

Dear Judge Mueller;

August 9th, 2016

Please hear my plea. Please give me the Justice I deserve. The Judge in my case (Don Flynn), at worst is a complete tyrant, at best he is a man devoid of human emotion with a tin ear and a despotic Constitution.

The facts of my case are clear, but Judge Flynn is hell-bent to cast them in the light least favorable to me. He has made many prejudiced statements

from the bench. Judge Mueller; I am begging you in the spirit of Stovall v. Denno, In re Winship, U.S. v. Morrisette, people v. Freeman, In re RYAND., In re George T., people v. Wells, people v. Gorshen, people v. Felix, Patterson v. New York, Francis v. Franklin, Flanagan v. Flanagan and many, many others: Stop the injustice occurring in Judge Flynn's Court.

Please do not allow them, by their own incompetence and bias to even allow or take the risk of convicting the innocent (Stovall v. Denno, In re Winship)

I have recently submitted to the District Court a ten-page Habeas Corpus motion

where I am very truthful and candid about my Criminal Threat Charges of 9/11/15.

I more or less admit some of the elements of that crime, but I also rehears

and convincingly deny any intent to commit Criminal threats or for the conveyance of those "threats". (I.E. I deny even considering that my comments would

be taken as Criminal threats or conveyed to the "victims"). First of all, I claim

that due to the pressures placed upon my family by Shasta County that my family

did separate and that this separation was determined by me to be more or

less final on 9/10/2015 (the day before my arrest). That belief, that my family

was irretrievably defunct did lead to a complete nervous breakdown on

9/11/2015 and resulted in a major depression which had a significant impact

on my thought processes (See people v. McCowan: Defendant suffered a major

depression which resulted in a significant impact on his thought processes

and did not have the requisite intent. People v. Freeman: Defendant did not com-

mit the crime.

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people v. Scott = The defendant, although delusional, did none-the-less believe his actions were rational, was therefore not responsible. People v. Wells; People v. Gorshen = The defendant was sane, but none-the-less lacked the capacity to form intent, therefore not responsible. People v. Salas = That defendant, despite some circumstantial evidence he did form the requisite intent, was never-the-less able to show substantial evidence that he did not form the requisite intent, was not responsible. In re Ryan D. = Defendant did not intend for the "Victim" to become aware of his "threat", purpose of Criminal threats is not to punish emotional outbursts, however violent, intent of statute is not to create a "Zero tolerance" standard of emotional conduct.)

Judge Mueller, not only do these case laws apply to my case as are critical to understanding why I am innocent but this becomes especially true when, as an extremely forth-coming and candid defendant, I have basically admitted that I appear "guilty" of some of the elements in my case (at least, I admit that "threatening" comments were made and that there appear to be "motive" though I disagree completely that there was any real "motive" at all.) The Court is not allowing me a competent attorney, the Court is allowing an atmosphere of bias, the lack of competent legal representation has led to me attempting to defend myself. (a de facto violation of my 5th Amendment right to remain silent.) Judge Mueller, I'm just trying to tell the truth, I know I am innocent and I have done everything possible to set the record straight. The Court has not missed a single opportunity to twist my words into "motive" or "evidence of my guilt". I admit there is some circumstantial evidence of my "guilt", I have not even tried to mitigate circumstantial evidence making its way into the record. I am behaving as an innocent man!! The evidence (equal circumstantial but much more compelling) of my innocence absolutely dwarfs any "evidence" of my "guilt". The real problem, your honor,

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an emotion in their entire lives (at least that they would ever admit to), They are entirely emotion-less, sterilely analytical people. I have argued to my Judge that I, at least, deserve a lawyer willing to be empathetic to my Nature (I am a very emotional person and not ashamed of this at all). Did you ever see the original Star-trek tv series? Many, many of the plots involved DeForest Kelley's character (Dr. McCoy) taking great exception to the solely logical mind-set of Leonard Nimoy's character (Mr. Spock). He, like me, makes the argument that logic and reason wholly separated from equally human and essentially human "non-logical" modes of thought (E.G. "love, feeling, despair, emotion, anger, whimsy, happiness) is inhuman and un-feeling. Mr. Spock is literally not human (he is a "Vulcan") and as such, he is incapable of even understanding human emotion. Judge Mueller, Judge Dan Flynn is either a Vulcan or he has perfected acting like one. A perfectly reasonable legal question is how does one obtain a fair trial, where the fundamental questions of the case are rooted in emotional content, from a judge who clearly believes that human emotion is no more than human weakness. I am doubly prejudiced by having a lawyer who places no stock in emotion or compassion either. Judge Mueller, if I am to be judged I just want to be judged by people who don't act as if they've never gotten angry or been depressed or failed to censor their thoughts or expression. I know there are lawyers who not only understand my arguments but have compassion for my feelings and what I've been through (I've talked to them). One lawyer told me they knew my prosecutor and even the prosecutor would understand, another attorney was very concerned and thought it very unfair that my emotional content would be criminalised. Judge Mueller, I realise that I might simply be lying through

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Don't I at least Seem to be an honest person? All I can tell you, from the bottom of my heart, as a person who abhors a lie: my comments to deputy Attorney General John Feser on 9/11/2015 were based first in fear of the police and the polices' power over my life. (Just look at where I am now if you have any doubt as to how much control they have taken of my life) Second in anger and frustration that my life was no longer my own. (Russian proverb: I could not stay, I could not go!!) and third (and this is as close to a motive as anyone will ever find in this case), that as a human being in pain and despair over the loss of his family, my heart (no, my very soul) reached out in a desperate attempt to make anyone (even Dep. A. G. Feser) to feel my pain, know my peril, and somehow help me. On 9/11/2015 I was seriously considering taking my own life. I was equally torn between that thought and the thought that to do so would leave my precious daughter Forest without a father for here entire life, something I could not do (Russian proverb: I could not stay!! I could not go!!) If I threatened to blow up the entire world so that people would take my pain seriously, then people should understand it was sympathy and not fear. I sought to elicit what kind of people have we become that a mans' sincere and severe pain and love for his family and his life have become foreign and irrelevant to others? Obviously, I chose exactly the wrong words! Obviously, Mr. Feser did not know how to react! Obviously, he felt the need to act with an abundance of caution! I really liked Mr. Feser. He had been very nice and understanding towards me prior to 9/11. He admitted several times that the County and State had seriously wronged me. I almost wish he had not been so nice now because on 9/11 when I most needed one friend, I wrongful!

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Judge Mueller; on 9/11/2015 my soul needed very badly for someone to simply understand me and what I was going through. How much different that day would have turned out if Mr. Feser had just said: "Robert, I'm sorry. This Shasta County Government has callously wrecked your entire life, at a time when you should have been most happy, at a time when you had new lives in your life to consider, at a time when everything was really on the line for you and in their ignorance and indifference they were systematically destroying you, criminalising you, making you fear them and everyone, I don't blame you for being mad enough to kill, if it were my family I would probably feel the same."

Judge Mueller; if Mr. Feser had just said what I expected him to say, the first thing out of my mouth would have been: "Mr. Feser, I would never hurt anyone no matter how angry and unstable I am right now. I'm sorry I'm speaking so violently, I just need you to understand that these people have turned my entire life upside down. They have made a good and peaceful and law-abiding man into a raving lunatic. They have made a sweet and kind and imminently calm man into a man who is literally quaking with anger and indignation, and the hardest part Mr. Feser, is I just can't figure out why!!! There was no reason whatsoever for what they did to me other than they could and so they did, with no regard whatsoever of what they were doing to a person and a family or even that I was a thinking, feeling person, at all." Judge Mueller, I know very well that the prosecutor and Judge in my case would say they have a "right to prosecute" that ultimately the "prosecutor has discretion whether or not to try a case" but, your Honor, with all due respect to our laws and my Judge and prosecutor, our system of justice does not exist and cannot exist to convict the innocent. Nor was it designed to.

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Harlan put it (IN RE Winship) "it is far worse to convict an innocent man than to let a guilty man go free." Stovall V. Denno must apply to my case (Court must avoid the Clear danger of Convicting the Innocent), IN RE Ryan D. must apply to my case (purpose of Criminal threats statute: not to punish emotional outbursts), People V. Freeman must apply to my case (defendant did not comprehend the nature or quality of his actions, was therefore not responsible). Our system of Justice was never contemplated to be one where prosecutorial theories based wholly upon circumstantial evidence would be "run up the flag-pole to see if anyone salutes." If it were then one could argue that we could determine guilt or innocence based upon a coin-toss or by drawing lots. My life and the very future of my daughters life should not be determined by games of chance or a personality contest between myself and the prosecutor. Even if such forms of arbitrary "fact-finding" are technically legal, they are nonetheless an affront to Justice and repugnant to Society's collective notions of Right and Wrong. Judge Mueller, you could review the entire ten-plus pound record in this case (including over 30 letters to the local newspaper "Record-Searchlight", several letters to the prosecutor, several letters and Habeas motions to the Judge etc. etc.) and not find anything I have said or written or anything in the body of "evidence" to contradict what I have told you here. Even when I was originally questioned by police on 9/11/2015 I denied making threats, said my perceived threats were not real and said no less than three times to investigators that my comments were taken out of context. In my published letter to the Record-Searchlight on 9/17/2015 I apologized to the "entire community" not for any criminal behavior but for the scandalous nature of the event and for making anyone fearful or uncomfortable. I sincerely felt

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public eye. I also said in that letter: "I never thought Feser would alert anyone as we had had many conversations in the past, many which were heated and controversial" I also said: "My intent was never for my comments to be known (publicly) or for anyone to feel truly threatened" (printed Sept. 23rd 2015 Section B) Judge Mueller, you should also know that the Courts own psychologists, both before and since 9/11 have described me as a Constitutionally emotional person who suffers from P.T.S.D., is emotionally rigid and brittle, a victim of physical and sexual abuse at an early age, suspicious and reactive towards Authority, prone to depression and anxiety, prone to over-react, prone to impulsivity, easily provoked or angered etc. etc. Their own psychologists classify both my very nature and the events of 9/11 as emotional and psychiatric content. My lawyer says I have a very compelling case of "insanity" but I think the over-riding there is Innocence. First and psychiatric Crisis Second - My lawyer should be sympathetic to my innocence, not focus on the psychiatric factors in mitigation. Judge Mueller, I'm not looking for a "pass", I just want the process to be fair and it's not and can't be. The bare minimum for this process to be fair in my case would be a much different Judge and lawyer (ones capable of recognizing emotional content and innocence or at least "relative innocence") and probably the attachment to my case of a mental-health social worker (to ensure that there is at least mental-health parity in the case). I would also argue that there has been an abundance of pre-punishment in these cases, that my rights have been severely encroached upon, that I am over-charged, that Shasta County could not give me a fair trial on these charges because they are too controversial, inherently self-presjudicing, and most of all Judge Mueller. Just that real Justice in this case would be

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Argued to you in my last letter. I do not have such a Criminal history that probation would not be appropriate. There is every reason to believe that I am not likely to re-offend. (especially with similar charges). Guilty or innocent, I am not so stupid as to have learned nothing here. I know for a fact that if my charges were only slightly less in number or perceived seriousness, the D.A. would have already offered probation and this is precisely my point to you, that there is simply too much contentious hysteria, prejudice and over-charge going on. It constipates and needlessly complicates the administration of justice. We simply cannot get from here to there. On a perfect day, I know that a competent lawyer could even get Judge Flynn to see the forest for the trees, but we are off to a terrible start, my case is already prejudiced beyond repair, I am simply at the mercy of the prosecutor now. Judge Mueller, all I'm really asking for is for something to give in my favor. I know that with the least bit of momentum for my side this whole case will resolve. My God, its like two dogs going "Armageddon" over table scraps. I'm waiting for someone to shout: "Knock it off, you two!!" Is there really nothing you could do here in the interest of Justice or fairness or economy or sanity? Have I not given you grounds for any kind of relief? My rights really are being violated to beat the band and Shasta County has priors for playing fast and loose with the Constitution. If you ask me, they are overdue for a higher Court reality check. Please hear my Pleas your Honor, please give me the Justice I seek.

Respectfully Submitted,

Robert A. Gibbs