

Forte

COPY

October 17, 2005

Monterey Superior Court Judge and All Interested Parties
Superior Court of California, County of Monterey
1200 Aguajito Road, 2nd Floor
Monterey, CA 93940

Emailed Only
Filed In Case M72599

Re: Suggestion for Referral of the Monterey County District Attorneys' Office, DA Flippo, ADA Spitz, Chief Investigator Susan Stryker, Presiding Judge Stephan Sillman, Judge Robert O'Farrell & Judge Terrance Duncan and members of the Superior Court Executive Committee to the State Grand Jury and/or the Federal Grand Jury for their investigation of Commissioner Richard Rutledge when there existed an actual conflict of interest

Dear Monterey Superior Court Judge or Their Clerk and All Interested Parties:

I write this letter as a suggestion and request that you refer the above named parties for investigation to the State Grand Jury and/or the Federal Grand Jury.

The case, MAR 125367, Eugene Forte vs. DA Flippo and ADA Spitz, scheduled before Commissioner Richard Rutledge, who did not voluntarily disqualify himself, went so far to continue a judicial charade upon plaintiff with the knowledge of DA Flippo and ADA Spitz, which required plaintiff to file an unneeded Challenge for Cause, which was in fact startlingly denied.

It is beyond incredible than none of your honors, pointed out to DA Flippo that he had an inherent insurmountable conflict of interest, which would have prohibited him from conducting the investigation of Commissioner Rutledge. DA Flippo himself acknowledged publicly such conflict in an article published in the Monterey Herald on August 14th, 2005, and I quote, "Should criminal charges be filed, Flippo said, the State Attorney General's Office would likely have to prosecute the case because Rutledge is a former deputy district attorney in Flippo's office."

It would appear to the public that the Superior Court Executive Committee made a conscious decision to remain in control the outcome of the investigation so that the name of the unknown judges, or judges involved in having their own tickets fixed would not be exposed

The existence of the case itself required DA Flippo and the District Attorneys' Office to acknowledge an actual conflict of interest and refer the investigation of alleged obstruction of justice by Commissioner Rutledge to another investigative authority. However, due to the fact that Attorney General Bill Lockyer has recently been ruled against by the Honorable Judge John Golden of attempting to declare plaintiff a vexatious litigant without legal standing to do so, the Attorney Generals' Office of California would also be prevented from conducting such an investigation due to a actual conflict of interest.

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(209) 829-1116 Fax (209) 829-1952*

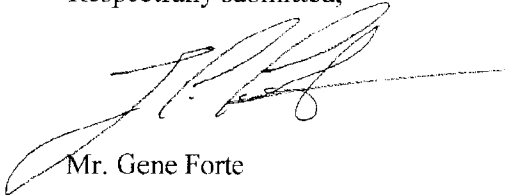
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You will find attached the letter that faxed was sent to Ms. Susan Stryker and to Judge Stephan Sillman, on October 13th, 2005. Both Judge Sillman and Ms Stryker, were requested to provide a response no later than 4:30PM, today, October 17th, 2005. Neither have done so. Therefore, there is no justification in my waiting any further for a response that will not be coming. In summary, the letter brings to the forefront the matter of case #MAR125367, Forte vs. DA Flippo and ADA Spitz.

You are required under your Judicial Canon of Ethics 3 (d), et al, to not ignore this Suggestion for Referral and I request that you notify me of who this matter has been referred to by Friday, October 21st, 2005, at 4:30PM.

The time for running to and fro and circling the wagons to keep a lid on this matter has come to an end.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Gene Forte', with a long horizontal flourish extending to the right.

Mr. Gene Forte

Attachments: October 13th, letter to Judge Sillman, Presiding Judge
October 13th, letter to Ms. Susan Stryker, DA Chief Investigator
October 12th, letter to Ms. Diana Valenzuela, Clerk of Court
August 24th, 2005, letter to Mr. Dean Flippo, DA

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October 13, 2005

Presiding Honorable Stephen A. Sillman
Superior Court of California, County of Monterey
Salinas Courthouse
240 Church Street, 3rd Floor
Salinas, CA 93901

FAXED ONLY

Re: Commissioner Rutledge, MAR 125367, *Forte vs. DA Flippo and ADA Spitz*
Files Missing from Clerks Office

Dear Honorable Sillman:

I write this letter to directly inform you that yesterday it was confirmed by the clerk at the Monterey Superior Court Clerks' Office that file #MAR 125367, *Forte vs. DA Flippo and ADA Spitz*, was missing and there was no indication that it was checked out to anyone. The case was assigned to Commissioner Richard Rutledge.

As you are aware, court records will show that I had alleged that Commissioner Rutledge had been involved in fixing cases as early as 1998, and had renewed such allegations in the most recent case of *Forte vs. DA Flippo and ADA Spitz*.

You will find attached a letter to Ms. Susan Stryker, Chief Investigator of the District Attorney's Office, which is self-explanatory.

I request in your position as Presiding Judge of the Monterey Superior Court that you immediately alert Federal authorities of the missing files which directly implicate the District Attorney's Office of being involved with plotting to cover up for DA Flippo and ADA Spitz the obstruction of justice in their own case with Commissioner Rutledge.

Please reply no later than October 17th, 2005, of what action you have taken.

Thank you.

Sincerely,


Mr. Gene Forte

Enclosures: October 13th, 2005, Letter to Ms. Susan Stryker
October 12th, 2005, Letter to Ms. Diana Valenzuela

Cc: Ms. Lisa Galdos, Executive Officer

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Ms. Susan Stryker
Chief Investigator
District Attorneys Office
240 Church Street
Salinas, California 93901

October 13, 2005

FAXED ONLY

Re: Commissioner Richard Rutledge
Small Claims Case #MAR 125367
Eugene Forte vs. DA Dean Flippo and ADA Terry Spitz
Missing Court Files from Monterey County Clerks Office

Dear Ms. Stryker:

I write this letter to both inform you of extremely pertinent information that you should already be aware of, and request information pertaining to your investigation of allegations of obstruction of justice by Commissioner Richard Rutledge.

Please provide me with answers to the following questions by the end of business day, on Monday, October 17th, 2005.

1. Did you include in your investigation of Commissioner Rutledge the case of *Forte vs. DA Flippo and ADA Terry Spitz*, MAR 125367? If not, why not?
2. Did either DA Flippo or ADA Terry Spitz ever make you aware of such case against them?
3. Did you, or anyone from your offices ever attempt to contact me concerning case MAR 125367, *Forte vs. DA Flippo and ADA Spitz*, which was assigned to Commissioner Richard Rutledge to inquire if I had any information which could reveal obstruction of justice by any of the parties? If so when? If not, why not?
4. Have you ever discussed the case MAR 125367, *Forte vs. DA Flippo and ADA Spitz* with either DA Flippo, ADA Spitz or Commissioner Richard Rutledge?
5. Have you ever discussed the case MAR 125367, *Forte vs. DA Flippo and ADA Spitz* with Presiding Judge Stephan Sillman, Judge Terrance Duncan, Judge Robert O'Farrell or any other member of the Monterey Superior Court Bench or his officers or staff?

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6. Has Commissioner Richard Rutledge ever made you aware of such case?
7. Were you provided copies of letters sent by to DA Flippo and ADA Terry Spitz in August and September 2005, pertaining to what I strongly believe was a conflict of interest of them and/or your department investigating Commissioner Rutledge?
8. Were you provided a copy of, or did DA Flippo or ADA Spitz discuss with you the letter attached dated August 24th, 2005, which was also sent to the Monterey Herald, The Salinas Californian and other Monterey media?
9. If you did not investigate case MAR125367, *Forte vs. DA Flippo and ADA Spitz* as part of your investigation of Commissioner Richard Rutledge, please inform as to why you did not?
10. Is it correct that you accompanied ADA Terry Spitz to his first appearance in the case of MAR 125367, *Forte vs. DA Flippo and ADA Spitz*, before Commissioner Richard Rutledge, on January 5th, 2005, at the Marina Courthouse?

Yesterday, October 12th, 2005, I went to review the court files of MAR125367, *Forte vs. DA Flippo and ADA Spitz*, which were to be at the Monterey County Court Clerks' office. They were not there. The court clerk, after much searching, determined that the files were missing.

There was no indication on the court clerks' log records that they were checked out to anyone. One of the clerks informed me that your department could have them.

I thereby went immediately to Ms. Diana Valenzuela to file a missing files report, but she was unavailable. I then reported the missing files to another court clerk, and filed a missing files report via a fax to and with Ms. Diana Valenzuela upon return to my home.

Please also provide me answers to these following questions:

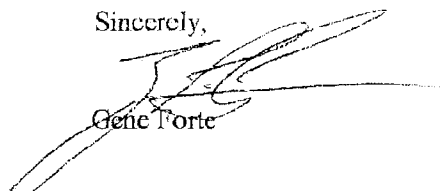
9. Do you, or anyone in your offices have in their possession the missing files of MAR125367, *Forte vs. DA Flippo and ADA Spitz*?
10. Did either Ms. Diana Valenzuela or anyone else contact you yesterday from the clerks' office asking if you had the missing files?

Forte

11. Have any reporters from the Monterey Herald, The Salinas Californian or any other local media ever asked you about the cases of M72599, *Forte vs. Judge Robert O'Farrell, DA Flippo, ADA Terry Spitz, et al*, or case MAR125367, *Forte vs. DA Flippo, ADA Spitz?*
12. Have you ever discussed the case M72599, *Forte vs. Judge Robert O'Farrell, DA Flippo, ADA Terry Spitz, et al* with Presiding Judge Stephan Sillman, Judge Terrance Duncan, Judge Robert O'Farrell or any other member of the Monterey County Superior Court or its' officers'?
13. Are you aware of any of the allegations of Case #M72599, *Forte vs. Judge Robert O'Farrell, DA Flippo, ADA Terry Spitz, et al?*
14. Have you ever participated in, or directed any investigation, or have knowledge of my allegations of corruption by members of the Monterey Superior Court Bench, The Fenton & Keller Law Firm, Mr. Dennis McCarthy, Mr. James Cook, Ms. Stephanie Crabb, or Mr. Larry Lichtenegger?
15. Have you ever had any conversations with any members of the Monterey County Counsels' Office, or the Attorney Generals' Office concerning myself, or the subject matter of any of my litigations against members of the Monterey Superior Court Bench, District Attorney Dean Flippo or Assistant District Terry Spitz?

There is no doubt that this is an extremely serious and urgent matter that needs your attention and prompt response. Thank you for your anticipated answers to *ALL* of the above questions, no later than the end of the day on October 17th, 2005, by 4:30PM, via a FAX at (209) 829-1952.

Sincerely,


Gene Forte

enclosures: August 24th, 2005, Letter to DA Flippo,
October 12th, 2005, Notification of Missing Files to Ms. Diana Valenzuela

cc: Monterey Media

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Forte

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August 24, 2005

Mr. Dean Flippo
District Attorneys Office
240 Church Street
PO Box 1131
Salinas, California 93901

FAXED ONLY

Re: Whom are you trying to kid? Forte vs. O'Farrell, Flippo, et al, M72599

Dear Mr. Flippo:

I write this letter to inform you that I just today read an article, dated August 11th, 2005, by the Salinas Californian that you were quoted in.

The article states that you said, "Fixing tickets, if it occurred, is criminal activity... We've got to assign people to it and work it like we would any other investigation of criminality... This type of allegation hasn't been seen in Monterey County in recent history... I can't recall anything like this, and I've been here a long time".

I got to tell you honestly that I am laughing so hard that I can barely type. Really, no joke, I'm serious. Just for the hell of it, have you heard of the complaint of Forte vs. Judge Robert O'Farrell, et al? Is trial fixing, suborning of perjury, racketeering and the like a lesser offense than fixing a traffic ticket?

Please respond and inform me as to whom you assigned to investigate Judge Robert O'Farrell and the other Good Old Boys after December 2003?

Further, have you told anyone about the small claims case, which was filed against you, and Mr. Terry Spitz that Commissioner Rutledge recently dismissed without having a hearing? It was obviously fixed by you and Mr. Spitz with Commissioner Rutledge. I request that you investigate it and report it to the proper authorities if you determine that investigating yourself would be a conflict.

I am sending a copy of this letter to the reporters and the editor at the Salinas Californian just for the hell of it whose, Mr. Scoot Faust, editor in chief as been well informed of the recent allegations of judicial corruption and trial fixing. It is absolutely incredible that the Californian would put such a statement in there knowing what they know that you know, and knew when you told them "I can't recall anything like this" and not calling you on it. It is clearly an orchestrated cover up by them and you.

Sincerely,

Mr. Gene Forte
Cc: The Californian

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October 12, 2005

Ms. Diana Valenzuela
Superior Court of California, County of Monterey
Monterey Courthouse
1200 Agujarito Road, 2nd Floor
Monterey, CA 93940

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FAXED ONLY

Re: Forte vs. DA Flippo, ADA Spitz, #MAR 125367
Notification of Missing Files

Dear Ms. Valenzuela:

I write this letter to confirm that Sonya of the Court Clerks office informed both my wife and I that the files in the above referenced case are missing from the filing clerks office. Please also accept this as my formal notification to you of such missing files.

It was indicated on the computer screen, which Sonya welcomed us to look at, that the files were to have been on the 2nd floor file shelf. They were not there. The clerk also looked in the downstairs shelves to no avail.

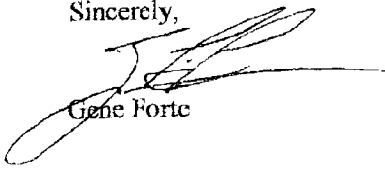
I asked the clerk at the downstairs filing window to ask you to come out and speak with us so that I could request that you prepare a missing files report. After waiting several minutes, the clerk told me that you were on the phone. I waited with my wife for about an additional 15 minutes. I finally told another clerk to inform you that we were leaving but that I wanted to have you informed that the files in the case were missing. The clerk took down the pertinent information to give to you.

Please let me know if there are any other documents, or request forms I need to file with you besides this letter. The speciously missing files are extremely important concerning, and related to recent allegations and investigations that have brought to light Commissioner Richard Rutledge having a propensity for "fixing cases".

I have already formally requested that Judge John Golden refer over for investigation DA Flippo and ADA Spitz to the Federal, State, and County Grand Juries, for knowingly having a conflict of interest in conducting the investigation of Commissioner Rutledge. There is substantial evidence that they in fact themselves, plotted with Commissioner Rutledge, and others to have this, their own case, fixed by Commissioner Rutledge.

Let me know if you have any further questions.

Sincerely,


Gene Forte

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FACSIMILE COVER PAGE

To : Senator Denham

From : Gene Forte

Sent : 10/18/2005 at 10:03:58 AM

Pages : 9 (including Cover)

Subject : Monterey County Public Official Corruption

This letter is being presented to you in both your individual and public capacity.

You nor your offices have responded in any way to my attempts which have been frustrated by public officials to bring the matter of the redress of my grievances with public officials to light.

Please take action in assisting that justice is served and respond to me within 5 business days as to what action you are taking to do so.

Thank you.

Gene Forte