

# Badger Flats Gazette

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Monday, March 7<sup>th</sup>, 2011

Merced County Superior Court Judges  
Attention: Judge John Kirihara  
627 W. 21st Street  
Merced, CA 95340

FAXED & EMAIL/ORIGINAL TO FOLLOW

Re: CRL001412/Eugene Forte/Request for Intervention/Sold out by Assigned Public Defender

Dear Judge Kirihara and all other Judges of the Merced Superior Court:

I write this letter to request that you immediately intercede and dismiss and/or suspend all criminal proceedings concerning myself now pending in the Merced Superior Court, and halt the civil case of Forte vs. Jones, which had been transferred to the Stanislaus court to Judge William Mayhew, until a full independent investigation by Federal authorities is conducted of the Merced County District Attorney's Office, the Merced County Public Defender's Offices, the Merced County Sheriff's Department, Merced County Defense Associates, the Los Banos Police Department, and Mr. James Padron, pro-tem judge for the Merced Superior Court.

It is of significant importance to realize that the entire Merced County bench had been recused from all of my civil cases by order of Judge Kirihara, and notwithstanding such fact, has steadfastly remained as the court hearing my criminal matters. Notwithstanding such order, Judge Frank Dougherty refused to remove himself from the case of Jones vs. Forte so that he could grant an illegitimate injunction in favor of Jones. Many of you received a CCP 170.3 that detailed what Dougherty had done in the case, and then a few weeks later, Dougherty retired from the bench.

Do I sound delusional as I allege that there is an ongoing conspiracy amongst such agencies/parties including that of the Attorney General's Office to obstruct justice and vindictively prosecute me in retaliation for my exposing public official corruption in [Merced County and Monterey County](#) in the [Badger Flats Gazette](#)? Does it sound incredible and far reaching to you that the director of the CIA, [Leon Panetta is involved](#)? Well, you can fool some of people some of the time, but not all of the people all the time.

I do not intend, nor should I need to, state my entire case before you at this time. The audio recordings, pertinent emails, and other evidence that either is attached or you are directed to by hyperlink provide sufficient evidence to dismiss the idea that I am delusional.

There is substantial evidence that not only is Merced County the most bankrupt county in the United States as reported by [USA Today](#), in the top ten of being the most miserable places to live as reported by [Forbes](#), has the least intelligent citizens and the second worst commute time in the country as reported by [Forbes](#), but is also the most corrupt as reported in the Badger Flats Gazette, [L.B. Confidential](#). Actually, the reason for all of the other negative things reported about Los Banos, Merced County is due to the rampant public official corruption.

The recent selling out of me by the actions of my assigned defense counsel, [Ms. Barbara O'Neill](#), reveal only the tip of the iceberg that demands you take such action. O'Neill was assigned my case in March

2010 after [Mr. William Davis](#) resigned my case due to an unspecified conflict, and after two other assigned defense counsels resigned my case also for unspecified conflicts.

O'Neill, on February 1<sup>st</sup>, 2011, without informing me and in direct contradiction to my instructions, set the trial of The People of the State of California vs. Eugene Forte for June 7<sup>th</sup>, 2011. Thereafter, O'Neill informed me on February 28<sup>th</sup>, 2011 that she now had a conflict with me because I would not consent to her filing a Motion to Disqualify District Attorney Larry Morse. You will find attached emails between me and O'Neill in May 2010 – July 2010 informing her that I would not, under any circumstances, agree to filing a Motion to Disqualify Morse. In short, O'Neill set the trial date and then dumped me as her client under the false pretense that there suddenly arose this purported conflict.

There are also additional emails between myself and O'Neill after May 2010 wherein the same matter was discussed and O'Neill acknowledges that she understood that we would not be filing a Motion to Disqualify but instead, a Motion to Dismiss the case. As recently as the week of February 21<sup>st</sup>, 2011, O'Neill acknowledged that we would not be filing a Motion to Disqualify DA Morse, but a Motion to Dismiss.

Therefore, O'Neill is lying through her teeth in saying that the reason as to why she now has a conflict between her and I is due to my not agreeing for her to file a Motion to Disqualify. O'Neill has known that I would never agree to her disqualifying Morse since March 2010. Therefore, if that was an insurmountable conflict, she should have declared such then, and certainly not a year later, and certainly not after she set a trial date.

The purported undisclosed conflicts that are causing public defenders to either run in terror, or pretending to defend me are easily revealed by listening to the enclosed CD, or clicking on the hyperlinks. The personal scandalous conflicts they have is that that they fear reprisal to their careers by presenting evidence in my defense that should result in the arrests of several public officials and private citizens.

The evidence includes and reveals the following:

1. An [audio recording of my arrest](#) that officers, who participated in the false arrest and assault upon me on July 21<sup>st</sup>, 2009 by Deputy John Picinich, thought they had deleted from my hand held recorder shows that:
  - a. When the recordings are compared to the [police reports of the incident](#), it is readily discernible that the police reports are intentionally false police reports. The officers lie in unison to events that did not happen as revealed by the recording.
  - b. The recording will show when compared to the police reports of Deputy John Picinich and other law enforcement offices, he was attempting to ratify his previous false arrest of me on February 24<sup>th</sup>, 2009.
  - c. The recordings also will bring serious doubt upon the eye witness statements of Deputy District Attorneys, the wife of Merced County James Fincher, and Dave Capron and Thomas Pfeiff of Merced County Defense Associates of my arrest by Deputy John Picinich on February 24<sup>th</sup>, 2009 which were supervised by Merced County Deputy Perrino.
  - d. The audio recording taken immediately after my arrest of July 21<sup>st</sup>, 2009, provides substantial evidence that [Deputy John Picinich slammed my head against the door](#), while I was handcuffed, due to his being outraged that I had filed a complaint against him with

the Merced County Sheriff's Department about his arrest of me on February 24<sup>th</sup>, 2009 and published details of it in the [Badger Flats Gazette](#) prior to July 21<sup>st</sup>, 2009.

2. An [audio recording of a conversation between myself and Merced County DA Larry Morse](#) on July 31<sup>st</sup>, 2009, wherein DA Morse knew that he was being recorded during the conversation by being notified that all incoming and outgoing calls to the Badger Flats Gazette are recorded for broadcast, shows the following.
  - a. During the conversation, Morse repeatedly states that he and all of his chief investigators in his office determined that they had a conflict in not only bringing any charges against me but investigating any charges against me. Morse stated that it would be unethical on its face and considered retaliatory and vindictive. Morse acknowledges that he was a defendant in the case I was arrested in, Tetra Tech vs. Marion Santos, and that he had been sued by me [in May of 2008].
3. A sworn declaration of Mr. James Padron ([L.B. Confidential, Pg. 28](#)) which was used to secure an Injunction against me for ex-Mayor Tommy Jones heard before Judge Frank Dougherty, who had been [disqualified from the case of Forte vs. Jones by Judge Kirihara](#), but who then refused to disqualify himself from the case of Jones vs. Forte, is willful perjury by Padron secured by a Mr. Benjamin Ratliff who I also assert was involved in issuing a death threat for ex-mayor Tommy Jones to me through Anthony Donaldson Bates.
  - a. When the declaration of Padron is compared with the police report of Deputy Prock, it is readily ascertainable that Padron committed willful perjury which Dougherty ignored.

O'Neill's attempt to withdraw without a court order, based upon a purported conflict of my not agreeing for her to make a motion to disqualify Morse, is an outrageous lie. I certainly at this time do not want her as my counsel, but assert that the reason why she is dumping me is because she has been under the direction of MCDA, who has three partners, Dave Capron and Thomas Pfeiff, who are witnesses for the prosecution, and Cindy Morse, the wife of DA Morse, who acknowledged that he could neither investigate nor files charges against me.

MCDA, along with DA Morse, is attempting to undermine my defense and get Morse off of the case by my filing a Motion to disqualify him instead of letting him stew in his own juices of accountability, or filing a Motion to Dismiss the case. Morse filed the retaliatory charges to cover up for Deputy John Picinich who slammed my head against a wooden door after I was handcuffed to punish me for exposing Merced County public officials and acting as a unleashed pit bull for Mr. James Padron. It was an assault.

I had requested O'Neill not to forward my confidential files to anyone until after a formal Motion to Withdraw was made by her that I could oppose in order to bring all of these matters before the court. Notwithstanding such request, O'Neill gave my confidential files to a Ms. Katherine Hart who says she delivered my files against my instructions to MCDA and a person there by the name of Maxine.

On Thursday, March 3<sup>rd</sup>, 2011, I spoke with a Maxine at MCDA who told me that the files are no longer in her possession and had been given to the County Administrator. Maxine refused to give me the name of the administrator or his telephone number, told me the administrator would call me, and then hung up the telephone on me in mid sentence. I informed Maxine that I was not consenting to the withdrawal of O'Neill without a formal Motion to Withdraw, or the assignment of another public defender without these

matters being first addressed by the court. Maxine told me that I should direct my communications to the court.

On March 3<sup>rd</sup>, 2011, I faxed a letter to Mr. Thomas Pfeiff requesting that he contact me and informing him that there were confidential impeachment files that were now floating out in nowhere land with any chain of custody to the detriment of my case. I also requested for he and Maxine to correct anything that was inaccurate about my dissertation of the conversation with Maxine. I have received no response.

I could go on infinitum providing evidence as to the nefarious dealings I am being submitted to by Merced County public officers and officials that are trying to vindictively prosecute me, but I will sum it up as succinctly as I can why it is happening.

Each public defender that has been assigned my case who listens to the recordings of my arrest and compares them to the police reports knows that the officers have committed a felony. These public defenders are unwilling to get themselves caught in a situation whereby several officers will need to be arrested. It will be detrimental to their career as a public defender and they fear reprisal.

Any public defender that listens to the recording of DA Morse knows that Morse could not investigate or file the charges and that bringing such to light would also be detrimental to their careers and that a Motion to Dismiss should be filed, not a motion to disqualify, in light of the fact that Morse confesses in his conversations that he has attempted to get "other" DA's to handle the case for him.

Any public defender that looks at the [three \(3\) minute video of my arrest of February 24<sup>th</sup>, 2009](#) at the Merced Courthouse produced by the DA that only shows me being walked out of the courthouse and then followed down the street (with the courthouse view camera), knows that of course there existed a video of approximately an hour and fifteen minutes in the hallway where I was arrested for allegedly attacking Padron and that the video was destroyed or hidden. The missing/destroyed video would show that I was actually attacked by Deputy John Picinich and other officers as I sat waiting for a Citizen's Arrest to be performed on Padron.

Any public defender who reads the declaration of James Padron knows that Padron committed perjury and that in order to defend me properly at trial, Padron would have to be held to committing a perjury. By doing so, it would be detrimental to their careers and they fear reprisal.

Any public defender who reviews the files knows that in order to truly present my defense, they will have to reveal that I am being prosecuted for what I wrote in the Badger Flats Gazette exposing the public corruption in Merced County which also now includes the [death threats](#) I received from now ex-Mayor Tommy Jones, and the covering up of it by the Los Banos Police Department and the Los Banos Enterprise.

The Los Banos Enterprise worked in unison with the Los Banos Police Department and the Los Banos City council to keep concealed from the public that I had received the death threats from Jones. At a City council meeting on March 3<sup>rd</sup>, 2009, I was [prevented from entering the city council meeting](#) and speaking at the public forum due to a TRO that was signed after hours by Judge Frank Dougherty just before the meeting. Commander Gary Brizzee, soon after covering up the death threats with the Merced County District Attorney's office, was [promoted to Chief of Police](#).

The actions of the Los Banos Police Department to cover up the death threats while maligning me to the public are far reaching and caused me to be put under Citizens Arrest by the principal of Our Lady of

Fatima Catholic School, and I was forced to remove my children from school. I also assert that my family and I were assaulted and battered by the Pleasanton Police Department under the guise of evicting me from the Hyatt Summerfield Suites due to the Los Banos Police Department which is now the subject of a lawsuit.

Even though my wife was able to [enter and speak at the forum](#) at the Los Banos City Council meeting on March 3<sup>rd</sup>, 2009, and the actual puppet/perpetrator for Jones of the death threats, Anthony Donaldson Bates, admitted to them at the meeting, not a word was reported by the Los Banos Enterprise.

A previous [public commentary by publisher Gene Lieb](#), stated that I owed Mayor Jones an apology by Lieb, falsely stating that I called Mayor Jones a “lying n-----” in June 2009. Lieb intentionally failed to inform the public in his article that the substance of [my speech](#) revealed that I was a member of an African American family, the Galloways, for forty years, and that I stated that I was closer to my African American brothers than my own Italian Portuguese brothers. It was the Galloways that said they considered Tommy Jones to be a “lying n-----“. I only repeated what they told me.

[If there is a doubt as to my relationship with the Galloways, you may read Angel Whispers, pg. 29 in V is for Recall.](#) The article of Angel Whispers was given to everyone at the City Council meeting the night I delivered the message from the Galloways to Mayor Jones and was given directly to Los Banos Enterprise Publisher Gene Lieb. It was the Galloway brothers that described Jones as a “lying n-----” for saying that Mr. Clinton Galloway lied under penalty of perjury that Jones in fact did tell Galloway to his face that Jones knew for a fact that I was a dangerous member of the Ku Klux Klan.

Jones issued the death threats to me through a Los Banos High School student of his, Mr. Anthony Donaldson Bates thirty days after Jones [was found guilty of taking undisclosed loans](#) from Mr. Greg Hostetler due to a complaint I had filed with the Fair Political Practices Commission. Jones, also in retaliation for my complaint with the FPPC and publishing the police report of his [arrest for crack cocaine when a city councilman in 1999](#), told citizens that I was a dangerous member of the Ku Klux Klan and filed a bogus motion to declare me a vexatious litigant based upon my speeches at Los Banos City Hall meetings and my complaint to the FPPC. The Motion was denied by Judge William Mayhew without granting me attorney fees that I incurred of \$13,000.00 in defeating the frivolous bad faith motion.

A copy of this letter is being sent to the Merced County Grand Jury who has not responded in any meaningful way to my [complaint filed with them on May 28<sup>th</sup>, 2010](#), albeit, they said they received the complaint months ago. Updates to this letter with hyperlinks will be available at [Badger Flats.com](#).

I am respectfully asking that you do what Americans and citizens believe you are supposed to do, and what you are legally required to do according to your Judicial Canon of Ethics, and make sure that you do not participate in a conspiracy to wrongfully prosecute me, but instead, demand an investigation and put an end to all of this now.

I look forward to direct communications concerning this very urgent matter.

Sincerely,



Gene Forte

CC: All Merced County Superior Court Judges, Merced Sun Star, Los Banos Enterprise, Merced County Grand Jury, Merced County Supervisor Jerry O'Banion, and other interested undisclosed parties.