

\* Save, my copy

Dear Mr. Somers;

August 27<sup>th</sup>, 2018

This letter is to inform you that your failure to communicate with me is jeopardising my defense. As you know, you have not visited or communicated with me for five weeks. This is nearly half of the time we have been allotted to prepare for trial. As you are well aware, my cases are relatively complex and despite the fact that you have had the cases for ten months and despite the fact that I have given you many warnings that my cases were falling through the cracks you are still only 10-15% prepared. I am sure you think that your independent work will suffice to bring us up to par, but this is faulty reasoning. My continued participation is essential and crucial to protect my rights and to make up for the amount of neglect already shown to these cases over the last few years by numerous attorneys. Your lack of communication, especially in my cases is very inconsiderate. You are quite aware that I am researching my cases independently and very often discover case law that sheds light on my cases. I have had very important information for you for over a month and I have been waiting for you to come see me so I can give it to you.

You are also quite aware that circumstances very often lead to new evidence, as is the case now, where I have crucial information that needs following up on. I am also quite aware of Judge Beatty's incredibly biased and extra-judicial comments about me in open court in your presence during pre-sentencing in Aaron Ashby's case. Although we have been quite aware of Beatty's bias for some time and I have requested you immediately move to recuse her, Beatty's recent comments are so wanton and egregious you must understand how critical to my basic rights her recusal now becomes. She must

not be allowed to demonstrate un-earned and outright disdain for your Client, right to your face, out of the presence of your client and simply get away with it. She is my Judge for crying out loud and a Judge that is free from bias is all that stands between myself and an undue Conviction. You know damn well that we have several crucial motions that must be made in my cases and her continuous, scarcely-concealed prejudice greatly complicates our attempts to have these motions fairly heard. You know damn well that motions are complicated and take a great deal of time and the fact that Shasta Judges are notoriously autocratic and routinely deny meritorious motions means even more time must be allowed for pre-trial review to protect your clients rights. Should I suffer an undue conviction simply because you continue to underestimate the time needed to accomplish these tasks? Should I suffer an undue conviction simply because these Shasta Judges will make your job many times harder than it should be?

Your failure to make these motions in a timely manner speaks volumes to Judge Beatty. It says we have no pre-trial motions to make or we would have made them. You are letting a severely neglected defense get farther and farther behind by the day. There are many things we need to discuss immediately, including our goals for finding expert witnesses, the absence of our investigator and his continued underperformance, the critical need for a complete audit of the case for a motion to dismiss etc. etc. You continue to withhold the critical discovery of my Marsden transcripts from me to prove ineffective assistance. You are well aware that these cases have been re-set 17 times. You are well aware I have served 6 years. You are well aware that the only reason these cases have not been simply rail-roaded to trial in a state of utter unpreparedness is

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because I have repeatedly waived time to allow lawyers and investigators to prepare. Do not make me waive time again. My home was in the direct path of the Carr fire. I have not seen my daughter in 3 years. I am not guilty. I deserve to go home. What the hell is your problem? I'm telling you right now, if I receive an undue conviction, it will not be because Beatty is bias or I am guilty or Stephanie Bridgett is a tyrant. It will be because you didnt fight hard enough. Period. end of story. No damn excuses. You could get every charge dismissed right now if you would simply put in the work. The law is clear. They've screwed their own cases. They are well beyond recovery. Complete an audit, make the motions and I can go home. Even if they deny the motions, we will win on appeal but if you want fight it doesnt matter, you know where to find me.

Sincerely,  
Robert A. Gibbs

### Certification

I, Robert A. Gibbs, do hereby certify under penalty of perjury, the proper and timely service of a true copy of this Document upon Attorney Ted P. Somers by way of U.S. mail or hand delivery, with proper postage and addressed to:

Ted P. Somers  
1714 West St. Suite C  
Redding, CA 96001

Signed,  
Robert A. Gibbs  
this 21<sup>st</sup> Day of August 2018