT CRACKER

by Gene Forte



You will find the first few pages of what I called the nutcracker. It caused Judge James Ware to dismiss the Federal complaint I had against the news media defendants within 24 hours on April 27, 2007. The case had been at a stand still for three months. (Fig. 22, Pg. 30)

You **do not need to know all of the details**, but the end result was that Judge Ware decided that he did not want to take Federal jurisdiction over the case. This means that I can now file it in State court. The defendants were not found innocent in any way. In simpler English, he ran for cover and out through the side door.

What is called a Rule 11 Motion for Sanctions requested Judge Ware to nail the defendants and their counsel for "fraud upon the court" based upon perjury.

The evidence was all there for him to do so. Invariably, each time I get a judge to

knowing that if someone stood up to the type of nonsense spewed out by public officials like Mayor Jones the City of Los Banos would not be in the wreck it is now.

I submitted the claim for \$1,000,000.00 anticipating that the city will not pay anything, and I was damaged by more. I do not want to be technically prevented from claiming such amounts, and even greater amount for punitive damages in the inevitable lawsuit looming on the horizon.

### THE WORRY ABOUT YOUR FAMILY & VALUE OF YOUR GOOD NAME

Ask yourself, how much is the value of a person's good name, or the price of his having to consider even for a moment the real danger that his family and children could in by those hating the maniacal members of the Ku Klux Klan?

I anticipate that Mayor Jones' attorneys and himself will deny that he said what he said, Galloway is just a personal friend making the story up with me, I am only doing this to promote sales for The Badger, and all of the other disingenuous and false hog wash.

Those of you that are reading The Badger and who I believe have had Mayor Jones tell you directly that he knew for a fact that I was dangerous KKK member will know that I am telling the truth.

I suggest that Mayor Jones and any attorneys that step into the ring to defend him not try and turn the victim (that's me), into the accused. It has not worked out well at all for some bigger good ol' boys that tried the same old worn out tactic.

### THE END FOR NOW

the spot where they need to expose the public officials/media defendants, they run for cover and out the door.

You will see that the defendants would cut and paste one sentence out of several different letters (which I had written to them) to make one paragraph. The result was totally opposite what I was really saying You will also get a sense of my legal writing that some attorneys say is the best they've ever seen.

By the judge dismissing the case, he escaped ruling on the motion by saying it was moot. Since when does lying and perjury by trapped rat defendants become moot?



THE END—MORE NEXT ISSUE

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Plaintiff In Propria Persona

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

EUGENE E. FORTE
Plaintiff,
v.
KNIGHT RIDDER, et al.
Defendants.

Case No. C06-03948 JW
MOTION FOR REQUEST FOR
SANCTIONS UNDER RULE 11
AGAINST DEFENDANTS AND THEIR
COUNSEL MS. ERICA CRAVEN UNDER
[28 USCA § 1927]

Date: June 11, 2007
Time: 9:00am
Judge: Hon. James Ware

Forte v. Knight Ridder, C06-03948 JW
Motion for Request for Sanctions Under
Rule 11 Against Defs. And Their Counsel,
Ms. Erica Craven Under -[28 USCA § 1927]

under color of state law to civil liability for that deprivation. 42 U.S.C. S 1983
(1994). Although the Attorney Defendants are themselves private actors, private
parties who corruptly conspire with a judge in conjunction with the judge's
performance of an official judicial act are acting under color of state law for the
purpose of S 1983, even if the judge himself is immune from civil liability.
Dennis v. Sparks, 449 U.S. 24, 28-29, 101 S. Ct. 183, 18687, 66 L. Ed. 2d 185
(1980).

Nonetheless, the district court concluded that Kimes' S 1983 claim against the
Attorney Defendants was barred by Cal. Civ. Code S 47(b), commonly known as
the litigation privilege. [Emphasis added]

The court should be reminded that plaintiff has not yet had a response to his letter inquiry
as to why Judge Ware did not disclose to plaintiff that Defendant McKee was appearing before
Judge Ware concerning the referendum matter in Monterey County, or that defendant O'Farrell's
rulings concerning the voter referendum matter in Monterey County is the main subject matter of
a case before Judge James Ware. Plaintiff again respectfully requests a response to such
questions posed in the letters attached to this motion and already e-filed with the court.

Plaintiff is not filing this Rule 11 Motion for any improper purpose, such as to harass or
to cause unnecessary delay or needless increase in the costs of litigation but to document the
fraud upon the court by the defendants on material issues which must be substantially sanctioned.

II. ARGUMENT

A. FRAUD ON COURT

The main thrust of Ms. Craven's fraud upon the court was to:

- 1. Conceal the fact that defendants knew that plaintiff was not declared a vexatious
litigant by the court prior to authoring the article December 4th, 2005.
2. Conceal the fact that defendants admitted that the article of December 4th, 2005,
"incorrectly stated that Eugene Forte had been declared a vexatious litigant in
Monterey County Superior Court."
3. Put forth frivolous argument that defendants stating plaintiff was declared a
vexatious litigant by the court is a "true and fair report" of a judicial proceeding
whereat plaintiff was not declared a vexatious litigant by the court.

Ms. Craven seriously misleads the court by omitting material portions of documentary

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I. INTRODUCTION

Eugene Forte, plaintiff above-named, submits this memorandum in support of his motion
for sanctions against Ms. Erica Craven, counsel for news media defendants under Rule 11 [28
USCA § 1927] to be heard on June 11, 2007 in Judge James Ware's courtroom at 9:00am at 280
South 1st Street, San Jose, Ca, 95113 or on a date set by the court.

Plaintiff is requesting that the court sanction Ms. Craven in the amount equivalent to the
attorney's fees she is requesting (See document 79) of \$27,641.00 or any multiple or portion
thereof that the court feels would be sufficient to be "the minimum that will serve to adequately
deter the undesirable behavior," Doering v. Union County Bd. of Close Freeholders (3rd Cir.
1988) 857 F.2d 191, 194, of committing fraud upon the court.

Plaintiff is seeking award of costs and monetary sanctions in the amount \$8,050.00,
\$8,000.00 for monetary sanctions to be based on loss of income and \$50.00 for costs, for Ms.
Craven's fraud upon the court as outlined herein below.

Plaintiff has respectfully, diligently and futilely requested the court via E-filed letters to
address defendants' perjury, and defendants' counsel, Ms. Erica Craven's, intentional fraud upon
the court within the defendants' Anti-Slapp Motion papers. (Exhibits 1-9 of Decl. Of Forte).
See Declaration of Forte for all exhibits referenced herein.

Due to the court's non-response, plaintiff is filing this Rule 11 Motion after researching
the provisions of such.

Judge Ware, when having his ruling overturned in Kimes v. Stone, 84 F.3d 1121, 1128
(9th Cir. 1996) discovered that attorneys (private actors) such as a Ms. Craven, who fixed a case
with Judge Stone were not to be granted immunity under Cal. Civ. Code S 47(b), commonly
know as the litigation privilege. Regrettably, there are some bad judges and attorneys that will
commit fraud upon the court.

The U.S. 9th Circuit Court of Appeals corrected the error of Judge Wares' Kimes case
ruling by finding:

"Section 1983 subjects any person who deprives someone of a constitutional right

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evidence. "Bad faith" conduct may also be shown when an attorney "seriously misled the court
by misquoting or omitting material portions of documentary evidence." [Lipsig v. National
Student Marketing Corp. (DC Cir. 1980) 663 F.2d 178, 181].

Ms. Craven conceals that the defendants admitted in their correction of December 16th,
2005, that they reported that plaintiff was declared a vexatious litigant by the court. After doing
such, Ms. Craven puts forward frivolous legal argument based upon the theory of CC § 47 in an
effort to defeat plaintiff's non-frivolous claims.

"Fraud on the court" occurs when an officer of the court perpetrates a fraud that affects
the ability of the court or jury to judge the case impartially. It "must involve an unconscionable
plan or scheme which is designed to improperly influence the court in its decision." [Pumphrey
v. K.W. Thompson Tool Co. (9th Cir. 1995) 62 F.3d 1128, 1131 (internal quotes omitted); see
also Hull v. Municipality of San Juan (1st Cir. 2004) 356 F.3d 98, 102-103]

"Bad faith" may be found when an attorney knowingly or recklessly pursues a frivolous
claim; or engages in litigation tactics that needlessly obstruct the litigation of non frivolous
claims. [Schwartz v. Millon Air, Inc. (11th Cir. 2003) 341 F.3d 1220, 1225; In re Keegan
Management Co., Secur. Litig. (9th Cir. 1996) 78 F.3d 431, 436] [Emphasis added].

Ms. Craven enacts her "fraud upon the court done in bad faith" by artfully combining
unwarranted character assassination, omitting material portions of documentary evidence, and
incorporating declarations laced with perjury to support her unconscionable plan designed to
improperly influence the court in its decision.

Plaintiff directs the court's attention to the paragraph that Ms. Craven constructs with
excerpts from separate letters which are three separate exhibits submitted as documentary
evidence (Def's MTS, Pg 4., In 2-12) to feign that the material substance of the letters were for
the purpose of threatening and offending the defendants. Ms. Craven will use this false premise
to substantiate why emails, letters and faxes went unread by the defendants to conceal the fact
that defendants were made aware via email, faxes and letters that plaintiff was not declared a
vexatious litigant, and that she had knowledge of it.

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Rule 11 Motion: The motion lays out how the defendants committed fraud upon the court. Remember that the paragraph the defendants put together used
sentences from three separate letters. When combined, they mislead the court. No, that is not considered clever or permitted. It is trickery and punishable by
law. The sentences left out would show what the defendants did not want to reveal — public official corruption, and their part in it.

This is what the paragraph states without the reference to the exhibits so that the subliminal and false message is not broken up:

**"If there ever comes a day when public officials are being hung in the street, newspapers writer are going to be swinging along side of them...you are about the laziest plagiarizing journalist I have ever seen... In fact, calling you a journalist is insulting to any true journalist... That is where you get your testicles on the same chopping block (actually they are already there) because you certainly can not tell the truth without pooping all over yourselves... Well, that certainly shows such mongrels don't even have the good taste to have discretion as to whom they sleep with, and will service any two-bit journalistic whore ready to roll over and bark for them. You keep hitting the end of your choker chain. It just seems you never learn."** (Def's MTS, Pg 4., ln 2-12)

The above paragraph is the compilation of three separate letters Ms. Craven used as evidence in her Anti-Slapp motion. One letter was written on January 9<sup>th</sup>, 2005 (Calkin Ex. F), one on June 4<sup>th</sup>, 2006 (Calkin Ex. G), and one on August 16<sup>th</sup>, 2006 (Calkin Ex. C). Upon reviewing the letters referred to between January 2005 and August 2006, it shows that the excerpted sentences in the paragraph above *does not convey the material substance of the letters, or the material reason as to why plaintiff was writing the letters.* The letters do contain very minute portions of exaggerated hyperbole to prod the Herald to take action. They were all written by plaintiff, after suffering a heart attack in the court room in August 2004 (and then emergency surgery), attempting to vindicate his good name from being arrested in the courtroom by Defendant O'Farrell in December 2003. The Herald highlighted the matter in their "Recall Candidate Jailed for Contempt". Two, the June 2006 and August 2006 letters, were written after the defendants authored "County Judiciary under fire" stating that plaintiff was declared a vexatious litigant when he was not.

At the time of writing the letter in January 2005 (Calkin Ex. F) that is included below, plaintiff had already notified the Herald that the ruling of Defendant O'Farrell dismissing attorney Larry Lichtenegger had been overturned. They said nothing. Plaintiff also, just a few days before, had Lichtenegger slam a glass door into his back knocking him to the ground in front of his wife. They again said nothing. Is there any wonder why plaintiff would be upset at the Herald?

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The letter below, which Ms. Craven identified as Ex. F, still did maintain an overall civil tone. It certainly was not a threat to hang journalists as is seen from what was left out, and it included an actual plea that plaintiff was trying to prevent violence against journalists which was omitted by Ms. Craven.

The letter of January 9<sup>th</sup>, 2005, in fact was addressed to a non-defendant, Mr. Joe Livernois, not Defendant Calkins, who declares himself as the person being written to.

The letter is below in its entirety and has the portions **bolded** that Ms. Craven used to seriously mislead the court by omitting the material portions of the documentary evidence.

Dear Joe:

Your article on the Grand Jury, "Is Anybody Going to Listen" is a hypocritical article when it comes from you and your newspaper, that hasn't listened to a word I have been saying about the crimes by public officials not doing anything and is laid out in the Forte vs. O'Farrell et al, which is sitting like an elephant in your newsroom. Let me make this clear. The reason why you have not written anything about it is because your paper is implicated in covering up the crimes by public officials.

**If there ever comes a day when public officials are being hung in the street, newspapers writer are going to be swinging along side of them.**

I am doing everything within my power so it does not get to that point for the safety of my family.

You may go to AttorneyBusters.com for more information which you have been ignoring, or adding to your material without saying where you are getting it.

**Joe, you are about the laziest plagiarizing journalist I have ever seen. In fact, calling you a journalist is insulting to any true journalist.**

Let me know if you have any questions.

Thanks.

Gene Forte

(End of letter)

If Ms. Craven inanely asserts that it was her a intent to convey that the letter's material intent was a threat by plaintiff, she would resoundingly fall flat on her face if she included, **"I am doing everything within my power so it does not get to that point for the safety of my family"**. Ms. Craven also took the liberty of not indicating that the statements in the letter were

directed to, "Joe", due to his article, "Is Anybody going to listen", to mislead the court into *Forste v. Knight Ridder*, C06-03948 JW Motion for Request for Sanctions Under Rule 11 Against Defs. And Their Counsel, - 5 - Ms. Erica Craven Under -[28 USCA § 1927]

thinking the letter was to Defendant Calkins.

Ms. Craven omitting material portions of the letter was to seriously mislead the court into to thinking the material purpose of the letter was a threat, and not reflect its true material purpose which was to disclose that the Herald was "not listening" to what plaintiff was bringing to their attention.

Ms. Craven did not put the excerpts of the letters in chronological order in order to better structure the misleading of the court. Below is the letter of June 4<sup>th</sup>, 2006 (Calkin Ex. G), directed to Defendant Speizer who has not submitted any declaration authenticating the exhibit, or contradicting her knowledge of knowing that plaintiff was not declared a vexatious litigant prior to the article of December 4<sup>th</sup>, 2005. The bolded portion is what Ms. Craven took from the letter to include in her paragraph which does not convey the material substance of the letter and intentionally misleads the court.

Ms. Jayne Speizer June 4, 2006  
Monterey Herald  
Post Office Box 271  
Monterey, CA 93942

Re: Herald's View = More Propaganda

Dear Ms. Jayne Speizer:

Your recent "open opportunity to say what you want to cover up your complicity in public official/judicial corruption" could be seen through by an eight grader. Therefore, my previous recommendation that you could look for some highschool newspaper to write for once you, and others loose your jobs at the Herald is definitely an over assessment of your journalistic skills. Shoot lower.

With that said, I will only point out that Commissioner Rutledge *was not forced* to re-sign due to a "stubborn sex scandal" but because of the allegations of obstruction of justice stemming from fixing traffic tickets for an unnamed judge on the Monterey Superior Court bench. It was also for, as the mouthpiece for the judicial mob, District Attorney Dean Flippo, stated, were serious questions concerning his presiding over cases that would give the appearance of impropriety. DA Flippo of course did not mention, nor investigate, the one that would have really crushed every body's nuts, Forte vs. DA Flippo, MAR125367.

The Anti-Slapp Motion in the case of McKee vs. Forte, DVH3863, which you and your reporters have been well informed of, centers upon my right to have a redress of a grievance against a public official, being blocked by a filing of a Temporary Restraining Order against me.

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It involves now, Sheriff Kanalakis, whom you are endorsing for re-election, the Executive Committee of the Monterey Superior Court Bench, the Monterey County Counsel, and the District Attorney, Dean Flippo, trying to muscle me into silence, from exposing that the investigation of Commissioner Rutledge could not have been done by DA Flippo.

It was an obstruction of justice by those above named.

Any legitimate, self-respecting newspaper would have the Anti-Slapp Motion as front-page news when taken into consideration as part of what is taking place with the local judiciary and public official corruption being tackled head on by a private citizen. You of course are not breathing a word about it because it further unravels the matters that you say the Commission on Judicial Performance is keeping confidential, and what you use to hide behind (to cover your own complicity).

If the Anti-Slapp Motion weren't credible it would give you further ammunition to discredit me as a mentally unstable person only on a personal vendetta against the local judiciary.

I submit that the reason why you are not reporting on it is because it strikes ground level zero on the whole judicial/public official mob you are in bed with. **Well, that certainly shows such mongrels don't even have the good taste to have discretion as to whom they sleep with, and will service any two-bit journalistic whore ready to roll over and bark for them. You keep hitting the end of your choker chain. It just seems you never learn.**

Sincerely,  
Gene Forte

The final excerpt bolded below was taken from the letter of August 16<sup>th</sup>, 2006 (Calkin Ex. C, Ex 14 to Decl of Forte)), below, and used to construct the paragraph discussed (Def's MTS, Pg 4., ln 2-12) and identified by her as Ex. "C," which does not convey the material substance of the letter, to seriously mislead and prejudice the court against plaintiff.

August 16th, 2006

Hello Once Again Monterey County Public Official/Judicial Corruption Groupies, Judges and complicit news people!

It seems that the Monterey Herald is working overtime in trying to get themselves out of the sticky wicket they got themselves into for defaming me and libeling me as I allege in the Federal Lawsuit C06-03948RS.

The Herald's' View of today  
<<http://www.montereyherald.com/mld/montereyherald/news/opinion/15284909.htm>> outlines the behavior of Moody against what they portray as the daring bravado of local attorney Martinez. Martinez, it states, deserves an apology? What should I get for being jailed by O'Farrell for filing a Peremptory Challenge against him and then being tried by him and sent to jail (neither could he legally do)?

A plague from Leon Panetta's Institute? No thanks...and by the way, Leon can

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Rule 11 Motion: I assure you that the additional pages of this motion will continue to prove that the Judge knows, as anyone would, that the defendants are committing perjury with their counsel. Instead of holding them accountable, he dismisses the case to delay me nailing them. It is not ethical, proper, or legal for him to do this. It is not over yet.

(*HERALD*, Continued from page 1)

The motive of the Monterey Herald in defaming me was to make citizens distrust anything I say about the overwhelming evidence I have of corruption. My cases reveal corruption involving DA Flippo and members of the Monterey Superior Court. The deliberate lies of The Monterey Herald are condoned (supported) by their chief commentator Mr. Leon Panetta of the Panetta Institute, a revered member of the Good ol' Boys of Monterey County.

In order to paint me in a false light as a person not to be trusted, The Monterey Herald said such things as: I wrote rambling and flippant legal documents, it was unclear how a I supported myself, I was on a personal vendetta, Judge Robert O'Farrell questioned my mental stability, and I was arrested by O'Farrell for contempt of court (without telling the whole story).

**Why wouldn't the Monterey Herald want you to know that they knew I had written and won an appeal overturning a ruling by Judge O'Farrell while they told you my legal writings were rambling and flippant?**

#### **RED WARNING LIGHTS CONCEALED BY THE HERALD**

What the Monterey Herald did not tell you was that the court records show that Judge Robert O'Farrell assigned the case of Forte v. Judge O'Farrell to himself to preside over as judge. If such were told to you, red lights would go off all over the place! Any moron knows a judge cannot preside over the case against him. **Why didn't the Herald tell you?**

The Monterey Herald does not want you to know that they know about the depositions taken of attorneys Michael Stamp and Tony Lombardo. Both were witnesses to my arrest in the courtroom by O'Farrell.

Their sworn testimony contradicts the stories of their "unnamed witnesses" in their article entitled, "Recall candidate jailed for contempt." Their sworn testimony also contradicts O'Farrell saying that I was struggling with the bailiff and several bailiffs had to be summoned to subdue me. **Why doesn't The Herald want you to know that?**

The Monterey Herald does not want you to know that neutral attorneys, that have read the transcripts of the proceeding in which I was arrested, state that I did nothing to be arrested for. Attorneys who fear punishment say privately that the court records show I did nothing that could be considered contempt of the court. I was properly and respectfully filing a Peremptory Challenge to disqualify Judge O'Farrell. **Why doesn't the Herald want you to know that?**

#### **KEEPING LICHTENEGGER THE SQUEALER FROM SQUEALING**

**Why wouldn't the Monterey Herald want you to know I had written and won a second appeal overturning a ruling by Judge Terrance Duncan after they told you that my legal writings were rambling and flippant?**

**Why would The Monterey Herald discredit and mock my legal writings as being "rambling and flippant" as they continue to overturn rulings by Judge O'Farrell and Judge Duncan that I say in my appeals are either totally incompetent or corrupt?**

Both judges had dismissed two separate cases for legal malpractice against my ex-

attorney Larry Lichtenegger. The appeals showed how attorney Dennis McCarthy of the Fenton & Keller Law Firm and James Cook of the Horan Law Firm fixed the real estate trial with Judge Terrance Duncan for Alain Pinel Realty and my own attorney Lichtenegger. The appeal shows how they hid documents to suborn the perjury of a Ms. Stephanie Crabb.

The Monterey Herald does not want you to know that I also wrote and won a second appeal overturning the ruling of Judge Terrance Duncan in November 2006 who had also dismissed my other law suit against my attorney Lichtenegger. The appeal showed that Lichtenegger said in legally recorded phone conversations that the trial he lost was fixed by Judge Duncan.

#### **KEEPING ME FROM GETTING THE CASES BEFORE A JURY**

**The Monterey Herald does not want you to know that it has now been over nine months since I have been waiting to have a judge assigned to the case that was sent back to Monterey Superior Court for trial.** It is off the Richter scale of abnormal.

**The Monterey Herald does not want you to know that it has now been over six months I have been waiting to have a judge assigned to the second case that was sent back to Monterey Superior Court for trial. It is not normal.**

Both cases are against Lichtenegger (the squealer) that the Monterey Superior Courts judges do not want to put in a position to squeal on them to save himself. It also continues to put out of reach a jury verdict award upwards of \$3,000,000.00 available to me for my damages and which could then fund a war chest to bring the Good ol' Boys to their knees even further.

The Monterey Herald, at the time they wrote the article "County Judiciary under fire," did not want to tell you that I had also suffered a heart attack in the courtroom of Judge Adrienne Grover the day after winning my appeal of Judge O'Farrell who wrongly dismissed my case against Lichtenegger.

#### **DON'T LET ME GET SYMPATHY FROM THE PUBLIC**

The Monterey Herald did not want you to know that I was taken from the courtroom by ambulance. The Monterey Herald did not want you to know that at the time of the hearing, I was attempting to clear my name from being arrested by Judge Robert O'Farrell.

The Monterey Herald also did not say, when in fact they knew, that my legal writings also defeated the motion to declare me a vexatious litigant made by Attorney General Bill Lockyer and Governor Schwarzenegger. The Monterey Herald knew that a retired Judge John Golden ruled that I have never filed any rambling and flippant documents or ever filed any frivolous lawsuits.

The Monterey Herald did not want to tell you that Judge Golden disqualified himself from the case when I requested him to report corruption to Federal authorities. He saw the evidence in my files that reveal local and state public official corruption aided by The Monterey Herald. But he withdrew from my case instead, without providing the written explanation why as required by rules of court.

**Why wouldn't the Monterey Herald want you to know that County Counsel McKee said he feared that I was going to kidnap him, handcuff him, and throw him in the trunk to bring him to the police station?** By the way, how many kidnapers have you heard bring their captives to a police station?

The Monterey Herald does not want you to know that Monterey County Counsel McKee obtained an ex parte (without notice to me) Temporary Restraining Order against me when I notified he and Sheriff Kanalakakis in writing that I was requesting that McKee turn himself in for a citizen's arrest.

The Monterey County Herald does not want you to know that I was requesting McKee turn himself in to a police station for a citizen's arrest because he was concealing that District Attorney DA Flippo and ADA Spitz had fixed their own small claims actions while defendants in the courtroom of Commissioner Rutledge.

**The Monterey Herald does not you to know that there is absolute hard evidence in the court files, and verified by court staff, that the files of Forte v. DA Flippo, ADA Spitz disappeared from the courthouse during their investigation of Commissioner Rutledge by DA Flippo.**

The Monterey Herald does not want you to know that the files re-appeared after the investigation of Rutledge was complete and provides positive evidence that DA Flippo and ADA Spitz obstructed justice in the case with Commissioner Rutledge.

What the Monterey Herald has not told you is that within 48 hours after I filed a motion to expose the perjury and fraud by Herald reporters upon the court in the federal lawsuit of Forte v. Knight Ridder, The Monterey Herald, Judge Robert O'Farrell et, al., the lawsuit was dismissed and the pending motion was ruled to be "moot."

#### **THE MONTEREY HERALD WAS CAUGHT CONCEALING PUBLIC CORRUPTION**

What The Monterey Herald, Salinas Californian, The San Jose Mercury News and the Santa Cruz Sentinel do not want you to know is that one of the motions that was also denied as moot was a motion for a Temporary Restraining Order. This motion was made to stop the sale of the Monterey Herald to Media News. It was to be heard on April 30<sup>th</sup>, 2007. The purpose of stopping the sale was to prohibit a monopoly of newspapers throughout Monterey County.

What the Monterey Herald has not told you is that the lawsuit was not dismissed because they were found innocent, but that the Federal Judge, James Ware dismissed the case saying that he chose not to take Federal jurisdiction over the case that he should and could have.

What the Monterey Herald does not want to tell you is that the Federal and state defendants that include DA Flippo, Commissioner Rutledge, Judge Robert O'Farrell, Attorney General Bill Lockyer, et al, were not dismissed from the case because they were found innocent of conspiring with The Monterey Herald to conceal their own corruption. Judge Ware ruled that the state and judicial defendants would be immune from civil liability for any crimes committed.

What The Monterey Herald does not want citizens to know is that the attorney, Mr.

(*HERALD*, Continued on page 22)



## IMUS THE ACTOR & SHILL

You would have to be living on another planet if you have not already heard about shock jock Don Imus' supposed Waterloo. The media came out in full force. They were all puffing their chests and peddling their wares of lip-service nonsense.

In the course of my life, I have probably only watched Imus one time. Once was enough for me to see through the cheap theatrics. Not realizing Imus is an actor, is like not realizing The Three Stooges didn't hit themselves with real hammers. Now, Imus may or may not be a jerk in real life. But, when he gets on the radio, he is a government approved jerk playing a role.

The media people themselves all know this because every day they also get on the radio waves, TV tubes, or pick up their pens and tell you stuff they actually have no clue about. They have no opinion except what they are told their opinion is

supposed to be. The media actors have no greater insight or knowledge of the war in Iraq than you do. They do not know anymore about the stock market than you do. It is just that they are trained to look like they know what in the heck they are talking about.

From conservative loud mouths like Rush Limbaugh to liberal mush mouths like Larry Colmes they are nothing but shills whose job it is to keep Americans divided, off-balanced and fighting between each other. It keeps Americans from thinking about the \$500 billion funds that have gotten ripped off in Iraq, or the \$1.2 Trillion that the war is costing.

"No one ever went broke underestimating the intelligence of the American people" was first said by H.L. Mencken who was born in 1880 and died in 1956. I assure you that systematic dumbing down of us by our government controlled media has made Americans a lot more stupid than smarter since Mencken first said it.

I would venture to guess, and in fact I will guarantee you, that Imus' statement, "That's some nappy-headed hos there, I'm going to tell you that now.." would not even be in the top 500 of the worst things he has said on the radio waves.

I would also be willing to bet that Imus

has made far worse racial slurs about African American women than this, and that practically every one of the African American media people on down to religious right wing fanatics know it. Heck, I wouldn't doubt for a moment that Reverend Al Sharpton and Jesse Jackson didn't help Imus come up with the 'Nappy-headed ho' line.

Assuming for a moment that I am right, then why hasn't he been publicly burnt at the stake before, and why was he now? Well, here's my take on it.

The *staged government controlled media hysteria* to get everyone's attention finally came to a fine honed pitch that evidenced to me the point of the play:

"When you have an upcoming Presidential race where the leading candidate is a woman and her running mate is an African-American, you just don't say something like that!"

It was a system's check on the finely oiled government propaganda machine that us stupid Americans swallow everyday thinking it is the news.

THE END

(*HERALD*, Continued from page 21)

James Murphy, who defended recently removed Judge Velasquez, says that the actions of Judge Velasquez mistreating criminal litigants pales in comparison to what Judge Robert O'Farrell did to me, a civil litigant.

What the Monterey Herald does not want you to know about the complaint I filed with the Commission on Judicial Performance against Judge Robert O'Farrell, Judge Michael Fields, Judge Sillman and others is being ignored.

What the Monterey Herald does not want you to know is that they have been accused of aiding and abetting local and state judicial/public official corruption for the Monterey County Good ol' Boys. The reason they do not want you to know of the allegations and evidence against them is because it all makes too much sense.

### READ THE EASY TO UNDERSTAND DOCUMENTS YOURSELF

You are invited to obtain copies of key documents and exhibits that I suggest you read. All I ask is that you pay for the cost of printing and mailing, or if you like, they can be provided via email at no charge.

I suggest that all citizens of Monterey County, prior to voting on the referendum on the June ballot, first question the sources of the information they receive. The Monterey Herald cannot be considered a reliable neutral source of information, and I promise that my evidence in court files supports what I say. They are nothing more than the mouth piece for the local Good ol' Boys that have a strangle hold on Monterey County.

### LEON PANETTA COVERING UP CORRUPTION MELTDOWN WITH THE MONTEREY HERALD

Do not be fooled, Leon Panetta is not what he makes himself out to be. If those of you that support Mr. Panetta refuse to

acknowledge the evidence in the court files then either you are blindly following and asking no questions, or you are participating in reaping the spoils.

Corrupt public officials have a non-partisan agenda when they band together to hoodwink the public. The Monterey County Herald and the other media they control behind closed doors are keeping this information from you. If it were not credible, they could crush me like a gnat.

You are forewarned that the real pot of gold for the Good ol' Boys across the United States swarming secretly in to get their piece of the action is developing Fort Ord into the next San Francisco.

What should shock Monterey citizens to their senses is that everything I have said above can be easily verified from the court file. All local media including KSBW, The Carmel Pine Cone, Monterey Coast Weekly have been informed of it and not breathed a word about it to the public.

### PANETTA THE ILLUSIONIST



Ask yourself why Mr. Panetta recently had Dan Rather and Bob Woodward at his lecture series to preach that the news media has been soft on keeping public officials in line. It is nothing more than a public show that would tend to give the impression that it is not happening under the watchful eye of Mr. Leon Panetta.

It is an illusion being pulled off right before your eyes just like the magician that seems to make an elephant disappear. The elephant is still there, you were just told to look in the other direction.

You have seen the story line in movies a thousand times. The person that portrays himself to be the most trusted and self righteous is Mister Big that delivers the knife under the rib cage at close distance. After the Monterey citizens read the court documents and letters that show what Leon Panetta does not want you to know he knows, you will be able to feel the cold blade under your ribs.

Take this paper and other court filed documents and exhibits that you can obtain upon request. Put them in the hands of local news media and public officials. Demand that they publicly prove what I am saying is without merit. Expose me to be a liar. Tell them it must be done to preserve the public faith and trust of the local judiciary and the dignity of Monterey County.

Tell them that if they are unwilling to do this, then people will suspicion that all that I am saying is true.

If they are unwilling to do so, then ask yourself, why aren't they? If they tell you there is no story of public interest, ask them, why not?

Perhaps, you will figure out for yourselves that the fact that the local media has not said a word about any of this is both the most startling and also most dangerous indication that what I am revealing must be addressed publicly.

Call the Leon Panetta Institute and ask why they have stood silent while now ushering onto the stage Dan Rather and Bob Woodward as assistants to the magical act of "The Great Panetta."

Don't let them just tell you that I am crazy or on a personal vendetta, force them to publicly prove it.

THE END FOR NOW



**HERSHEY'S  
KISS AWARD RECIPIENT:  
MR. GENE LIEB  
OF THE LOS BANOS ENTERPRISE**

by Gene Forte

*The Hershey's Kiss Award is presented to individuals that have received a public acknowledgment, or award, from peers, public officials or newspapers. It is left for you to decide if the kudos given them were for legitimate good deeds and hard work or for the hint of brown stuff on their lips that isn't chocolate.*

It was announced on April 10<sup>th</sup>, 2007, that Mr. Gene Lieb, publisher of the Los Banos Enterprise, has been recognized by his peers from the California Newspaper Publishers Association (CNPA). Mr. Lieb was chosen to replace Ms. Jayne Speizer, publisher of the Monterey County Herald who stepped down in December due to health reasons.

"The **California Newspaper Publishers Association (CNPA)** is a nonprofit **trade association** founded in 1888 that **represents** the daily and weekly newspapers of California. Its diverse membership consists of **over 500 newspapers** that elect 35 individuals to its governing board of directors.

**CNPA mission statement:**

*'To champion the ideals of a free press in our democratic society, and to **promote the quality and economic health of California newspapers.**'*

**The association influences legislation** on behalf of free speech in **Sacramento**, sponsors an annual newspaper contest and convention, and offers seminars on media law, production, writing and editing, advertising, and circulation." (From Wikipedia, the free encyclopedia)

(**Note:** I added the bolding to cut through the blah, blah. They're a bunch of lobbyists buying off politicians with the newspapers they represent.)

Let's take a moment to look at what Mr. Lieb, the publisher of the Los Banos Enterprise has done, or not done, to have been chosen to replace Ms. Speizer.

Mr. Lieb has been the publisher of the Los Banos Enterprise for many years. It reliably lets everyone in town know who died. Los Banosans have learned that if they are not listed in the obituaries, they can still frolic through the many pages of paid advertising to find out where they can get the cheapest can of tuna.

Under Mr. Lieb's watchful eye, you can also count on The Enterprise to let you know when Senator Jeff Denham has left town, but not necessarily when he will be here. Mr. Lieb also permits Senator Denham to pontificate as

a commentator about what a great job he says he is doing.

Los Banos City officials look forward to having their pictures along side of important stuff they inform the citizens about. As an example, Mr. Lieb directed his reporters to hone in on the big surprise announcement that Mayor Tommy ("I ain't talking") Jones had about the prospects of a bowling alley coming to town.

By reading the article, Los Banosans found that the promoter of the bowling alley didn't have any money committed to it, it was very costly to do, and he was planning to have a get together at a local hotel to talk about it. Anybody with a checkbook in their hand was welcome to attend.

The valiant efforts of Mr. Lieb to support big box chain stores in Los Banos generates more pages of paid advertising to doll up obituaries. It is not always an easy task, or without criticism. There are locals that mockingly refer to the Los Banos Enterprise as "The Empty Prize." Can you imagine that!

The Enterprise has even been the focus of gossip around the local haunts of donuts shops and coffee tables at Ryan's and Eddie's Restaurant. There are those that believe The Enterprise buries stories of gangs, violent crimes, and public official follies like when drugs are planted on them. It will be interesting to watch Mr. Lieb dive into a recent claim against The City of Los Banos concerning Mayor Jones.

It doesn't seem the attention of the CNPA was drawn to Mr. Lieb and The Enterprise's investigative prowess. Hmmmm.....I wonder what it could be?

**APPOINTED FOR NOT REPORTING?**

That would be weird, wouldn't it? Why would the California Newspaper Publishers Association bestow a director position on Mr. Lieb for not reporting on something?

Let me provide you some information, give you my thoughts, and let you draw your own conclusions.

In January of 2006, I was having conversations and exchanging emails (see Fig. 16, page 24) with Mr. Lieb and Mr. Mike Fitzgerald of the Merced Sun-Star. I was informing them, and providing evidence that The Monterey Herald was not only covering up, but actually participating in obstructing justice with public officials.

I explained that The Herald printed a front page article on December 4<sup>th</sup>, 2005, saying I was legally declared by the courts to be a California Vexatious Litigant **when they in fact knew I had not been.** I provided him the article entitled, "County Judiciary under Fire." Journalists' intentionally reporting falsely on the outcome of a judicial proceeding goes way beyond bad ethics.

Mr. Lieb knew of the journalistic canon of ethics. There is nothing illegal about Mr. Lieb not following them. Newspapers like to point the public to them just to let citizens know journalists know what they should not be doing. I even attached a copy of the Canon of Ethics in an email to him to make sure he remembered what they said. Below you will see an excerpt from the Society of Professional Journalists canon of ethics.

The journalistic canon of ethics\* in part says that:

**Journalists are accountable to their readers, listeners, viewers and**

**each other.**

— Clarify and explain news coverage and invite dialogue with the public over journalistic conduct.

— Encourage the public to voice grievances against the news media.

— Admit mistakes and correct them promptly.

— **Expose unethical practices of journalists and the news media.**

— Abide by the same high standards to which they hold others.

\*Society of Professional Journalists: *The SPJ Code of Ethics is voluntarily embraced by thousands of writers, editors and other news professionals.*

I provided Mr. Lieb with copies of the faxes, letters, emails, and other documents to Ms. Jayne Speizer, President of the Monterey Herald, which showed her advance knowledge that I had **not been declared a vexatious litigant** prior to The Monterey Herald falsely announcing to the world I was.

Ask yourself if you think Mr. Lieb:

1. Picked up the phone and contacted any of the reporters at the Monterey Herald, such as Ms. Jayne Speizer?
2. Investigated to see if there were any "unethical practices of journalists and the news media" (Monterey Herald) taking place that he and McClatchy Newspapers should expose according to the journalistic canon of ethics?

If Mr. Lieb did not investigate the matter, then why not? It certainly would be in contradiction to his journalistic canon of ethics. It certainly seems like a story where one competitor newspaper could really stick it to another competitor newspaper in the public's interest?

Imagine, how the public would be drawn to the newspaper rooting out another newspaper involved with public official corruption? Or, would doing so be contrary to promoting the economic health of the newspaper industry and the mission of the CNPA? Hmmmm...think about that!

Perhaps the answer lies in what I did not know at the time.

**LITTLE DID I KNOW THAT.....**

Little did I know that when I was talking with Mr. Lieb, McClatchy Newspapers was in hush-hush negotiations to purchase Knight Ridder that owned The Monterey Herald. Did Mr. Lieb know about this at the time we were speaking? Heck, I don't know for sure!

He is a reporter that is supposed to have a "nose for the news." It would reflect pretty badly upon his news nose if he didn't smell the multi-billion dollar transaction involving his own company.

Quite frankly, and I will borrow a line from a good friend Mr. Eddie Gallichio, "Now, don't get me wrong..." but I think I smell something more pungent than chocolate wafting from the tip of Mr. Lieb's news nose, and from the direction of the CNPA.

**INTERESTING INFORMATION & ANSWERS?**

(KISS AWARD, Continued on page 24)

**Subject:** Knight Ridder & Journalistic Ethics  
**From:** Gene Forte <geneforte@sbcglobal.net>  
**Date:** Mon, 09 Jan 2006 16:34:46 -0800  
**To:** MFitzgerald@MercedSun-Star.com



Mike:

What you are being presented is information that is far greater than the story concerning the New York Times reporting inaccurately. The story will reveal that it was an intentional act by Knight Ridder's MH to distort the truth to cover for local public officials including the DA, some judges and attorneys all the way up to Gov Arnold and AG Lockyer.

I have all the proof that is beyond reasonable and it is all in court records. I can show you a how my letters to MH caused Knight Ridder within 4 days to have MH add to their website a disclaimer and their "ethics policy" five days after the August 14th, 2005 (email below).

This is a major story that needs to be done. I have already invested substantially in the investigative report. What needs to be done is for it to be verified by a news organization. I can point you to the specific files.

You will find attached a couple of groups of documents.

The first set is in chronological order and shows the following:

1. \*June 30th, 2005:\* The Monterey Herald (MH) was faxed the order denying me being declared a vexatious litigant pointing them to the story as to ask why would Governor Schwarzenegger and AG Lockyer try doing this when they had no legal right to do so.
2. \*August 14th, 2005:\* Email to the MH telling them to go to the website by Monterey Legal Chat that highlights the fact that I defeated the Motion to declare me a vexatious litigant.
3. \*November 23rd, 2005:\* Partial transcript of the hearing showing that I was telling Judge Golden to correct the misleading title of the order denying declaring me a vexatious litigant.
4. \*December 4th, 2005:\* Front page MH Sunday article containing the information saying "they" said I was mentally unstable, decalred a vexatious litigant and my work was unclear.
5. \*December 4th, 9th, & 13th, 2005:\* My letters to MH telling them to correct the matter.
6. \*December 16th, 2005:\* The correction made saying it was due to court error.

The next set of documents are really article that I spoke to you about that were on MSNBC.com this weekend about journalistic standards, etc.

The story is not only of interest to people in Merced County it is of interest to the people of California and the entire nation.

It involves a Merced County, Los Banos man forced to be his own attorney and taking down the big boys on his own, even while he is being smutted by the Good Ol BOys allies the local MH.

You can go to AttorneyBusters.com <<http://www.attorneybusters.com>> and read the articles by Bresnahan. I was also interviewed on The Power Hour a national syndicated radio program on Monday January 2nd, 2006.

I look forward to speaking. Hopefully, there will never be another story like this ever.

Gene Forte

209-829-1116

**From:** Gene Forte  
**Reply To:** geneforte@sbcglobal.net  
**Sent:** Tuesday, January 10, 2006 4:08 PM  
**To:** Mike Fitzgerald; Gene Lieb  
**Subject:** [Fwd: Shuffle off to Buffalo (actually Sacramento)]



<<Message: Shuffle off to Buffalo (actua...>>

Mike:

I have sent the attached email to Gene Lieb.

Also, I have a couple of questions for /both of you./

1. Mike, when you say in your email "which I recommend", are you saying that you are recommending that they should do a story on it, or are you saying that they should send it to Sacramento because they have resources?
2. Do you both as journalists believe that the Monterey Herald just made an innocent mistake when they said I was declared a vexatious litigant in their article of December 4th, 2005, after reading the material I sent you that they also had?

I would really appreciate an answer to both of the above.

Thanks.

Gene Forte

**(SEE NEXT EMAILS, CONTINUED ON P. 25)**

Fig. 16—Emails between Forte, Gene Lieb of The Los Banos Enterprise, Mike Fitzgerald of Merced Sun-Star. Continued on page 25.

**(KISS AWARD, Continued from page 23)**



Ms. Jayne Speizer, The Monterey Herald with McClatchy Newspapers, and several high ranking government officials are defendants in a Federal lawsuit filed by me. I have directly alleged that they are involved in duping the public by covering up crimes of government officials that I've got by the....well, let's say where you don't let go because there is no better grip.

You haven't heard a word of it reported by any California newspaper. Why not?

**Answer:** The entire newspaper industry would be dumped in the trash can. It would be contrary to the CNPA mission statement which is to "promote the .....economic health of California newspapers."

The credo of the judiciary as discussed in "Jail Time & Dominoes" is to uphold the "appearance of justice and fairness" at any cost. It has been interpreted by corrupt public officials and the judiciary to mean "cover-up injustice and unfairness to keep up appearances."

Main steam media and even the radical media do not want citizens to know that they, along with our government, are nothing but a bunch of charlatans.

Ms. Speizer developed her health issues in December and resigned from The Monterey Herald. At the time, Speizer **reasonably should have provided sworn statements that she had no knowledge of me not being declared a California Vexatious litigant prior to her printing that I was.**

It would be a pretty tough one for her to pull off based upon the faxes and letters to her showing she knew. See Fig. 17, page 26. So why would a newspaper knowingly print a defaming false fact?

**Answer:** To intentionally defame me and falsely brand me. To persuade fellow citizens that I am a person whose allegations of government corruption with The Herald should not be listened to. The slander of me is their only defense in a court system that cannot let me win in order to "uphold the appearance of fairness and justice."

The more healthy, brazen, and desperate co-defendant reporters of The Monterey Herald submitted declarations riddled with perjury. When I filed a motion with evidence to nail them on it, the Federal Complaint was dismissed within forty-eight hours. Not to worry, I have won two appeals, and I am about to win a third.

The Federal judge, who Badger readers discovered in the last issue is also known as "Lying Judge James Ware" (See Fig. 13, page 15) according to the number one Google Search result, said that I could re-file my case against The Herald and McClatchy, et al in state court. Judge Ware did this knowing that the two appeals I have already won still have no judges assigned to them after nine months. Ask any attorney you know if that is normal. If he says yes, get another attorney. Why are judges either refusing or not being assigned to my cases?

**Answer:** A number of reasons ranging from 1) they already knowing that I put each one in the position of either reporting these matters over to Federal authorities, or be linked to the chain of corruption. The case **(KISS AWARD, Continued on page 25)**

**Subject:** RE: Knight Ridder & Journalistic Ethics  
**From:** Mike Fitzgerald <mfitzgerald@mercedsun-star.com>  
**Date:** Tue, 10 Jan 2006 13:23:39 -0800  
**To:** "geneforte@sbcglobal.net" <geneforte@sbcglobal.net>  
**CC:** Gene Lieb <GLieb@Losbanosenterprise.com>



Hi Gene: I have forwarded your information to Sun-Star Editor Joe Kieta, who said he will send it to the Sacramento Bee for possible follow-up, which I recommend. They have the resources to better cover it, if they so choose. Thanks for taking the time to touch base with me over the phone and for sending the two e-mails.  
 Good luck!  
 Mike

(KISS AWARD, Continued from page 24)



pending against my ex-attorney Lichtenegger the Squealer, which is discussed more in "Jail Time & Dominos," is a great danger to them in a number of ways. One, Lichtenegger could squeal on the Good ol' Boys to try and save himself, and two, it carries a potential cash award/war chest to me of about \$3,000,000.00.

I have been making them plenty miserable and exposing them with practically no money, and they must keep money out of my reach at any and all costs.

Chief Justice Ron George, who is also a defendant in the Federal Case that I plan to take up on appeal, is in charge of assigning judges to my case. Getting a brain freeze yet?

### MCCLATCHY, THE LOS BANOS ENTERPRISE MUST MAKE PEOPLE AWARE

It is the ethical responsibility of McClatchy Newspapers, owner of The Enterprise, to make citizens aware that they have been sued for concealing government corruption by a citizen. It doesn't matter if *they say they think* I am wrong, or right or not. It is expected of them to report upon cases even against themselves. It goes quadruple when the case concerns allegations that they are concealing government corruption.

The problem becomes magnified when you have myself, a home grown local, who is doing the suing less than three blocks away from The Enterprise.

It is the ethical responsibility of Mr. Lieb, as publisher of The Enterprise, to provide editorial content that would be of interest and important to local readers. The Enterprise using the excuse that my lawsuit is a story only concerning Monterey County is silly at best.

The real story is about a citizen of Los Banos fighting the out of town owners of the local newspaper for being in cahoots with public official/government corruption. So why isn't The Enterprise reporting on it?

**Answer:** The Enterprise is being directed to keep shut up with Mr. Lieb nodding in agreement and ignoring his canon of journalism ethics.

Mr. Lieb also knows, and I imagine he has cautioned the Good ol' Boys, that the old slander trick used by The Herald on me in Monterey will backfire on them in my hometown. It would be difficult to angle the story to get all people in Los Banos that have known me for years to either think I am crazy or a radical.

### NO EXCUSES, FIRST STONES & AN OFFER

There is no rational excuse for The Enterprise not reporting about my litigation against its owner, McClatchy Newspapers, even though it opens up a can of worms. Since it has not been reported, it is obvious that the story is being buried.

Since the story is being buried, it continues to prove my point. Citizens are being kept in the dark of the evidence that would be harmful to the newspaper industry. The media does not want citizens to know that a newspaper, no matter if it is a competitor or not, is being accused of being in bed with public official corruption. It would be detrimental to their own financial interests.

I regret, and it gives me no pleasure, in having to put Mr. Lieb on the spot, or possibly bring embarrassment to himself or his family. It is a small town. But I was not the one that threw the first punch, and the ruthless Good ol' Boys did not give a second thought to slandering me to the community at large.

While still living in Monterey, I remember the tears in my daughter's eyes when she came home from school saying that a friend at school said she should be embarrassed for me being arrested in the courtroom of Judge O'Farrell.

Mr. Lieb should take that into consideration that it was not I who cast the first stone. I didn't start this fight, but I

(KISS AWARD, Continued on bottom of page 26)

**Subject:** Shuffle off to Buffalo (actually Sacramento)  
**From:** Gene Forte <geneforte@sbcglobal.net>  
**Date:** Tue, 10 Jan 2006 15:55:44 -0800  
**To:** Gene Lieb <GLieb@Losbanosenterprise.com>



Gene:

I just got a pleasant blow off letter from Mike that you shuffled me off to, who has now shuffled me off to someone else for "possible follow up" by someone else, "if they so choose". I noticed he copied it to you therefore I want to make sure you saw what he did.

It all comes down to you knowing that Senator Jeff Denham, who writes for your paper, bestowing his virtues of "not passing the buck" about not ignoring public official corruption, and publicly stating his responsibility to do something about it, then ignoring public official corruption in Monterey California which is within his district.

It falls upon you, as editor of a newspaper and a journalist knowing what you have been informed of, by reading the documents attached, that show Knight Ridder should be called to explain by McClatchy Newspaper the article of December 4th, 2005, unless the media has their own journalistic group of Good ol Boys that are similar to the gang of public official/judicial Good old Boys out of Monterey.

Maybe I'm going to have a call from the McClatchy people at the Sacramento Bee telling me they think it is more a or less a Monterey Story and I should speak to the Monterey Herald about this.

Well, we'll see how all this turns out.  
 Thanks.

Gene

PS: If you are unclear about the Journalists Code of Ethics I have attached them for your reading pleasure with a copy of the email sent to Mike..

Gene Lieb wrote:



Eugene Forte,  
 In response to your request to answer the two questions below I have the following to say:

I cannot answer question number one since it was asked of Mike and I will let him answer your question.

Concerning question two, all I can say is that in my journalistic experience I know that journalists have made innocent mistakes that have ended up in print. And then they must print that what they said was wrong and apologize for making the error. I don't know for sure if the Monterey Herald made an innocent mistake or not. Just like I don't know if any printed retraction that is called a mistake is an innocent mistake. How can I or anyone else read the mind of another journalist?

Bottom line how I see it - my mom told me long ago that being honest is best, because each morning all of us have to look in the mirror and see ourselves for what we truly are. She said if you look in the mirror and you

know in your heart that you are honest, then it doesn't matter what others say about you. Some people will always be looking for the bad. Life is short. Focus on what's important - family, friends, health.

Anyway, that's what I try to do. I have to remind myself of those words from time-to-time.  
 I hope that eventually you find your answers. Sincerely I say, as a journalist and a friend, I do wish you well.  
 Gene

**Subject:** Re: [Fwd: Shuffle off to Buffalo (actually Sacramento)]  
**From:** Gene Forte <geneforte@sbcglobal.net>  
**Date:** Tue, 10 Jan 2006 21:02:20 -0800  
**To:** Gene Lieb <GLieb@Losbanosenterprise.com>



Gene:

Thanks for the reply.

Have you ever heard the term "reckless disregard of the truth", and do you know what it means? I have, and do.

I worked with the late Mr. Clark Mollinoff and there was a Showtime movie called "Reckless Disregard" where my real life role of exposing Dan Rather was played by Tess Harper.

Dan used the defense of "no one could know for sure what was on my mind and they can't say for sure if it was intentional or not".

I'm not asking you about what you saw other journalists have done. I asked you to comment upon what you see the MH did and give me your opinion. A stack of documents from me telling them I was not declared a vexatious litigant and then they headline that as one of the main points of their story?

Are you saying that what the MH did was just plain stupidity, or a reckless disregard of the truth?

Did your mother ever tell you to call a spade a spade, even if it is going to get your brethren journalist into a pot of hot water?

Did you refresh your recollection as to the Code of Ethics for Journalists about holding other journalists accountable to the code of ethics?

Don't you think that should be done by McClatchy Newspaper or do you think the local Boy Scouts of America, or a very tiny newspaper called "The Paper" are better equipped to do it to uphold the public trust of the media?

Not everyone is looking for the bad, some of us are simply making sure that justice and our country is preserved.

Thanks.

Gene Forte

(GO BACK TO P. 23)

Fig. 16 — Emails continued from page 23.

Forte

Fax

To: Monterey Herald

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Attention: Ms. Jayne Speizer/ Mr. Royal Calkins

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From: Mr. Gene Forte

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Fax: 831-372-8401 Fax: 209-829-1952

---

Phone: 831-648-1192 Phone: 209-829-1116

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Date: 6/30/2005 Pages: 4

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Subject: Monterey Judicial/Public Official Corruption

Notes:

You will find attached the order issued today by Judge John Golden sitting on the Monterey Superior Court Bench.

In a nutshell, Gov Arnold, AG Lockyer and Chief Justice George attempted to declare me a vexatious litigant. Let me wipe that grin off your face.

I defeated the motion based upon the fact that those three esteemed gentlemen had no right to make such motion and that they were only doing it to try and get Good Old Boy Bob off of the chopping block.

A first year law school student would know that they could not do what they did, and it was an intentional abuse of process by the top three government officials of the State of California. The order of the court proves it.

Not a story yet? It is gratifying making you look foolish and showing your complicity.

If you have any questions, just feel free to give me a call anytime.

1 the moving defendant and may enter a prefiling order pursuant to Code of Civil Procedure section  
 2 391.7.

3 These authorities do not authorize the orders sought by the purported motion because it is  
 4 not made on behalf of any entity who is a defendant in this action.

5 2. Code of Civil Procedure section 391 defines a vexatious litigant and the  
 6 memorandum of points and authorities supporting the purported motion invokes subdivision (b)(2)  
 7 of the statute to demonstrate that plaintiff is a vexatious litigant. That provision requires that, after  
 8 a litigation has been finally determined against the person, that person repeatedly relitigates or  
 9 attempts to relitigate either (i) the validity of the determination against the same defendant as to  
 10 whom the litigation was finally determined or (ii) the cause of action, claim, controversy, or any of  
 11 the issues of fact or law, determined or concluded by the final determination against the same  
 12 defendant as to whom the litigation was finally determined.

13 The memorandum of points and authorities contends that the complaint is attempting to  
 14 relitigate the merits of plaintiff's conviction for contempt by Judge O'Farrell.

15 The invocation of subdivision (b)(2) fails for these reasons.

16 a) Litigation is defined by Code of Civil Procedure section 391, subdivision (a) as any  
 17 civil action or proceeding, commenced, maintained or pending in any state or  
 18 federal court. A contempt conviction results from a criminal proceeding; it does  
 19 not result from a civil action or proceeding and, therefore, does not constitute  
 20 litigation.

21 b) The contempt conviction was not a determination made in a proceeding in which  
 22 Judge O'Farrell was a party as to whom the contempt determination was made.

23 c) The term "relitigates" requires that the subsequent litigation (i.e., this complaint) be  
 24 a repetition of the earlier litigation (i.e., the contempt proceeding.) The complaint  
 25 contains allegations related to the contempt proceeding but the claims and issues  
 26 presented by the complaint are not those concluded by the contempt conviction.  
 27 They implicate alleged violations of plaintiff's rights and present claims for  
 28 monetary compensation in causes of action for false arrest and imprisonment,

FILED

JUN 30 2005 9:23 AM

LISA M. GALDOS CLERK OF THE SUPERIOR COURT DEPUTY

SUPERIOR COURT OF CALIFORNIA COUNTY OF MONTEREY

Eugene Forte,  
 Plaintiff  
 vs.  
 Robert O'Farrell, et al.,  
 Defendants.

Case No: M72599  
**ORDER DENYING MOTION FOR PREFILING ORDER AND ORDER REQUIRING PLAINTIFF TO FURNISH SECURITY (C.C.P. §§391-391.7)**

Order

In disposition of a motion (filed 5-12-05), purportedly made on behalf of parties identified as Schwarzenegger, Lockyer, office of the California Attorney General, Schiavenza, Pon and Hammerness, seeking orders pursuant to Code of Civil Procedure sections 391-391.7,

IT IS ORDERED THAT said purported motion is denied.

Discussion

1. Code of Civil Procedure section 391.1 authorizes a defendant in any litigation pending in any court of this state to move the court for an order requiring the plaintiff to furnish security and if the court determines that plaintiff is a vexatious litigant, as defined in Code of Civil Procedure section 391, and that there is no reasonable probability that the plaintiff will prevail in the litigation against the moving defendant, the court shall order the plaintiff to furnish security for

1 battery, abuse of process, intentional infliction of emotional distress and  
 2 conspiracy.

3 The requirement of relitigation is not met.

4 d) The term "repeatedly" requires that the relitigation be conducted again and again  
 5 (Random House Dictionary of the English Language.) The combination of the  
 6 terms "relitigates" and "repeatedly" requires that the litigation occur at least 3  
 7 times. Plainly, one instance of renewed litigation is insufficient (cf. First Western  
 8 Development Corp. v. Superior Court (Andrisani) (1989) 212 Cal. App. 3d 860,  
 9 868-869). If the legislature had intended the term to mean "more than one time", it  
 10 would have said so (Holcomb v. U.S. Bank National Association) (2005 DJDAR  
 11 6716, 6/8/2005, Ct. of App., 4th Dist.). The term "repeatedly" requires that the  
 12 relitigation must occur more than twice (Ibid.)

13 3. The memorandum of points and authorities also invokes subdivision (b)(3) of  
 14 section 391. That provision also defines a vexatious litigant as one who, in any litigation, while  
 15 acting in propria persona, repeatedly files unmeritorious motions, pleadings or other papers,  
 16 conducts unnecessary discovery, or engages in other tactics that are frivolous or solely intended to  
 17 cause unnecessary delay.

18 The memorandum contends that plaintiff has repeatedly filed and served unnecessary  
 19 discovery and voluminous, unmeritorious and scandalous pleadings and papers in this case. It  
 20 specifically points to plaintiff's motion to amend the complaint so as to add as defendants "a slew  
 21 of officials from the Governor and the Chief Justice on down". That motion has been dropped.  
 22 Otherwise, the contention has not been particularized. There has not been demonstrated by the  
 23 moving papers the conduct described in subdivision (b)(3) of Code of Civil Procedure section 391.

DATED: June 30, 2005

HONORABLE JOHN J. GOLDEN JUDGE OF THE SUPERIOR COURT

(GO BACK TO P. 24)

Fig. 17—(June 30th, 2005 Fax to The Herald). The Order Denied Declaring me a California Vexatious litigant by Gov. Schwarzenegger, AG Locker., etc. Golden ruled I never filed frivolous lawsuits, sued people repeatedly, or filed slanderous documents. The Herald was informed in writing on at least six separate occasions I defeated the motion and still reported on December 4th, 2005, I was declared one. Two weeks later they said their "error" was due to court records. The court ruled the "purported motion" could not be brought by non-parties to the lawsuit. Don't you think the top legal minds of our state knew that? Golden withdrew from the case after refusing to report the matter for investigation and the news article came out. Golden knew there was trouble brewing!

(KISS AWARD, Continued from page 25)

darn well will finish it.  
 I was seeking justice and then attacked by those entrusted to protect citizens from government corruption. Did Mayor Jones think he was going to jump on

the slander Gene Forte bandwagon?  
 It is Mr. Lieb's choice to close his eyes to what is taking place, but as a journalist it is not ethical.  
 Remember, Mr. Lieb, even though I don't have any money to pay you, you're welcome if

you would like to join the fledgling Badger Flats Gazette where you could hold to your journalistic canon of ethics and beyond. How much is that worth?

THE END

May 1, 2007

Mr. Jim Murphy  
Murphy Pearson Bradley  
88 Kearny St 11th Floor

EMAIL/ORIGINAL BY  
MAIL

San Francisco, CA 94108

Re: Partial recap of our conversation/Commission on Judicial Performance/  
Removal of your client, Judge Velasquez from the bench/ Judge Robert  
O'Farrell/One for the Team?/and related matters.

Dear Mr. Murphy:

I am glad that we had the opportunity for you, Harlan, and I to speak yesterday on April 30<sup>th</sup>, 2007. As I told you, I called you due to a Monterey Herald article I read. The article informed me that you defended Judge Jose Velasquez in the Commission on Judicial Performance (CJP) proceedings that removed him from the Monterey Superior Court Bench.

The purpose of this letter is to briefly re-cap our conversation that took almost an hour. I also wanted to provide you something in your hand that you could toss down on the table of the CJP. I am more than willing to provide sworn testimony to support everything in this letter which is essentially what was disclosed to you and Harlan yesterday. I have captioned the sections as an afterthought due to the unexpected length. We talked on a lot of topics!

#### **DIVERTING ATTENTION AWAY FROM THE GOOD OL' BOYS**

As I stated, it is my position that Judge Jose Velasquez has possibly been used as a scapegoat or a diversionary tactic by the CJP, Marshall Grossman, Chief Justice George, ex-AG Lockyer, Governor Schwarzenegger, Judge O'Farrell, DA Flippo, and the Monterey Herald/Salinas Californian. The purpose in doing so is to direct attention away from the evidence I have against some judges and the Monterey Herald. It is all outlined in my Federal Complaint of Forte v. Knight Ridder, et al, C06-03948-JW.

As I explained, when the evidence I had against them started piling up, the erstwhile defendants in the above named Federal action made an unmeritorious motion to declare me a California Vexatious litigant in May 2005. As you can see from the ruling (June 2005) of the defeated motion that I provided, it was not made on behalf of defendant O'Farrell. The moving parties, ex-AG Lockyer, Governor Schwarzenegger, Chief Justice George, et al, were determined to have no legal standing to bring the motion in Forte v. O'Farrell, M72599.

#### **JUDGES OF COURT EXECUTIVE COMMITTEE OBSTRUCTING JUSTICE**

Two months after that in August 2005, I brought to the attention of Judges of the Monterey Superior Court bench that District Attorney Dean Flippo could not be investigating Commissioner Rutledge for obstruction of justice. DA Flippo was a defendant in Rutledge's court in the small claims case of Forte v. DA Flippo, MAR125367, for the return of witness fees. The report from DA Flippo mentions that there was evidence that a superior court judge had his ticket fixed by Rutledge. Then, it quickly moved on without addressing it.

The files of the case of Forte v. DA Flippo disappeared from the courthouse until after the *purported earnest* investigation of Rutledge was completed and he had resigned. The files show that the case was obstructed by DA Flippo, ADA Spitz, Commissioner Rutledge, et al., by arranging that I did not have notice of the trial and therefore would not be present. When I was not present, a default judgment was entered in their favor.

#### **PAY BACK FOR FILING THE POWSER DECLARATION?**

In September 2005, shortly after Commissioner Rutledge resigned from the bench, I contacted Ms. Crystal Powser. In November 2005, I accompanied her to the Pier Pont Inn where she met with Judge Michael Fields. I then obtained a declaration from her which I filed in Forte v. O'Farrell. All hades broke loose. AG Lockyer came in to strike and seal the declaration. He did it on an unnoticed motion on behalf of ostensibly O'Farrell, but for real party in interest, the CJP.

As I informed you, Deputy AG Hammerness represents O'Farrell. On the day of the hearing, November 23<sup>rd</sup>, 2005, I videotaped Hammerness coming out from the locked doors of the clerk's office before hours. Judge Golden would not address the matter on record. Neither would Hammerness. I had requested that Judge Golden correct the misleading title of an order. The title did not accurately represent what the order stated – that I was NOT declared a vexatious litigant. Judge Golden agreed with me that the title was misleading, but refused to change it. He stated that anyone reading the body of the order would know that I was not declared a vexatious litigant.

The minute order of the November 23<sup>rd</sup>, 2005, hearing stated, "Plaintiff

requests a correction of the title of the order declaring plaintiff a vexatious litigant. Request is denied". The Monterey Herald says it was due to this minute order as to why they said I was declared a vexatious litigant in a Sunday front-page article entitled, "County Judiciary under Fire, December 4<sup>th</sup>, 2005".

The Monterey Herald said in sworn declarations that they had no reason to doubt that this was true even though evidence filed in the Federal Court case indicates otherwise. They were notified on five separate occasions. Knight Ridder/Monterey Herald was actually served my request to correct the misleading title of the order denying that I had been declared a vexatious litigant by Proof of Service on October 12<sup>th</sup>, 2005.

#### **MY ARREST & TURNING THE CJP UPSIDE DOWN**

As I first told Harlan, if you really want to turn the CJP upside down, you need to ask them about me. Ask them why they have ignored the matters that I brought to their attention concerning the abuse I had suffered at the hands of Monterey Superior Court judges. The judges have bonded together to stop me from exposing that Judge Terrance Duncan had fixed the real estate trial I was the plaintiff in. Essentially, I caught the Fenton & Keller Law Firm, representing Alain Pinel Realty, suborning the perjury of a Ms. Stephanie Crabb.

The motion of December 19<sup>th</sup>, 2003, was to quash the deposition subpoena of Ms. Crabb in the case of Forte vs. Albov, M54914. This case was connected to the underlying real estate transaction in the case that Fenton & Keller had "fixed." The non-party law firm of Fenton & Keller made this motion to stop Crabb's deposition. Judge O'Farrell popped up onto the stand to take control over the case and quash the deposition so I could not expose the perjury and unravel the extrinsic fraud in the original lawsuit by the attorneys and the court.

#### **EX-JUSTICE GRODIN**

I appreciate your feeling that it is pretty incredible that ex-justice Grodin, upon contacting and asking me if I had audio recordings of Ms. Powser and Judge Fields, was not interested in what the declaration of Powser said concerning Judge O'Farrell and Judge Fields trading CCP 170.6's. You asked me if I thought he was trying to set me up for criminal prosecution for tape recordings.

I told you, as I told him, I do not either admit to having any recordings nor do I deny having any recordings. I also posed the question to ex-Justice Grodin whether audio recordings made in a public place, such as a restaurant would be a violation of privacy. Ex-Justice Grodin said he could not give me any legal advice.

#### **VELASQUEZ ACTIONS PALE IN COMPARISON TO O'FARRELL**

You told me you read the court transcript of the December 19<sup>th</sup>, 2003, hearing where Judge Robert O'Farrell arrested me. I appreciate that you felt without a doubt that the matters which Judge Velasquez was removed from the bench for paled in comparison to what Judge O'Farrell had done to me. So far, every attorney, except those representing Judge O'Farrell, has overwhelmingly agreed that I did not do anything that I should have been arrested or jailed for.

It is more than curious, and actually outrageous, that my well documented denial of due process by Monterey Superior Court judges is being ignored by the CJP and judges of the Monterey Superior Court. No one has ever contacted me about any of it (except Grodin who said he didn't want to hear about it).

I was not planning on having this letter run this long, and I did not even touch upon all of the matters we discussed, i.e., Mr. Joe Alioto, the Reilly case, the alliance of Reilly with ex-AG Lockyer, the Rule 11 Sanction Motion in C06-03948-JW, the dismissal of my case on April 26<sup>th</sup>, 2007, and Judge James Ware denying all motions as moot.

But, with the additional documents sent you that include my winning appeals, the Grodin letter, the article from Metro-News that shows Grossman of course knew of my perils, and my complaint filed with the CJP, you should have plenty to throw down on the table to put some real pressure on the CJP for some answers.

#### **WHY DIDN'T VELASQUEZ SAY ANYTHING?**

In my email to you, I said it seemed pretty incredible that Judge Velasquez did not bring my matters to your attention during his defense. He was asked if he could cite any other incidents of Monterey judges behaving badly. I pointed you to the letter of October 17<sup>th</sup>, 2005, showing that he also had been informed many times of what I was dealing with in the Monterey Superior Court.

I did mention somewhere in Forte v. Knight Ridder that perhaps Judge Velasquez thought if he remained silent about my matters, it could be used as a

(MURPHY LETTER, Continued on page 28)

*(MURPHY LETTER, Continued from page 27)*

bartering chip for him not to be removed. You certainly grasped from the transcript that the actions of O'Farrell makes Velasquez's seem like a choir boy.

There is also another scenario in that Judge Velasquez drew the short straw, or was low man on the totem pole. Let me explain, briefly.

I discussed with you that Judge O'Farrell and Leon Panetta are intricately intertwined with the re-development of Ford Ord, i.e., the voter referendum initiatives to stop development or grant it, the approval of desalination plants, etc. Judge Ware nullified the vote that stopped development, and O'Farrell is handling the case relating to such matters in the state court.

The Fenton and Keller Law Firm defended developers in a lawsuit claiming that they had bought the military golf course for about \$50 mil under value in an underhanded deal with city officials.

#### **TAKING ONE FOR THE TEAM & CHARADES?**

Perhaps, Judge Velasquez was deemed to "take one for the team". Follow this charade scenario.

Judge Velasquez is taken off the bench. The Monterey Herald propaganda machine cranks out the idea that it was racially instigated. When all is said and done, Judge Velasquez would still be able to maintain his license to practice law. I will say that I found it interesting that it appears that most of the charges against him were for mistreatment of people with Latino sounding last names.

At any rate, with such a charade carried out, all the good ol' boys win.

The CJP and CJ George look like they are doing something to take bad judges off the bench in Monterey County. The Monterey Herald looks like they are exposing a judge publicly while they continue to conceal O'Farrell and the big good ol' boys higher up on the food chain that have been pummeling me.

All the while, my matters go unaddressed because the impression is if there was something there, The Monterey Herald, The Salinas Californian, and the CJP would be all over it.

Even though it is just speculation, I certainly do believe from the evidence in my case that it very well could be a reality and a very strong likelihood.

#### **WISHING ME I HOPE MORE THAN LUCK, BUT....**

At the end of our conversation, you said you wished me luck. I responded that I hope you do more than that in bringing this information to the attention of the CJP, and to the forefront for the benefit of your client.

But of course, if Judge Velasquez is in on the charade then he certainly would not want you to mention any of this to the CJP or make an issue out of it. Right?

Like I said, I do not look to you to fight my battles, but I certainly don't think you should bury them either if they evidence that the CJP is not meting out punishment equally or fairly for your client.

After reading the findings of the CJP concerning Velasquez it seems virtually impossible for them not to remove O'Farrell (and others) from the bench based upon what they have done to me if justice is meted out equally. I also understand why you found it incredible that the CJP has done nothing thus far.

In an effort to help put the CJP on the spot I am providing them a copy of this letter.

Please let me know if, how, and when you provide any of this information to the CJP. Of course, I am not asking for anything that is attorney client privileged, just whatever you file that brings attention to the anomaly of the CJP removing Velasquez and not thus far investigating O'Farrell.

Please let me know if there is anything else I can provide, and I also wish you the very best of luck. Thanks for your time, and if you have any questions or comments feel free to call..

Sincerely,

Gene Forte  
The Badger Flats Gazette  
Investigative Reporter      cc: Commission on Judicial Performance

## **A TRAGIC REMINDER**

*by Gene Forte*



It was just by chance that I found out that my next door neighbor, Michael Aiello, was one of the young men killed in the plane crash a few weeks ago. To say I was shocked and saddened would be an understatement.

Even though I had only spoken to him for a few hours, made sure his garbage cans were put out or taken in when he was gone, it impacted my family and I. Mike was there to help with the oversized Christmas tree taken off the truck, and promised I would never be out of peppers if needed. I can't say we were friends, but I can say we were good acquaintances.

I recalled hearing about the plane crash, but didn't connect not seeing Mike for a few weeks. I would normally see him coming and going, chatting about his trips with his dirt bikes down south. He was a nice young man and always smiling.

There's something to be said about a man whose dog, Kirby, was so well mannered and lovable. It reflects on the kind of person Mike was. Kirby no doubt felt loved and well attended to. I feel great pain for Mike's parents, and also for Kirby that is still certainly waiting for Mike to come home.

When I started up a conversation with a friend of his outside his garage a couple of days ago and was told that Mike was dead, it hit me hard. You just never expect such a tragedy to strike so close to where you live. It does reminds you of your own mortality and that life can be snuffed out in a moment at any age.

There is nothing I can do to bring Mike back, or ease his parents' pain.

But I can promise Mike that his death will be a constant reminder for me to appreciate and show my love to those around me — to give my children an extra strong hug, and to always be loving to my wife (and to tell her to be extra careful when she leaves the driveway). God rest your soul, Mike!

THE END

## **IS THE STAR SHIP LOS BANOS ENTERPRISE, HEADING FOR DEEP SPACE?**



*By Gene Forte*

The Badger has presented, publisher Gene Lieb of The Los Banos Enterprise, along with his bag of Hershey's Kisses (SEE HERSHEY'S KISSES AWARD), his very own copy of the complaint filed against the City of Los Banos, and the sworn declaration of Mr. Clinton Galloway (Pg 17)

Los Banos Mayor Tommy Jones told Mr. Galloway, a fellow African American that "he knew for a fact that I, Gene Forte, was a dangerous member of the Ku Klux Klan."

Will The Los Banos Enterprise, fledgling star ship under command of its mother ship, McClatchy Newspapers, report on the story that could ultimately cost the City of Los Banos a million bucks?

Will The Los Banos Enterprise take the position that Mayor Jones should not provide the evidence that caused him to "know for a fact" that I, an investigative reporter for The Badger, is a dangerous member of the KKK?

Will Gene Lieb, Captain of The Los Banos Enterprise, order Scotty to activate warp drive, and head off into deep space to avoid reporting on the matter?

Please keep an eye out for reports in the Los Banos Enterprise. Let the Badger know if you see anything written! With tongue in cheek, The Badger suggests the appearance of an article might be as rare as the last time you found an alien spaceship in your bathtub!

Actually, even more rare!

THE END

March 27, 2007

Ms. Victoria B. Henley  
Commission on Judicial Performance  
455 Golden Gate Avenue, #14400

San Francisco, California 94102-3660

Re: COMPLAINT ABOUT A CALIFORNIA JUDGE, COURT  
COMMISSIONER, OR REFEREE

Dear Ms. Henley:

You will find below pasted from your website the  
"COMPLAINT ABOUT A CALIFORNIA JUDGE, COURT  
COMMISSIONER OR REFEREE" and being submitted to you for  
investigation.

**Today's date:** March 27<sup>th</sup>, 2007

**Your name:** Eugene E. Forte

**Your telephone number:** (209) 829-1116

**Your address:** 688 Birch Court, Los Banos, California 93635

**Your attorney's name:** None

**Your attorney's telephone number:** None

**Name of judge:** Judge Robert O'Farrell, Judge Michael Fields,  
Judge Stephan Sillman, Judge Lee Cooper, Judge John Golden,  
Judges of the Executive Committee of the Monterey Superior Court  
(as of October 2005), Judge Kay Kingsley, Judge Adrienne Grover,  
Judge Terrance Duncan, Chief Justice Ronald George and all judges  
of the Monterey Superior Court Bench that received the letter of  
October 17<sup>th</sup>, 2005.

**OR (AND)**

**Name of court commissioner or referee:** Commissioner Richard  
Rutledge and Commissioner Diana Baker

(If your complaint involves a court commissioner or referee, you must first submit  
your complaint to the local court. If you have done so, please attach copies of your  
correspondence to and from that court.)

See attached letter of October 17<sup>th</sup>, 2005.

**Court:** Small Claims Court and Superior Court

**County:** Monterey

**Name of case and case number:** Forte v. O'Farrell, M72599, Forte  
v. Albov, M54914, Forte v. Lichtenegger, M58208, Forte v.  
Lichtenegger, M70711, Forte v. Loop, M52049, McKee v. Forte  
DVH3863.

**Please specify what action or behavior of the judge, court  
commissioner, or referee is the basis of your complaint. (Partial  
list below)**

1. **ADMINISTRATIVE MALFEASANCE, FAILURE TO ENSURE  
RIGHTS, BIAS OR APPEARANCE OF BIAS:** Judge Robert O'Farrell  
improperly took control over the case of Forte vs. Albov, M54914  
on December 19<sup>th</sup>, 2003, by saying that Judge Fields had  
disqualified himself. Court records indicate that Judge Fields had in  
fact not disqualified himself from the case.

2. **FAILURE TO ENSURE RIGHTS, DISQUALIFICATION,  
DISCLOSURE, AND RELATED RETALIATION, BIAS OR  
APPEARANCE OF BIAS:** After Judge Robert O'Farrell and Judge  
Michael Fields improperly traded places on the case; Judge Robert  
O'Farrell arrested me in the courtroom on December 19<sup>th</sup>, 2003,  
when I filed a CCP 170.6 against him. Judge O'Farrell then had me  
handcuffed for three hours and put me on public display in the jury  
booth.

3. **BIAS OR APPEARANCE OF BIAS, FAILURE TO ENSURE RIGHTS,  
DISQUALIFICATION, DISCLOSURE AND RELATED RETALIATION:**  
Judge O'Farrell without reading me my Miranda rights or advising  
me that I had a right to an attorney then convened a trial of me for

alleged contempt after he had been disqualified by the acceptance of the  
CCP 170.6, found me guilty of contempt, and sent me to county jail for  
the rest of the day.

4. **FAILURE TO ENSURE RIGHTS, DISQUALIFICATION, DISCLOSURE  
AND RELATED RETALIATION, ADMINISTRATIVE MALFEASANCE:**  
Judge Robert O'Farrell while a defendant in the case of Forte vs.  
O'Farrell, M72599, assigned the case to himself, and refused to  
disqualify himself. I was forced to file a CCP 170.3, Challenge for  
Cause against him, and he thereafter disqualified himself.

5. **FAILURE TO ENSURE RIGHTS, DISQUALIFICATION, DISCLOSURE  
AND RELATED RETALIATION, ADMINISTRATIVE MALFEASANCE:**  
Commissioner Richard Rutledge failed to disqualify himself from the  
case of Forte vs. DA Flippo, MAR125367. On May 16<sup>th</sup>, 2005,  
Commissioner Rutledge signed an order setting the trial of Forte vs. DA  
Flippo, et al to be heard on May 23<sup>rd</sup>, 2005.

6. **ADMINISTRATIVE MALFEASANCE** Commissioner Rutledge then  
allegedly sent the Notice of Trial to my old mailing even though there  
was filed with the court my change of address in the case as evidenced  
from the clerk registry.

7. **ADMINISTRATIVE MALFEASANCE** On May 23<sup>rd</sup>, 2005,  
Commissioner Diana Baker purportedly entered a default judgment in  
favor of DA Flippo in the case of MAR125367 for my failure to appear  
at the trial Commissioner Rutledge did not give me proper notice of and  
that was to be heard by Commissioner Rutledge.

8. **FAILURE TO ENSURE RIGHTS, ALCOHOL OR DRUG RELATED  
CRIMINAL CONDUCT, ON-BENCH ABUSE OF AUTHORITY IN  
PERFORMANCE OF JUDICIAL DUTIES, ON-BENCH ABUSE OF  
AUTHORITY IN PERFORMANCE OF JUDICIAL DUTIES: DEMEANOR,  
DECORUM:** Judge Lee Cooper in the case of McKee v. Forte DVH  
3863 after acknowledging that he had been served a CCP 170.3 by me  
proceeded to convene a hearing while the Challenge for Cause was  
pending against him. I believe that Judge Cooper was drunk on the  
bench at the time he did so.

9. **DEMEANOR, DECORUM, ON-BENCH ABUSE OF AUTHORITY IN  
PERFORMANCE OF JUDICIAL DUTIES:** Judge Lee Cooper threatened  
me with prosecution for criminal extortion for requesting the written  
reason for disqualification of Judge Golden.

10. **FAILURE TO ENSURE RIGHTS, FAILURE TO COOPERATE LACK  
OF CANDOR:** Judge John Golden disqualified himself from the cases of  
M72599 and M58208, and has not filed the written reason for his  
disqualifying himself according to California Rules of Court 6:608.

11. **BIAS OR APPEARANCE OF BIAS, FAILURE TO ENSURE RIGHTS,  
ADMINISTRATIVE MALFEASANCE, FAILURE TO COOPERATE LACK  
OF CANDOR:** Judge Sillman as the members of the Executive  
Committee, and all judges of the Monterey Superior Court Bench have  
not responded to my requests for an investigation of Commissioner  
Richard Rutledge and the missing court files of MAR125367 during the  
time period that Commissioner Rutledge was being investigated by  
District Attorney Dean Flippo during August 2005.

12. **FAILURE TO ENSURE RIGHTS, ADMINISTRATIVE  
MALFEASANCE:** Commissioner Diana Baker signed an ex parte TRO  
against me in the case of DVH 3863 without my agreeing to allow her  
to preside over the hearing or my being noticed of the hearing seeking  
the TRO.

13. **DISQUALIFICATION, DISCLOSURE AND RELATED  
RETALIATION, BIAS OR APPEARANCE OF BIAS, FAILURE TO ENSURE  
RIGHTS, ADMINISTRATIVE MALFEASANCE** Judge Sillman  
simultaneously while disqualifying him and the entire Monterey  
Superior Court bench (for the second time) issued an order indefinitely  
keeping in force a TRO in the case of McKee v. Forte, DVH3863. The  
TRO that has a legal shelf life of only 22 days has now been in force for  
over 12 months.

14. **BIAS OR APPEARANCE OF BIAS, FAILURE TO ENSURE RIGHTS,  
ADMINISTRATIVE MALFEASANCE, FAILURE TO COOPERATE LACK  
OF CANDOR:** Judge Sillman failed to inform me that he had recused the  
entire Monterey Superior Court Bench while Judge Terrance Duncan  
and Judge Adrienne Grover were presiding over my cases and  
rendering ruling in my cases. Judge Sillman has continued to ignore

my request for information concerning the disqualifications of the bench.

15. **FAILURE TO ENSURE RIGHTS, ADMINISTRATIVE MALFEASANCE, FAILURE TO COOPERATE LACK OF CANDOR** Judge Sillman ignored all requests to have provided to me the written reason for disqualification of Judge John Golden according to California Rules of Court 6:608.

16. **BIAS OR APPEARANCE OF BIAS, FAILURE TO ENSURE RIGHTS, ADMINISTRATIVE MALFEASANCE, FAILURE TO COOPERATE LACK OF CANDOR:** Judge Kay Kingsley after refusing to disqualify herself, or permitting me time to file a Challenge for Cause Against her in the case of M54914 (as she told me she would at the previous hearing), rendered a ruling against me and then disqualified herself the following business day due to bias without providing the reason for her disqualification.

17. **FAILURE TO ENSURE RIGHTS, ADMINISTRATIVE MALFEASANCE, FAILURE TO COOPERATE LACK OF CANDOR:** Judge Sillman and members of the Monterey Superior Court failed to respond to my request for an investigation of my complaint that Commissioner Rutledge and DA Flippo had obstructed justice in the case of Forte vs. DA Flippo, MAR125367, by setting a default judgment by not giving me notice of the trial date or the disappearance of the files.

18. **FAILURE TO ENSURE RIGHTS, ADMINISTRATIVE MALFEASANCE, DISQUALIFICATION, DISCLOSURE AND RELATED RETALIATION:** Chief Justice Ronald George changed the Guidelines for the Commission on Judicial Appointment in July 2004 after I had requested a videotape copy of the public proceedings of the nomination hearing of Judge Wendy Duffy to the Sixth Appellate Court. Gail Tunnell, Secretary to the Commission on Judicial Appointment affirmed that the guidelines had been changed by Chief Justice Ronald George to specifically prohibit me from obtaining a copy that I as a citizen was entitled.

19. **FAILURE TO COOPERATE, LACK OF CANDOR, FAILURE TO ENSURE RIGHTS, DECISIONAL DELAY, TARDINESS, ATTENDANCE, DISQUALIFICATION, DISCLOSURE AND RELATED RETALIATION:** Chief Justice Ronald George has withheld assignments of judges to my cases since approximately August 2006 and letter to the Assigned Judge Program and to Judge Sillman of the Monterey Superior Court asking for an explanation as to why no judges have been assigned are not responded to.

20. **FAILURE TO ENSURE RIGHTS, DECISIONAL DELAY, TARDINESS, ATTENDANCE, DISQUALIFICATION, DISCLOSURE AND RELATED RETALIATION:** The above named judges and members of the Monterey Superior Court bench have been denying me my right to a fair tribunal in retaliation for my filing the declaration of Ms. Crystal Powser in my court cases, which expose that I have evidence of rampant corruption by members of the Monterey judicial community.

Provide relevant dates and the names of others present.

1. December 19<sup>th</sup>, 2003, witnesses to my arrest: Attorneys Michael Stamp and Mr. Anthony Lombardo (depositions taken) and Dennis McCarthy. Ms. Eileen Forte. Sworn declaration of Ms. Crystal Powser. (Transcripts available of the hearing)
2. October 17<sup>th</sup>, 2005: Letter to Judges of the Monterey Superior Court bench requesting investigation of missing files and Commissioner Rutledge.
3. Present at the hearing by Judge Lee Cooper: Ms. Tracie Kirkbride, Ms. Eileen Forte (Court Transcripts available)

Please indicate how you became aware of the Commission on Judicial Performance.

1. Don't recall.

I have not listed all of the instances of violations of my rights by the above named judges but this certainly gives you a starting point. If you have any questions, please feel free to call.

Sincerely,

Gene Forte

Attached: October 17<sup>th</sup>, 2005 (with attachments), Letter to Judge Sillman and Judges of the Monterey Superior Court Bench concerning Commissioner Rutledge and Commissioner Baker.

*Fig. 19 — Complaint filed with the Commission on Judicial Performance, Continued from page 27.*  
(GO BACK TO P. 8)

April 27, 2007

Judge James Ware  
Northern District Court of California  
280 South First Street  
San Jose, CA 95113

E-FILED

Re: C06-03948-JW/Clarification of Ruling/Anonymous law clerk

Dear Judge James Ware:

I write this letter to confirm that I received what I will analogize in the appeal as the "train wreck of a ruling" that would take about 100 pages to elucidate all of the factually incorrect assertions you made that formed what you said were the "four corners of the complaint".

As an example, the state defendants did not join the motion of Judge O'Farrell to declare me a vexatious litigant. Defendant O'Farrell was not a party to the motion specifically made by the state defendant parties. It was adjudicated the state defendants had no standing to bring the motion, and defendant O'Farrell was not a moving party.

It appears that your honor did not want the facts to stand in the way of the ruling. It was just as your honor did not let the fact of your honor not being the brother of Virgil Ware stand in the way of your telling the world that you carried his dead body from the ditch. You did so while lapping up some free drinks, and scarfing down free lunches and dinners while delivering your tear jerking schbeal.

It is transparent that by your denying all of the judicial notices that established the fact that the state defendants were not acting in an adjudicative position, and that the county defendants were not acting in a prosecutorial capacity, it cleared the way for you to dismiss on the unsupported basis of absolute judicial/prosecutorial immunity.

Though, with that said, I am not writing this letter to berate your ruling. I write today because I left a message with Ms. Garcia asking for clarification if the TRO Motion hearing set for Monday, April 30<sup>th</sup>, 2007, was cancelled. Your order even though referring to "all motions" then listed them specifically and did not identify the TRO set for Monday. I honestly can not get into your mind, nor would I ever want to.

I then received a phone call from a person that *said* they were a law clerk for you. Upon my asking his name for my records, he refused to provide it. The purported clerk then said that if I required him to provide me his name he was not going to answer my inquiry. I then asked his name again, he refused to give it to me, and then while talking over me like a little meglomaniacal defendant O'Farrell in the making, hung up.

It seems that your law clerk wants to escape into anonymity and distance himself from being connected to the ruling. It certainly is understandable, considering the ruling, but the court shouldn't condone or permit such bizarre and hostile treatment of an in pro per.

I then left a message for Ms. Garcia, documenting the incident and again requested that I be formally notified by the court, and not by an anonymous source, that the hearing is not scheduled for Monday, immediately. If not, I plan to be there. Thank you.

Sincerely,  
Gene Forte

*Fig. 22 — The letter documents that law clerks are trying to distance themselves from the ruling by not giving their name. I don't blame them, but it is not right. I had no phone call confirming that the TRO hearing was not going to take place and decided not to burn \$50.00 on gas traveling to San Jose. Lo and behold, don't you know it? Ware called the hearing! If I was there, do you think he still would have? I don't! You **do not need to know now** all the reasons why I describe the ruling a "Train Wreck." It will be in my appeal. No, I'm not a sore loser. I'm the guy that they will not allow to win in court because it will reveal the problem with our country.*

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

**Readers are encouraged to phone in, or write in with information, opinions, etc. Your name will be kept confidential if requested.**