

Forte

Dept 14, Judge Robert O'Farrell
Superior Court of California, County of Monterey
1200 Aguajito Road, 2nd Floor
Monterey, CA 93940

May 18, 2005

FAXED ONLY

Attorney General Bill Lockyer (personally and attorney
representing Judge Robert O'Farrell in his public capacity)
455 Golden Gate Avenue, Suite 11000
San Francisco, CA 94102-7004

Re: M72599, Forte vs. Judge Robert O'Farrell, Suggestion for Recusal Under CCP 170.3

Dear Judge Robert O'Farrell:

As the plaintiff in this litigation, I write this letter to you as the judge you assigned to the case of *Forte vs. Judge Robert O'Farrell et al*, requesting that you immediately recuse yourself. If you do not do so and confirm to me by court order that such has been done, I will be forced to file a Challenge for Cause against you under CCP 170.3.

As you know, it is the bedrock of constitutional principle that a judge may not preside over a case where he is a named defendant. You as a jurist know this. The U.S. Supreme Court Case of *Ward vs. Village of Monroeville*, 409 U.S. 57 (1972), clearly addresses that such action by yourself is prima facie evidence of a willful violation of my constitutional and civil rights.

Further, the Motion to declare me a vexatious litigant, filed by Mr. Bill Lockyer as your attorney in your public capacity when there is no judge assigned this case from Chief Justice Ronald M. George as Chairman of the Judicial Council, was an intentional abuse of process and a violation of my constitutional and civil rights. It clearly shows that your attorney Mr. Bill Lockyer should be found in contempt of court and you can not preside over that proceeding.

The motion to declare me a vexatious litigant is again prima facie evidence of your violation of my civil rights and is enough in and of itself to defeat a motion to declare me a vexatious litigant. The timing of the filing of the motion shows it was done to disrupt my opposition to the confirmation of Judge Wendy Duffy to the Sixth Appellate Court and to prevent the disclosure of the misconduct against me by you, Judge Richard Silver, Judge Wendy Duffy and others.

This letter is directed to Mr. Lockyer because both of you know you cannot preside as the judge in the matter when you are also a defendant.

Respectfully submitted,

Mr. Gene Forte, Plaintiff

Attachment: Calendar from Website of Monterey Superior Court, Print out from clerk of Court
cc: Governor Schwarzenegger personally via Mr. Bill Lockyer his attorney

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