

BADGER FLATS GAZETTE

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V FOR RECALL



V FOR VENDETTA

by Vene Vorte

“Voila! In view a humble vaudevillian veteran, cast vicariously as both victim and villain by the vicissitudes of fate.”

The above is from the “vichysoise of verbiage veering most verbose” delivered impeccably by actor Hugo Weaving introducing himself as “V” in the movie *V for Vendetta*.

V for Vendetta is the modern day tale of Guy Fawkes (See panel on page 2, bottom right). I have no plans of blowing up City Hall, but, Mayor Jones, his Jonesites, and fellow civil servants will try to fool you into thinking the Recall is all about me seeking vengeance....*and nothing about the facts revealing Jones’ breach of the public’s trust.*

(V, see page 2)

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V IS FOR RECALL

By Gene Forte

Preface: Don’t let anyone pull your whiskers, Badger pups! The recall of Mayor Tommy Jones is not a political power grab between two opposing parties. Jones is mimicking Senator Jeff Denham’s argument. Denham, a Republican, is being recalled by a Democrat.

The Jones’ recall is not about politics or his 1999 arrest for possession of crack cocaine. It’s about his unethical behavior and the citizens of Los Banos putting their foot down saying enough is enough! Citizens are joining together to send a signal that *all* public officials must respect the oath of their office or be held accountable if they do not. No doubt

there will be unaware citizens that become confused when they see the “No on Recall” signs which refer to Senator Jeff Denham. **These signs do not refer to Jones!**

The Recall is not *all* about me, Gene Forte, but in many ways it is because I am a citizen who has had his rights blatantly violated. *(RECALL, see page 4)*



1999 Jones Mug Shot: See “A Picture is Worth a 1,000 Words” (page 7)

CITIZENS’ ALERT

!!! CITIZENS FEAR LOCAL PUBLIC OFFICIALS !!!

“People should not be afraid of their governments. Governments should be afraid of their people.” (V for Vendetta)



Preface: When citizens asked me to organize a recall of Mayor Tommy Jones, I needed to acquire 20 signatures of registered voters as proponents. I got

24 signatures out of 30 people I contacted. Six citizens said they wanted to sign but wouldn’t because they feared the following:

1. Our home would be broken into.
2. My son would be fired from the City.
3. I would get fired from my job with the City.
4. Jones would say I hate black people.
5. My relatives would be fired from city jobs.
6. The city officials would stop doing business with me like they did to Tony Dutra.

(ALERT, see page 6)

Forward Done Backwards

FOREWARD DONE BACKWARDS
by Gene Forte

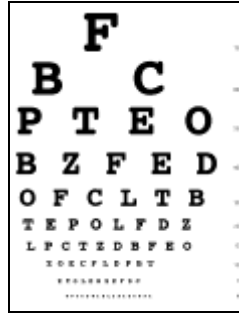
The difficulty of getting a Badger out is waiting for a break in the battle against corrupt civil servants. They are fighting



on several battlefronts to prevent their villainous activities against citizens from being revealed.

The Badger is sharing with readers letters written to civil servants providing them evidence of civil servant corruption and requests for investigations. The letters are not responded to and investigations never take place.

The multi-theme of this Badger turned out to be V for Vendetta, V is for RECALL, and The Race Card. You will be reading the actual content of letters embedded with pictures and set to magazine type columns



hear a gleeful yelp? I know I heard an "OH....NO!!!! from the CPO's.

The idea was recently whispered to me by an Angel with an Attitude (See Angel Whispers, page 29).



The Badger-ized letters contain words, the power of which is explained quite well by "V" when he said:

"Words offer the means to meaning, and for those who will listen, the enunciation of truth. And the truth is, there is something terribly wrong with this country, isn't there?"



Letters set to Badger-torial format reveals the villainous activities of CPO's (Corrupt Public Officials). They demonstrate how to protect yourself against the marauding CPO.

Bear with The Badger fellow citizens as it fine tunes this Badger-nique format. It means more Badgers, more often. Did I

So.... this Badger will still have some letters in their original format without pictures. Keep in mind that when you read The Badger, it is a compilation of letters from me. I am not going to edit the content by replacing "I" with "Gene."

Now prepare to yelp, whimper, and growl while giving the raspberries to some self important CPO bullies that really are a bunch of cowardly wimps.

Remember, your reading The Badger and telling others gets them "All shook up,, Mm mm oh, oh, yeah, yeah! All shook up!



THE END

(V, from page 1)



Now, I certainly don't want my buddies over at the California Highway Patrol's Dignitaries Protection Services to get the wrong idea.

Never heard of them before? Me neither until the day I gave public Notice of the Intention to Recall Mayor Jones. Then Voila! Two of them were sitting in my home with concealed weapons. (See CHP/DPS, page 33).

While my adversaries hurl accusations that I thrive on chaos, I provide proof of what "V" would call their villainy against citizens.

Read the passages taken from "V" interspersed in this Badger. You may find yourself searching for the nearest certified circulator of the Recall Petition to affix your

signature. "The choice is yours.... but your duty to do so is there"—V—.

THE END

V for Vendetta



The fictionalized hero "V" is based upon the historical figure Guy Fawkes.

Guy Fawkes (13 April 1570 – 31 January 1606) sometimes known as **Guido Fawkes**, was a member of a group of Roman Catholic revolutionaries from England who planned to carry out the Gunpowder Plot. The aim of the plot was to displace Protestant rule by attempting to blow up the Houses of Parliament, while King James I and the entire Protestant aristocracy were inside, a reaction to increasing oppression of Roman Catholics in England.

Although Robert Catesby was the lead figure in thinking up the actual plot, Fawkes was put in charge of executing the plan due to his military and explosives experience. The plot was foiled shortly before its intended completion, as Fawkes was captured while guarding the gunpowder. Suspicion was aroused by his wearing a coat, boots, and spurs, as if he intended to leave very quickly. Fawkes was tortured, hung, drawn, and quartered.

Fawkes has left a lasting mark on history and popular culture. Held in the United Kingdom (and some parts of the Commonwealth) on November 5 is Bonfire Night, centered on the plot and Fawkes. He has been mentioned in popular film, literature and music by people such as Charles Dickens and John Lennon. There are geographical locations named after Fawkes, such as *Isla Guy Fawkes* in the Galápagos Islands and Guy Fawkes River in Australia. Source: Wikipedia. (END)

Good evening, Los Banos!

Allow me first to apologize for this interruption. I certainly dislike dealing with unaccountable civil servants as the next citizen. I'd rather be watching a good movie with my family. But, in the spirit of trying to make our city a better place, I thought we could take some time out of our daily lives to sit down and have a chat about The Recall of Mayor Jones.



Jones and the City Council do not want me to speak. They do not want you to hear my words. I suspect even now orders are being hand signaled to Police Chief Gallagher to arrest me.



Why? Because words offer the way to the truth for those who will listen... and the truth is, there is something terribly wrong within our city, isn't there? Foreclosures, lack of employment for our children, City Manager Rath getting an undeserved raise. Mayor Jones hiding money *he* says were undisclosed loans from a powerful developer. Is that the only money Jones received...or is there other money with no fingerprints on it? (See A Picture Worth 1000 Words, page 7) The list is endless.

Jones, when caught, pees on your face and tells you it's raining. Jones then pulls the race card, says he did nothing wrong, and accuses me, the white person that caught him, of "lynching him with words," inferring that I'm a member of the likes of the Ku Klux Klan. Jones and his fellow civil servant mini-me's say there are more important issues to address that their breaching the trust of citizens.

Where once you had the freedom to object, think, and speak as you saw fit, you now have public officials as censors with police shutting you up. How did this happen? Who's to blame?



Well, certainly there are those more responsible than others, such as the city officials that have betrayed your trust, and they will be held accountable....but again truth be told, if you're looking for the guilty, you need only look into a mirror. I know why you did it. I know you were afraid. Who wouldn't be? Look at the mess our country is in. There were a myriad of problems to corrupt your reason and rob you of your common sense. The loss of your job, the Iraq War, gas costing almost \$5.00 a gallon.

I know it seems to be hopeless. Maybe Jones will not be re-elected, maybe he will? But, if Jones isn't re-elected, you still have the city council members who have revealed whose side their bread is buttered on. They concealed Jones breaking the law from you, and one of them will step up to take his place. Faria, Villalta, Rath, Sousa, Balatti and Vaughn have shown they are not on the side of citizens. Despair sets in. You have been brain washed into thinking you can't fight city hall. In your frustration and disgust, you throw up your hands.

Jones and the city council continue to promise that you can trust them and they will watch out for your interests. All they demand in return is your silent, obedient consent like a trained dog on a leash. Well, I sought to end that silence and break that leash forever by respectfully speaking out at the city council within my allotted time. I was telling of the Recall of Jones and reading the Petition signed by 20 other good citizens. My hope was to remind citizens that fairness, justice, and freedom are more than words, they are perspectivesand we citizens can hold civil servants accountable to us.

My microphone was cut off before my rightful time to speak was finished. I was threatened with arrest by those that need to be held accountable. It wasn't an accident. My Freedom of Speech along with the other citizen proponents of the Recall I spoke for were violated by Jones and the council.

But, if you think it was an accident, and if you want to see nothing...if the violations against the citizens by these city officials remain unknown to you, then I would suggest you not sign the Petition.



But if you see what I see, if you feel as I feel, and if you are tired of the bulls—t, then I ask you to sign the Recall Petition. Together, we shall give these city officials something that they shall never, ever forget—we citizens can hold them accountable. We will be ready if any of these city council members takes office, or Jones is re-elected.

We can decide to not submit the signatures to Recall Jones prior to the election for counting. Therefore, it will cost tax payers next to nothing, maybe a \$1,000.00.

But we will be ready. We will be unified, and can then wait six months. File a new recall petition and gather the signatures again to remove Jones if re-elected, or any one of these uncivil servants that have been conspiring with him to save their own butts.

THE END

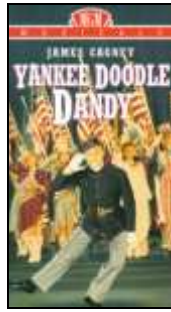


The above was adapted for the Recall of Tommy Jones from V's Speech delivered to the citizens of London in the movie V for Vendetta.



(RECALL, from page 1)

I had the right and a duty to reveal the undisclosed loans Jones received from Mr. Greg Hostetler/Ranchwood Homes without being attacked by Jones throwing down what is called the Race Card.



(See "Lynched with Words," page 16, and May 12th, 2008, letter to Vaughn, page 18.)

No citizen, absolutely none, should ever have their right to Freedom of Speech violated as Jones with the usual suspects, the City Council members, violated my rights on May 7th, 2008. I was entitled to speak for a full five minutes at the public podium.



Jones cut my mike off at approximately two minutes. I was then threatened with arrest and publicly humiliated by Chief Gallagher.

It's not a matter of the length of time being cut short. It's the unmitigated gall of Jones and the City Council members thinking they can violate the most sacred privilege of being an American anytime they want.

Therefore, if I don't put my foot firmly on their necks, they will think they can do it to any other citizen that calls them on the carpet for violating their oath of office.



Well, "not by the hair on my chinny, chin-chin."

STUPID BLACK MEN?

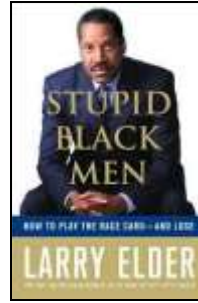
Since revealing on March 17th, 2008, the undisclosed personal loans made to Mayor Jones by Greg Hostetler/Ranchwood Homes, I have been attacked by Mayor Jones and his supporters.

Jones, at the City Council meeting of March 19th, 2008, said the following:

"...There were times if you tried to do certain things you would have been

lynched with a rope, this time I got lynched with words."

It is called playing the race card. Larry Elder an African American sums up the essence of Jones actions quite well in his book entitled, Stupid Black Men—How to play the Race Card and Lose.



I discussed Jones' statement of being "lynched with words" by me with some of my African American friends (See Angel Whispers, page 29). They were appalled that Jones would degrade the historical horrors suffered by African Americans at the hands of crazed racist members of the Ku Klux Klan.



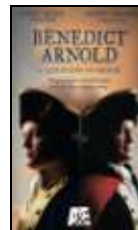
Benjamin Ratliff

Jones and his attorney, Mr. Ben Ratliff, are preparing a "smut ball defense" in the lawsuit of Forte v. Jones, #150880 (See Put the Race Card Down, page 27).

The Recall is not motivated by politics or race. Jones wants to confuse the issue and direct attention away from the fact he has breached the public trust and broken conflict of interest laws.

JONES SUPPORTERS BETRAYED

Citizens should not ignore the crimes of public officials because they voted for them. Their trust was violated the most...and they shouldn't be chanting "he's our man right or wrong."



Citizens that did not vote for Jones should offer compassion to those that did.



Nothing is worse than to be humiliated in front of others by someone you publicly supported.

At the same time, citizens have every reason to look with disdain at Jones' supporters that ignore what he has done while he flaunts his violation of the law.



NATIONAL HUMILIATION

Los Banos and Jones breaking conflict of interest laws were splashed across the nation by Associated Press International (API) who picked the story up from McClatchy Newspapers' Merced Sun-Star, who credited (albeit for an ulterior purpose) the Badger Flats Gazette.



The Merced Sun-Star inaccurately reported the facts to spin the story in favor of Jones and Hostetler.

I requested McClatchy's reporter Corrine Reilly, Jones, Hostetler, and API to provide the documentation they relied upon to show that the loans had been paid off. There has been no response from any of them.



It wasn't I who brought public embarrassment to the citizens of Los Banos. It was Jones' actions of breaking the law and then flaunting it in the face of citizens.

The Recall of Jones will let the nation know that Los Banos citizens are peacefully fighting back against public officials who violate their trust.

MYSTERIES UNRAVELED

Let me unravel the mystery as to how I found out about the Hostetler loans to Jones. It will prepare you to understand what a hoax the FPPC is. Here's how it happened.



In the dark of night with cat like reflexes, I scaled the government building, passing within inches of snipers at every corner. They, I am sure, thought me only a wisp of a hot night's breeze. I felt the rappel ropes cut into one of my taunt 6-pack abs. (Hey, if we're going to fantasize baby, let's go all the way!)



(RECALL, see page 5)



(RECALL, from page 4)

Okay, try this one.....

Mr. Tony Dutra of "The Paper" told me that Ms. Carol Cox of Candlelight Realty had come into possession of Merced County recorded documents indicating Jones had gotten loans from Hostetler. I called Cox, and she verified such to me.



Badger telling Dutra he shouldn't have voted for Jones. (It's a joke!)

Neither Cox nor Dutra wanted to publicly expose the loans fearing reprisal. Since I don't fear these uncivil civil servants, then Enter the Badger. But, before I did, I drove to the Merced County Recorder's Office, searched the computerized public records (took about 10 minutes) and found the documents myself.

Councilman Faria confirmed that he gave the evidence of the undisclosed loans to City Attorney Vaughn and the City Council members.



Faria said he didn't want to bring the loans out publicly at a city council meeting because he didn't want anyone to think he was against Mayor Jones. I told Faria that he should feel ashamed.



Perhaps, Faria in hindsight realizes it would have been much, much better for him to be known by citizens for exposing Jones breaking the law than being known for helping Jones conceal it.

Faria's non-actions and that of the other city council members aiding and abetting Jones concealing the Hostetler loans from citizens is why they all must be driven from public office. Sorry, no second chances.



THE FPCC HOAX



The Fair Political Practices Commission (FPCC) is being exposed as a public hoax by The Badger asking a few very simple questions.

I asked the FPCC, how did they check the information on these supposedly very important Form 700 Statement of Economic Interests filed under the penalty of perjury by civil servants?

The FPCC said they randomly check the forms, kind of like pulling a card from a deck. Then sometimes, but not always, if something on the form gives them concern, they might inquire further.



In other words, not only does the FPCC not go over every form with a fine tooth comb, they might not even pass a comb through it because they didn't pick it.

The FPCC said if they do look at one of the randomly grabbed forms from the pileand a public official indicates that he had several loans outstanding from a developer.... or were in partnership with a developer....they might, though not always, check to make sure there were no conflict of interests.

Think about it! All a civil servant has to do is not report anything on the form knowing that the odds are probably slim to none of getting caught hiding loans, gifts, etc..



If they do get caught, they can take the Jones approach of playing stupid. All they have to say is that they either forgot or didn't know they had to put the information on the form. The punishment is a fine between \$500-\$5,000.00 bucks.



The FPCC says Los Banos may need to review the annexations voted on by Jones for Hostetler. What are they going to do...bulldoze down all the homes and reverse the annexation? Of course not!



Heck the FPCC doesn't even do anything about punishing the civil servant that committed perjury by not disclosing the truth on the forms.

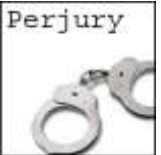


Anyone that tells you Jones will be punished by the FPCC, and therefore the Recall is not important, is understandably clueless.

It is up to us citizens to reign in unaccountable civil servants and expose the broken system by the Recall process.

JONES PERJURY

Perjury is a very serious crime because if a person can go unpunished for lying in a courtroom or when signing documents under penalty of perjury, then the one who lies the best can win out over the truth.



Jones saying that he forgot or was clueless is no excuse.



If such were the case, any person that lies under the penalty of perjury could just say that they remembered the truth when it was brought to their attention, and therefore was innocent of perjury.



The FPCC informed me that they did not have any legal authority to either criminally prosecute Jones for committing perjury, or removing Jones from office.

Therefore, I filed a criminal complaint with the Merced County District Attorney's Office against Jones for his perjury. (See letter to DA, Criminal Complaint, page 6).

I will keep Badger pups posted so that DA Larry Moses' actions are publicly scrutinized.



THE END

CASE #: 200809128

Badger Flats Gazette *OFFICE TOWNSLEY*

Thursday, May 15, 2008

Local Assistant District Attorney
Merced County District Attorney
445 "I" Street
Los Banos, CA 93635

Re: Mr. Tommy Jones/Four Counts of Perjury on FPPC 700 Forms

Dear Local District Attorney/LEO:

Accept this as my formal complaint and request for the investigation and the prosecution of Mayor Tommy Jones for willfully committing perjury on four separate occasions by signing FPPC 700 Forms under penalty of perjury without disclosing personal loans as required that he received from Mr. Greg Hostetler.

You will find attached various FPPC 700 Forms, Certified copies of Merced County Recorders' Office filings, my complaint filed with the FPPC and the FPPC's verification that an investigation is taking place.

It has been explained to me by the FPPC that they are not the ones responsible for prosecuting perjury charges and that I could file a request for such prosecution myself with the appropriate law enforcement agency which I was informed was the Los Banos Police Department that would then present the information to the Merced County DA's Office for investigation and prosecution.

I request to be kept informed as to the status of the investigation.

Thank you.

Sincerely,



Attached: FPPC Forms signed by Jones not disclosing loans. Loans papers, FPPC Complaint, Confirming Letter to Stephen Jones, Merced County Recorder.

Page - 1 -

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

Criminal Complaint Filed: If you want something done, don't wait for the FPPC. Do it yourself!



(ALERT, from page 1)

The above indicates that 20% of citizens could fear our local government. Therefore, why is even one U.S. soldier being killed or maimed to stop Iraqis from fearing their government when Los Banos citizens fear their local government?

The six people that said they knew they should sign the petition but wouldn't because they feared our city officials should be ashamed.



They should also be grateful I am not

publicizing their names even though every beat of my heart says that I should.

It's one thing not to sign the petition if a person honestly believes that Jones has done nothing wrong, BUT, it is absolutely un-American and an assault upon every other citizen NOT to do so because they fear their government.

IF CITIZENS FEAR THE LOCAL GOVERNMENT IT IS IMPORTANT TO SIGN THE PETITION TO CRUSH IT!

Look at the pictures (above) and imagine the horror and pain of you being in their bodies for the rest of



GOOD ADVICE? I told you to watch out for those tyrannical government type folk. Here's a tip for ya...don't go signing any Recall petitions over in Los Banos unless you want more of the same.



OPERATION FREEDOM?: Hey son! Sorry you look like a zombie from Night of the Living Dead...but here's a real neat T-shirt. It's to remind you that Iraqis shouldn't fear their government. Oh, by the way, I wouldn't go signing any Recall Petitions in Los Banos, California. I heard the government officials over there will take the rest of the skin off ya!

your life. Did these boys sacrifice themselves, standing up to the tyranny of the Iraqi government, only to come home to a country where citizens of Los Banos fear their government?

I'm not making light of what happened to the courageous young men pictured above. I'm mocking the cowardice of US Citizens living in fear of their own government.

OUTRAGEOUS!

THE END



A PICTURE IS WORTH A 1,000 WORDS

“You’re only doing this because you hate me!”

NAME: JONES, TOMMY DOB: 4/28/48 R: B SX: M
 ARREST DATE: 9/03/99 ARREST TIME: 2311 ARREST LOCATION: H ST
 ARRESTING AGENCY: LBPD OFFICER: KEITH HADLEY NUMBER: 01722
 ARREST NARRATIVE: ARR#: 99000000673

CITATION: WARRANT: OFFENSE: 11377(A) POSSESS CONTROLLED SUBSTANCE
 CITATION: WARRANT: OFFENSE: 11550(A) USE/UNDER INFLUENCE
 CITATION: WARRANT: OFFENSE: 23152(A) DUI ALCOHOL/DRUGS
 (See Fig. 1, pg. 8 for rest of arrest report)

Preface: Does Jones look like he was returning from a town hall meeting thrown by City Planning Commissioner Stephen (don't forget I'm a Reverend) Hammond to rack up some parishioner votes? I personally don't think so!

The recall is not about politics, or a power struggle between opposing political parties. The recall is about peacefully demonstrating to all Los Banos City and Merced County officials, present and future, that citizens will not tolerate non-accountability.

to prosecute the drug case against Jones. Years later, Spencer, along with Sheriff Mark Pazin, became specious real estate partners with Mr. Greg Hostetler.



TALL TALES?



Let me debunk a Good ol' Boys' Tall Tale. Jones **was not proven to have been falsely arrested** for the possession of a controlled substance.

LEGAL DOES NOT MAKE IT RIGHT

When Jones says that he is *legally* not prohibited from voting on matters concerning Hostetler, or that he is not *legally* prohibited from appointing city planning commissioners while under investigation by the Fair Political Practice Commission, *he is correct.*



Hostetler was the private bank of undisclosed loans to Tommy Jones and financier of both Jones' election campaign and lawsuit against the City of Los Banos. Jones alleged, **but did not prove in a court of law**, that he was falsely arrested for drug possession.



JONES IS NOT BEING RECALLED FOR HIS 1999 ARREST....BUT



The arrest record statements of Jones reveals evidence of his honed skill of viciously attacking anyone that catches him doing something he should have not been doing.

The BIG HOWEVER is that just because he is NOT LEGALLY prohibited from doing so, it does not make it anywhere near right, proper, or ethical.

(See California Water Agencies/Ethics/ page 9, especially "Thinking Beyond Ethics Law").



What in the @-!-!-? DA Spencer dubiously decided not to prosecute the case allegedly due to lack of evidence?

The basic fact is either Jones had drugs on him or not. (Hint to Drug Transporters: Wipe your fingerprints from cocaine bags and you're in the clear according to Jones law!)

Was it the first Big Lie to set an escape route for Jones and a path to money for all involved?



Jones is being recalled because he has violated the "Appearance of Fairness Doctrine" (see page 9 bottom right) and trampled on the respect due citizens of Los Banos. The 200 hundred word Notification of Recall, on page 40, articulates clearly the position of the twenty Los Banos citizens who are the initial proponents of the recall.

The law is used as the floor as to what can or cannot be legally permitted.



SIMON LEGREE GANG OF MERCED COUNTY?

Ex-DA Gordon Spencer, who himself should have been prosecuted for embezzlement, decided not

The mantra to the public by the Good ol' Boys' propaganda machine, McClatchy Newspapers, became "decision not to prosecute due to lack of evidence." It inferred that Jones

(ARREST, see page 9)

9/03/99

LOS BANOS POLICE
CASE NUMBER REPORT

PAGE: 1
PRG: COM0100

INCIDENT INFORMATION

CASE#: 9910767 EVENT#: 99000017194

DATE RECEIVED: 9/03/99 TIME RECEIVED: 2311 DISPATCHED: 2311 ARRIVED: 2311 CLEARED: 2334 PRIORITY: 4
EARLIEST DATE: 9/03/99 EARLIEST TIME: 2311 LATEST DATE: 9/03/99 LATEST TIME: 2311

CLASS: HS DRUG TYPE VIOLATION STATUTE 1: 11377(A) POSSESS CONTROLLED S 2:
ALARM1: ALARM2: ALARM STATUS:
DISPOSITION: 10 CLEARED BY ARREST ON VIEW: N

LOC: 400 H ST 4TH ST 5TH ST
APT: AREA: 1 GRID: B BEAT:

OFFICER 1722 KEITH HAGLEY
INVESTIGATOR DATE ASSIGNED DATE CLEARED 9/03/99

OTHER CIVIL CONTACTS

NAME: JONES, TOMMY DOB: 4/28/48 CONTACT TYPE: 6 ARRESTED
PHONE #: 9403120

ARRESTED

NAME: JONES, TOMMY DOB: 4/28/48 R: B SX: M
ARREST DATE: 9/03/99 ARREST TIME: 2311 ARREST LOCATION: H ST
ARRESTING AGENCY: LBPD OFFICER: KEITH HAGLEY NUMBER: 01722

ARREST NARRATIVE:
ARR#: 99000000673

CITATION: WARRANT: OFFENSE: 11377(A) POSSESS CONTROLLED S
CITATION: WARRANT: OFFENSE: 11550(A) USE/UNDER INFLUENCE
CITATION: WARRANT: OFFENSE: 26150(A) DUI ALCOHOL/DRUGS

SUBJECTS

SUBJECT ID: 95003634
NAME: JONES, TOMMY DOB: 4/28/48 R: B SX: M STATE: CA
DESC:

+PHYSICAL DESCRIPTION+

HEIGHT: 600 WEIGHT: 175
EYE COLOR: OO BROWN HAIR COLOR: 30 BLACK

DA GA
701

Fig. 1—Arrest record for Tommy Jones, page 1.



(ARREST, from page 7) didn't have any cocaine on him. Jones, in fact, did. Look at the arrest sheet. It has not changed.

have proved cocaine was planted on him, he wouldn't have had taken the City of Los Banos to the cleaners?



It almost seems that Little, a Harvard Law School Graduate, is blowing the case intentionally. I wouldn't want my attorney to be suing someone that he had gotten money from in a round about way before.

The gratuitous gesture of Spencer, et al, put a knife in the hands of Jones.



WAS IT A NEAT TRICK?



There is another unsettling point for those that wish to venture down the rabbit's hole deeper.

Jones stated (Los Banos Enterprise, article of 3/22/08) that the undisclosed loans from Hostetler were used to pay his attorney, Kevin Little, in his lawsuit against the City of Los Banos.

Byrd died suddenly a few months ago. His daughter, Linda Roybal, is carrying on in the seemingly trusted hands of her attorney. Little has never responded to the letters from the Badger asking if he disclosed to Byrd his seemingly close relationship with defendant Hostetler. (See The Ball Game issue, "Starbucks..." , page 11).



While covering up for Jones' nefarious acts, civil servants could profit at the expense of an insurance policy of the City of Los Banos. It was a win-win situation for unscrupulous civil servants. All around, it was a losing situation for the citizens of Los Banos.

Little is the attorney that filed the lawsuit of Richard Byrd v. Hostetler, Spencer, and Sheriff Mark Pazin et al. Byrd claimed they put him in jail to get his property at a reduced rate. Files in Federal Court reveal the case is falling apart. Little is missing time lines to conduct discovery and making other stupid mistakes.

Attempts by the Badger to locate Roybal to ask her if she knows of the Hostetler/Jones/Little connection have been unsuccessful. If any readers know Roybal, the Badger would appreciate your asking her to give me a call. THE END

The confidential settlement agreement was said to have been for only \$75,000.00 to Jones including his legal fees. Do you think if Jones could

<h3>Public Service Ethics is Different</h3> <ul style="list-style-type: none"> • Laws play a bigger role • Perception as important as reality • Public is entitled to honest service from its public officials • The trust and respect you get from the public and the fairness and reasonableness of your decisions are affected by your actions 	<h3>Ethics Laws & Principles</h3> <ul style="list-style-type: none"> • The Law = Minimum standards <ul style="list-style-type: none"> – What we <i>must</i> do • Ethics principles = guidance to what we <i>ought</i> to do <ul style="list-style-type: none"> – Avoiding the appearance of impropriety – Asking yourself "How would this look in the newspaper?" 	<h3>Thinking Beyond Ethics Laws</h3> <ul style="list-style-type: none"> • Starting point for most ethical analyses in public service tends to be the law • Floor for ethical conduct—not the ceiling • Just because it's legal, doesn't mean it is or will perceive to be ethical
---	--	--

Association of California Water Agencies/ACWA: Ethics and Public Service Laws and Principles.

DATE: 9/06/09 LOS BANOS POLICE PAGE: 2
 TIME: 09:51 CASE NUMBER REPORT PROB: EDU/198
 AGENCY: JAW

CASE#: 9910787

VEHICLE INFORMATION

VEHICLE#: 9904770
 REG #: 444482 EXP: 0/00 OTHER AUTO-UCR
 COLORS: GREEN
 DESCRIPTION: JAW388

DISPATCH NOTES

R: ARRESTED: JONES, TOMMY VEHICLE #38889104

APPEARANCE OF FAIRNESS DOCTRINE

The appearance of fairness doctrine is a rule of law that requires government decision-makers to conduct hearings and make decisions in a way that is both **fair in appearance** and in fact.... The doctrine has been applied primarily to land use decisions, (i.e. the annexation) and its purpose is to bolster public confidence in the fairness of such decisions by the elimination of actual bias, prejudice, improper influence or favoritism, but also in **the curbing of conditions which, by their very existence, tend to create suspicion**, (i.e., the loans from Hostetler) generate misinterpretation, **and cast a pall of partiality, impropriety, conflict of interest or prejudice** over the proceedings to which they relate.

Fig. 1—Arrest record for Tommy Jones, page 2.

REPORT NARRATIVE:

REPORT: 9910767

REPORT BY OFFICER HADLEY:

I was responding to a call that I had earlier been dispatched to and leaving out of the rear of the Police Department, toward 4th St. As I approached 4th St., I noticed a vehicle driving northbound on 4th St. at an extremely high rate of speed, which I estimated to be approximately 60 mph to 65 mph.

I immediately activated my emergency flashers and pulled in behind the subject as he passed the driveway on 4th St. As I was approaching the stop sign at 4th St. and H St., I noticed the driver of the vehicle to look into the rear view mirror and then start leaning forward, placing his hands toward the floorboard, and it appeared that he was trying to hide something in the driver's compartment area. The driver then drove through the intersection and stopped on the north side of H St., past that intersection.

The driver immediately threw the door open and jumped out. I informed the driver to stay in the vehicle until I came and contacted him. The driver, who I then recognized as Tommy Jones, immediately stated that he is with the City Council. At that time, I informed him that I knew who he was, and that he needed to stay in his vehicle until I made contact with him. I again stated that to him one more time. This time, he did stay in his vehicle.

As I approached him, he had his black wallet out and was hanging it out of the window. He again started to tell me that he was with the City Council. Again, I interrupted him and informed him that I did know who he was, and that did not matter at this point. I advised him that I was stopping him because of his speed.

I then informed him that I needed to see his driver's license and registration. At this time, I looked down at his black wallet and he was attempting to pull the flap back of a portion of his wallet which contained his Council member badge. I again told him that I did recognize him as Tommy Jones, a City Council member, and that I still needed to see his driver's license and registration. He then went into a different compartment of his wallet and pulled out an interim paper driver's license, which had been expired.

As I was speaking with Jones, I could smell an odor of an alcoholic beverage coming from his person. I also noticed that on his right leg, in the driver's compartment area, there was a lever for the emergency parking brake. Behind that brake lever and the center console, I noticed that there was a clear plastic baggie shoved in between them. I was not able to tell what was in that baggie, due to the fact that the content section of the baggie had been shoved beyond my view, behind the parking lever.

I asked Jones if he had been drinking this evening, and he stated no, that he had not. I noticed that Jones' eyes were red and watery, and that his pupils were extremely constricted. I asked Jones again if he had been drinking tonight, and he stated no, that he had not.

REPORT NARRATIVE:

I asked him to step to the rear of the vehicle, and informed him that I did smell alcohol on his person. I then asked Jones one more time if he had been drinking, and he stated yes, that he had had just one beer earlier this evening at one of his meetings.

This section contains information that is either investigative; or analysis or conclusions of the investigating officer.

At that time, due to these objective symptoms, I determined that Jones was under the influence of a narcotic, and possibly under the influence of alcohol. I then informed Jones that I believed that he had more to drink than one beer, at which time he stated that he may have had more than that, but not much more. I noticed that Jones was continually moving his body, and constantly going for his pocket. I told Jones to stop going for his pocket, and asked if he had any kind of weapons or drugs in his pocket, and he stated, "I don't do that kind of stuff, and I don't have any drugs".

He then stated that if I had any questions, that I could search him. At that time, I conducted a quick pat-down search of his person and located no items. I then asked Jones what he was doing when I was pulling him over, and he stated that he was driving home. I informed him that I estimated that he was going between 60 mph and 65 mph. He stated that he knew that he was speeding, but believed that he was going only between 40 mph and 45 mph. This also shows me that this is a symptom of a subject who is under the influence of a stimulant. I asked him why he started to reach under his front seat when I was pulling him over, and he stated, "I don't know what you're talking about". I told him that when I pulled him

REPORT NARRATIVE:

over, I did see him lean forward and start to reach under the front seat, and that that makes me very nervous. He stated that he was not doing that, and didn't know what I was talking about. I asked him if he had any type of alcohol, weapons or drugs in the vehicle, and he stated no, that he did not.

I then asked him if I would be allowed to search the inside of the vehicle, and he stated, "go ahead". He turned around and placed his hands on the trunk of his vehicle, and I walked up to the driver's side door. I looked in the front passenger compartment area, and did not notice any alcohol. I then looked over toward the brake lever and again saw the plastic bag and pulled it out. I noticed that inside of the bag was a white powdery hard substance, which resembled cocaine to me. I then returned back to Jones and had him place his hands behind his back and then placed him under arrest for possession of a controlled substance. I told Jones that I found what I believed to be narcotics in his vehicle, which I had seen him leaning over, trying to place something in the compartment. He stated, "I don't know how that got in there. It's not mine. You're only doing this because you hate me". I then informed him that I had no problems with him, and I would not try to set him up on anything, and he stated, "You may not be the one who set me up but you're part of the game". I also advised Jones that I believed that he may be under the influence of alcohol and possibly drugs, and he stated that there was no possible way that he was. I informed him that he would have the opportunity to take a breath test to rule out alcohol or a blood test. He stated that he wanted to take whatever test would be easiest. I then explained that he would have to choose one, and he chose the breath test. I also informed him that I believed that he was under the influence of a controlled substance, and he stated that he would give me whatever test I'd need to prove that he was not. At this time, Jones was transported to the Los Banos Police Department by Officer Wayne Small.

Jones was read his Miranda Rights and he stated that he understood his rights, and wished to speak to me at that time. I asked him several questions which were located on the back of the 11550 Interview Sheet. Refer to the attached copy for questions and answers.

As I was getting the Intoxilyzer test ready, he stated that he did not want me to give the breath test, but for Officer Small to be the one who applied the test. I had no problem with that, and Officer Small did conduct the breath test, which came out to both tests resulting in a .05.

This section contains information that is either investigative; or analysis or conclusions of the investigating officer.

This section contains information that is either investigative; or analysis or conclusions of the investigating officer.

Jones did provide a urine sample and I made it a point to process a urine sample paperwork in front of Tommy Jones, because he was stating some concerns about me running the test. He requested again that Officer Small be present, and I advised him that Officer Small was doing other duties, and he requested at least that Officer Small be the one to mail the sample. I then witnessed Tommy Jones provide the urine sample and properly sealed and placed it into the box. I then turned the box, which had been sealed by myself and in Tommy Jones' presence, over to Officer Small, who filled out the remainder of the box and mailed the box.

The baggie containing the white powdery substance was packaged and mailed to the DOJ Laboratory in Ripon for exact identification and weight.

Jones was then booked into the Los Banos City Jail for charges of 22350 CVC, Speeding; 23152(a)CVC, Driving Under the Influence of Drugs; 11377(a)HS, Possession of a Controlled Substance; and 11550(a)HS, Under the Influence of a Controlled Substance
 CHARGES AGAINST TOMMY JONES Jh/751 COPY TO DA FOR CRIMINAL

Fig. 1—Arrest record for Tommy Jones, Report Narrative, page 6.



THE LB ENTERPRISE
(Boldly Blowing Smoke Like There's No Tomorrow)

Meet Lieutenant Corey Pride, Chief Propaganda Officer/LB Enterprise. The mission of Pride and the crew are to boldly blow as much smoke up the derrieres of citizens as possible to keep Mayor Jones from being recalled.

Pride is seen huddling with Jones minutes after crew member Security Chief Gallagher eject one of the recall proponents, Gene Forte into deep space on May 7th, 2008.

During a two-way interview between The Badger and Pride, Pride asked Forte if he was recalling Jones due to being called a member of the KKK. Forte said, "No," and asked Pride if he voted for Jones in the last election.



Pride didn't think it was important for readers know if his reporting could be biased in favor of Jones and hung up the phone. The Badger lets you know! It's a proponent of the recall. Oh well!

Pride was caught masquerading in drag as Lieutenant Uhura. (Just kidding Corey!) (END)



The views, opinions, and commentary 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.

Gene Forte is currently a plaintiff in the case of Forte vs. Knight Ridder, McClatchy Newspapers, O'Farrell, AG Lockyer, et al., Case No. C06-03948-JW. Forte also filed a Merced County claim against Merced County Assistant DA Matt Maclear and officials of MCDEH. Forte also has a claim filed against Merced County Counsel James Fincher, Merced County Supervisor Jerry O'Banion, and Brad Smith/ Merced County Risk Management Department.

Back issues of The Badger are available for \$5.00, (209) 829-1116, or write: P.O. Box 989, Los Banos, Ca. 93635. You may also go online: <http://www.badgerflats.com> to download or view issues.

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BADGER FLATS GAZETTE

00:51 MERCED COUNTY SHERIFF'S DEPARTMENT BOOKING SHEET 09/04/99

F A C E S H E E T
I N C U S T O D Y

LAST NAME: JONES	BIRTHDATE: 04/28/1948	INMATE #: 09/04/1999
FIRST: TOMMY	CURRENT AGE: 51	PAGE: 0247
MIDDLE:	BIRTH CITY: [REDACTED]	LINE: 0102
	STATE: [REDACTED]	ARR TIME: 00:14
	SSN #: [REDACTED]	STATUS: ACTIVE
	DL#: [REDACTED]	CELL: B- - -06

ALIAS/MAIDEN: [REDACTED]

ADDRESS: [REDACTED]	SEX: M
APT: [REDACTED]	RACE: BLACK
CITY: [REDACTED]	HEIGHT: 5'10"
STATE: [REDACTED]	WEIGHT: 175 LBS.
HOW LONG: 00	HAIR: BLACK
PHONE: [REDACTED]	EYES: BROWN
OCCUPATION: [REDACTED]	COMPLEXION: -
EMPLOYER: [REDACTED]	MARITAL STATUS: M
WORK PHONE: [REDACTED]	

ID MARKS:

COMMENTS: BK#_991802__TIME:_2311

-----NEXT-OF-KIN-INFORMATION-----ARREST-AND-LOCATION-INFORMATION-----

LAST NAME: [REDACTED]	ARREST LOCATION: 4TH/H ST
FIRST: [REDACTED]	VEHICLE LOCATION: ROMEROS
MIDDLE: [REDACTED]	BOOKING OFFICER: RAMIREZ
RELATION: [REDACTED]	ORIG BOOKING AGENCY: LBDP
ADDRESS: [REDACTED]	ARREST OFFICER: HADLEY
CITY: [REDACTED]	ARREST AGENCY: LBDP
STATE: [REDACTED]	OFF DOING PROC: RAMIREZ
PHONE: [REDACTED]	PRETRIAL FELONY

-----CHARGE(S)-----	-----WARRANT#-----	-----COURT-----	-----BAIL-----	-----SENT--DISPO-----
1 HS11377 (A)			10,000	
2 HS11550			500	
3 VC23152 (A)			1,403	

TOTAL BAIL: \$11,903

ID #:	SIGNATURE	
FBI #:		
CII #:		
YEAR OF PIC: 99	IMAGE #:	
OCA: LBP9910767		

-----CLASSIFICATION-----

INMATE AGREES TO HOUSING IN GEN POP: YES

INMATE HAS GANG AFFILIATION: NO ENEMIES IN JAIL HERE: NO

NOTES:

POINTS: HOUSE CLASSIFICATION: NO CLASSIFICATION

RIGHT THUMB

Fig. 1—Arrest record for Tommy Jones, Booking Sheet, page 7.

CITY OF LOS BANOS
MERCED COUNTY, CALIFORNIA

No 55658

NOTICE TO APPEAR Traffic Nontraffic Misdemeanor

DATE 0903 19 99 | TIME 2311 PM | DAY OF WEEK FRI

NAME (FIRST, MIDDLE, LAST) TOMMY J JONES

ADDRESS [REDACTED]

CITY [REDACTED] STATE [REDACTED]

DRIVERS LICENSE NO [REDACTED] STATE [REDACTED] CLASS [REDACTED] BIRTHDATE 642848

SEX <input checked="" type="checkbox"/> F	HAIR BLK	EYES BRN	HEIGHT 510	WEIGHT 175	OTHER DESC. BMA
--	-------------	-------------	---------------	---------------	--------------------

VEHICLE LICENSE NO 4AWL482 STATE CA

YEAR OF VEH. 93	MAKE JAGH	MODEL 2L	BODY STYLE 20	COLOR GRN
--------------------	--------------	-------------	------------------	--------------

REGISTERED OWNER OR LESSEE SAME AS DRIVER

ADDRESS OF OWNER OR LESSEE SAME AS DRIVER

ITEMS CHECKED ARE ISSUED PURSUANT TO 40610(B) CVC - SEE REVERSE FOR CLEARANCE PROCEDURES

C.V. (V.C. 16210 B) H.M. (V.C. 353) BOOKING REQUIRED

27315 () VC - MANDATORY SEATBELTS 27360 () VC - CHILD RESTRAINTS

Yes No 22350 V.L. SPEED LAW

23152(2) V.L. DRIVING UNDER THE INFLUENCE OF DRUGS

11377 (2) HAS POSSES CONTROLLED SUBSTANCE

11550 HAS UNDER THE INFLUENCE OF A CONTROLLED SUBSTANCE

APPROX SPEED 60 | PF/MAXSPD 25 | VEHSPDLMT 25 | LOCATION OF VIOLATION(S) 4TH / 5 ST

FINANCIAL RESPONSIBILITY INFO TYPE

COMMENTS CASE # 91 10767

OFFENSE(S) NOT COMMITTED IN MY PRESENCE CERTIFIED ON INFORMATION AND BELIEF

I CERTIFY UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.
EXECUTED ON THE DATE SHOWN ABOVE AT LOS BANOS CALIF (PLACE)

ISSUING OFFICER HADLEY SERIAL NO 722

NAME OF ARRESTING OFFICER IF DIFFERENT FROM ABOVE SERIAL NO VACATION DATES TO

WITHOUT ADMITTING GUILT, I PROMISE TO APPEAR AT THE TIME AND PLACE CHECKED BELOW.

X Signature COMPLAINT SIGNED

BEFORE A JUDGE OR A CLERK OF THE MUNICIPAL COURT
ADDRESS 445 I ST., LOS BANOS, CA TELEPHONE (209) 826-6500

ON DATE TIME

JUVENILE COURT, TRAFFIC DIVISION YOU WILL BE NOTIFIED

FORM APPROVED BY THE JUDICIAL COUNCIL OF CALIFORNIA
REV 1-1-90 VC 40500 40513(b) 40522 P.C. 853.9

See Reverse Side

Fig. 1—Arrest record for Tommy Jones, Notice to Appear, page 8.

Lynched with words

Subject: Council Meeting of May 7th, 2008

From: geneforte@badgerflats.com

Date: Wed, May 07, 2008 11:43 pm

To: Anna Balati <anna.balatti@losbanos.org>, Tom Faria <tom.faria@losbanos.org>, Jerry O'Banion <Dist5@co.merced.ca.us>, Steve Rath <citymgr@losbanos.org>, Joe Sousa <joe.sousa@losbanos.org>, William Vaughn <wvaughn@wavlaw.net>, Mike Villalta

Bcc: "Mark Maniord" <mmaniord@chp.ca.gov>, "Scott Millsbaugh"

May 7th, 2008

To all Recipients:

I will not take the time at this late hour to lay out all of the provable facts in my possession at this time that will establish that Mayor Jones orchestrated a plan to prevent me from speaking five minutes at the podium. Coupled with his salting the audience with his supporters to whoop and cheer while having Officer Gallagher humiliate me in front of the public to discredit myself and other proponents of the recall.

I will only say that the record will reflect that I spoke for a little bit over 2 minutes.

The scheme of Mayor Jones was that he had whoever was in charge of the timer, that person I believe is Ms. Lucy Malonie, or a person from her office not reset the timer.



In other words I was taking up the balance of the previous speaker's five minutes. It was intentionally done by Mayor Jones and others that will be exposed through proper legal discovery.

Mayor Jones gave his cue to do so by not requesting as he did of the other numerous speakers, "Is there anyone else who would like to speak?"

Attorney Vaughn, when I said that the time was off, turned to Mayor Jones and told him to allow me to continue speaking. Mayor Jones told Vaughn the time was up. Vaughn told Jones it was not. The recording of the hearing will show the interchange between Vaughn and Jones.

To say that Mayor Jones has escalated this matter to an incredible height would be an understatement and I feel in physical danger from him. Mayor



Jones is out of control.

I received this evening upon my return a letter from the FPPC informing me that they intend now to conduct a full formal investigation of Jones.

The statement filed by Jones in answer to the recall states that Merced County Recorder office failed to record the reconveyance and the clerical error was corrected. I interviewed Connie Hamilton Chief Deputy Recorder who informed me that there was no failure by the MCR to record the reconveyance and there was no clerical error by MCR.

She also stated that no one contacted her regarding any alleged failure or clerical error until I spoke with her about it today and showed her Mayor Jones' filed answer. She confirmed that she would absolutely be the person it would come to. She has worked there for 36 years and

there has never once been a error by her office in such regards.

Mayor Jones has again been caught lying.



I consider Jones to be extremely dangerous and beseech each of you as human beings to end this matter

before any physical harm comes to myself or my family.

Law Enforcement Officers (LEO) who have been BCC copies of this communication are aware of my allegations in the Federal Complaint concerning Chief Justice George attempting the same trick, and then changing guidelines after my request for a copy of the public hearing tape to prevent me from getting a copy of the proceeding.

I notify all of you to make sure that there are no technical issues that cause the video tape of the hearing this evening to disappear or be tampered with or destroyed.

I intend to hold each party legally accountable who participated in the set-up this evening who whooped and cheered while I was being pushed and shoved by Officer Gallagher.

Reverend Hammond was one of the lead whoopers leading the activity.

I am also sending a copy of this to LEO that I have met with recently to make them aware of this incident and inform them



Reverend Baker

that I will be providing additional information shortly and I request their intervention for the protection of myself and family from Mayor Jones and his minions.

I certainly expect that Mayor Jones will falsely assert he feels he is in

(LYNCHED, see page 17)

Gene Forte

GeneF - In reply to your e mail of May 9, 2008 the recording of the meeting of May 7, 2008 shows that you spoke for approximately two minutes and forty seven seconds before the microphone cut off. The microphone at the podium in the chambers is timed manually for five minutes via computer operated by the mayor. It seems plausible that the timer was not reset from the prior speaker resulting in the confusion that insued during your comments. - BillV

William A. Vaughn
 Law Offices of William A. Vaughn
 525 J Street, Suite A
 Los Banos, CA 93635
wvaughn@wavlaw.net
 209.826.3531

5/12/2008 12:40 PM

(LYNCHEd, from page 16)
 physical danger from me. There is no danger from me and I am not a violent man. It is for this reason that I am making sure that LEO's that are being presented a copy of this letter immediately place this communication in the file.

I request that each of you verify that I did not speak 5 minutes. Any party that does not do so, I intend to hold legally accountable before Federal authorities.



Please respond to me with verification within the next 48 hours that you have reviewed the tape and found that I did not speak five minutes.

I also request that a CD be made available to me of the hearing for pick up tomorrow at the clerk's office and I will pay the amount for such CD.

Thank you.

Gene Forte



June 01, 2008

For additional information, you are also being provided my filed police report concerning the incident.

Your magnanimous gesture of providing an uninsured patient discount is appreciated, but I do not want to feel that I am receiving any handouts.



Accounts Payable
 Memorial Hospital Los Banos
 P.O. Box 1870
 Modesto, CA 93635

Re: Forte/L005769237

Dear Accounts Payable:

I write this letter to provide you the written apology to me from City of Los Banos Mayor Tommy Jones.



It is for Jones *allegedly accidentally* causing my time to rightfully speak as a citizen at a public forum to be cut short at the City Council meeting of May 7th, 2008.



Mayor Jones doing so caused me to be threatened with arrest, publicly humiliated me, and led to my hospitalization at your fine hospital.

Therefore, I insist on being responsible for the full amount of \$5,606 .12.

With that said, please accept Mayor Jones' written apology to me as full payment of my bill to you. If you have any problem in doing so, please let me know promptly in writing.



Thank you again and I will only say that your service was excellent.

Sincerely,

Gene Forte

Monday, May 12, 2008

Mr. William Vaughn
Los Banos City Attorney
525 J Street, Suite A
EMAIL
Los Banos, California 93635

FAX/

Re: Confirmed Violation of First Amendment Rights Under the Color of Law

Dear Mr. Vaughn:

You and the other council members should have been vociferous in informing Mayor Jones that my five minutes were not expended prior



to having me being accosted and publicly humiliated and threatened with arrest by Chief Gallagher as my First Amendment Rights were violated.

Instead you all stood silent while I was accosted and humiliated. You and they ratified and partook in Mayor Jones' violations of my civil rights.

You were heard, witnessed, and videotaped telling Mayor Jones that my five minutes were not up



prior to my being accosted by the Napoleonic Gallagher. Your proffering of what you are already starting to assert as a plausible excuse for Mayor Jones' assault upon me is laughable, incredulous, and an insult to my intelligence given the totality of the situation.



How stupid do you, Mayor Jones, and the council think citizens are? I certainly give them a lot more credit for seeing through this charade than you all do.

There is no doubt the assault upon me was

orchestrated by Mayor Jones and others to intimidate me, cause me emotional and physical duress, silence me, and violate of my civil rights.



Congratulations to one and all for the heinous success. I ended up in the Emergency Room of the Los Banos Community Hospital with my blood pressure shooting through the roof that evening.

The event no doubt took minutes off of my life with my children and wife, and I



assure one and all there is now going to be proverbial hell to be paid for all legally culpable parties. I assure you that all will be held legally accountable, and it will be the costliest mistake yet that Mayor Jones has plunged the citizens of Los Banos into.

I ask that you confirm to me that you have informed all of the other city council members and that metaphorical storm trooper Gallagher and his lackey Detective Breezy of your affirming that I did not speak for five minutes.

Please present a copy of this letter to all council members, Mayor Jones and Chief Gallagher as a formal demand for their immediate resignations and a formal written and public apology. None of which will circumvent a Federal lawsuit against ALL culpable parties.

Thank you.

Sincerely,

Gene Forte

Mayor Tommy Jones' Filed Answer to The Recall

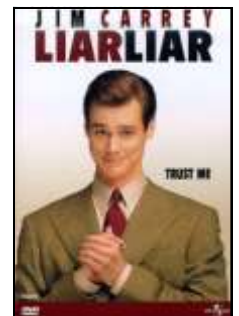
This recall is motivated by politics, not ethics. The proponents distort the facts and seek to distract the public from the important issues affecting our city. Their scheme will not deter me from making decisions based on what is best for Los Banos.

In 2002 and 2003, when I was a private citizen, I obtained loans from Greg Hostetler. I repaid these loans in full in April 2004 – long before my election to the City Council in November 2004. I have had no financial relationship whatsoever with Mr. Hostetler for over four years.

Ignoring these facts, the proponents suggest that I am barred from voting on the pending matters because the Merced County Recorder failed to file the reconveyance of the deed of trust on my home, which I used to secure one of the loans. But this clerical error, which has since been corrected, does not create a conflict of interest. To resolve this issue once and for all, I requested advice from the Fair Political Practices Commission, which confirmed that I do not have a conflict of interest. I will not let politics as usual deter me from working for the citizens of Los Banos.

WARNING! LIAR-O-METER

Merced County Recorder Stephen Jones and his Chief Deputy Recorder, Ms. Connie Hamilton have confirmed that there was no mistake or clerical error. The proponents have asked that there be a notice attached to Jones answer saying that it contains a provable false fact. In other words, Jones is lying through his teeth, AGAIN. (See letter page 19.)



Badger Flats Gazette

Tuesday, May 13, 2008

Mr. Stephen Jones, CPA
 Merced County Recorder's Office
 2222 M Street, Main Floor
 Merced, CA 95340

FAXED ONLY

COPY

Re: Mayor Jones Recall

Dear Mr. Jones:

I write this letter to confirm portions of our conversation of yesterday, May 12th, 2008 and to fulfill my promise to Ms. Connie Hamilton, Chief Deputy Recorder to also verify with you directly what she had informed me concerning statements made by Mayor Tommy Jones in his May 5th, 2008 filed Answer to the Recall Petition that are false according to the Merced County Recorder's Office Records.

Ms. Hamilton and yourself confirmed that the Merced County Recorder's Office did not fail to file any reconveyance of deeds of trust on Mayor Jones' home, and there never was any clerical error concerning such that was later corrected. You and Ms. Hamilton also confirmed that neither Mayor Jones nor any of his representatives ever contacted your offices informing you of such alleged failure or alleged clerical error by Merced County Recorder's Office. Both you and Ms. Hamilton also informed me that you first became aware of the allegations of failures and clerical errors of Mayor Jones upon my presenting her a copy of the May 5th, 2008 filed answer on May 7th, 2008.

I also asked if there were any procedures in place whereby the proponents could formally object to and/or request that provable false statements of fact contained in the filed answer be either stricken or footnoted?. The analogy is, if the Notice of Intent to Recall states the recall is due to the official being arrested for the possession of crack cocaine, and the filed answer states that he was never arrested for the possession of crack cocaine it seems reasonable and logical objections should be able to be made in fairness to citizens so they are not being misled with provable false statements of fact. You said you would inquire upon the matter.

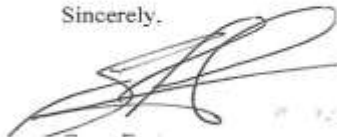
You and I also discussed the statements attributed to Ms. Deanna Brown in the Los Banos Enterprise regarding the signatures for the recall needing to be submitted by June in order for the Recall to be included on the November ballot. As you and I discussed, it seems the statutory period of 120 days Pursuant to Election Code 11010 could not be shortened in such a way because it would unduly prejudice the Recall Process. You and I discussed the possibility of having a special ballot after November, issues concerning if Mayor Jones was re-elected, the provisions that prohibit a recall of a official within the first six months of office, and the added anomaly that the recall would be on his expired term.

With that said, and you and I both left scratching our heads we decided that I would await your call upon your return from Sacramento to discuss this further. It was concluded by us that there will more than like be the need sink input from higher State election authorities and it is developing into a very intriguing question.

I would only add that I would appreciate and request that prior to Ms. Brown making any public statements to the press that could unintentionally prejudice the recall, i.e., a prophecy of failure due to *an assumed* shortened time to gather signatures, that public statements are verified through you first and made sure they are absolutely correct. I would hope and request that you would immediately advise the reporter from the Merced Sun-Star and the Los Banos Enterprise that it has not yet been concluded that the recall signatures MUST be submitted by June so that they may run a correction about the matter.

If you have any questions please call and I appreciate your time and efforts in working with myself and the other proponents on this very important matter.

Sincerely,



Cc: Ms. Connie Hamilton, Los Banos City Clerk, Merced Sun-Star, Los Banos Enterprise

Page - 1 -



City of
Los Banos
At the Crossroads of California

City Hall
520 J Street
Los Banos, CA 93635

Phone: (209) 827-7000
Fax: (209) 827-7010
www.losbanos.org

May 14, 2008

Gene Forte
688 Birch Ct.
Los Banos, CA 93635

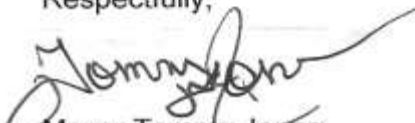
Dear Mr. Forte,

I want to apologize to you for inadvertently cutting your time short during the Public Forum at the May 7th, City Council meeting.

After reviewing the meeting video, I realize I did not reset the automatic five minute timer when you began to speak at the podium. I'm sorry for the oversight and want to assure you that in the future you will be allotted your five minutes to speak in accordance with the City Council's Public Forum protocol.

Again, I apologize for the oversight.

Respectfully,



Mayor Tommy Jones

Apologize, Chief Gallagher!

Tuesday, May 27, 2008

Chief Chris Gallagher
Los Banos Police Department
945 Fifth Street
Los Banos, CA 93635

Re: Apology Demanded & Notification

Dear Chief Gallagher:

I write this letter to demand that you immediately provide an unequivocal written apology for your treatment of me at the City Council Meeting of May 7th, 2008. You are also being provided written notification not to put your hands on my person unless you have announced that you are arresting me.



I consider what you did an assault upon my person. You were not controlling a situation and I certainly was not committing a crime or struggling with you. You were playing your part in a staged public show to humiliate me.



On May 7th, 2008 when I started to walk away from the podium, I was legally entitled to be speaking as you pushed and shoved me.

You did so while City Planning Commissioner Steven (don't forget I'm a reverend) Hammond led cat calls and cheering.



Even though I was leaving under my own volition, after the microphone was

turned off, you continued to force your hands upon me like a mindless thug.

I calmly and repeatedly asked you not to put your hands on my person. You ignored my requests.



After we were both outside of the council chambers in the foyer, you continued to push and shove me out the front door of City Hall while people in the lobby witnessed you doing so.

You threatened me with arrest and asked if I wanted to go to jail for disturbing a public meeting. We were in fact already outside of the public meeting and Mayor Jones had already called a recess of the meeting. Ergo, there was no meeting to disrupt.

It was your plan with Mayor Tommy Jones to put me in such a humiliating situation that I would lose my temper and fight back against your assault.



Thereafter, you could "supposedly" defend yourself and arrest me for assaulting a peace officer. Woefully, for you, Mayor Jones, and the City Council members, I didn't lose my temper and temporarily endured the stress and humiliation.

It is also my belief that the camera operator was tipped off in advance that if there was a disturbance (which was actually a staged fiasco) not to capture it on film.

The video of the hearing shows that the camera operator immediately raised the camera to take a static shot of the City of Los Banos plaque so you wouldn't be captured on film putting your hands on me.



Be that as it may, you are notified for the record to please not put your hands on my person unless you have announced that you are putting me under lawful arrest as a peace officer or suffer the consequences of my legally protecting my person against what I would consider not a police officer, but a mindless Napoleonic thug.

Provide a written apology to me no later than June 1st, 2008.

Sincerely,

Gene E. Forte

Cc: S. Millspaugh, M. Maniord, W. Vaughn



MORGUE LOG

There has been no reply or apology from Chief Gallagher. DPS has not said a word after receipt of the letter.



California Code of Civil Procedure §47

A privileged publication or broadcast is one made:

- (a) In the proper discharge of an official duty.
- (b) In any (1) legislative proceeding, (2) judicial proceeding, (3) in any other official proceeding authorized by law, or (4) in the initiation or course of any other proceeding authorized by law and reviewable pursuant to Chapter 2 (commencing with Section 1084) of Title 1 of Part 3 of the Code of Civil Procedure ...

Law Offices of

WILLIAM A. VAUGHN

Telephone
209-826-3531

525 J Street, Suite A
Los Banos, CA 93635

Facsimile
209-826-2431

May 21, 2008

Eugene Forte
688 Birch Court
Los Banos, CA 93635

**RE: Forte v. Jones
Merced County Superior Court, Case No. 150880
Deposition Subpoenas – Joseph Sousa and Tom Faria**

Dear Mr. Forte:

I write to you regarding the Deposition Subpoenas delivered to Mr. Joe Sousa and Mr. Tom Faria respectively in connection with the above referenced action. Please provide me with a copy of the completed proof of service for both deposition subpoenas at your earliest convenience.

I note that in the captions of both deposition subpoenas Joseph Sousa and Manuel (Tom) Faria are incorrectly identified as parties to the action. It is my understanding that Mr. Jones is the only named defendant in this action and that neither Mr. Sousa nor Mr. Faria are parties to this action. I also note that Mr. Sousa's correct name is Joe Sousa and not Joseph Sousa. Finally, I note that the deposition subpoena delivered to Mr. Faria did not contain Attachment 3.

I look forward to the receipt of the requested proofs of service and attention to the deficiencies noted above.

Sincerely,



WILLIAM A. VAUGHN

WAV/dma

Forte

Saturday, May 24th, 2008

Mr. William Vaughn
525 J Street, Suite A
Los Banos, California 93635

EMAIL ONLY

Re: Forte v. Jones, #150880

Dear Mr. Vaughn:

I am in receipt of a letter from you dated May 21st, 2008 concerning the depositions of Mr. Tom Faria and Mr. Joseph (Joe) Sousa. Even though there appears to be nothing that needs to be responded to (i.e., proof of services are on file with the court), for the record please identify if you are representing Mr. Faria and Mr. Sousa and in what capacity?

In other words, are Mr. Faria and Mr. Sousa attempting to get a free ride of personal legal representation by you as City Attorney for Los Banos during the taking of their depositions in a private lawsuit against Mr. Tommy Jones as a private individual?

With that said, I only suggest that Mr. Sousa, Mr. Faria and whoever their counsel is to be respectful of the properly noticed and served deposition subpoenas or face potential Contempt charges and sanctions for non-appearance .

Thank you.

Sincerely,



Gene Forte

THE LAW FIRM OF
WEAKLEY, RATLIFF, ARENDT & MCGUIRE, LLP

JAMES D. WEAKLEY
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E-mail: ben@wrlaw.com

May 30, 2008

Via Facsimile and Mail
(209) 829-1952

Mr. Eugene Forte
688 Birch Court
Los Banos, California 93635

Re: Eugene Forte v. Tommy Jones, et al.
Merced Superior Court Case No: 150880

Dear Mr. Forte:

I have been advised that you have scheduled the deposition of Joseph Sousa for June 20, 2008. As I previously advised you, I expect to be in trial during that time and am not available for the deposition. Because you refused my request to continue Tommy Jones' deposition, I expect you will also refuse this request. Nevertheless, pursuant to CRC 3.724, I have a duty to make an attempt.

This letter will also serve to advise you that I have scheduled an ex parte hearing regarding the above-mentioned matter for June 5, 2008 at 1:15 p.m., in Courtroom 4. If you agree to reschedule the depositions, I will take the hearing off calendar.

Yours very truly,

WEAKLEY, RATLIFF, ARENDT & MCGUIRE, LLP



Benjamin L. Ratliff

BLR:lp

Badger Flats Gazette

Friday, May 30, 2008

Mr. Benjamin Ratliff
Weakley Ratliff Arendt & McGuire LLP
1630 East Shaw Avenue, Suite #176
Fresno, CA 93710

FAXED ONLY

Re: Forte v Jones, #150880/Request for Sanctions

Dear Mr. Ratliff:

I write this letter in response to your letter dated May 30th, 2008 to inform you that I am not available for the ex parte hearing that you have scheduled for June 5th, 2008 and that I intend to seek sanctions against you and your client for scheduling a conflicting proceeding without good cause according to Tenderloin Housing Clinic v. Sparks (1992) 8 Cal.App.4th 299. It appears that you and Mr. William Vaughn, City Attorney for Los Banos are intent upon playing discovery games in the above referenced litigation and "lets frustrate the in pro per". You had once informed me that even though you represent the City of Los Banos, you were not representing the City of Los Banos in the matter of Forte v. Jones because they are not a defendant.

You state in your letter that you had received Notice of the Depositions of Mr. Sousa and Mr. Faria. I reasonably conclude that you received such notice from Mr. Vaughn. You will find attached the letter from Mr. Vaughn dated May 21st, 2008 which he has not responded to.

I was waiting to hear from Mr. Vaughn as to if he was representing Mr. Faria and Mr. Sousa. If Mr. Vaughn would have responded, I then would have known if he needed to have the depositions re-scheduled for another date due to his schedule.

I then intended that upon receiving such anticipated information from Mr. Vaughn to inform you so that you could check your schedule. Once that was done, I would have provided you the Notice of the Taking of Depositions. I was following the proper procedure. You and Mr. Vaughn are playing games to thwart my discovery and my vacation.

For the record, you fail to mention in your letter that you have never once provided me, as I requested, a letter informing me of what dates you are available or unavailable for deposition. Instead you file an ex parte application on the 11th hour scheduling a hearing during a time period that you knew I was not available for. In a nutshell, you are actually trying to quash deposition subpoenas by whining about your schedule while not cooperating to conduct discovery by providing any alternative dates. With that said and without any response from Mr. Vaughn due to his and your tactical game playing, you will find the attached Notice of Taking Depositions of Mr. Sousa and Mr. Faria.

You are also advised that I am scheduling an ex parte hearing for June 3rd, 2008 at 1:15P.M., in Courtroom 4 regarding your scheduling an ex parte hearing during a time period that you knew I was unavailable. I will be requesting that the court put an end to the inappropriate gamesmanship of two attorneys, who should know better than to thwart discovery. I will be requesting sanctions and I also request that you take your ex parte hearing off calendar.

Sincerely,



Gene Forte

Cc: Vaughn, W.

Attached: Notice of Deposition, Vaughn Letter and Response

Page - 1 -

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

Subject: 150880/Sleep with Dogs, Awake with Fleas
 From: geneforte@badgerflats.com
 Date: Fri, May 30, 2008 3:33 pm
 To: William Vaughn <wvaughn@wavlaw.net>

May 30th, 2008

Mr. Vaughn:

You have not responded to my letter of May 24th, 2008 requesting for you to put on record your position concerning the depositions/representation of Mr. Faria and Mr. Sousa as it relates to the case of Forte v. Jones.

I am quite concerned that you may be inappropriately billing the City of Los Banos for your legal work done in a litigation it is not a named defendant in for the benefit of Mayor Jones, Faria and Sousa.

I have no doubt as evidenced from the improper ex parte application by Ratliff that you have involved yourself in unethical game playing which was intended to cause me harm and to interfere with discovery.

To say that I am disappointed by your conduct would be an understatement and that I put you on notice that it will not be tolerated.

You are escaping my seeking sanctions against you but I assure you that if you continue with the nonsense I will file a complaint against you with the State Bar of California.

I am not naive enough to think they will do anything about it, but I assure you citizens of Los Banos will become aware of your sordid activities.

You will find attached my letter to your buddy Ratliff.

Regards,

Gene Forte

Tuesday, June 3rd, 2008

Mr. Benjamin Ratliff
 Weakley Ratliff Arendt & McGuire LLP
 1630 East Shaw Avenue, Suite #176
 Fresno, CA 93710

Re: Forte v Jones, #150880/
 Put The Race Card Away



Dear Mr. Ratliff:

I write this letter in response to your bizarre comments made in the hallway today after the ex parte hearing that you embarrassed yourself at. It was more than obvious that you could barely control your anger in not getting your way and my suggesting that you start anew by not filing any unwarranted motions such as the one today.

Judge Hansen was way to kind to you and Mr. Vaughn's' game playing. I will only say that if an in pro per tried the type of nonsense you attempted they would have been sanctioned to the highest heavens.

(RACE CARD, see page 27)



"God gave you your skin color, so why not use it to your advantage?"
-the Reverend Jesse Jackson

THE RACECARD IS GOOD FOR:

- DIFFUSING EMBARRASSING LEGAL SITUATIONS... WHETHER YOU'RE GUILTY OR NOT!
- ASSIGNING BLAME WHEN YOU HAVEN'T DONE YOUR JOB
- FILING FRIVOLOUS LAWSUITS!
- GETTING UNEARNED JOB OPPORTUNITIES, PROMOTIONS & BENEFITS!

AND MUCH MORE!

APPLY FOR YOUR RACECARD TODAY!

REGISTEREDMEDIA.COM

Put the race card down!

(RACE CARD, from page 26)

The documents filed clearly show that you were being disingenuous in your statement to Judge Hansen, i.e., your stating that you were unaware of the scheduled deposition of Mr. Tom Faria when there was in fact a Notice of such sent to you and the proof that it was faxed to you attached to my motion papers.



I respectfully request that you put "The Race Card" down which appears to be printed on the front side of your defense card.

You growled at me asking me if I was threatening you when I informed you that I would respond in full strength legally anytime you filed unwarranted motions as today.



When I asked for you to explain yourself as to why you considered my statement a threat you stated that "you did not have the time to talk to the likes of me".



It appears that you are going to put forward the "smut on parade defense" just as your client has stated publicly (March 19th, 2008) that my writing about his undisclosed loans from Greg Hostetler was "lynching him with words and that at other times he would have been lynched with a rope".



African American friends of mine that I shared Mr. Jones comments with were appalled that he would demean the horror brought to other African Americans by radical racists in making such a statement.

With the above said I only ask that you remain civil to me during this litigation and please do not refer to me, or clump me together with "the likes" of anyone.

Sincerely,

Gene Forte
Cc: W. Vaughn

Interview with Angel Bill Marchese by Gene Forte

A few months ago on March 20th, 2008, Mr. Bill Marchese was awarded his wings!

When I saw the church overflowing with townfolk trying to get a glimpse of Angel Bill, I knew I was going to have one heck of a time catching up with him to get a photo. We didn't know each other that well, so I didn't figure he'd show up for me. But, I had my bag of tricks!

Even though Angels are required to be somewhat camera shy under pending orders from the BIG GUY (you know who)...their heart can't help coming to the side of the ones they love when asked. The truth be told, The Big Guy wouldn't want it any other way. HE wants them to be there for loved ones.

So all I really needed to do was to find some folks who he loved dearly and who loved him back. That was as easy as falling off a log, and I don't have enough pages for all of the pictures I could have taken. Once you get the loved one in front of your camera, you casually ask them to put their arms out, like they did a thousand times before, as if Bill was



Here's one of wife, Gloria, Angel Bill, and daughter-in-law, Michelle in front of church.

standing along side of themand Voila!...Angel Bill is there, and you have a great photo.



Great shot of Dave Piccinini and Angel Bill in front of the Old Betsy's Café.

Another thing you should know about interviewing an Angel is that they are pretty tricky, so you have to do your homework. The 4-1-1 on Angel Bill from his first cousin Dave Piccinini is that Angel Bill loves his son Bill Jr. more than anything and considers him his best friend.

Knowing such, I didn't have to be an Einstein to figure Angel Bill would be standing watch over Bill Jr. always.



So...I called the Los Banos Racquet Club to see if Bill, Jr. was there working out. I was in luck. When I got Bill Jr. to the phone, we started talking about his Dad, Angel Bill.

The things that Bill Jr. told me caused me to choke up. I could feel Angel Bill smiling when he heard Bill Jr. say that the thing he missed most about Angel Bill was his advice. Now, I was a little rushed, so I forgot to tip Bill Jr. off that Angel Bill will always be whispering advice in his ear.

All you have to do is listen, and you will hear Angel Bill's voice. Don't be fooled into thinking it's your own. Trust me on this one. Angel Carl (See Angle Whispers, page 29) tricked me into buying him an expensive bottle of Scotch.....and I don't drink Scotch!

(ANGEL BILL, see page 28)

(ANGEL BILL, from page 27)



I snapped this one of Angel Bill as he looked out over the tennis courts of the Los Banos Racquet Club waiting for Bill Jr. to come out.

Here's a very little known fact about Angels from the Badger File and a very good reason as to why we should all aspire to be angels like Bill.

When Angel Bill got his wings, he is now in all places at all times, past, present, and future.

That means while I was snapping photos of what some unaware folks thought was an empty chair at Los Banos Drugs, Angel Bill was there.



Angel Bill waiting for his coffee buddies at Los Banos Drugs.

Angel Bill was also playing as a little boy with his buddy Richard Chettero and cousin Picci.



Dave Piccinini, Angel Bill, Richard Chettero

At the same time he's driving his souped up '56 Chevy down main street.

Angel Bill is up at the Marchese Hill Ranch having his best barbecue or fishing with his buddy, Bill Jr..



Angel Bill is bouncing his grandchildren on his lap and parading them around on his shoulders.



He's in his shoe store, working on the ranch,



Angel Bill is giving his young bride Gloria a husband's kiss for the first time at their wedding.....and their last until they meet again.



enjoying his pipe after a good hunt, and fishing with his buddies.



So, no matter how many of the hundreds of folks who loved him whisper Angel Bill's name when thinking of him, he will always be there for each one of them. Listen to Angel Bill's voice who always honestly told you, and will continue to tell you, what is in his heart and mind. It's how he earned his wings!
The End

Angel Whispers



Gino & Carl

On the morning of April 3rd, 2008, an angel whispered I should give Clinton Galloway a call. When I heard his voice, I knew something was seriously wrong, and I sensed what it was.

Dr. Carl A. Galloway, who had been battling leukemia for 15 years, was in the hospital. Within the hour, I was out the door driving to be by his side in Los Angeles. It was the longest trip of my life.



An angel leading the way whispered more than once to pull over and dry the memories from my eyes.

ROCK CONCERT DAYS

Clinton first introduced me to Carl on May 31st, 1975, at the Apollo-Lunar Rock-it Festival. The three of us, along with brothers Glen, Tommy, Elliot, and sister Lois, traveled many roads.



Rock Concert Days (circa 1975) from left: Glen Galloway, Gene Forte, Clinton Galloway

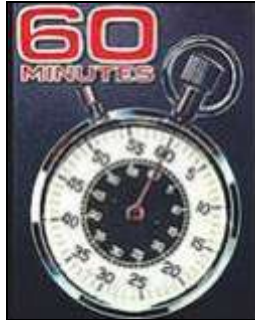
There was a special connection between Carl and I. Carl said it scared the hell out of

him. I called it cosmic. At critical moments, we were always at each other's side.

THE DAYS OF 60 MINUTES

When Dan Rather on *60 Minutes* wrongly linked Carl to a fraudulent medical clinic, I was with Carl.

Carl gave *60 Minutes* a whooping that they never recovered from. I'm proud to say I was at his side to help.



RECKLESS DISREGARD

An investigative reporter exposes a clinic for writing illegal prescriptions and wrongly links an innocent doctor to the crime—who responds with a libel suit.



Synopsis: Based largely on the 1983 trial in Los Angeles of Dr. Carl A. Galloway against both CBS and Dan Rather, following a Rather report on "60 Minutes" linking Galloway with a pill-dispensing clinic, this fictional account (filmed in Toronto) parallels the case to a great extent, pitting a small-time lawyer (Tess Harper) against a smug television journalist (Leslie Nielsen), claiming "Reckless Disregard" for the truth and reputation of a slandered doctor. (Credit: All Movie Info)

Before I became known as *The Man from Badger Flats*, Rather called me *The Mystery Man from Washington*. Every morning of a long trial, I would walk by Carl's side through the courthouse as we tried to dodge the hoard of media. One day, his attorney Bruce Friedman shoved me to the side so he could stand front and center to pose for the cameras.

If Carl's looks could've killed, Friedman would have dropped on the spot. Carl pulled me next to him as we both turned our backs to the cameras. Friedman was none too happy when I showed Carl how Friedman sold him out to CBS from day one.

In the movie *Reckless Disregard*, I was gender changed and morphed into

an attorney (supposedly Friedman) played by Tess Harper. Showtime's fictionalized movie *Reckless Disregard* doesn't come anywhere near the truth.

For nearly 25 years, I have kept secret the story of Rather's heinous acts due to Carl's health. Carl didn't need the added torment of being dragged in and out of court.

Carl had served his tour of duty to reign in CBS from maligning citizens' good names under the guise of Freedom of the Press/Media. Ask yourselves, why should the media be protected from knowingly telling lies to boost their ratings? Carl fought through the torment of being slandered.

It's now time for Clinton and I to tend to some unfinished business.

FAMILY DAYS

Carl, with his loving wife, Esperanza, raised some of the finest children parents could hope for. I held each one of them as babies. I am their Uncle Gino. Funny thing, no one has ever called me Gino except Carl and his kids.



Left to right: Clinton, Andrea, Uncle Gino, Christie, Anthony, Esperanza, and Brian.

Andrea the oldest is somewhere out on a very special ship protecting our country. Carl once told me that if we knew its location or mission, she'd have to kill us. Beautiful, charming, and with eyes that sparkle and say, "Don't mess with me, you don't know what I know," she reminds me much of Carl.

Anthony, the second oldest, is a producer for NBC/Dateline. Carl and I knew Anthony was different when in
(ANGEL, see page 30)



(ANGEL, from page 29)

2nd grade he decided to start wearing ties and starched shirts to school.

Carl's favorite story revealing Anthony's adherence to rules at a young age was his testing "The Pizza-At-Your-Door-In-30-Minutes-Or-It's-On-Us" guarantee. Anthony would order the pizza with a stop watch in hand and then run and position himself next to the door peering out the window. It wasn't one of the Pizza guys favorite drops. The gleefulness on Anthony's face when the guy was a minute late was bliss to see.



The Crew: Brian driving, Christie, shotgun, Anthony and Andrea being chauffeured with Mama Espie telling when to be home.

Brian, second to youngest, is an inspiring pianist, composing and doing professional studio work in Hollywood. Carl, an accomplished lyricist in his own rite, composed music pieces with Brian, one of which brought tears to my eyes.

Christina (a.k.a. Christie) is and forever will be the baby of the family. Christie is already making noticeable waves in the fashion industry. A talking and walking living doll describes Christie.

No doubt, due to the love, care, and life examples set by Carl and Esperanza in dealing with adversity, Christie, like her other siblings, will leave their special mark on this world.

DAYS OF BEING MUSCLED

When Reverend Hamel Brookins and the late Los Angeles Mayor Tom Bradley tried to muscle their way into a minority owned cable company, Preferred Communications, Inc. headed by Carl and Clinton, I was there. The battle raged for nearly 15 years.



Bishop Brookins (left) and the late Mayor Tom Bradley (right). A lovelier pair of scoundrels you will never meet.

It turned into a landmark Supreme Court case finding that the way cities granted cable franchises was unconstitutional and violated First Amendment Rights.

U.S. District Court Judge Consuelo Marshall cut off the financial repercussions for the City of Los Angeles while covering for Bradley and his band of thieves, awarded \$1.00 in damages for the violation of Carl and Clintons' Freedom of Speech.

If not for the brain power and sacrifices of Carl, citizens would be shoveled even more propoganda by an elite chosen few who could easier buy off the likes of Bradley and Brookins.

DAYS OF LEVIN

The angel whispered remembrances of some very colorful characters Carl brought into my life such as Mr. Ron Levin.



Levin approached Carl and a group of black doctors to pitch some incredibly lucrative business deals that seemed just too good to be true.

Carl asked me to be by his side while Levin explained the details to him over a very casual dinner at Levin's posh Beverly Hills home.

At the dinner table was Ms. Janet Factor, heir to the Max Factor fortune, and a Mr. Bernie Cornfield.

Seeing Bernie calmly sipping an expensive Merlot with us only blocks away from the Beverly Hills Police Department cued me to have my antennae up.

I was pretty sure INTERPOL was looking for Bernie and a partner of his, Robert Vesco. Vesco and Bernie were



(ANGEL, see page 31)



The Galloway Brothers (from left): Glen (Nubbs), Tommy (Brüh), Gene (Gino), Clinton (The Birdman), Elliot (Gorgeous George) and Mr. Ted Egans, a long time and dapper friend of the Galloway clan. Not pictured, Dr. Carl A. Galloway.



(ANGEL, from page 30)
the masterminds of the biggest investor rip off of the 70's called Investors Overseas Service, Ltd.



Robert Vesco (left), Bernie Cornfield (right): The good Bishop Brookins and the late ex-Mayor Tom Bradley would have their pockets picked clean before they knew what hit them by these charming, but nefarious enterprising gents.

As the wine poured on, Levin made his pitch with a cherry on top. He pulled from his \$100,000 designer desk a million bucks in bearer bonds to guarantee the money. The pitch was fascinating but pure fantasy. Levin had a hypnotic quality that would practically get you to throw money into a deal even if you knew it was a con.



Levin had a hypnotic quality that would practically get you to throw money into a deal even if you knew it was a con.

I looked at Levin and said, "No offense Ron, but you're running a scam. The coupons to the bonds have been already pulled. They're worthless!" Ron paused for a second then grinned and said nonchalantly, "Yep, well that one didn't work!"

Undaunted, Levin then said, "Well, I have another deal I want to run by you guys that's totally legit!" Carl and I sat back and listened some more. It wasn't legit. But, Levin's charisma got us to listen.

About a month later, Carl and I were being picked up by Levin's limousine.



After a short ride and some good Scotch, we were sitting in the living room of a very close and personal friend of Levin's — Float like a butterfly and sting like a bee, Muhammad Ali. But, that is another story.

Over the years, Carl and I often wondered what really became of Levin.

Ron was the dubious founder of "The Billionaire's Boys Club." News accounts reported he was murdered, though his body was never found. Carl and I never bought it.



SOULMATE NIGHT

Carl was by my side one evening when I said a prayer asking for my soul mate. He joked about it. A few minutes later, I told him what he had written on a piece of paper before he came over. Carl, as he would say, gave his best impression of Jesse Owens and flew out the door.

Within the hour, I met Eileen, my wife of over 20 years. I told a gathering of Carls' friends that what he told Eileen when he first met her summed him up....



Gino's Wedding Party (from left): Minako Nakano, Julie Shieh (maid of honor), Eileen, Gino, Clinton (best man) and Manuel Texeira.

"If I knew he was marrying you I would have come to the wedding."

SCOTCH & POKER



An angel whispered that Carl would appreciate a fine bottle of his favorite Scotch more than flowers. Then, lo and behold, in my path was a BevMo. I bought the best bottle of Scotch they had.

As I opened the door to Carl's

hospital room, I put on my best poker face. Next to his bed were Brian, Christie, Anthony, Esperanza, and an old friend of the family, Gwyn. Andrea was still in route from some unknown ocean. Clinton was in Marina del Rey tending to some emergency preparations. The rest of the Galloway family was in route from New York.



When Carl's eyes met mine, I felt us both breathe a sigh of relief. Carl was an avid reader of The Badger. He was also my trusted consigliere concerning that "One Wild n' Crazy African American Guy, Mayor Tommy Jones."

I grinned at Carl, held up the bottle of Scotch, winked and said, "Hey, I happened to be in the area for a Klan meeting so I thought, what the hell! I might as well stop by and say hello!" Carl nodded and faintly smiled back.

(Note to Wild n' Crazy Guy Jones: I wasn't really at a Klan meeting! See Panel of March 19th, 2008 Council Meeting.)



With formalities aside, I poured a round to toast my dear friend. I eased the glass to his nose for a whiff and touched a Scotch soaked sponge to his lips. You could see his eyes sparkle.



Gene & Eileen Forte, Kim Weiss & Clinton.

(ANGEL, see page 32)



(ANGEL, from page 31)

Carl asked his family to leave the room. The children and Esperanza went home for well needed rest leaving Carl under my watch.

THE LAST HOURS



I spent the last hours making Carl as comfortable as possible. Fluffing his pillow, massaging his arms, and dampening his lips with Scotch.

A one sided conversation took place as Carl only looked and listened. I thanked him for entrusting me to be by his side and I knew why.

You see, Carl loved his baby brother Clinton more than you could know. Both Carl and I had discussed that Clinton was the absolute worst at handling death.

Over the past 15 years, Clinton had always vigilantly tended to Carl and his family each time he was in the hospital. Always knowing, but never totally accepting, that one day Carl would not come home.

Carl was a selfless caring physician that saved more than one patient's life.



Carl empathized with their pain and gave love and understanding. No way was Carl going to leave this earth without making sure I was at Clinton's side.

As I held Carl's hand as he drew his last peaceful breath, I kissed his forehead and whispered that I loved him. I told him I felt his Daddy taking his hand from mine. I assured him that through me, all of his family and friends were with him, and they loved him.



A few minutes later Clinton entered the room. I handed him a ready glass of Scotch for a final toast to our brother, friend, and sincerely a great man.

BY OUR SIDE

As we left the room I hung back to let Clinton walk alone joining him in the elevator. When the elevator opened, I stayed back as he walked out of the hospital and into the crisp open night air.

After trailing behind for a few moments more, I heard an angel shout, "Gino, he needs you by his side!"



I then realized the angel traveling with me, warning me to be careful, and having me buy the most expensive bottle of Scotch in the joint for him was Carl.

I know now that walking alongside Clinton, the members of the Galloway Family, myself, and all those that loved Carl and who he loved back, is an Angel with an Attitude...Carl (carefully balancing a fine Scotch on the rocks in one hand).

See you later, Carl!



The Galloways plus one (from left): Gino, Tommy, Lois, Clinton, Glen, and Elliot.

EPILOGUE

On the eve of Carl's passing, Clinton and I laughed harder than we had in years talking about Carl.

We fell asleep on the floor like a couple of little kids.



That night, I had vivid dreams of Carl standing atop a huge white horse riding through the surf at Pismo Beach where he frequently visited me.

I would yell to Carl, "I didn't know you knew how to ride?" Carl would yell back smiling, "I don't!" and then throw himself into the breaking waves and getting right back up on the horse. Some of Carl's ashes were spread in Pismo. THE END



Old friends of Carl's (from left): Mr. Russ Grisanti, Mr. and Mrs. Dan Wright. Not pictured due to diligently tending to the kitchen like an Italian, Ms. Donna Grisanti.

Dr. Carl A. Galloway
1947 - 2008

Introduction
Pastor Richardson Honoré

Scriptural Reading
Pastor Richardson Honoré
Galatians 3:22

Piano Recital
Brian Galloway
"Imagine"
Written by Carl Galloway and Brian Galloway

Remembrance Speakers
Clinton Galloway
Gene Forté
Glen Galloway
1 Corinthians 11

Eulogy
Anthony Galloway

Closing Prayer
Pastor Richardson Honoré

Audio-Visual Presentation
"Imagine"
Recording by Willie Norwood and Brian Galloway

Repas to follow at Petre Brothers immediately following memorial service
Donations can be made to UCLA Jonsson Cancer Center Foundation

The piano recital by Brian was beautiful. The eulogy by Anthony touching. The words by Clinton heartfelt and Glen's profound.

A, B, C...C, H, P...CHP dippy yo, dippy lo, lo....D, P, S... DPS dippy lo, dippy lo, lo... by Stooqe Forte



Do any of you stooges remember when the boys were mistaken for college professors and sang the alphabet song?

Here's my version introducing you to something I had never heard of until it knocked on my door with 9mm's.....The California Highway Patrol, Dignitary Protection Section. (CHP/DPS)



Tax dollars pay this group to protect alleged dignitaries of the public trust like Mayor Tommy Jones, Chief Justice

Ronald George, and his crony racketeering judges like Sixth Appellate Court Justice Conrad Rushing, Judge Robert O'Farrell, etc., from the words of the likes of me. Incredible?

It gets more believable when you find that when I sat these boys down in my office in the presence of Mr. Tony Dutra....they were covering their ears and clawing for the door.

They didn't want to hear the audio recorded evidence of Chief Justice George's secretary (Gail Tunnell) spilling the beans of his breaking the law...but they did!



THE LETTERS TELL THE STORY (Read Now, pages 33, 35, 39)

Cliff hanger...will Law Enforcement Officers perform a lawful Citizens' Arrest at my request on CHP/ DPS agents for aiding and abetting the crimes of the alleged dignitaries they protect?.....Or will they arrest me for ratting them out?

Rushing, you scoundrel !

Tuesday, May 6th, 2008

Mr. Conrad Rushing Court of Appeal Sixth Appellate District 333 West Santa Clara Street, #1060 San Jose, CA 95113



Rushing

Re: Forte v. Albov, H030028, Your Reprehensible Conduct/Acts Done Under the Color of Law to Intimidate, Coerce and Prejudice My Case(s)

Dear Mr. Rushing:



I write this letter to put on record your non-adjudicative administrative act of metaphorically releasing the dogs of the CHP/ Dignitary Protection Section on me.

It was done under the pretext that pages 52-53 of my Appellant Opening Brief (shown on page 38) filed on February 5th, 2007 in Forte v. Albov communicated veiled threats and is further evidence that you are a disgrace to the robe you wear.

In light of your conduct, I refuse to accord you the respect of referring to you as "your honor." In my opinion, such title should be reserved only for judicial officers that uphold to their judicial canon of ethics.



Your conduct eliminates you from such deservedly honored group.

I knew that it was only a matter to time for yourself and your co-conspirators, including but not limited to, Mr. Bill Lockyer, Mr. Arnold Schwarzenegger and their minions of smut, Mr. Paul Hammerness and Ms. Erica Craven, to stick themselves firmly to the tar baby while trying to avoid being



held legally and publicly accountable for acts done under the color of law to deprive me of my First Amendment rights to seek redress of grievances against public officials.

I have very little doubt that Federal Judge James Ware is part of the conspiracy to deprive me of my rights under the color of law to a fair tribunal and was enlisted by Mr. Ronald George and the other defendants in the case of Forte v. Knight Ridder, et al, C06-03948 -JW. (Note 6/2/08: Type in Judge James Ware on Google.com. The number one hit is "Lying Judge James Ware" — wait till you read why!)

The unnoticed and unexplained transfer of the case of Forte v. Albov from the Sixth Appellate Court to the Fifth Appellate Court is nothing more than a ruse. I only became aware of the matter on May 2nd, 2008 by happenstance in a conversation with opposing Counsel Mr. Samuel Goldstein.



The milk toast order was dated April 22nd, 2008 without even making reference under what provisions of code such was done and was never served upon myself or Mr. Goldstein.

At this time, I can only speculate that it was done pursuant to Article VI, Section 12 which is generally only used in capital offense case.

Without exception, attorneys queried about the matter wondered why the transfer was done, wondered if it could be done, and had never heard of such being done.



They were exasperated further in trying to phantom the rhyme or reason for such in how it could be done or allowing for objections to be filed.

The cork popper is how the Order was filed on April 22nd, 2008 without (RUSHING, see page 34)



(RUSHING, from page 33)
notice given to myself and Mr. Goldstein. There is no electronic filing or notification for this case.



You will find attached a letter of May 5th, 2008, to Investigators Millspaugh and Maniord (see page 35), that documents they heard substantial evidence with their own ears.

The evidence indicates that you, Mr. Ronald George, and Mr. Bill Lockyer, when performing administrative acts as Commissioners on Judicial Appointments, changed the Commission Guidelines after my request for a copy of the video tape of the public proceeding.



You did so in order to specifically prevent me from getting a copy of it. I refer you to Exhibits 10, 14 and 15 attached to my Request for Extension of Time to File Reply Brief in the Federal Court Case, *Forte v. Knight Ridder* which I have attached for your reading convenience.



The exhibits consist of pages from the Forte v. Albov Opening Appellate Brief and Reply Brief, an article from the Badger Flats Gazette entitled, "Loose Lips Sink Chief Justice George."

It addresses point blank the existence of the legally recorded evidence of Ms. Gail Tunnell, Secretary to the



Commission on Judicial Appointments, informing a co-worker that the Guidelines of the Commission on Judicial Appointments were changed.

It was done by Chief Justice Ronald George (with your ratification and knowledge along with then AG Bill Lockyer who also sat on the Commission with George) by attaching a copyright to a public hearing to prevent me from getting a copy of it.



Lockyer

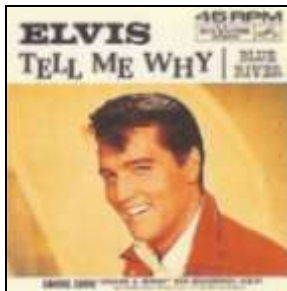
I submit that it is those passages in my court documents that caused you to panic and concoct the ruse of calling the DPS.

It was similar to the unfounded and defeated motion to declare me a California vexatious litigant. Such was done in order to defame me and discredit the evidence that I have in court files which under a fair tribunal would submit you and your co-conspirators to criminal prosecution and removal from office.



With the above said, I request that I be provided a copy of all five pages faxed from the Sixth Appellate Court on April 4th, 2008 from the fax number of 408-277-9916 at 13:32 to the yet unidentified fax number which contained pages 52-53 as pages of the fax 3 and 4 (attached). (See page 38).

I also request that you and the Sixth Appellate Court within the next five business days provide me with a written explanation as to why the case was transferred on April 22nd, 2008 to the Fifth District and why I and Mr. Goldstein were not provided Notice of such.



For my protection and record, a copy of this letter is being provided to DPS Investigators Millspaugh and Maniord to include in their file on the matter with a copy sent to opposing counsel Mr. Samuel Goldstein.



This letter and your reply will be

included in the The Badger Flats Gazette.

Sincerely,

Gene Forte

Cc: CHP/Dignitary Protection Section Investigator Millspaugh & Maniord, Samuel Goldstein

Attached: May 5th, 2008 letter to DPS with attached letter to Judge Hugh Flanagan (without exhibits), Exhibits 10, 14 & 15 to Request for Extension of Time to File Reply Brief, pages 52-53 (3 and 4) of fax transmission of April 4th, 2008 from 408-277-9916 located at the Sixth Appellate Court.



THE END

Morgue Log



There has been no response from Mr. Conrad Rushing.

Follow-up letters to DPS asking why they have not responded to my request for an investigation have not been responded to.

The Sixth Appellate Case now sits in limbo in the Fifth Appellate Court District.

You will be kept posted if the body comes back to life.

THE END

Letter to chp/dps

May 5th, 2008

Investigators Scott Millspaugh/Mark Maniord

California Highway Patrol Dignitary Protection Section 1801 9th Street Sacramento, CA 95814

Re: Forte v. Albov, Request for Investigation/Copy of Incident Report

Dear Investigators Millspaugh & Maniord:



I write this letter to request that you report for investigation to the US Department of Justice, Attorney General's Office,

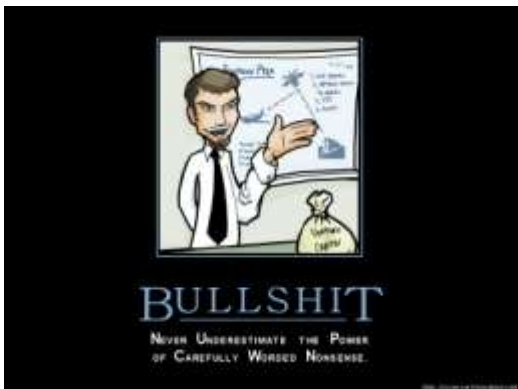
or any other appropriate investigative agency, the existence of legally recorded audio evidence you listened to during your un-announced visit to my home on May 1st, 2008.



The tape indicates that Chief Justice Ronald George has, under the color of law, obstructed justice. It was for purposes of

concealing evidence of corruption by several Monterey County officials in various cases I have pending in the Monterey Superior Courts and Federal Court.

It is my position that your unwarranted investigation of me, under the pretext that two pages, 52-53 of my Appellate



Opening Brief filed on February 5th, 2007 with the Sixth Appellate Court could be interpreted as containing veiled threats of violence directed at state officials such as Chief Justice George, Sixth Appellate Court Presiding Justice Conrad Rushing, Bill Lockyer, or elected officials such as Mayor Tommy Jones or Governor Arnold Schwarzenegger, is utter nonsense and unadulterated clap trap.

Prior to addressing portions of the meeting of May 1st, 2008, I wish to put on record the events leading to our meeting.



I was contacted by my seventeen year old daughter Gabrielle by cell phone and informed that "two rude pushy men had come to the door." They repeatedly rang the doorbell and pounded on the door, having seen her through the front window until she answered the door.

Gabrielle had been previously instructed, as my other children have, never to answer the door to strangers when either I or my wife is not home and especially if they are alone.



Upon your being informed that I was not home, you asked if she knew where I was, where my office was located, if I had a cell phone, what the number was, and when I was expected. In our telephone conversation with Mr. Tony Dutra on the line shortly prior to our meeting, I referred to your tactics as being Gestapo-like and asked who in the hell did you think you were by coming to my door unannounced and demanding answers from minor aged daughter?



During our meeting, I informed you that Gabrielle was an extremely intelligent young lady that had been



home schooled and attending Berkeley as a freshman this year. You explained that you did not treat Gabrielle rudely.

I accept you at your word of your own belief of such.....but I sincerely believe that your actions of pounding on the door, demanding answers and submitting her to an interrogation type style of questioning caused her to feel intimidated and frightened.



Let's face it and please be honest here. You at the time were in pursuit of answers to the whereabouts of a person that you incorrectly considered could be a physical threat to a public or elected official and you intended to get your answers come hell or high water. Weren't you?



I trust that Gabrielle would have no reason to tell me other than her true feelings about being frightened and intimidated.

You may have thought you did not frighten her, and you may have not intended to do so, however, regrettably you did. I suggest that you be aware of such the next time you are investigating a person and questioning a minor. I do appreciate the apology offered by you for any unintended discomfort to Gabrielle, and it is accepted as I told you before.



(DPS, see page 36)

DPS (DPS, from page 35)



It is reasonable that the unknown person connected to the judiciary or public agency calling for the investigation, or you as the DPS investigator, would have been aware of such ruling from reading the Forte v. Albov filing.



according to the fax transmission on the two pages, 52-53, transmitted to you from the Office of the Sixth Appellate Court, you had more than enough time to thoroughly review the entire Appellant's Opening Brief that contained pages 52-53 (see page 38), and the Reply Brief filed by me in the case.



You would also be aware of the Supreme Court ruling prohibiting such curtailment of Freedom of Speech and Freedom of Expression in court documents filed by counsels/in pro per litigants.

On May 2nd, 2008, I discovered from the opposing counsel in Forte v. Albov that the case had been transferred by the Supreme Court from the Sixth Appellate Court to the Fifth Appellate Court unbeknownst, without explanation, and without service of Notice of the Order filed on April 22nd, 2008.



It is my position that for you not to do so prior to initiating an investigation which culminated in your unannounced visit to my home and the questioning of my seventeen year old daughter as to my whereabouts, cell phone number, office location, etc., would be unconscionable, unreasonable, and unbelievable to a reasonable person aware of such facts.



With that said, it is my opinion that DPS is attempting to prohibit my Freedom of Speech and Freedom of Expression under the guise of investigating what it gratuitously determined to be potential veiled threats made in filed court documents afforded privileges by CCP 47 and has in fact prejudiced my cases. (Note 06/02/08: See Panel CCP 47, page 21)



I speculate that as I pursue the reason why, it will somehow be connected to the investigation of DPS.

Be that as it may, upon your phone call to me wherein you stated it was irrational of me to describe your being parked down the street next to the park watching for my arrival as surveillance of my home, you stated that if I wouldn't meet with you, you would file your report based upon the information that you had gathered thus far.

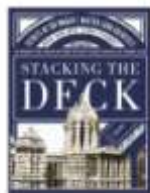


The results of DPS asserting themselves into analyzing privileged court communications and then investigating an individual litigant such as myself is that they have effectively coerced by intimidation a dampening of my freedom of speech, my freedom of expression, cast dispersions upon my character and prejudiced myself and case before the court.

Assertions by DPS that its actions are not designed to dampen or curtail my Freedom of Speech or Freedom of Expression is similar to your assertion that your being parked down the street watching for my arrival was not surveillance but something else.



All of such is being done by DPS on behalf and for the benefit of their client state, county, or elected official who is the subject of the litigation.



Your actions and explanation are disingenuous at its very best, discredits me before the court, and paints me in a false light. All to the benefit of public/elected officials that are defendants in my cases.



Such statement affirms that you conducted an investigation and was in the process of preparing a written report.

During a two hour marathon meeting in the presence of Mr. Tony Dutra and ending with my wife Eileen being in the room, you were presented a plethora of information I submitted

For the record, I direct your attention to Appellant's Reply Brief in Forte v. Albov, page 3, citing the case of Fieger v. Michigan Supreme Court, et al., U.S District Court Eastern Division, Civil Action No. 06-11684, September 4th, 2007.



I further submit that since the time period believed to be April 4th, 2008

(DPS, see page 37)

DPS (DPS, from page 36) which revealed corruption in Monterey County by state and county officials with my repeated offers of proof being court filed documents in my cases.

Early on in the two hour meeting, you said that you concluded that I posed no threat to state officials or elected officials under protection by the Dignitary Protection Section.



During the two hour meeting, I requested that you investigate or report for investigation evidence of acts done under the color of law which resulted in the obstruction of justice by state, county, and elected officials.

There was no response from you other than you saying that you did not want to be dragged into the matter.



Even though that may be your personal wish, it does not alleviate your duty as a law enforcement official to report upon and investigate substantial evidence of crimes by state, county, or elected officials that you are made aware of.

At the end of the meeting, I requested that I be provided a copy of the incident report that you pursued concerning my investigation as being a potential threat to state, county, or elected officials which culminated in your determination that I posed no threat.

You then informed me that you thought it would be best for me if no report was filed.

I responded that not having proof of the determination that your investigation concluded that I was not a threat to any



state, county, or elected official would be extremely detrimental and damaging to me in that it would be left hanging in mid air.

I informed you that I insisted upon a written report filed and that it include and confirm that you were told of the existence of, and listened to, substantial evidence of corruption by state, county, and elected officials against me done under the color of law.



At such time, you informed me that you would be speaking to "your sergeant" and see how he wanted to handle the matter.



As you were informed by me, the wishes of your sergeant do not alleviate my right to have a written report concluding my innocence in your investigation of me, documenting your unannounced visit and proof of your being made aware of crimes against me.

It is a fact that I have pending litigation (C06-03948-JW) against Chief Justice Ronald George, ex-Attorney General Bill Lockyer, Governor Arnold Schwarzenegger, several Monterey County public officials.



I also have a claim against Merced County public officials, including Supervisor Jerry O'Banion, Merced County Counsel James Fincher, District Attorney Larry Morse.

I am a proponent of the recall of Mayor Tommy Jones all of whom are under the protection of the Dignitary Protection Section.

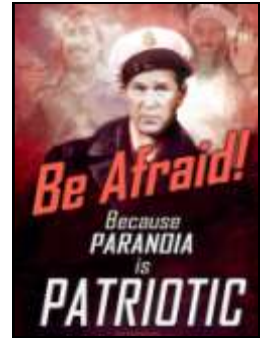


It is also a fact that I have filed a lawsuit against Tommy Jones in his individual capacity alleging that he had

told individuals that he knew for a fact that I was a member of the Ku Klux Klan.

Prudently, I cannot discount that all of those facts would have been known to you prior to your initiating an investigation of me culminating in your unannounced visit to my home.

It is more than reasonable and not paranoia for me to postulate that you may have spoken to either one or all of the individuals that I have been putting under public scrutiny with my articles in The Badger Flats Gazette.



Knowing from experience with public officials that I have cornered across these past seven years and based upon court records, I have no reason to doubt that any one or all of them metaphorically "released the DPS dogs upon me" as a pre-emptive assault upon my character.



It was done before with the defeated vexatious litigant motion that you were made aware of. It is their standard modus operandi.

I wish to point out that both of you acted cordially during our visit but I do have to say it was none the less unsettling that I was sitting with two investigators carrying concealed weapons and more than likely recording the meeting.



It is fair to say that there was no expectation of privacy to the meeting conducted in the presence of Mr. Tony Dutra and my wife in the confines of my own home.

You were provided copies of the Badger Flats Gazette even though I would imagine that you had already

DP (DPS, from page 37) read them as they are posted at BadgerFlats.com. I would think that qualified law enforcement officers/ investigators as yourselves would not be so negligent not to.



With that said, I am a sure that you are aware that you will be a feature story in the upcoming Badger which will include a copy of this letter.

Therefore, readers can be aware of the trials and tribulations in my pursuit of justice, exposing public official corruption, and tracking the progress of my following request.

I request that you provide me a written detailed report/copy within five business days from your receipt of this letter confirming the results of your investigation.

I also request to be informed of what steps you are taking to report/document the evidence of illegal acts done under the color of law by public officials against me to deprive me of my civil rights.



I also have attached a seven page cover letter to Judge Hugh Flanagan which details that Merced County Supervisor Jerry O'Banion and Merced County Counsel James Fincher disrupted a Grand Jury Investigation to help conceal malfeasance by the Merced County District Attorney's Office.

You will find, even though I reasonably believe you are already aware of, the allegations of the number one payer of Los Banos City sale taxes, Mr. Marion Santos, concerning the draining of the Underground Storage Tank Fund.

Such is done by private remediation firms in collusion with the Merced County Department of Health. It is yet another story concerning other public officials under your



protection which I am bringing it to the public's attention. It is potentially another reason for the pretext of your investigation of me. One never knows at this point?

The above is not meant to be a complete dissertation of all of matters discussed during the meeting of May 1st, 2008. If you have any questions, please feel free to call but be advised that I will request that our call will be recorded so

that there is an accurate record of what is being said.

Thank you.

Respectfully requested and submitted, Gene E. Forte

Attached: Letter to Judge Hugh Flanagan dated December 6th, 2007 (exhibits A-M to letter to follow by regular mail). **THE END**

PAGES 52-53 of Appellant's Opening Brief:

“This Sixth Appellate Court must take into consideration the totality of the other cases that Appellant as brought before this court and requests judicial notice of the order denying the vexatious litigant motion in *Forte vs. O'Farrell*. It sums up that Appellant has never repeatedly filed lawsuits, and his pleading in court documents are not slanderous.

It is truly regrettable that things will get much worse if action is not immediately taken to restore the integrity of the Monterey County judicial system by cleaning house and exposing the bad eggs. Covering up the problem does nothing accept infuriate citizens and cause those that are unstable to come unglued. Recently, an attorney and his wife, Mr. Mel and Elizabeth Grimes were killed by a neighbor over a property line dispute. Appellant submits that even though the Monterey Herald is doing its best at spin control in asserting that the murderer was a crazed old man, and the attorney, Mel Grimes, was next to godliness, the general public takes it with a great grain of salt.

APPELLANT PUTS THESE SENTENCES IN BOLD EVEN THOUGH THEY WILL BE EDITED OUT BY HIS UNETHICAL ADVERSARIES (SUCH AS MR. PAUL HAMMERNESS), THAT APPELLANT FEELS GREAT SORROW FOR MEL GRIMES AND HIS WIFE, AND IN NO WAY CONDONES THEIR MURDER.

BUT NOW – THE HOWEVER. MANY PEOPLE FAMILIAR WITH THE TACTICS OF THE GOOD OL' BOYS AND ATTORNEYS WHO ARE ABLE TO GET AWAY WITH PROVERBIAL MURDER IN A COURTROOM BY RECEIVING SPECIAL TREATMENT OVER IN PRO PERS CAN UNDERSTAND, THOUGH NOT AGREE WITH, WHAT WOULD CAUSE A PERSON TO SNAP AND THINK THEY COULD NEVER RECEIVE JUSTICE IN A COURTROOM AGAINST AN ATTORNEY AND DECIDED TO TAKE THE LAW INTO HIS OWN HANDS.

No doubt the man that murdered the Grimes did not have the patience this Appellant has had, and Appellant submits that many a weaker and less rational person would have snapped if put under the same circumstances of mistreatment this Appellant has.”

Badger Flats Gazette

May 25th, 2008

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

EMAIL/FAX

Re: Misprision of a Felony

Dear Investigators Millspaugh and Maniord:

I write this letter to confirm that you have not responded in any way to my letter of May 5th, 2008. You were also notified by having copies of the letters of May 7th and May 12th, 2008 to Los Banos City Council members and the Los Banos City Attorney, William Vaughn, that my First Amendment Rights were being violated while being threatened with arrest by one of the alleged "dignitaries" citizens' tax dollars pay you to protect, Mayor Tommy Jones.

The two of you are either a couple of *Keystone Cops* that should be given toy guns and badges to carry if you can't connect the dots of the danger I am being submitted to, or you are both doing your very best to aid and abet the crimes of Chief Justice George, ex-Attorney General Bill Lockyer, Mr. Conrad Rushing of the Sixth Appellate Court and Mayor Tommy Jones against me.

Law Enforcement Officers, such as you portend to be, aiding and abetting crimes against a citizen done under the color of law by civil servants should have you both being held criminally accountable. In the truest sense you should both end up trying to wave bye-bye to your retirement checks with your hands cuffed behind your back.

Let me know if you are going to provide me the report of the results of your investigation of me or not. In addition, I request to know if you have reported, or are going to report for investigation the criminal activities of Chief Justice Ronald George you were provided irrefutable audio evidence of (conversation of Ms. Gail Tunnel and Ms. Liz Holton) in the presence of Mr. Tony Dutra.

If I have not had a written response from you by June 1st, 2008 I will attempt to have a Citizens' Arrest performed upon you by Law Enforcement Officers in the Sacramento area on my behalf. Thereafter, you can explain your situation to the judge (who reports to Chief Justice George) and who will more than likely blow you a kiss and give you a raise for doing such a fine job of holding the company line against a citizen who has caught a bunch of civil servants red handed violating a citizens' rights.

Sincerely,



Gene E. Forte

Page - 1 -

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

NOTICE OF INTENTION TO CIRCULATE RECALL PETITION

TO THE HONORABLE Tommy Jones: Pursuant to Section 11020, California Elections Code, the undersigned registered qualified voters of the City of Los Banos, in the State of California, hereby give notice that we are the proponents of a recall petition and that we intend to seek your recall and removal from the office of Mayor, in Los Banos, California, and to demand election of a successor in that office.



The grounds for the recall are as follows:

Mayor Jones, while under investigation by the Fair Political Practices Commission for not disclosing personal loans he received from Greg Hostetler/Ranchwood Homes, has refused to disqualify himself from voting upon the annexation of approximately 1,000 acres owned by Hostetler and has publicly stated he intends to vote in favor of the Hostetler annexation.

The FPPC does not have the legal authority to have Jones removed from office. Only we citizens can demand that Jones be removed by the recall process. Newspapers across the nation reported that Jones broke conflict of interest laws. Jones' actions have brought attention/and humiliation to the citizens and local government of Los Banos.

To assure the public's trust and restore the public reputation of the city and citizens of Los Banos, Jones must be removed from office. An example must be made that any public official that breeches the duty/trust bestowed upon them by citizens will be removed from office by Los Banos citizens. Thereafter, other public officials taking the oath of office in the City of Los Banos will understand that they will be vigilantly kept to a high standard of accountability to citizens, by citizens, or meet the same fate as Jones.

Proponents: **Eugene E. Forte, Eileen M. Forte, Edward J. Gallichio, Frances B. Gallichio, Tony F. Dutra, Robert C. Sherwood, Michel Iturbide, Jeanine Iturbide, Howard A. Smalley, Marion G. Santos III, Joseph A. Enos, Anthony Rodriques, Charles Sawyer, John M. Pereira, Alvin Deniz, Richard Gallichio, Alan Pereira, Martha Smith, Kristin S. Rademacher, Michelle D. Ciuffo.** (Bolded names are either pictured below, or their business)

