



LEGAL MAIL

March 6, 2017

Robert Alan Gibbs
1655 West Street
Redding, CA 96001

Re: People v. Gibbs, Robert
Shasta County Superior Court Case No. 15F5736

Mr. Gibbs:

I am in receipt of your letter dated February 27, 2017. I appreciate you providing your explanation as to why you did not appear in court that day. However, it is very important that you make every effort to make your appearances in court, regardless of the circumstances.

In your letter, you seem to understand that the currently scheduled trial date is unrealistic. This was my opinion when we set it, and you will recall that I wanted to set a later date. It is important to note that the time I spend with you is not commensurate with the time I spend on your case, or with my state of readiness. Much of trial preparation is done on my own. Certainly your input is valuable, and I will be spending more time visiting you. But I also know that no amount of time spent with you would be sufficient in your eyes. We will need to balance our interests by making the time we spend together efficient and constructive.

You make some specific demands in your letter. First, you indicate that you wish to renew your request to represent yourself. I will place you on calendar in the near future so that you can once again make this request and go through the Faretta inquiry.

You also ask that the psychological exam be performed in order to explore the possibility of a dual plea. I have requested authorization for funds for this. I anticipate that being approved any day now.

You have asked that I file a motion to suppress the "prejudicial and illegal recording". I have researched the issue of the recordings in both cases (the voice recording in one case and the text in the other). Although there is a general rule that one cannot record conversations, there are exceptions to that general rule. One of those

exceptions is to gather evidence of a felony crime of violence against a person. Penal Code section 633.5. I believe a court would rule that the recordings would fall within this exception. Thus, I do not plan to file such a motion because I believe it to be without merit.

You also have asked that I file a "Motion to Dismiss for Unclean Hands". The doctrine of unclean hands is primarily one that is used in civil proceedings. Under the factual and procedural posture of your cases, I do not find that the doctrine of unclean hands would have any applicability in your criminal matters. I do not plan at this time to file such a motion.

Your final request is that we call a press conference regarding your case to get your "side of this to the public". I will not call a press conference for the sole purpose of attempting to influence potential future jurors. I believe such action would be unethical. The time to present a defense is at trial, not in the media. Long before I represented you, you did present a statement to the media. Thus, your "side of this" has been presented already.

I will likely see you next in court at the renewed request for you to represent yourself.

Very truly yours,

A handwritten signature in black ink, appearing to be "Adam B. Ryan", written in a cursive style with a long horizontal flourish extending to the right.

Adam B. Ryan

ABR:cds