

COPY

Mr. Charles McKee
Salinas/Monterey County Counsel
60 West Market Street, Suite 140
Salinas, California 93901

November 8th, 2005

FILED & CERTIFIED MAIL

**Re: Demand for Federal Intervention, Obstruction of Justice, Title 18 U.S.C. § 3.
Accessory after the fact, Title 18 U.S.C. § 4 Misprision of felony, Title 18 U.S.C. § 2.
Principals. MAR125367, M72599, M58208, M54914, M70711, M52049, M50814, M45327.**

Dear Mr. McKee:

I write this letter as a demand that you immediately contact Federal authorities, regarding the referral to a Federal Grand Jury for an investigation of DA Flippo, ADA Spitz, Chief Investigator Stryker, Commissioner Richard Rutledge, the Monterey County Attorneys Office and members of the Monterey Superior Court Bench Executive Committee conspiring to obstruct justice in the case of MAR125367, Forte vs. DA Flippo, and for the obstruction of justice during the investigation of Commissioner Rutledge for his obstruction of justice in fixing traffic tickets.

The files and correspondence in the case of MAR 125367 will show the following:

- A. The case was filed on November 19th, 2004
- B. The certified mailing by the court was mailed to defendants on November 24th, 2004.
- C. Defendants signed for the certified mailing on November 19th, 2004, five days prior to it being mailed.
- D. The case was to be heard on January 5th, 2005, before Commissioner Rutledge.
- E. On January 5th, 2005, defendant ADA Spitz was present with Investigator Sue Stryker.
- F. Commissioner Rutledge refused to disqualify himself over my objection and I was forced to file an unnecessary CCP 170.1 (If both parties do not agree to the Commissioner the Commissioner must not hear the case).
- G. On March 23rd, 2005, an order was issued denying the Challenge for Cause, by what purports to be a part time Judge or traffic Commissioner in Stanislaus County. I was not notified in any way of the assignment of the Challenge for Cause.
- H. The file registry will show that on April 27th, 2005, I filed a Notice of Change of Address in the action with the court as required.
- I. The file registry will show that on May 16th, 2005, an order setting the trial for May 23rd, 2005, was issued by Commissioner Rutledge and *allegedly* mailed to my old address.
- J. On May 23rd, 2005, Commissioner Baker entered a default judgment, for my non-appearance at the hearing I was not given notice of. Commissioner Rutledge, who refused to remove himself from the case, and who set the hearing before him seven days earlier did not hear the case.
- K. On July 18th, 2005, two months later, a Notice of Entry of Judgment was put in the mail to my old address.
- L. On August 24th, 2005, I wrote a letter to DA Flippo and ADA Spitz inquiring if they had told anyone about the case of Forte vs. DA Flippo and ADA Spitz involving Commissioner Rutledge. I told them I believed it would establish an actual conflict of interest in their investigating Commissioner Rutledge for obstruction of justice. At the

Forte

time of writing the letter, I had not, nor have I ever received the notice of trial allegedly mailed to my old address on May 16th, 2005. I also at the time of writing the letter had not yet received the entry of judgment mailed to my old address on July 18th, 2005. I was under the mistaken impression the case had been dismissed without a hearing.

- M. On September 17th, 2005, I wrote a letter to DA Flippo and ADA Spitz with copies going to yourself, Judge Sillman, Leon Panetta, The Monterey Herald, Chief Justice George, The Californian, and Attorney General Bill Lockyer, requesting that they answer as to why they believed there would not be an actual conflict of interest in DA Flippo conducting the investigation of Commissioner Rutledge concerning "ticket fixing" and obstruction of justice.
- N. On September 19th, 2005, ADA Spitz responded stating "the case was heard in open court on May 23rd, 2005, the date the court ordered all parties to attend. Commissioner Diana Baker ordered judgment for the defendants upon your failure to appear at the hearing". Spitz did not address the matter of the conflict.
- O. On September 23rd, 2005, I responded saying that the information provided in the Spitz letter of September 19th, 2005, was "certainly news to me".
- P. On October 12th, 2005, the files of MAR 125367, were confirmed missing from the clerk of the courts' office.
- Q. On October 21st, 2005, the "missing files" were *allegedly* found at the courthouse, which is under the supervision of Presiding Judge Robert O'Farrell. Prior to my going and inspecting the "missing" files, Ms. Valenzuela confirmed that the Notice of Change of Address filed on April 27th, 2005, was not in the file. It is still not as of this date.

The evidence is both reliable and substantial, and indicates that DA Flippo, ADA Spitz, Commissioner Rutledge, and other parties conspired to, and in fact did, obstruct justice in the case. The default judgment was "fixed" by the setting of a trial within seven days of the order signed by Commissioner Rutledge. It was then allegedly mailed to an old address. You as an attorney realize that no judge gives a mailed seven-day notice of a trial.

It was an obstruction of justice. It is a case a jury will convict upon. You had knowledge of this case as early as January 6th, 2005. You are personally involved in the obstruction of justice. You are in criminal violation of not doing your public official duty.

You and your offices were fully aware of the case, MAR125367, and didn't advise any county public officials during the investigation of Commissioner Rutledge by DA Flippo of the actual conflict. You participated in knowingly covering it up for your client, DA Flippo and ADA Spitz. You represented both DA Flippo and ADA Spitz at the motion to quash their subpoenas in case M54914. I have included for your notification some Federal statutes, which apply to your unlawful actions. Those are the facts.

Ask yourself, is it really worth it to continue degrading your position of public trust and submitting yourself to imprisonment? I am demanding that you either report this matter, as you are required to, or turn yourself in to the local Salinas police for booking. I am a witness and victim of a continuing crime and will take the appropriate legal action to stop it.

Please respond to me no later than Tuesday, November 15th, 2005, as to what is being done to have this matter addressed or face the legal consequences.

Sincerely,
Gene Forte

cc: Senator Jeff Denham, Governor Schwarzenegger, FBI and Media

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