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7 PETITION FOR HABEAS CORPUS
8 SUPPLEMENTAL BRIEF
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12 IN AND FOR THE UNITED STATES DISTRICT COURT OF CALIFORNIA, EASTERN DISTRICT
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14 COMES NOW, THE PETITIONER IN THIS HABEAS CORPUS PETITION, ROBERT A. GIBBS
15 AND DOES RESPECTFULLY SUBMIT THE FOLLOWING SUPPLEMENTAL BRIEF AND LEGAL
16 ARGUMENT TO THIS HONORABLE COURT FOR THE PURPOSES OF FULLY BRIEFING THE
17 COURT ON FACTS AND LEGAL ISSUES GERMAINE TO THIS PETITION.
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FACTS OF THE CASE:

PETITIONER IS THE DEFENDANT IN THE FOLLOWING SHASTA COUNTY SUPERIOR COURT
CASES: 14F5854, 14F6355, 15F5464, 15F5736. A PLEA OF NO CONTEST (PURSUANT TO
PEOPLE V. WEST) WAS ENTERED BY THE DEFENDANT ON NOVEMBER 21ST, 2018 IN
SHASTA COUNTY SUPERIOR COURT. DEFENDANT WAS SENTENCED TO 6 AND ONE HALF
YEARS IN THE STATE PRISON WITH CREDIT FOR TIME SERVED PRE-TRIAL. CUSTODIAL
CREDITS WERE 1,162 DAYS ACTUAL AND 1,162 DAYS CONDUCT CREDIT, FOR A TOTAL OF
2,336 DAYS. DEFENDANT PLED NO CONTEST TO TWO COUNTS OF CRIMINAL THREATS
(422 P.C.), ONE COUNT OF (MISD.) FALSE IMPRISONMENT AND ONE COUNT OF CHILD
ABUSE (ENDANGERMENT), 273 (a) (a). DEFENDANT WAS INCARCERATED PRE-TRIAL IN

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7 H A B E A S C O R P U S
8 S U P P L E M E N T A L (C O N T .)
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12 I N A N D F O R T H E U N I T E D S T A T E S D I S T R I C T C O U R T O F C A L I F O R N I A , E A S T E R N D I S T R I C T
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14THE SHASTA COUNTY JAIL. DEFENDANT HAD NUMEROUS ATTORNEYS ASSIGNED
15 DURING THE PENDENCY OF HIS CASES, TO INCLUDE ; MR. ADAM RYAN, MR. ROBERT
16 HAMMONDS, MR. RICHARD COTTA, MS. CORINNE WEST, MR. JOSEPH AHART, MR. SHON
17 NORTHAM, MR. TED SOMERS, MR. JOHN CARELLI, MR. RYAN BIRSS. THE ATTORNEYS
18 THAT HAD THE DEFENDANTS CASE THE LONGEST WERE MR. SHON NORTHAM (APPROX.
19 17 MOS.), MR. TED SOMERS (8 MOS.), MR. RYAN BIRSS (5 MOS.) AND MR. JOHN CARELLI.
20 THE DEFENDANT COMPLAINED FROM THE BEGINNING OF HIS INTERACTION WITH THE
21 COURT AND HIS LAWYERS, THAT LAWYERS WERE EITHER REFUSING TO PREPARE HIS
22 CASE OR WERE MAKING REPEATED EXCUSES, BUT NOT FOLLOWING THROUGH ON
23 THEIR PROMISES TO PREPARE THE CASE. DEFENDANT COMPLAINED FIRST, THAT
24 ATTORNEY RICHARD COTTA HAD SPENT ONLY TEN MINUTES PREPARING FOR THE
25 DEFENDANTS FIRST PRELIMINARY HEARING, HAD NOT CONTACTED NOR PREPARED ANY
26 WITNESSES AND WAS NOT PREPARING OR FIELDING AN AFFIRMATIVE DEFENSE AT THIS
27 DEFENDANTS FIRST PRELIMINARY HEARING IN CASES 14F4858 AND 14F6355
28 14F5854 AND 14F6355. DEFENDANT INVOKED HIS RIGHT TO AN AFFIRMATIVE DEFENSE
AT HIS PRELIMINARY AND MOVED UNDER THE MARSDEN PROCESS TO REMOVE MR.
COTTA AS ATTORNEY FOR FAILING TO PREPARE AND FIELD AN AFFIRMATIVE DEFENSE.
AFTER SEVERAL MARSDEN HEARINGS, MR. COTTA WAS RELIEVED AS ATTORNEY OF
RECORD.

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12 I N A N D F O R T H E U N I T E D S T A T E S D I S T R I C T C O U R T O F C A L I F O R N I A , E A S T E R N D I S T R I C T
13

14 A T H I S M A R S D E N H E A R I N G , T H E D E F E N D A N T I N F O R M E D T H E C O U R T T H A T H I S L A W Y E R
15 W A S U N P R E P A R E D , H A D N O T I N T E R V I E W E D E X C U L P A T O R Y W I T N E S S E S , H A D N O T G I V E N
16 S U F F I C I E N T N O T I C E T O H I S C L I E N T T O B R I N G W I T N E S S E S T O C O U R T A N D T H A T T H E
17 D E F E N D A N T ' S T R U S T I N H I S A T T O R N E Y W A S A L R E A D Y E R O D E D . T H E D E F E N D A N T
18 I N F O R M E D T H E C O U R T T H A T H E W A S I N V O K I N G H I S R I G H T T O A N A F F I R M A T I V E
19 D E F E N S E A T H I S P R E L I M I N A R Y , A S W E L L A S A P . C . 1 7 (b) M O T I O N , A M O N G O T H E R
20 T H I N G S P R I O R T O H I S P R E L I M I N A R Y . D E F E N D A N T I N F O R M E D T H E C O U R T T H A T H E H A D
21 N O T E V E N B E E N S H O W E D A C O P Y O F T H E P O L I C E R E P O R T P R I O R T O T H A T (T H E
22 M A R S D E N) H E A R I N G . T H E C O U R T S E E M E D T O S U G G E S T T H A T A P R E L I M I N A R Y H E A R I N G
23 W A S J U S T A F O R M A L I T Y , N O T R E A L L Y I M P O R T A N T , A N D T O O K M R . C O T T A ' S W O R D T H A T
24 H E W A S P R E P A R E D O V E R T H E V E R Y S T R E N U O U S O B J E C T I O N F R O M T H E D E F E N D A N T .
25 T H E P R E L I M I N A R Y W A S T H E N H E L D A N D T H E A T T O R N E Y F A I L E D T O P R E - I N T E R V E I W A N D
26 C A L L S E V E R A L C R U C I A L W I T N E S S E S , F A I L E D T O P R O P E R L Y I N V E S T I G A T E F A C T S O R
27 O T H E R W I S E P R E P A R E A C O M P E T E N T A F F I R M A T I V E D E F E N S E A N D A S A R E S U L T O F T H E
28 A T T O R N E Y S U N - P R E P A R E D N E S S , T H E D E F E N D A N T S W A S H E L D T O A N S W E R O N A L L
C O U N T S . B E C A U S E O F T H I S V I O L A T I O N O F F U N D A M E N T A L R I G H T S O F T H E D E F E N D A N T ,
T H E D E F E N A D A N T A G A I N M O V E D F O R A M A R S D E N H E A R I N G A N D E V E N T U A L L Y , M R .
C O T T A W A S R E M O V E D . M R J O S E P H A H A R T W A S T H E N A S S I G N E D A S A T T O R N E Y O F
R E C O R D A N D I M M E D I A T E L Y B E G A N R E F U S I N G T O W O R K T H E C A S E , I N S T E A D T E L L I N G
T H E D E F E N D A N T H E W A S " G U I L T Y A N D S H O U L D . . .

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7 H A B E A S C O R P U S
8 S U P P L E M E N T A L B R I E F (C O N T .)
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10 I N A N D F O R T H E U N I T E D S T A T E S D I S T R I C T C O U R T O F C A L I F O R N I A , E A S T E R N D I S T R I C T
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12 ...JUST PLEAD OUT". THE DEFENDANT WAS ADAMANT THAT HE WAS NOT GUILTY AND
13 BECAUSE THE ATTORNEY'S STANCE WAS INSISTANT AND RECALCITRANT,
14 COMMUNICATION BETWEEN ATTORNEY AND CLIENT COMPLETELY DETERIORATED AND
15 ATTORNEY WAS REMOVED AT HIS OWN REQUEST AFTER THE RELATIONSHIP WAS
16 IRRECONCILABLE. THE NEXT ATTORNEY ASSIGNED WAS MR. ROBERT HAMMONDS, WHO
17 WAS REMOVED ALMOST IMMEDIATELY FOR A CONFLICT OF INTEREST. AT SOME POINT,
18 MR. ADAM RYAN WAS ASSIGNED FOR SEVERAL MONTHS BEFORE BEING ASSIGNED TO
19 THE BENCH IN SHASTA COUNTY. IT SHOULD BE NOTED THAT THE DEFENDANT WAS IN
20 CUSTODY, HELD AT THE SHASTA COUNTY JAIL THROUGHOUT THIS ENTIRE PERIOD,
21 WHILE THIS MUSICAL CHAIRS OF LAWYERS WENT ON. EACH LAWYER HAD THE
22 DEFENDANTS CASE FOR AT LEAST TWO MONTHS, WHICH MEANS IN WAS MANY MONTHS
23 INTO THE PENDENCY OF PROCEEDINGS AND THE DEFENDANTS CUSTODY WHILE
24 LAWYERS CONTINUED TO BE ASSIGNED TO THE CASE. THE NEXT ATTORNEY TO BE
25 ASSIGNED WAS MR. SHON NORTHAM. MR. NORTHAM WAS A RECENT TRANSFER TO THE
26 SHASTA COURTS FROM SACRAMENTO AND STILL HAD CASES THERE, AS WELL AS IN
27 TEHAMA COUNTY. HE WAS COMMUTING BACK AND FORTH FROM SACRAMENTO AND
28 WORKING MANY CASES, INCLUDING COMPLEX MURDER CASES IN SEVERAL COUNTIES.
MR. NORTHAM, DESPITE MANY ASSURANCES TO THE DEFENDANT, ABSOLUTELY FAILED
IN HIS DUTIES TO PREPARE THE DEFENDANTS CASE TO TRIAL. MR. NORTHAM SPENT
THE MAJORITY OF HIS ENERGIES ON OTHER CASES, ON HAVING THE DEFENDANT
EXAMINED FOR COMPETENCY A SECOND TIME AND DEFENDING HIS REPRESENT-...

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12 I N A N D F O R T H E U N I T E D S T A T E S D I S T R I C T C O U R T O F C A L I F O R N I A , E A S T E R N D I S T R I C T
13

14 ...A T I O N I N M A R S D E N H E A R I N G S . M R . N O R T H A M S R E P R E S E N T A T I O N O F T H E D E F E N D A N T
15 A M O U N T E D T O S P E N D I N G T H E N E X T 17 M O N T H S F I G H T I N G H I S O W N C L I E N T , R E F U S I N G
16 T O P R E P A R E A N A F F I R M A T I V E D E F E N S E A T H I S C L I E N T S S E C O N D T W O P R E L I M I N A R Y
17 H E A R I N G S , R E F U S I N G T O R E M O V E H I M S E L F F R O M T H E C A S E D E S P I T E N O L E S S T H A N 15
18 M A R S D E N H E A R I N G S , R E F U S I N G T O P R E P A R E H I S C L I E N T S C A S E T O T R I A L , R E F U S I N G
19 T O R E S P E C T H I S C L I E N T S C H O S E N L I N E S O F D E F E N S E , F A I L I N G T O R E T A I N A
20 P S Y C H I A T R I C F O R E N S I C E X A M I N E R D E S P I T E M A N Y R E Q U E S T S F R O M H I S C L I E N T ,
21 E V E N T U A L L Y A M B U S H I N G H I S O W N C L I E N T I N T O H I S P R E L I M I N A R Y A N D C R E A T I N G
22 I N S U R M O U N T A B L E E N M I T Y B E T W E E N H I M S E L F A N D H I S C L I E N T . W H E N A S K E D T O
23 R E Q U E S T A B A I L R E D U C T I O N H E A R I N G (B A I L W A S S E T U N C O N S T I T U T I O N A L L Y , W I T H O U T
24 I N V E S T I G A T I O N I N T O D E F E N D A N T S A B I L I T Y T O P A Y , A T \$ 4 0 5 , 0 0 0 . 0 0) , M R N O R T H A M
25 R E P L I E D " T H E J U D G E W I L L N E V E R G O F O R I T " . W H E N A S K E D T O F I N D A N D E N G A G E A
26 P S Y C H I A T R I C F O R E N S I C E X A M I N E R T O A I D T H E D E F E N S E A T T R I A L , M R . N O R T H A M S A I D
27 R E P E A T E D L Y T H A T H E W A S " W O R K I N G O N I T " (H E W A S S T I L L " W O R K I N G O N I T "
28 S E V E N T E E N M O N T H S L A T E R W H E N H E W A S F I N A L L Y R E M O V E D F R O M T H E C A S E) . W H E N
A S K E D T O P R E P A R E A N A C T U A L I N N O C E N C E , D I M I N I S H E D A C T U A L I T Y D E F E N S E T O T H E
C R I M I N A L T H R E A T S C H A R G E S (T H E M O S T S E R I O U S A G A I N S T T H E D E F E N D A N T) M R .
N O R T H A M B E L I T T L E D T H I S D E F E N S E I N C E S S A N T L Y A N D I N S I S T E D I N S T E A D O N

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12 I N A N D F O R T H E U N I T E D S T A T E S D I S T R I C T C O U R T O F C A L I F O R N I A , E A S T E R N D I S T R I C T
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14 ...AN N.G.I. (NOT GUILTY, INSANE) DEFENSE. TO THIS DAY. MR. NORTHAM CLAIMS THAT
15 FOR ANY DEFENDANT WHO WISHES TO FIELD A PSYCHIATRIC DEFENSE, N.G.I. IS "THE
16 ONLY WAY TO GO". BECAUSE THIS DEFENDANTS DEFENSE WAS NOT THAT HE WAS
17 INSANE AT THE TIME OF THE OFFENSES, BUT ONLY THAT HIS PSYCHIATRIC
18 DIFFICULTIES HAD PLAYED A SIGNIFICANT PART AND NEGATED HEAVILY THE ELEMENT
19 OF INTENT NECESSARY TO CONSTITUTE A VIOLATION OF MOST OF THE STATUTES
20 ALLEGED TO HAVE BEEN VIOLATED. TO INSIST HIS CLIENT, ESSENTIALLY PLEAD INSANE
21 AND BE COMMITTED TO STATE HOSPITAL IN ORDER TO FIELD A PSYCHIATRIC DEFENSE
22 WAS A VERY UNNECESSARY AND WHOLLY INACCURATE INTERPRETATION OF THE LAW.
23 WHILE IN JAIL PRE-TRIAL, THIS DEFENDANT STUDIED THE LAW VERY CAREFULLY, AS IT
24 APPLIED TO HIS CASES. IT CAME AS A GREAT SURPRISE TO THIS DEFENDANT TO
25 DISCOVER THAT, CONTRARY TO BEING GUILTY, HE WAS, IN FACT, SIMPLY A VICTIM OF
26 A RUSH TO JUDGEMENT, A FAILURE BY POLICE TO ADEQUATELY INVESTIGATE THE
27 ALLEGED CRIMES, SUFFERING FROM EXTREME PSYCHIATRIC DISORDERS AND
28 GENERALLY LACKING IN FORMING THE INTENT NECESSARY TO CONSTITUTE A
VIOLATION OF THE PENAL CODE STATUTES ALLEGED TO HAVE BEEN COMMITTED (422
P.C.). WHEN CONFRONTED WITH WHAT HIS CLIENT HAD LEARNED, MR. NORTHAM
SEEMED UNABLE TO UNDERSTAND FULLY THE IMPLICATIONS OF DIMINISHED ACTUALITY
(ACTUAL INNOCENSE) AND CONTINUOUSLY ARGUED WITH HIS CLIENT AND REFUSED...

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12 I N A N D F O R T H E U N I T E D S T A T E S D I S T R I C T C O U R T O F C A L I F O R N I A , E A S T E R N D I S T R I C T
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14 ...PREPARE THIS DEFENSE. BECAUSE ANY DEFENSE BASED UPON DIMINISHED
15 ACTUALITY WOULD NECESSARILY REQUIRE AN IMMEDIATE EXAMINATION OF THE
16 DEFENDANT BY A PSYCHIATRIC FORENSIC EXAMINER, TO DETERMINE THE THOUGHT-
17 PROCESSES PRESENT AT THE TIME OF THE ALLEGED CRIMES, THIS DEFENDANT
18 CONSISTENTLY AND REPEATEDLY REQUESTED OF HIS LAWYERS THAT A PSYCHIATRIST
19 BE RETAINED FOR THIS PURPOSE AND SADLY NONE EVER DID. ONE ATTORNEY (MR.
20 ADAM RYAN) WAS CORRESPONDING WITH ONE PSYCHIATRIST AND DID BRIEFLY RETAIN
21 HIM AND SEND HIM DOCUMENTS FROM THE CASE, BUT MR. RYAN WAS THEN
22 RE-ASSIGNED TO THE SHASTA BENCH. WHEN A LATER ATTORNEY, MR. TED SOMERS,
23 REQUESTED FUNDING FOR THIS DOCTOR TO CONTINUE HIS WORK, HE WAS TOLD BY
24 SUPERVISOR OF THE CONFLICT DEFENDER THAT THERE "WAS NOT ENOUGH MONEY IN
25 THE BUDGET". ALSO PART OF THIS DEFENDANTS CHOSEN LINES OF DEFENSE WAS THAT
26 THE CHARGES IN CASE 15F5736 WAS THAT HE DID NOT MAKE ANY THREATS AGAINST
27 THE POLICE OFFICERS, AS ALLEGED, AND THE DEFENDANT REPEATEDLY REQUESTED A
28 TRANSCRIPT OF THE RECORDED CALL SO HE COULD RECOLLECT EXACTLY WHAT HE
HAD SAID. THIS CRUCIAL PIECE OF EVIDENCE WOULD BE WITHHELD FROM THE
DEFENDANT FOR NEARLY THREE YEARS AND WHEN IT WAS FINALLY SUPPLIED BY
ATTORNEY TED SOMERS (THE ONLY LAWYER WHO ACTUALLY WORKED THE CASE),
THERE WERE NO SPECIFIC THREATS AGAINST SPECIFIC OFFICERS AT ALL IN THE...

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12 I N A N D F O R T H E U N I T E D S T A T E S D I S T R I C T C O U R T O F C A L I F O R N I A , E A S T E R N D I S T R I C T
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14 ...TRANSCRIPT. WHILE THE TRANSCRIPT IS VERY GRAPHIC AND THERE ARE A GREAT
15 MANY BLUSTERY AND EMOTIONAL THREATS TO COMMIT VIOLENT ACTS, THOSE ACTS
16 WERE SIMPLY NEVER DIRECTED AT THE ALLEGED VICTIMS AND THIS IS CLEAR ON ITS
17 FACE BY SIMPLY READING THE TRANSCRIPT. IT SHOULD BE NOTED THAT, WHILE THE
18 DEFENDANT WAS ACCUSED OF THREATENING TWO OTHER OFFICERS, BEFORE THE
19 RECORDING OF THE CALL WAS INITIATED, THIS TOO WAS MIS-INTERPRETED AND DID
20 NOT VIOLATE THE 422 STATUTE. WITHOUT GOING INTO TOO MUCH DETAIL, AS THERE IS
21 A CHANCE THE DEFENDANT MAY BE RE-TRIED AND THIS BRIEF COULD BE VIEWED BY
22 PROSECUTORS, THE DEFENDANT WAS NOT GUILTY OF THESE ALLEGED 422 P.C.
23 VIOLATIONS EITHER, BUT HE COULD NOT GET HIS LAWYERS TO PROPERLY INTERVIEW
24 THE COMPLAINING WITNESS TO CLARIFY WHAT WAS ACTUALLY SAID. AT ANY RATE, THE
25 DEFENDANT WAS CONFIDENT THAT THESE TWO CHARGES COULD BE EASILY REBUTTED
26 AND WAS NOT CONCERNED ABOUT THESE AT TRIAL, HOWEVER, BECAUSE THE
27 RECORDED PORTION WAS ALLEGED TO CONTAIN THREATS THAT DID VIOLATE 422 P.C.,
28 AND BECAUSE THE DEFENDANT WAS DEPRIVED HIS RIGHT TO EXAMINE THAT
"EVIDENCE", THE TWO SETS OF ALLEGATIONS ACTED TO BULWARK EACHOTHER AND
SEEM OVERWHELMING TO THE DEFENDANT TO DEFEND AGAINST. AGAIN, THIS WAS THE
DEFENDANTS BELIEF, WHILE HE SAT IN A JAIL CELL FOR THREE YEARS BEFORE HE WAS
FINALLY ALLOWED TO SEE THE ALLEGED "EVIDENCE" AGAINST HIM AND REALISED...

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12 I N A N D F O R T H E U N I T E D S T A T E S D I S T R I C T C O U R T O F C A L I F O R N I A , E A S T E R N D I S T R I C T
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14 ...THAT HE DID NOT MAKE ANY (422 P.C.) THREATS AT ALL, BUT THAT PROSECUTORS HAD
15 SIMPLY MIS-REPRESENTED THE CONTENTS OF THAT CALL AND WITHHELD THIS CRUCIAL
16 EXCULPATORY EVIDENCE FROM THE DEFENSE FOR THREE YEARS. WHILE DEFENSE
17 ATTORNEY SHON NORTHAM WAS ALLOWED TO HEAR THE ACTUAL RECORDING OF THE
18 CALL, HE FAILED TO CHALLENGE THE CLEAR MIS-REPRESENTATION AT THE
19 DEFENDANTS SECOND PRELIMINARY HEARING AND ALLOWED THIS
20 MIS-REPRESENTATION OF FACTS TO CONTINUE. FURTHERMORE, COUNSEL FAILED TO
21 ALERT THE DEFENDANT THAT THERE WERE NO 422 P.C. THREATS ON THE ACTUAL
22 RECORDING AND FAILED TO PROVIDE A TRANSCRIPT TO THE DEFENDANT FOR HIS OWN
23 EXAMINATION. IN ANOTHER CASE, THE ALLEGED BATTERY OF A COHABITANT, THE
24 DEFENDANT WAS ATTACKED BY HIS GIRLFRIEND (A CONVICTED CHILD MOLESTER) AND
25 DEFENDED HIMSELF BY THROWING HER TO THE GROUND. SHE THEN CALLED POLICE
26 AND ALLEGED THAT SHE HAD BEEN ATTACKED AND FAILED TO MENTION THAT SHE WAS,
27 IN FACT, THE INSTIGATOR. WHEN SHASTA COUNTY SHERIFFS SHOWED UP AT THE
28 RESIDENCE, THEY IMMEDIATELY ATTEMPTED TO TAKE THE DEFENDANT INTO CUSTODY
AND NEVER INVESTIGATED INTO THE ACTUAL FACTS OF THE INCIDENT. UPON TAKING
THE DEFENDANT INTO CUSTODY AND PLACING HIM INTO THE PATROL CAR, DEPUTY
GONZALES ASKED THE DEFENDANT IF HE WISHED TO MAKE A STATEMENT. BECAUSE
THE DEFENDANT WAS VERY UPSET AND WAS ALREADY BEING ARRESTED, HE AT FIRST...

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14 ...DECLINED TO MAKE A STATEMENT, BUT THEN IMMEDIATELY REVERSED HIMSELF AND
15 STATED "HELL YES, I WANT TO MAKE A STATEMENT". DEPUTY GONZALES (WHO WAS AT
16 THAT TIME A DEFENDANT IN A FEDERAL U.S.C. 1983 CIVIL RIGHTS LAWSUIT FILED BY
17 GIBBS) TOLD THE DEFENDANT " NO, NO. YOU SAID YOU DIDN'T WANT TO MAKE A
18 STATEMENT" AND THEN GAVE A KNOWING LOOK TO DEPUTY SCOMA WHO WAS SEATED
19 IN THE PASSENGER SIDE OF THE PATROL CAR. NOT REALISING THE IMPLICATIONS OF
20 REMAINING SILENT AND AT THAT TIME BEING UNAWARE THAT THERE WERE LARGE
21 BRUISES ON THIS DEFENDANTS CHEST WHERE THE ALLEGED VICTIM HAD GRABBED THE
22 DEFENDANT AND TWISTED, THE DEFENDANT REMAINED SILENT AND WAS TAKEN TO JAIL.
23 LATER, THE DEFENDANT REALISED THAT DEPUTY GONZALES HAD DELIBERATELY
24 SQUELCHED HIM TO AVOID ANY INFORMATION THAT MIGHT EXCULPATE THE
25 DEFENDANT AND THE KNOWING LOOK TO THE OTHER DEPUTY WAS TO SEE IF HE WOULD
26 INTERVENE IN GONZALES DELIBERATE FAILURE TO INVESTIGATE. AFTER BONDING OUT,
27 THE DEFENDANT DISCOVERED THE LARGE BRUISES (CLEAR EVIDENCE OF
28 MISDEMEANOR MUTUAL COMBAT, IF NOT SELF-DEFENSE) AND TOOK A PICTURE OF THE
INJURIES AND SHOWED SEVERAL PEOPLE. UPON BEING RE-ARRESTED SEVERAL DAYS
LATER ON THE 422 P.C. CHARGES, THE DEFENDANT'S PHONE, CONTAINING THE PICTURE
WAS RELEASED TO THE DEFENDANTS GIRLFRIEND (AND ALLEGED VICTIM) WHO WOULD
GO ON TO DENY TO INVESTIGATORS FOR THREE YEARS THAT SHE HAD THE PHONE...

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12 I N A N D F O R T H E U N I T E D S T A T E S D I S T R I C T C O U R T O F C A L I F O R N I A , E A S T E R N D I S T R I C T
13

14 ...I N A D E L I B E R A T E A T T E M P T T O W I T H H O L D C R U C I A L E X C U L P A T O R Y E V I D E N C E .
15 E V E N T U A L L Y , A N D T O H I S G R E A T C R E D I T , I N V E S T I G A T O R D O N A L D R . L U S T E R B E C A M E
16 A N G R Y A N D I N D I G N A N T O V E R T H E S T A T E O F A F F A I R S A N D W E N T T O T H E A L L E G E D
17 V I C T I M S H O U S E . H E T O L D H E R H E H A D G O O D R E A S O N T O B E L I E V E T H A T S H E H A D T H E
18 P H O N E A N D T H R E A T E N E D T O S U B P O E N A H E R T O C O U R T . U P O N H E A R I N G T H I S T H R E A T ,
19 T H E A L L E G E D V I C T I M A D M I T T E D S H E H A D T H E P H O N E A T O N E T I M E , B U T H A D
20 D E S T R O Y E D I T . U P O N A D I R E C T Q U E S T I O N F R O M T H E I N V E S T I G A T O R I F S H E H A D
21 R E T A I N E D A N Y O F T H E P H O T O S , S H E A D M I T T E D S H E H A D A N D S U R R E N D E R E D T H E
22 P H O T O . O N T H E P H O T O , T H E R E C A N B E S E E N C L E A R L Y V E R Y L A R G E B R U I S I N G T O T H E
23 D E F E N D A N T S C H E S T . T H R O U G H O U T T H E P E N D E N C Y O F H I S C A S E S , T H E D E F E N D A N T
24 M A D E R E P E A T E D R E Q U E S T S O F H I S L A W Y E R S A N D I N V E S T I G A T O R S T O S P E A K T O
25 S E V E R A L W I T N E S S E S I N T H I S C A S E A B O U T T H I S D E F E N D A N T S I N T E R A C T I O N W I T H T H E
26 A L L E G E D V I C T I M , T H E F I G H T I N Q U E S T I O N , T H E A L L E G E D V I C T I M S C H A R A C T E R A N D
27 P R O P E N S I T Y T O L I E A N D O T H E R F A C T S R E L A T I N G T O T H I S C A S E . I N V E S T I G A T O R S
28 C O N S I S T E N T L Y F A I L E D T O D O T H I S . I T W O U L D B E T H R E E Y E A R S B E F O R E I N V E S T I G A T O R
D O N A L D L U S T E R W O U L D I N T E R V I E W W I T N E S S C A N D Y H O O V E R . C A N D Y R E L A T E D H O W
T H E D A Y A F T E R T H E D E F E N D A N T H A D B O N D E D O U T O N T H E D O M E S T I C C A S E , H E H A D
C O M E T O H E R H O U S E A N D S H O W E D H E R H I S C H E S T A N D R E L A T E D T H E I N C I D E N T T O
H E R . T H I S D E F E N D A N T D I D N O T E V E N R E M E M B E R S H O W I N G H E R T H E B R U I S E S U N T I L H E
R E A D T H E I N V E S T I G A T O R S R E P O R T . M S . H O O V E R S T A T E D T H A T S H E H A D S E E N T H E

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7 H A B E A S C O R P U S
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12 I N A N D F O R T H E U N I T E D S T A T E S D I S T R I C T C O U R T O F C A L I F O R N I A , E A S T E R N D I S T R I C T
13

14 ...BRUISES AND STATED THAT THEY LOOKED EXACTLY LIKE SOMEONE HAD GRABBED
15 THE DEFENDANT'S CHEST AND TWISTED VERY HARD. THIS WITNESS WAS CRUCIAL TO
16 UNDERSTANDING THE TRUE NATURE OF THE DEFENDANTS RELATIONSHIP WITH THE
17 ALLEGED VICTIM. IN ADDITION TO THE CIRCUMSTANTIAL, BUT COMPELLING STATEMENTS
18 ABOUT THE BRUISING AT THE TIME OF THE INCIDENT, THE WITNESS WAS ALSO PRIVY TO
19 MUCH OF WHAT HAD BEEN GOING ON IN THE RELATIONSHIP AND HOW THE DEFENDANT
20 HAD BEEN TRYING VERY HARD TO RECONCILE WITH THE VICTIM AFTER SHE HAD LEFT
21 HIM AND TAKEN THEIR NEW-BORN DAUGHTER TO LIVE WITH ANOTHER MAN. SHE WAS
22 INTIMATELY AWARE OF THE DEFENDANTS TRUE SINCERITY TO WORK ON THE
23 RELATIONSHIP, SEEK COUNSELING AND RE-UNITE THE FAMILY. SHE ALSO KNEW THAT
24 THE ALLEGED VICTIM HAD LIED TO BOTH HERSELF AND THE DEFENDANT ABOUT HER
25 CO-HABITATION WITH ANOTHER MAN AND HAD SHOWN HERSELF TO BE INSINCERE
26 ABOUT RECONCILING. DESPITE MANY REQUESTS BY THE DEFENDANT THAT HIS
27 INVESTIGATORS ASK MS. HOOVER SPECIFIC QUESTIONS ABOUT THIS, INVESTIGATORS
28 ASKED ONLY GENERAL QUESTIONS AND SO THEY DIDN'T ELICIT CERTAIN FACTS ABOUT
THE ALLEGED VICTIMS HISTORY AND PROPENSITY TO LIE. INVESTIGATORS LIKEWISE
FAILED TO PROPERLY INTERVIEW ANOTHER WITNESS (ROBERT WILLIS) ABOUT THESE
SAME ISSUES AS WELL AS THE DEFENDANTS DETERIORATING MENTAL HEALTH IN
RECENT MONTHS. IT IS THE DEFENDANTS FIRM BELIEF THAT DEFENSE INVESTIGATORS
REQUIRE SPECIALIZED TRAINING TO DEVELOP TECHNIQUES TO ELICIT MORE ACC-...

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12 I N A N D F O R T H E U N I T E D S T A T E S D I S T R I C T C O U R T O F C A L I F O R N I A , E A S T E R N D I S T R I C T
13

14 ...URATE INFORMATION (DEFENDANT HAS ACTUALLY FILED A RECENT LAWSUIT IN
15 THE EASTERN DISTRICT RELATING TO THIS MATTER). IN ANOTHER CASE, ALLEGING
16 CHILD ABUSE, THE DEFENDANT WAS STOPPED BY HIGHWAY PATROL BECAUSE
17 MOTORISTS HAD COMPLAINED THAT THE DEFENDANT WAS DRIVING RECKLESSLY AND
18 CROSSING OVER DOUBLE YELLOW LINES. WHEN CONFRONTED BY THE OFFICER, THE
19 DEFENDANT WAS ONLY ASKED BY THE OFFICER IF HE WAS CROSSING DOUBLE YELLOW
20 LINES. BECAUSE THE DEFENDANT REFUSED TO INCRIMINATE HIMSELF OR MAKE ANY
21 STATEMENT, THE OFFICER RETALIATED BY INFLATING THE OFFENSE TO CHILD
22 ENDANGERMENT AND REFERRED THE CASE TO PROSECUTORS WHO TOOK SEVERAL
23 MONTHS TO CHARGE. THE DEFENDANT BELIEVES THE ULTIMATE DECISION TO CHARGE
24 IN THIS CASE BY PROSECUTORS WAS ALSO RETALIATORY FOR AN EARLIER CASE
25 WHERE THE DEFENDANT WAS CHARGED WITH THREATENING HIS GIRLFRIENDS PAROLE
26 AGENT. DEFENDANT INFORMED HIS LAWYERS THAT HE HAD NOT DRIVEN RECKLESSLY,
27 HAD ONLY CROSSED ON DOUBLE YELLOW LINE, ONE TIME AND HAD WITNESSES WHO
28 STRENUOUSLY CONFIRMED THIS. BOTH THE DEFENDANTS GIRLFRIEND AS WELL AS HIS
OTHER PASSENGER (EDWARD MCGUINESS) BOTH GAVE STATEMENTS THAT THE
DEFENDANT HAD ONLY CROSSED A DOUBLE YELLOW LINE, SAFELY, ONE TIME. THE
GIRLFRIEND (CHERI DUBUQUE) FIRST GAVE A WRITTEN STATEMENT THAT WAS
PRESENTED IN COURT AND WHEN THAT WAS IGNORED, SHE WENT TO SEE PROSEC...

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12 I N A N D F O R T H E U N I T E D S T A T E S D I S T R I C T C O U R T O F C A L I F O R N I A , E A S T E R N D I S T R I C T
13

14 ...UTORS WHEREAT SHE GAVE A FULL INTERVIEW TO PROSECUTOR CRAIG OMURA AND
15 HIS INVESTIGATOR. IN THAT STATEMENT, DUBUQUE STATES THAT THE DEFENDANT IS
16 A VERY GOOD DRIVER AND SIMPLY PASSED ILLEGALLY ON A LONG STRETCH OF ROAD
17 WHERE VISIBILITY WAS EXCELLENT TO PASS TWO VERY SLOW MOVING CARS. SHE ALSO
18 RELATED HOW THE TEXT THAT WAS SENT TO THE PAROLE AGENT LEADING TO THE
19 FIRST CRIMINAL THREATS CHARGE WAS PROVOKED BY THE AGENT HIMSELF BY
20 ANTAGONIZING THE DEFENDANT AND FORCING THE DEFENDANTS GIRLFRIEND TO LIE
21 TO HIM. MR. MCGUINNESS GAVE A VOLUNTARY INTERVIEW TO THE DEFENDANTS
22 ATTORNEY, MR. RICHARD COTTA, ALSO STATING THAT THE DEFENDANT IS A VERY
23 GOOD DRIVER WHO SIMPLY PASSED SAFELY ONE TIME, ALBEIT ILLEGALLY. DESPITE
24 THIS HIGHLY EXCULPATORY EYE-WITNESS STATEMENT BEING GIVEN TO THE
25 ATTORNEY, MR. COTTA NEVER MEMORIALIZED THIS STATEMENT AND SOON
26 THEREAFTER LEFT THE PUBLIC DEFENDERS AND THE COUNTY. LATER ATTORNEYS
27 LIKewise FAILED , DESPITE REPEATED REQUESTS FROM THE DEFENDANT, TO TRACK
28 DOWN MR. COTTA TO VERIFY THIS EVIDENCE OR SEE IF HE KEPT HIS NOTES, ALTHOUGH
THIS SHOULD HAVE BEEN EASY AS MR. COTTA IS AN ATTORNEY AND SHOULD HAVE
BEEN IMMINENTLY LOCATABLE THROUGH THE STATE BAR. DEFENDANT ALSO
REQUESTED, QUITE REASONABLY, THAT INVESTIGATORS GO TO THE SCENE OF THE
ALLEGED RECKLESS DRIVING AND TAKE PHOTOGRAPHS OF THE ROADWAY AND...

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12 I N A N D F O R T H E U N I T E D S T A T E S D I S T R I C T C O U R T O F C A L I F O R N I A , E A S T E R N D I S T R I C T
13

14 ...C O N D I T I O N S S O T H A T T H E D E F E N D A N T C O U L D A C C U R A T E L Y D E M O N S T R A T E T O H I S
15 L A W Y E R S A N D T H E C O U R T W H A T H A D A C T U A L L Y O C C U R E D A N D F O R U S E I N H I S
16 D E F E N S E . D E S P I T E T H E F A C T T H A T T H I S S T R E T C H O F R O A D W A Y I S O N L Y 2 0 M I L E S
17 F R O M T H E O F F I C E S O F A T T O R N E Y S A N D I N V E S T I G A T O R S I N S H A S T A C O U N T Y , N O N E
18 E V E R A T T E M P T E D T O D O T H I S S I M P L E T A S K . N E T H E R D I D I N V E S T I G A T O R S I N T E R V I E W
19 C O M P L A I N I N G W I T N E S S E S T O C L A R I F Y W H A T T H E Y S A W , D E S P I T E M A N Y R E Q U E S T S B Y
20 T H E D E F E N D A N T . A T H I S P R E L I M I N A R Y O N T H I S C H A R G E , D E F E N D A N T R E Q U E S T E D T H A T
21 H I S A T T O R N E Y , M R . R I C H A R D C O T T A , C H A L L E N G E T H E U S E O F T H E O F F I C E R , I N
22 A B S E N S E O F C O M P L A I N I N G W I T N E S S E S T O L A Y F O U N D A T I O N A T T H E D E F E N D A N T S
23 F I R S T P R E L I M I N A R Y , A S T H E O F F I C E R H I M S E L F D I D N O T S E E T H E D R I V I N G B E H A V I O R
24 A L L E G E D T O H A V E O C C U R R E D . D E F E N D A N T A L S O R E Q U E S T E D T H A T T H E A T T O R N E Y
25 D E M A N D T H E D E F E N D A N T B E A L L O W E D T O C A L L W I T N E S S E S D U B U Q U E A N D
26 M C G U I N E S S T O T E S T I F Y A T H I S P R E L I M I N A R Y A N D T H E A T T O R N E Y A L S O F A I L E D T O
27 A D E Q U A T E L Y A R G U E T O T H E J U D G E T H A T T H E S E W I T N E S S E S W E R E N E C E S S A R Y . I N
28 L I G H T O F T H E F A C T T H A T M R . M C G U I N E S S S O O N T H E R E A F T E R M O V E D A W A Y A N D
C O U L D N O T B E L O C A T E D , A S W E L L A S T H E F A C T T H A T M R . C O T T A N E V E R
M E M O R I A L I Z E D H I S S T A T E M E N T , I T W O U L D H A V E B E E N B E N E F I C I A L T O T H E D E F E N S E T O
H A V E H I M T E S T I F Y A T T H E P R E L I M I N A R Y . A L S O , A L L T H R E E O F T H E D E F E N D A N T S
W I T N E S S E S (T H E D E F E N D A N T , M R . M C G U I N E S S A N D C H E R I D U B U Q U E) H A D G I V E N
S T A T E M E N T S T H A T T H E C . H . P . O F F I C E R H A D L I E D I N H I S R E P O R T S D E L I B E R A T E L Y ...

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12 I N A N D F O R T H E U N I T E D S T A T E S D I S T R I C T C O U R T O F C A L I F O R N I A , E A S T E R N D I S T R I C T
13

14 ...I N O R D E R T O B O L S T E R H I S C A S E . B E C A U S E O F T H E W I D E S P R E A D M I S - B E H A V I O R O F
15 N U M E R O U S O F F I C E R S I N A L L O F T H E D E F E N D A N T S C A S E S , T H E D E F E N D A N T
16 R E P E A T E D L Y R E Q U E S T E D O F H I S L A W Y E R S T H A T T H E Y P R E P A R E A N D F I L E A
17 " P I T C H E S S " M O T I O N , I N O R D E R T O E X A M I N E O F F I C E R D I S C I P L I N A R Y R E C O R D S T O
18 D E T E R M I N E P A T T E R N S O F A B U S E . D E S P I T E T H E F A C T A T T O R N E Y S K N E W O F M U L T I P L E
19 L A W S U I T S P E N D I N G A G A I N S T O F F I C E R S I N T H E S E C A S E S (F I L E D B Y T H E D E F E N D A N T I N
20 T H E E A S T E R N D I S T R I C T) A N D D E S P I T E W I T N E S S E S A C C U S I N G O F F I C E R S O F
21 W R O N G - D O I N G , A T T O R N E Y S F A I L E D T O M A K E T H I S M O T I O N . D E F E N D A N T A L S O
22 R E Q U E S T E D T H A T A T T O R N E Y S O B T A I N T H E S E L A W S U I T S T O D E T E R M I N E I F T H E Y C O U L D
23 B E O F A S S I S T A N C E T O T H E D E F E N S E , A N D I N D E E D , T H E S E S U I T S W E R E G E R M A I N E A N D
24 T H E R E F O R E E V I D E N C E I N S O M E O F T H E C A S E S A G A I N S T T H E D E F E N D A N T A N D Y E T ,
25 A G A I N , A T T O R N E Y S F A I L E D A N D O R R E F U S E D T O O B T A I N T H E M . D E F E N D A N T
26 R E Q U E S T E D T H A T I N V E S T I G A T O R S I N T E R V I E W I M P E A C H M E N T W I T N E S S K E N C O C K E R I L
27 W H O W A S A C O U N S E L O R A T F A M I L Y C O U N S E L I N G A N D W A S W I L L I N G T O T E S T I F Y T H A T
28 A L L E G E D V I C T I M D U B U Q U E W A S E S S E N T I A L L Y A L I A R A N D A S O C I O - P A T H . D E F E N D A N T
R E Q U E S T E D C O P I E S O F D U B U Q U E S 2 0 0 5 L O S A N G E L E S C O U N T Y C O N V I C T I O N F O R
C H I L D M O L E S T A T I O N , F O R P U R P O S E S O F I M P E A C H M E N T . A T T O R N E Y S O N L Y P R O V I D E D
T H I S C A S E A F T E R N E A R L Y T H R E E Y E A R S . I T I S I M P O R T A N T T O N O T E , T H A T P R I O R T O
T H E S E S H A S T A C A S E S , D E F E N D A N T S P R I O R C R I M I N A L H I S T O R Y W A S D E M I N I M U S A N D ...

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12 I N A N D F O R T H E U N I T E D S T A T E S D I S T R I C T C O U R T O F C A L I F O R N I A , E A S T E R N D I S T R I C T
13

14 ...THEREFORE REBUTTAL AND IMPEACHMENT TESTIMONY WAS CRITICAL TO THIS
15 PARTICULAR DEFENDANTS DEFENSE. TO IGNORE, WHOLESAL, NUMEROUS SOURCES
16 OF IMPEACHMENT EVIDENCE WAS NOT SIMPLY INEFFECTIVE ASSISTANCE, BUT MORE
17 ACCURATELY, A SUPPRESSION OF THIS DEFENDANTS LINES OF DEFENSE. I DO BELIEVE
18 THAT PROSECUTORS WERE COMPLICIT AND KNOWING IN WITHHOLDING EVIDENCE, BUT
19 NEITHER WERE MY LAWYERS SEEKING OUT THIS EVIDENCE. I DO BELIEVE THAT
20 BECAUSE OF THE NUMEROUSITY OF CHARGES, EVERYONE WAS SIMPLY CONTENT TO
21 WAIT FOR ME TO TAKE A DEAL, AND THEY JUSTIFIED THIS TO THEMSELVES BY BELIEV-
22 ING THAT I MUST BE GUILTY OF SOMETHING (OR WHY SO MANY CHARGES), BUT I HAD A
23 RIGHT TO REBUT EACH AND EVERY CHARGE, TO SEE EVERY PIECE OF EVIDENCE, TO
24 DEFEND MYSELF WITH THE FULL BENEFIT OF DUE PROCESS AND THIS WAS SIMPLY NOT
25 AFFORDED TO ME IN THESE CASES. LAWYER AFTER LAWYER AFTER LAWYER MADE
26 PROMISES TO DEFEND ME, TO COLLECT EVIDENCE, TO SPEAK TO WITNESSES AND
27 LAWYER AFTER LAWYER CAME BACK TO ME EMPTY-HANDED, WITH EXCUSES AND
28 APOLOGIES. BUT APOLOGIES AND PROMISES DO NOT BUILD DEFENSES. AFTER BEING IN
THE JAIL FOR NEARLY THREE YEARS, I WAS ASSAULTED BY DEPUTY'S WEBB AND
BARNHART FOR DEMANDING A GRIEVANCE. WEBB CHOKED ME AND BROKE MY NOSE BY
STRIKING ME WITH HIS ELBOW. HE THEN CLAIMED THAT I ASSAULTED HIS ELBOW WITH
MY FACE. THERE IS A PENDING CIVIL RIGHTS SUIT IN THE EASTERN REGARDING....

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7 H A B E A S C O R P U S
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12 I N A N D F O R T H E U N I T E D S T A T E S D I S T R I C T C O U R T O F C A L I F O R N I A , E A S T E R N D I S T R I C T
13

14 ...THIS INCIDENT. THIS CASE IS VITAL TO UNDERSTANDING MY PROSECUTION BECAUSE
15 THERE WERE NUMEROUS WITNESSES WHO SIGNED SWORN STATEMENTS IMMEDIATELY
16 AFTER THIS ASSAULT, CONTRADICTING THE DEPUTES VERSION OF EVENTS. ALL
17 STATEMENTS WERE UNIFORM IN STATING THAT I WAS SEATED ON MY BUNK, NOT
18 RESISTING OFFICERS IN ANY WAY WHEN WEBB STRUCK ME. IT IS OBVIOUS BY READING
19 THE TWO SEPERATE INCIDENT REPORTS GENERATED BY DEPUTES THAT THEY WERE
20 CONTRADICTING THEIR OWN VERSIONS AND IT WAS LAUGHABLE THAT THEIR REPORT
21 TRIED TO SAY I HAD HEAD-BUTTED WEBB, WITH MY FACE, STRIKING HIS ELBOW. I
22 IMMEDIATELY WROTE TO PROSECUTOR CODY JONES AND WARNED HER NOT TO
23 CHARGE ME, TELLING HER EXACTLY WHAT HAD HAPPENED. SHE DID NOT CHARGE ME
24 FOR SEVEN MONTHS AND I BELIEVE THIS IS PROOF POSITIVE THAT SHE KNEW I HADN'T
25 ASSAULTED WEBB AND REALLY DIDN'T WANT TO BRING THE CHARGES AT ALL. SHE
26 WAITED UNTIL THREE YEARS HAD PASSED WITH ME STILL FIGHTING MY CASE AND ONLY
27 DROPPED THE CHARGES THEN TO ADD EVEN MORE PRESSURE FOR ME TO TAKE A DEAL.
28 AND IT WORKED, BECAUSE THERE WERE SIMPLY SO MANY CHARGES BY THEN, I WAS
READY TO SAY OR DO ANYTHING TO JUST MAKE IT ALL GO AWAY. THE PROSECUTORS
PRIMARY TACTIC, IN SHASTA COUNTY, AND NOT JUST IN MY CASE, HAS ALWAYS BEEN
TO DELIBERATELY OVERCHARGE DEFENDANTS FROM THE BEGINNING, DELIBERATELY
TO DISCOURAGE DEFENDANTS FROM FIGHTING AND MY CASE IS THE PERFECT EXAM-
PLE OF HOW PREJUDICIAL THIS PRACTICE IS TO DEFENDANTS AND LAWYERS...

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7 H A B E A S C O R P U S
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12 I N A N D F O R T H E U N I T E D S T A T E S D I S T R I C T C O U R T O F C A L I F O R N I A , E A S T E R N D I S T R I C T
13

14 ...VIRTUALLY OVERWHELMING AND INTIMIDATING DEFENDANTS FROM EXERCISING THEIR
15 RIGHT TO TRIAL AND DEFENSE AND RUTHLESSLY AND UNCONSCIONABLY EXPLOITING
16 AN ALREADY PATHETICALLY UNDERFUNDED AND OUT-CLASSED PUBLIC DEFENDER
17 SYSTEM. THE SHASTA COURTS ARE NOT VENUES FOR TRUTH AND JUSTICE, THEY ARE
18 JUDICIAL CONVEYOR-BELTS OF GUARANTEED CONVICTIONS AND IMPRISONMENT OF THE
19 INNOCENT AND GUILTY ALIKE. WHO NEEDS FACTUAL CHARGES, WHEN ONE CAN SIMPLY
20 USE THE NUMEROUSITY OF CHARGES TO OVERWHELM DEFENSES AND RIG THE GAME?
21 AND THIS ESSENTIAL TO UNDERSTANDING HOW MY CASE WAS PROSECUTED, BECAUSE
22 I DO BELIEVE PROSECUTORS KNEW EXACTLY WHAT THEY WERE DOING. I BELIEVE THEY
23 DELIBERATELY AND WANTONLY ABANDONED THEIR OBLIGATIONS TO BE NEUTRAL AND
24 FAIR AND I BELIEVE IT AMOUNTED TO PROSECUTORIAL MIS-CONDUCT. AND I BELIEVE
25 THAT IT IS INDICUS OF THE REAL REASON MY NUMEROUS LAWYERS DIDN'T FIGHT BACK:
26 THEY SIMPLY COULDN'T. IT'S HARD ENOUGH FIGHTING REAL CHARGES WITHOUT BEING
27 EXPECTED TO FIGHT A LAUNDRY LIST OF MERITLESS GHOST CHARGES. PROSECUTORS
28 AS WELL AS POLICE, IN MY CASES, DELIBERATELY USED BOTH THE GRAVITY AND
NUMBER OF CHARGES IN AN EFFORT TO MUDDY THE WATERS, TO CONFUSE AND
EXASPERATE MY DEFENSE AND I BELIEVE THIS IS VERY COMMON PRACTICE IN SHASTA
COUNTY AND AMOUNTS TO A SYSTEMATIC DENIAL OF DUE PROCESS AND DELIBERATE
INDIFFERENCE TO CIVIL RIGHTS. I HAVE ALLEGED THUSLY IN RECENT U.S.C. 1983 FIL-
INGS IN THE EASTERN DISTRICT AND I BELIEVE A JURY WILL AGREE.

1
2 ROBERT A. GIBBS
3 P.O. BOX 881
4 FOWLER, CA. 93625
5
6

7 H A B E A S C O R P U S
8 S U P P L E M E N T A L B R I E F (C O N T .)
9

10
11
12 I N A N D F O R T H E U N I T E D S T A T E S D I S T R I C T C O U R T O F C A L I F O R N I A , E A S T E R N D I S T R I C T .
13

14 T H R O U G H O U T T H E P E N D E N C Y O F T H E S E S P R O C E E D I N G S , T H I S D E F E N D A N T D I D R E -
15 Q U E S T O F H I S V A R I O U S A T T O R N E Y S T H A T T H E Y P R E P A R E A N D F I E L D T H E F O L L O W I N G
16 D E F E N S E S : T H E D E F E N S E O F M I S A D V E N T U R E (F O R P R E S U M I N G T H A T D E P U T Y
17 A T T O R N E Y G E N E R A L F E S E R W O U L D U N D E R S T A N D T H I S D E F E N D A N T S F E E L I N G S O F
18 S E V E R E E M O T I O N A L T U R M O I L A N D W O U L D N O T T A K E H I S T H R E A T E N I N G C O M M E N T S
19 L I T E R A L L Y , W O U L D N O T R E L A Y T H O S E C O M M E N T S O R A N Y O F H I S C O N V E R S A T I O N W I T H
20 A N Y O N E E L S E A N D W O U L D R E A C T W I T H C O M P A S S I O N A N D U N D E R S T A N D I N G , N O T F E A R
21 O R O V E R - R E A C T I O N) , T H E D E F E N S E O F L E S S E R O F T W O E V I L S (F O R B E L I E V I N G T H A T I T
22 W A S M O R E I M P O R T A N T T O T E L L S O M E O N E O F T H I S D E F E N D A N T S H O M I C I D A L F E E L I N G S
23 T H A N T O C O N T I N U E T O S U B L I M A T E T H O S E F E E L I N G S A N D A C T U P O N T H E M) , T H E
24 D E F E N S E O F D I M I N I S H E D A C T U A L I T Y (F O R B E I N G I N A P S Y C H O L O G I C A L L Y
25 C O M P R O M I S E D S T A T E D U R I N G S A I D C O N V E R S A T I O N A N D N E V E R C O N T E M P L A T I N G T H A T
26 D E P . A T T O R N E Y G E N E R A L F E S E R W O U L D T A K E T H I S D E F E N D A N T S C O M M E N T S A S
27 M O R E T H A N R A W F E E L I N G S A N D R H E T O R I C O R T H A T H E W O U L D R E L A Y S A I D
28 C O M M E N T S T O A N Y T H I R D P A R T Y) , T H E D E F E N S E O F N E C E S S I T Y (T O E X P O S E S A I D
F E E L I N G S B E F O R E T H E Y O V E R W H E L M E D T H I S D E F E N D A N T A N D S A I D F E E L I N G S W E R E
A C T E D U P O N) , T H E D E F E N S E O F U N - C L E A N H A N D S (F O R T H E A C T I O N S O F P A R O L E
A G E N T C R O F O O T T H A T D I D D I R E C T L Y L E A D T O T H I S D E F E N D A N T S T H R E A T E N I N G T E X T
M E S S A G E) , T H E D E F E N S E O F S E L F - D E F E N S E (F O R T H R O W I N G C H E R I D U B U Q U E T O T H E
G R O U N D A F T E R S H E G R A B B E D T H I S D E F E N D A N T S C H E S T V I C I O U S L Y W I T H A S S A U L T I V E
I N T E N T) , T H E D E F E N S E O F A T T O R N E Y - C L I E N T P R I V E L E G E (O F T H I S D E F E N D A N T S . . .

1
2 ROBERT A. GIBBS
3 P.O. BOX 881
4 FOWLER, CA. 93625
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6

7 H A B E A S C O R P U S
8 S U P P L E M E N T A L B R I E F (C O N T .)
9

10
11
12 I N A N D F O R T H E U N I T E D S T A T E S D I S T R I C T C O U R T O F C A L I F O R N I A , E A S T E R N D I S T R I C T .
13

14 ...CONVERSATION WITH FESER, AS IT RELATED TO ON-GOING CIVIL LITIGATION OF A
15 PERSONAL NATURE AND THIS DEFENDANT BELIEVED THAT ANY INFORMATION SHARED
16 WITH FESER WOULD BE KEPT STRICTLY CONFIDENTIAL), THE DEFENSE OF ACTUAL
17 INNOCENSE (RELATING TO ALL CHARGES WHERE THIS DEFENDANT WAS
18 OVER-CHARGED AND/OR THERE WAS NO EVIDENCE OF A CRIME BEING COMMITTED),
19 THE DEFENSE OF FAILURE TO INVESTIGATE (BY OFFICERS AND DISTRICT ATTORNEYS
20 INTO THE ACTUAL FACTS OF THE VARIOUS CASES, BOTH THROUGH THEIR
21 INCOMPETENCE AS WELL AS DELIBERATE INDIFFERENCE TO THIS DEFENDANTS RIGHTS),
22 THE DEFENSE OF CONFIRMATION BIAS (WHEREBY INVESTIGATING OFFICERS AND
23 DISTRICT ATTORNEYS IGNORED EXCULPATORY EVIDENCE CONTINUOUSLY, IN FAVOR
24 OF SKEWING FACTS TO BOLSTER THEIR CASES AGAINST ME), THE DEFENSE OF ILLEGAL
25 RECORDING OF A TELEPHONE CONVERSATION (BY FESER) AND THE ILLEGAL SHARING
26 WITH LAW ENFORCEMENT OF PRIVELEGED COMMUNICATIONS (BY FESER), THE DEFENSE
27 OF UN-QUALIFIED WITNESSES (WHEREBY LAY WITNESSES CHARACTERIZED THIS
28 DEFENDANTS DRIVING AS RECKLESS, A LEGAL TERM THAT CALLS FOR AN EXPERT
OPINION SUCH AS A TRAFFIC OFFICER TO PREVENT AGAINST WITNESSES MAKING
UN-QUALIFIED DETERMINATIONS BASED ON LAY OBSERVATIONS).

(21)

1
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4 FOWLER, CA. 93625
5
6

7 H A B E A S C O R P U S
8 S U P P L E M E N T A L B R I E F (C O N T .)
9

10
11
12 I N A N D F O R T H E U N I T E D S T A T E S D I S T R I C T C O U R T O F C A L I F O R N I A , E A S T E R N D I S T R I C T .
13

14 T H I S D E F E N D A N T M A D E R E P E A T E D R E Q U E S T S O F C O U N S E L T H A T T H E Y S U B P O E N A
15 T H I S D E F E N D A N T S S T A T E H O S P I T A L R E C O R D S , A S W E L L A S R E C O R D S O F O T H E R
16 P S Y C H I A T R I C H O S P I T A L I S A T I O N S T O F U R T H E R D E M O N S T R A T E T H I S D E F E N D A N T S L O N G
17 H I S T O R Y O F B I - P O L A R A N D P S Y C H I A T R I C D I S T U R B A N C E . C O U N S E L S F A I L E D O R
18 R E F U S E D T O S U B P O E N A T H E S E R E C O R D S . T H I S D E F E N D A N T M A D E R E P E A T E D
19 R E Q U E S T S O F C O U N S E L T H A T T H E Y S U B P O E N A R E C O R D S O F T H I S D E F E N D A N T S C I V I L
20 S U I T S A G A I N S T S H A S T A C O U N T Y A N D S T A T E L A W E N F O R C E M E N T O F F I C E R S T O
21 C O N T E X T U A L I S E T H I S D E F E N D A N T S R E L A T I O N S H I P W I T H D E P U T Y A T T O R N E Y G E N E R A L
22 J O H N M . F E S E R A S W E L L A S T O S H O W T H E O N - G O I N G C O N F L I C T S B E T W E E N T H I S
23 D E F E N D A N T A N D L O C A L L A W E N F O R C E M E N T . C O U N S E L S F A I L E D O R R E F U S E D T O
24 S U B P O E N A T H E S E R E C O R D S . T H I S D E F E N D A N T D I D M A K E R E P E A T E D , E M P H A T I C
25 R E Q U E S T S T O C O U N S E L T O P R E - I N T E R V I E W D E P U T Y A T T O R N E Y G E N E R A L F E S E R A N D
26 T O A S K S P E C I F I C Q U E S T I O N S O F H I M T O E L I C I T E X C U L P A T O R Y I N F O R M A T I O N R E L A T I N G
27 T O A C T U A L V E R B A G E U S E D B Y T H I S D E F E N D A N T , C O N T E X T , E M O T I O N A L S T A T E ,
28 I N T E N T , A N D P R E V I O U S C O N T A C T . C O U N S E L S F A I L E D O R R E F U S E D T O I N T E R V I E W
F E S E R (I T S H O U L D B E N O T E D T H A T A T T O R N E Y S H O N N O R T H A M D I D S U B P O E N A F E S E R
T O T H I S D E F E N D A N T S P R E L I M I N A R Y H E A R I N G , B U T N E V E R C A L L E D H I M , H E A L S O
Q U E S T I O N E D F E S E R F O R F I V E M I N U T E S A T T H A T P R O C E E D I N G , B U T O N L Y A S K E D H I M
G E N E R I C Q U E S T I O N S A N D A L L O W E D H I M T O S I M P L Y R E - I T E R A T E W H A T H E H A D S A I D I N
T H E P A S T . M U C H L A T E R , M Y I N V E S T I G A T O R D I D T R Y T O C O N T A C T F E S E R , B U T F E S E R . . .

(22)

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4 FOWLER, CA. 93625
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7 H A B E A S C O R P U S
8 S U P P L E M E N T A L B R I E F (C O N T .)
9

10
11
12 I N A N D F O R T H E U N I T E D S T A T E S D I S T R I C T C O U R T O F C A L I F O R N I A , E A S T E R N D I S T R I C T .
13

14 ...R E F U S E D T O R E T U R N P H O N E C A L L S . T H I S D E F E N D A N T D I D M A K E R E P E A T E D
15 R E Q U E S T S F O R A T T O R N E Y S T O M A K E M O T I O N S T O C H A L L E N G E V E N U E A S B O T H I A N D
16 S E V E R A L O F M Y A T T O R N E Y S B E L I E V E D I W A S G E T T I N G " S P E C I A L T R E A T M E N T " B Y T H E
17 C O U R T A N D E S P E C I A L L Y T H E P R O S E C U T O R , B E C A U S E M Y A L L E G E D V I C T I M S W E R E L A W
18 E N F O R C E M E N T . N O M O T I O N S W E R E E V E R M A D E . T H I S D E F E N D A N T D I D M A K E R E P E A T E D
19 R E Q U E S T S T O A T T O R N E Y S T H A T T H E Y P R E P A R E M O T I O N S T O D I S M I S S F O R D E N I A L O F
20 S P E E D Y T R I A L . A T T O R N E Y S F A I L E D O R R E F U S E D T O M A K E T H E S E M O T I O N S . T H I S
21 D E F E N D A N T D I D M A K E R E P E A T E D R E Q U E S T S T O A T T O R N E Y S T H A T T H E Y R E V I E W A N D
22 C O M P A R E R E P O R T S F R O M T H E C O U R T S O W N (P . C . 1 3 6 8) D O C T O R S T O I N F O R M
23 T H E M S E L V E S O F T H E S T R I K I N G C O R R E L A T I O N S B E T W E E N O B S E R V A T I O N S O F T H E S E
24 D O C T O R S O F T H I S D E F E N D A N T S B E H A V I O R A L C H A R A C T E R I S T I C S A N D T H E B E H A V I O R
25 E X H I B I T E D D U R I N G T H E A L L E G E D C R I M E S . A T T O R N E Y S R E F U S E D A N D / O R F A I L E D .
26 T H I S D E F E N D A N T D I D M A K E R E P E A T E D R E Q U E S T S O F A T T O R N E Y S T H A T T H E Y M O V E
27 U N D E R C . C . P . 1 7 0 . 1 T O R E M O V E J U D G E S F L Y N N A N D B E A T T Y F O R E X T R E M E B I A S . W H I L E
28 A T T O R N E Y T E D S O M E R S D I D S U C C E S S F U L L Y R E M O V E F L Y N N , S U B S E Q U E N T
A T T O R N E Y S F A I L E D A N D / O R R E F U S E D T O M O V E T O R E M O V E B E A T T Y , D E S P I T E H E R
E G R E G I O U S L Y B I A S E D A N D P R E J U D I C I A L S T A T E M E N T S I N O P E N C O U R T A T V A R I O U S
T I M E S D U R I N G T H E P R O C E E D I N G S , A S W E L L A S H E R S T R I K I N G L Y F L A W E D J U D G E M E N T S
A N D P R O N O U N C E M E N T S . T H I S D E F E N D A N T D I D M A K E R E P E A T E D R E Q U E S T S O F ...

(23)

1
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3 P.O. BOX 881
4 FOWLER, CA. 93625
5
6

7 H A B E A S C O R P U S
8 S U P P L E M E N T A L B R I E F (C O N T .)
9

10
11
12 I N A N D F O R T H E U N I T E D S T A T E S D I S T R I C T C O U R T O F C A L I F O R N I A , E A S T E R N D I S T R I C T .
13

14 ...ATTORNEYS TO CONTACT AND INTERVIEW NUMEROUS WITNESSES SUCH AS MR.
15 ROBERT WILLIS, MS. CHERI DUBUQUE, MS. CANDY HOOVER, MR. KEN COCKERIL, MR.
16 LEONARD MOTY, DEPUTY ATTORNEY GENERAL ALBERTO GONSALEZ, MR. EDWARD
17 MCGUINESS, MR. JOHN MOREAUX AND OTHERS TO CLARIFY FACTS IN THESE CASES.
18 NONE OF THESE WITNESSES WERE CONTACTED FOR NEARLY THREE YEARS AND, EVEN
19 WHEN CONTACTED, INVESTIGATORS FAILED TO ASK QUESTIONS AS DIRECTED BY THIS
20 DEFENDANT, WITH SPECIFICITY AND ALLOWED WITNESSES TO SIMPLY RE-ITERATE
21 PREVIOUS STATEMENTS. THIS IS CRITICAL BECAUSE WITNESSES OFTEN DO NOT
22 UNDERSTAND THE LAW OR HOW THEIR KNOWLEDGE MAY BE EXCULPATORY. IT MUST BE
23 UP TO DEFENSE TEAMS AND INVESTIGATORS TO UNDERSTAND THE NEXUS BETWEEN
24 THE ALLEGED OFFENSES AND THE DEFENDANTS DEFENSE AND ENDEAVOR TO SEEK
25 OUT THE SPECIFIC INFORMATION THAT MAY EXCULPATE THE DEFENDANT. THERE WAS
26 A BROAD, UNDERLYING CONDITION IN THESE CASES OF THIS DEFENDANTS BEHAVIOR
27 BEING VIEWED IN A VERY LITERAL WAY BY POLICE AND INVESTIGATORS. PROSECUTORS
28 AND WITNESSES REPEATEDLY OVER-LOOKED OR DELIBERATELY IGNORED FACTS AND
CHARACTERISED THIS DEFENDANTS ACTIONS IN THE WORST POSSIBLE LIGHT, INSTEAD
OF SIMPLY STATING FACTS. FOR INSTANCE, THIS DEFENDANT HAS NEVER DENIED
MAKING "THREATENING STATEMENTS", BUT PROSECUTORS AND POLICE PRESENTED
THE CASE AS IF IT WERE FACT THAT THIS DEFENDANT MADE CRIMINAL THREATS. I DO
NOT BELIEVE THAT PROSECUTORS EVER TRULY SCRUTINISED WHAT WAS ACTUALLY...

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6

7 H A B E A S C O R P U S
8 S U P P L E M E N T A L B R I E F (C O N T .)
9

10
11
12 I N A N D F O R T H E U N I T E D S T A T E S D I S T R I C T C O U R T O F C A L I F O R N I A , E A S T E R N D I S T R I C T .
13

14 ...SAID. PROSECUTORS PRESENTED THE CASE DELIBERATELY IN AN INFLAMMATORY
15 WAY, BY ACCENTUATING VIOLENT, GENERAL THREATS, WHILE IGNORING AND FAILING
16 TO SHOW ANY FACTS WHICH WERE EVIDENCE OF SPECIFIC CRIMINAL THREATS. BY
17 CONTINUOUSLY PRESENTING SHOCKING THREATS OF ATTACKING SCHOOL CHILDREN,
18 THE PROSECUTORS WERE USING FEAR AND SHOCK TO CONCEAL THE FACT THAT
19 THERE WAS VERY LITTLE OR NO EVIDENCE OF SPECIFIC CRIMINAL THREATS AS
20 ALLEGED. THIS TACTIC WAS SO SUCCESSFUL, THAT IT AFFECTED MY DEFENSE TEAMS
21 AND EVEN THE JUDGE IN MY PRELIMINARY. NEITHER WAS THERE ANY PRESENTATION
22 OF ANY EVIDENCE OF INTENT OR EVIDENCE THAT THIS DEFENDANT INTENDED OR EVEN
23 CONTEMPLATED THAT HIS ANGRY RANT WOULD BE ANYTHING BUT A PRIVATE,
24 PRIVELEGED CONVERSATION. WHILE INTENT MAY HAVE BEEN ULTIMATELY A
25 DETERMINATION FOR A JURY, THE FAILURE OF NUMEROUS ATTORNEYS TO CHALLENGE
26 THE ACTUAL ABSENCE OF CRIMINAL THREATS, IN THE DOCUMENTS BEING THEMSELVES
27 OFFERED AS PROOF, ESPECIALLY AT MY PRELIMINARY, WAS INARGUABLY INEFFECTIVE
28 ASSISTANCE. I DO NOT BELIEVE THAT MY LAWYER, SHON NORTHAM EVER READ OR
EVEN REQUESTED A TRANSCRIPT OF THE RECORDING BEING USED AS "PROOF". I
MYSELF DID NOT RECEIVE A TRANSCRIPT FOR THREE YEARS AND WHEN I SAW THAT
THERE WERE NO CRIMINAL THREATS IN THE TRANSCRIPT, I WAS ASTONISHED THAT SO
MANY ATTORNEYS "REPRESENTATION" WAS SO NON-EXISTANT AS TO MISS SUCH A
BASIC DISCREPANCY (A DISCREPANCY THAT WOULD AUTOMATICALLY HAVE REMOVED..

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7 H A B E A S C O R P U S
8 S U P P L E M E N T A L B R I E F (C O N T .)
9

10
11
12 I N A N D F O R T H E U N I T E D S T A T E S D I S T R I C T C O U R T O F C A L I F O R N I A , E A S T E R N D I S T R I C T .
13

14 ...T H R E E O F T H E S T R I K E F E L O N Y C H A R G E S A G A I N S T M E A N D W O U L D V E R Y L I K E L Y H A V E
15 C H A N G E D T H E D Y N A M I C S O F A N Y U N I V E R S A L S E T T L E M E N T O F T H E C A S E . T W O O T H E R
16 C R I M I N A L T H R E A T S C H A R G E S C O U L D H A V E E A S I L Y B E E N C H A L L E N G E D B Y P R O P E R L Y
17 I N T E R V I E W I N G D E P . A T T O R N E Y G E N E R A L F E S E R . H A D F E S E R B E E N A S K E D A B O U T T H E
18 F I R S T T W O C O U N T S O F A L L E G E D C R I M I N A L T H R E A T S (F E S E R H A D A L L E G E D T H A T I
19 T H R E A T E N E D T W O O T H E R O F F I C E R S B E F O R E H E A C T I V A T E D A T A P E R E C O R D E R) , H E
20 W O U L D L I K E L Y H A V E A D M I T T E D T H A T T H E R E W A S N O E V I D E N C E T H A T I H A D A N Y I N T E N T
21 T H A T M Y C O M M E N T S W O U L D B E S H A R E D W I T H A N Y O N E . A L S O , I T W A S M Y A D A M A N T
22 C O N T E N T I O N , T H A T M Y C O M M E N T S A B O U T H U R T I N G T H O S E T W O " V I C T I M S " W A S B A S E D
23 U P O N A D I R E C T Q U E S T I O N B Y F E S E R , W H E R E B Y I S I M P L Y A D M I T T E D M Y A N G R Y
24 F E E L I N G S T O F E S E R . H A D F E S E R A D M I T T E D E I T H E R O F T H E S E T W O C O N T E N T I O N S , I T
25 W O U L D H A V E N E G A T E D C R I M I N A L T H R E A T S . S A D L Y , N O N E O F M Y A T T O R N E Y S W O U L D
26 Q U E S T I O N F E S E R A B O U T T H E S E F A C T S A N D I N D E E D , F E S E R M A D E I T N E A R L Y
27 I M P O S S I B L E B Y R E F U S I N G T O C O - O P E R A T E . I D O B E L I E V E H O W E V E R , T H A T A T T O R N E Y S
28 S H O U L D H A V E E N D E A V O R E D M U C H M O R E D I L I G E N T L Y T O C O N F R O N T F E S E R W I T H
T H E S E F A C T S A N D G E T T H E T R U T H , C O N S I D E R I N G T H E L E V E L O F J E O P A R D Y A N D L O S S
O F L I B E R T Y I W A S F A C I N G . I A L S O C O M P I L E D A L I S T O F P E R T I N E N T Q U E S T I O N S F O R
F E S E R A N D P R E S E N T E D T H E M T O A T T O R N E Y S . T H E S E Q U E S T I O N S W E R E T O G O T O T H E
H E A R T O F M Y D E F E N S E , T H A T I W A S E M O T I O N A L L Y A N D P S Y C H O L O G I C A L L Y
C O M P R O M I S E D , T H A T F E S E R K N E W T H I S A N D T H A T M Y U N D E R - L Y I N G E M O T I O N S W E R E
N O T J U S T A N G E R , B U T A L S O F E A R A N D G U I L T (F O R F A I L I N G T O S H E I L D M Y D A U G H T E R ...

1
2 ROBERT A. GIBBS
3 P.O. BOX 881
4 FOWLER, CA. 93625
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7 H A B E A S C O R P U S
8 S U P P L E M E N T A L B R I E F (C O N T .)
9

10
11
12 I N A N D F O R T H E U N I T E D S T A T E S D I S T R I C T C O U R T O F C A L I F O R N I A , E A S T E R N D I S T R I C T .
13

14 ...FROM THE TURMOIL THESE CASES WERE CAUSING TO MY NEW-BORN DAUGHTERS
15 FAMILY ENVIRONMENT AND AN ON-GOING AND INTENSE FEAR OF POLICE AND BEING
16 FALSELY ARRESTED AGAIN). I ALSO BELIEVE I WAS SUFFERING FROM A SEVERE CASE
17 OF POST-PARTEM DEPRESSION FROM MY DAUGHTERS BIRTH. THIS WAS ONE OF THE
18 MOST EMOTIONALLY CHARGED PARTS OF MY LIFE AND FESER KNEW ALL OF THIS. I HAD
19 BEEN VERY CANDID WITH MR. FESER BECAUSE HE HAD PRESENTED HIMSELF AS
20 CARING ABOUT MY WELL-BEING (IN FACT, IT WAS FESER WHO INITIALLY CONTACTED ME
21 ABOUT THE CASE IN FEDERAL COURT AND HAD TOLD ME HE WAS MAKING HIMSELF
22 AVAILABLE TO ME "TO TALK" BECAUSE HE HAD HEARD THAT I WAS SUFFERING FROM
23 SEVERE P.T.S.D. AS A RESULT OF A POORLY PLANNED RAID OF MY HOME WHERE FISH
24 AND WILDLIFE OFFICERS HAD NOT IDENTIFIED THEMSELVES BEFORE POINTING
25 AUTOMATIC RIFLES AT MY HEAD AND FORCING ME TO THE GROUND). AS FESER ADMITS
26 TO INVESTIGATING OFFICERS IN THEIR OWN POLICE REPORT IN THE THREATS CASE,
27 FESER HAD SPOKEN TO ME "15 OR 16" TIMES AND I HAD CONSISTENTLY "RANTED"
28 ABOUT MY ENCOUNTERS WITH LAW ENFORCEMENT. HE WOULD LATER TELL
INVESTIGATING OFFICERS THAT HIS INTENT IN SPEAKING WITH ME WAS NOT FRIENDLY
AT ALL, BUT WAS, IN FACT, AN ATTEMPT TO CONVINC ME TO DROP MY LAW-SUITS. ALL
OF THIS, WAS OF COURSE RELEVANT TO MY CURRENT CHARGES AND ALL OF THIS WAS
RELAYED TO EACH OF MY ATTORNEYS. WHAT FESER WAS IN FACT DOING WAS
INTERFERING IN A LAWFUL SUIT, AND INFLAMING AN ALREADY CONTENTIOUS CIVIL
CASE. FESER DELIBERATELY BEFRIENDED ME AND ENCOURAGED ME TO TALK ABOUT...

(27)

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4 FOWLER, CA. 93625
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7 H A B E A S C O R P U S
8 S U P P L E M E N T A L B R I E F (C O N T .)
9

10
11
12 I N A N D F O R T H E U N I T E D S T A T E S D I S T R I C T C O U R T O F C A L I F O R N I A , E A S T E R N D I S T R I C T .
13

14 ...MY FEELINGS. FESER ALSO KNEW THAT I HAD BEEN SEEKING COUNSELING FOR MY
15 PSYCHOLOGICAL PROBLEMS AND HAD BEEN HAVING TROUBLE FINDING A THERAPIST.
16 FESER SET HIMSELF UP TO BE MY CONFESSOR, FOR HIS OWN NEFARIOUS REASONS,
17 AND WHEN I ADMITTED TO HIM THAT I WAS HAVING HOMICIDAL IDEATIONS, HE TURNED
18 ME OVER TO THE VERY PEOPLE WHO I WAS ALREADY STRUGGLING WITH. THOSE
19 POLICE, THEN HAD EVERY REASON TO RUSH TO A JUDGEMENT AGAINST ME, IGNORE OR
20 REFUSE TO INVESTIGATE FOR EXCULPATORY FACTS AND TO INVERT THE SITUATION, TO
21 MAKE THE VERY DEFENDANTS AND AGGRESSORS IN MY CIVIL SUIT, INTO "VICTIMS" OF A
22 VERY "DANGEROUS" PERSON. OF COURSE, AFTER I HAD ALREADY BEEN ARRESTED AND
23 CHARGED WITH FIVE FELONY COUNTS OF CRIMINAL THREATS AND AFTER AN IMMENSE
24 AMOUNT OF PRESS COVERAGE (BROUGHT ABOUT WHEN "INVESTIGATING" DETECTIVES
25 FED THE STORY DIRECTLY TO LOCAL NEWS OUTLETS), THE DISTRICT ATTORNEY WAS
26 NEVER GOING TO ACTUALLY SCRUTINISE THE FACTS OF THE CASE OR REMAIN
27 NEUTRAL. THE PROSECUTOR WAS GOING TO SIMPLY DEFEND HER FRIENDS IN LAW
28 ENFORCEMENT (AND PICK UP SOME POLITICAL POINTS BY DEMONISING ME AND MAKING
A SHOW OF PROTECTING THOSE IN LOCAL LAW ENFORCEMENT), AND RIDE THE WAVE
OF FEAR AND LOATHING OF THE LITTLE-UNDERSTOOD MAN WHO HAD THREATENED TO
ATTACK SCHOOL CHILDREN AND THE LOCAL COMMUNITY. GIVEN THIS SET OF FACTS, IT
IS NO WONDER THAT NUMEROUS ATTORNEYS AND EVEN JUDGES REFUSED TO FIGHT
FOR ME OR UP-HOLD MY RIGHTS AS A DEFENDANT. THIS WAS NOT A PROSECUTION...

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7 H A B E A S C O R P U S
8 S U P P L E M E N T A L B R I E F (C O N T .)
9

10
11
12 I N A N D F O R T H E U N I T E D S T A T E S D I S T R I C T C O U R T O F C A L I F O R N I A , E A S T E R N D I S T R I C T .
13

14 ..BUT A VERY NASTY AND HIGHLY POLITICISED WITCH-HUNT. I WOULD GO ON TO
15 D I C O V E R A C A S E (U . S . V S . H A Y E S) , W H I C H I W I L L A N N O T A T E I N T H E L E G A L A R G U M E N T
16 P O R T I O N O F T H I S B R I E F A N D W H I C H I P R E S E N T E D T O M Y A T T O R N E Y S A S C O R R E L A T I N G
17 D I R E C T L Y T O M Y D E F E N S E . I N H A Y E S , A M A N W A S H A V I N G S E V E R E P S Y C H O L O G I C A L
18 P R O B L E M S A N D S H A R E D H O M I C I D A L I D E A T I O N S A B O U T K I L L I N G A F E D E R A L O F F I C E R .
19 B E C A U S E H E H A D E X P O S E D H I S R A W F E E L I N G S A N D B E C A U S E T H O S E F E E L I N G S W E R E
20 O F C O M M I T T I N G H O M I C I D E T O A N O T H E R , H E W A S C H A R G E D A N D C O N V I C T E D O F
21 M A K I N G T H R E A T S . H O W E V E R , T H E H I G H E R C O U R T S O V E R - R U L E D A N D P O I N T E D O U T
22 T H A T I T W A S I M P O R T A N T T O R E C O G N I S E T H A T H A Y E S W A S M E N T A L L Y I L L A N D W A N T E D
23 H E L P F O R H I S F E E L I N G S , N O T T O A C T U A L L Y C A R R Y T H E M O U T O R T O C R I M I N A L L Y
24 A T T E M P T T O F R I G H T E N A N Y O N E . I T H I N K I T I S C R I T I C A L T O U N D E R S T A N D I N G M Y C A S E ,
25 T O U N D E R S T A N D T H A T I A M T R U L Y A N O N - V I O L E N T P E R S O N A N D T H A T T H E L E V E L O F
26 M Y F E E L I N G S , A T T H A T M O M E N T W A S E V I D E N C E O F S E V E R E M E N T A L T R A U M A . I W O U L D
27 P O I N T O U T T O T H I S C O U R T , T H A T S E V E R A L O F T H E S U P E R I O R C O U R T S O W N D O C T O R S
28 P E R F O R M I N G (P . C . 1 3 6 8) E V A L U A T I O N S O F M Y P E R S O N D U R I N G T H A T S A M E T I M E P E R I O D
M A D E C L I N I C A L O B S E R V A T I O N S O F S E V E R E S T R E S S A N D E M O T I O N A L I N S T A B I L I T Y I N
T H I S D E F E N D A N T , A S W E L L A S D I A G N O S I S O F S E V E R E A T Y P I C A L D E P R E S S I O N ,
P O S T - P A R T E M D E P R E S S I O N A N D P . T . S . D . O F C O U R S E , M Y A T T O R N E Y S I G N O R E D U . S . V .
H A Y E S A S W E L L A S T H E C O U R T S O W N D O C T O R S . A T B A R E M I N I M U M , A T T O R N E Y S
S H O U L D H A V E P R E P A R E D E V I D E N C E A N D S O U G H T S U B P O E N A O F T H E S E R E C O R D S .

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7 H A B E A S C O R P U S
8 S U P P L E M E N T A L B R I E F (C O N T .)
9

10
11
12 I N A N D F O R T H E U N I T E D S T A T E S D I S T R I C T C O U R T O F C A L I F O R N I A , E A S T E R N D I S T R I C T .
13

14 I S H O U L D A L S O P O I N T O U T T O T H E C O U R T T H A T T H I S D E F E N D A N T W O U L D L A T E R B E
15 C H A R G E D W I T H F E L O N Y D I S S U A D I N G A W I T N E S S F O R S E N D I N G A L E T T E R T O P A R O L E
16 A G E N T C R O F O O T , A S K I N G H I M T O C O N S I D E R C O M M U N I C A T I N G W I T H M Y A T T O R N E Y S .
17 T H I S L E T T E R C O N T A I N E D N O T H R E A T S O R V I O L E N C E A N D W H I L E I T M A Y H A V E B E E N
18 I N - A P P R O P R I A T E O R A V I O L A T I O N O F S O M E L A W , I T W A S A G A I N M I S - P O R T R A Y E D B Y
19 P R O S E C U T O R S A S S O M E K I N D O F V I O L E N T T H R E A T . I B E L I E V E T H I S A C T I O N B Y
20 P R O S E C U T O R S W A S D E L I B E R A T E M I S - C O N D U C T B Y P R O S E C U T O R S B E C A U S E A G A I N ,
21 T H E Y S I M P L Y D I D N ' T C A R E I F T H E F A C T S S U P P O R T E D T H E C H A R G E , B U T W E R E W I L L I N G
22 T O S I M P L Y O V E R - C O M P L I C A T E A N D I N C R E A S E T H E S H E E R L E V E L O F C H A R G E S A G A I N S T
23 T H I S D E F E N D A N T I N O R D E R T O C O E R C E A P L E A . I W O U L D R E M I N D T H I S C O U R T A G A I N
24 O F T H E C H A R G E S O F R E S I S T I N G E X E C U T I V E O F F I C E R S (F I L E D S O M E E I G H T M O N T H S
25 A F T E R T H E E V E N T) W H E R E P R O S E C U T O R S H A D A L R E A D Y W I T H I N T H R E E D A Y S
26 R E C E I V E D F R O M T H I S D E F E N D A N T A L E T T E R C L A I M I N G T H A T O F F I C E R S H A D
27 A S S A U L T E D T H I S D E F E N D A N T A N D W E R E F I L I N G F A L S E R E P O R T S T O C O V E R I T U P . I
28 T H I N K I T S P E A K S V O L U M E S , T H A T I N E A C H O F T H E S E C A S E S , W H I L E P R O S E C U T O R S
M A D E N O A T T E M P T W H A T S O E V E R T O I N V E S T I G A T E T H E S E A L L E G A T I O N S , T H E Y W E R E
M O R E T H A N W I L L I N G T O T A K E O F F I C E R S W O R D F O R E V E N T S A N D E V E N C H A R G E T H I S
D E F E N D A N T W H E N T H E E V I D E N C E D I R E C T L Y C O N T R A D I C T E D O F F I C E R S A L L E G A T I O N S
A N D T H I S E V I D E N C E W A S N O T O N L Y I N T H E P R O S E C U T I O N S P O S E S S I O N , B U T W A S
B E I N G U S E D A S T H E I R " E V I D E N C E " A G A I N S T M E . I W O U L D P O I N T O U T T O T H I S C O U R T ,
T H A T T H E S E A C T I O N S W E R E A K I N D O F P O L I T I C I S A T I O N O F M Y C A S E S B Y P R O S E C - . . .

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7 H A B E A S C O R P U S
8 S U P P L E M E N T A L B R I E F (C O N T .)
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10
11
12 I N A N D F O R T H E U N I T E D S T A T E S D I S T R I C T C O U R T O F C A L I F O R N I A , E A S T E R N D I S T R I C T .
13

14 ...UTORS. ESSENTIALLY THEY WERE ALLOWING THE CONTEST TO BE NOT WHETHER OR
15 NOT I WAS GUILTY OF ANY CRIMES, BUT MORE A CONTEST BETWEEN A CITIZEN WHO
16 WAS DECRYING HIS MIS-TREATMENT BY POLICE AND THE SYSTEM "DEFENDING" IT'S
17 ACTIONS BY DEMONIZING AND CRIMINALISING THAT CITIZEN. I WOULD RESPECTFULLY
18 ASK THIS COURT TO CONSIDER IF IT COULD, BASED SIMPLY ON THE RECORD,
19 DETERMINE HOW MUCH OF THE COURTS ACTIONS WERE LEGITIMATE PRESENTATION
20 OF SUSPECTED CRIMINAL ALLEGATIONS AND HOW MUCH WAS AN OPAQUE AND BROAD
21 CAMPAIGN BY PROSECUTORS TO DEFEND THE "HONOR" OF LOCAL LAW ENFORCEMENT.
22 SHASTA COUNTY IS A VERY CLOSE-KNIT COMMUNITY AND LAW ENFORCEMENT IS
23 PROMINENT AND TO A HIGH DEGREE, INTER-RELATED. MY PROSECUTION, BECAUSE MY
24 ALLEGED VICTIMS WERE LAW ENFORCEMENT, BECAME PERSONAL TO PROSECUTORS
25 AND BLINDED THEM FROM THEIR OBLIGATIONS TO REMAIN NEUTRAL. EVEN MY
26 LAWYERS WERE AWARE OF THIS BIAS AND CONSIDERED EVEN THE JUDGES AS BEING
27 KNOWINGLY OR MORE LIKELY, UNKNOWINGLY GETTING CAUGHT UP IN IT. IT WAS THE
28 REASON WHY JUDGE FLYNN WAS RECUSED BY ATTORNEY TED SOMERS FOR BIAS AND I
BELIEVED THAT THE BIAS WAS AFFECTING HIS REPLACEMENT, JUDGE BEATTY AS WELL.
I WOULD ASK THIS COURT HOW I COULD HAVE EVER POSSIBLY GOTTEN FAIR
TREATMENT FROM A COUNTY AS SMALL AS SHASTA COUNTY, WHEN I HAD BECOME SO
THOROUGHLY ENTANGLED WITH THEM IN LITIGATION AND THE STRUGGLE HAD BE-...

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7 H A B E A S C O R P U S
8 S U P P L E M E N T A L B R I E F (C O N T .)
9

10
11
12 I N A N D F O R T H E U N I T E D S T A T E S D I S T R I C T C O U R T O F C A L I F O R N I A , E A S T E R N D I S T R I C T .
13

14 ...C O M E S O C O N T E N T I O U S A N D A C E R B I C T H A T T H I S D E F E N D A N T H A D T H R E A T E N E D T O
15 A T T A C K T H E E N T I R E C O M M U N I T Y . I T I S A S T O N I S H I N G T H A T T H E C O U R T D I D N O T
16 I M M E D I A T E L Y R E C O G N I S E T H E I N H E R E N T R I S K O F B I A S A G A I N S T A D E F E N D A N T O F T H I S
17 T Y P E , I N S U C H A S M A L L , P R O L A W - E N F O R C E M E N T C O M M U N I T Y A N D M O V E T O P R O T E C T
18 T H A T D E F E N D A N T S R I G H T S B Y T R A N S F E R R I N G T H E C A S E O U T O F C O U N T Y . I D I D A S K
19 M Y L A W Y E R S A B O U T S U C H A T R A N S F E R A N D T H E Y A G R E E D T H A T T H E L E V E L O F
20 A C T U A L O R P O T E N T I A L B I A S W A S T O O H I G H T O B E A C C E P T A B L E , B U T N O N E M O V E D T O
21 H A V E T H E C A S E T R A N S F E R R E D . I W O U L D P O I N T O U T T O T H I S C O U R T T H A T M O S T O F M Y
22 L A W Y E R S A G R E E D W I T H M O S T O F M Y A N A L Y S I S O F T H E S E S C A S E S , E S P E C I A L L Y T H E
23 B I A S A N D P O L I T I C I S A T I O N , B U T S I M P L Y D I D N O T F O L L O W U P O N A N Y D E F E N S E O F M Y
24 P E R S O N . I T W O U L D H A V E B E E N D I F F E R E N T I F L A W Y E R S A N D T H I S D E F E N D A N T S I M P L Y
25 D I S - A G R E E D A B O U T T H E P R O P E R D I R E C T I O N T H E D E F E N S E S H O U L D T A K E A N D
26 U L T I M A T E L Y P R E P A R E D S O M E D E F E N S E , E V E N I F I T D I D N O T C O M P O R T W I T H T H I S
27 D E F E N D A N T S C H O S E N L I N E S O F D E F E N S E , B U T I T I S C L E A R T H A T N O T O N L Y D I D
28 A T T O R N E Y S R E F U S E T O R E C O G N I S E T H I S D E F E N D A N T S O W N C H O S E N L I N E S , B U T A L S O
F A I L E D T O D E F E N D T H I S D E F E N D A N T A L O N G O T H E R L I N E S O R T O P R E P A R E S U C H A
D E F E N S E . I N T H I S C A S E , B Y I G N O R I N G T H E D E F E N S E S T H A T W E R E A P P A R E N T A N D
B E I N G D E M A N D E D B Y T H I S D E F E N D A N T , T H E L A W Y E R S L E F T A V A C U U M W H E R E B Y T H I S
D E F E N D A N T W A S L E F T C O M P L E T E L Y D E F E N S E - L E S S A N D W A S F O R C E D T O C H O O S E
B E T W E E N G O I N G T O T R I A L U T T E R L Y U N - P R E P A R E D (N O T T O M E N T I O N W I T H N O C O N - . .

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7 H A B E A S C O R P U S
8 S U P P L E M E N T A L B R I E F (C O N T .)
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10
11
12 I N A N D F O R T H E U N I T E D S T A T E S D I S T R I C T C O U R T O F C A L I F O R N I A , E A S T E R N D I S T R I C T .
13

14 . . F I D E N C E O R T R U S T I N H I S T R I A L A T T O R N E Y) , O R T O B E S I M P L Y C O E R C E D I N T O A P L E A
15 A G R E E M E N T . I B E L I E V E I T S P E A K S V O L U M E S O F B O T H M Y I N N O C E N S E (O R R E L A T I V E
16 I N N O C E N S E) A S W E L L A S M Y D E T E R M I N A T I O N T O F I G H T M Y C H A R G E S , T H A T I
17 C O N T I N U E D T O F I G H T F O R O V E R T H R E E Y E A R S , F R O M A C E L L A N D R E P L A C E D
18 N U M E R O U S A T T O R N E Y S A N D E V E N A J U D G E . I B E L I E V E I T S P E A K S V O L U M E S T H A T I
19 C O N S I S T E N T L Y A S K E D F O R T H E S A M E D E F E N S E , F O R O V E R T H R E E Y E A R S A N D N E V E R
20 W A I V E R E D I N M Y V E R S I O N O F E V E N T S A N D O N L Y P L E D N O - C O N T E S T A F T E R S O L O N G I N
21 J A I L , W I T H S O M A N Y I N E F F E C T I V E A T T O R N E Y S , A F T E R P R O S E C U T O R S S I M P L Y D U M P E D
22 O N E M E R I T - L E S S C H A R G E A F T E R A N O T H E R U P O N M Y P E R S O N , U N T I L I S I M P L Y B R O K E
23 A N D G A V E U P . I D I D N O T P L E A D G U I L T Y , I P L E D " U N C L E " . I F M Y C A S E I S A L L O W E D T O
24 S T A N D , I T W I L L S E T A P R E C E D E N T O F P R O S E C U T O R S B E I N G A L L O W E D T O F O R C E
25 P R O S E C U T I O N S , R A T H E R T H A N E A R N I N G T H E M T H R O U G H A F A I R A N D T R A N S P A R E N T
26 P R O C E S S . E V E N M Y I N C A R C E R A T I O N W A S N O T W I T H O U T R E T A L I A T I O N B Y T H E S H E R I F F S
27 D E P U T E E S I N T H E J A I L . U P O N M Y I N C A R C E R A T I O N O N T H E L A S T C R I M I N A L T H R E A T S
28 C A S E , J A I L D E P U T E E S A S S A U L T E D M E I N B O O K I N G A S A P R E M I S E F O R P L A C I N G M E I N T O
A D M I N I S T R A T I V E S E G R E G A T I O N (" T H E H O L E ") . I W O U L D S P E N D A L M O S T M Y E N T I R E
I N C A R C E R A T I O N I N A D - S E G . J A I L D E P U T E E S C O N T I N U O U S L Y T R I E D T O P A I N T M E A S
V I O L E N T A N D W H E N T H E Y H A D N O V I O L E N C E T H E Y C O U L D P O I N T T O J U S T I F Y T H I S
E S S E N T I A L L Y P E R M A N E N T P L A C E M E N T , T H E Y U S E D T E R M S L I K E " T H R E A T E N I N G " A N D
M A D E U P A N D F A L S I F I E D C H A R G E S T O J U S T I F Y I T . I N F A C T , I T W A S R E T A L I A T I O N F O R
B E I N G P E R C E I V E D A S H A V I N G T H R E A T E N E D S H E R I F F ' S A N D I T B E G A N A T M Y B O O K I N G .

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7 H A B E A S C O R P U S
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11
12 I N A N D F O R T H E U N I T E D S T A T E S D I S T R I C T C O U R T O F C A L I F O R N I A , E A S T E R N D I S T R I C T .
13

14 T H I S R E T A L I A T I O N B Y J A I L D E P U T E E S A L S O T O O K T H E F O R M O F F A L S E A N D
15 I N V I D I O U S " D I S C I P L I N A R Y " A C T I O N S A N D S A N C T I O N S , I N C L U D I N G L O S S O F P R I V E L E G E S ,
16 V I S I T A T I O N W I T H M Y D A U G H T E R A N D O T H E R S A N D A N E A R P E R P E T U A L S T A T E O F
17 " C H A I N - A L L " S T A T U S . T H I S S T A T U S F U R T H E R P R E J U D I C E D M Y D E F E N S E A S I T F O R T I F I E D
18 P R O S E C U T O R S A T T E M P T S T O P A I N T M E A S V I O L E N T O R O U T O F C O N T R O L A S I
19 R O U T I N E L Y A P P E A R E D I N C O U R T I N H A N D C U F F S A N D L E G - I R O N S . I W O U L D P O I N T O U T
20 T O T H I S C O U R T , T H A T T H I S D E F E N D A N T H A S F I L E D N U M E R O U S L A W S U I T S A G A I N S T
21 S H A S T A C O U N T Y , M O S T O F W H I C H H A V E B E E N D I S M I S S E D F O R F A I L U R E T O
22 P R O S E C U T E . T H I S I S I M P O R T A N T B E C A U S E I T D E M O N S T R A T E S T H A T T H I S D E F E N D A N T
23 H A S M A D E T H E S E C L A I M S C O N S I S T E N T L Y , D E S P I T E H I S L E G A L I N E X P E R I E N C E A N D A L S O
24 B E C A U S E T H I S D E F E N D A N T W I S H E S T O I M P R E S S U P O N T H I S C O U R T T H A T T H E
25 C O N S T I T U T I O N A L V I O L A T I O N S T H I S D E F E N D A N T H A S A L L E G E D T O H A V E B E E N
26 C O M M I T T E D A G A I N S T H I M A R E S O N U M E R O U S , A G A I N S T S O M A N Y S E P A R A T E
27 D E F E N D A N T S , T H A T I T H A S B E E N N E A R L Y I M P O S S I B L E T O P R O S E C U T E T H E M I N
28 F E D E R A L C O U R T I N A N Y M E A N I N G F U L W A Y . I W O U L D A L S O R E S P E C T F U L L Y C A U T I O N
T H I S H O N O R A B L E C O U R T , T H A T T H I S D E F E N D A N T I S Q U I T E A W A R E T H A T H I S C L A I M S
A R E S O S E R I O U S A N D A G A I N S T S O M A N Y D E F E N D A N T S , T H A T I T W O U L D B E E A S Y T O
D I S C O U N T T H I S D E F E N D A N T S C L A I M S A S B E I N G T O O I N C R E D I B L E T O B E T R U E , B U T I
W O U L D R E S P E C T F U L L Y A S K T H I S C O U R T T O C O N S I D E R T H A T M A N Y O F M Y C L A I M S A R E
C L E A R F R O M T H E R E C O R D S T H E M S E L V E S A N D M A N Y M O R E A R E Q U I T E B E L I E V A B L E
W H E N O N E I S A C Q U A N I T E D W I T H T H E B A S I C P S Y C H O L O G I E S O F H O W P E O P L E B E H A V E .

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7 H A B E A S C O R P U S
8 S U P P L E M E N T A L B R I E F (C O N T .)
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10
11
12 I N A N D F O R T H E U N I T E D S T A T E S D I S T R I C T C O U R T O F C A L I F O R N I A , E A S T E R N D I S T R I C T
13

14 M Y F I N A L T H R E E L A W Y E R S W E R E M S S R S . J O H N C A R E L L I , T E D S O M E R S A N D R Y A N
15 B I R S S . M R . C A R E L L I (A F O R M E R S H A S T A C O U N T Y S H E R I F F) H A D M Y C A S E F O R
16 A P P R O X I M A T E L Y 5 M O N T H S A N D D I D A B S O L U T E L Y N O T H I N G T O P R E P A R E M Y C A S E T O
17 T R I A L . H E W A S R E M O V E D B Y W A Y O F T H E M A R S D E N P R O C E S S L I T E R A L L Y O N M Y T R I A L
18 D A T E . M R . C A R E L L I H A D O N A T L E A S T T W O O C C A S I O N S , M I S - R E P R E S E N T E D F A C T S T O
19 M Y J U D G E I N A N A T T E M P T T O H A V E H I M S E L F R E M O V E D F R O M M Y C A S E . H E H A D A L S O
20 S H A R E D I N F O R M A T I O N A B O U T M Y C A S E W I T H A S S O C I A T E S O F H I S A T T H E S H E R I F F ' S
21 D E P T . W H I L E M Y C A S E W A S P E N D I N G . H E D I D A B S O L U T E L Y N O T H I N G T O D E F E N D M E
22 F R O M B E I N G A S S A U L T E D A N D A B U S E D B Y J A I L D E P U T E E S A N D O U R R E L A T I O N S H I P W A S
23 M A R K E D B Y D I S T R U S T A N D C O N S T A N T D I S A G R E E M E N T S . M R . T E D S O M E R S (T H E O N L Y
24 A T T O R N E Y I N T H R E E A N D A H A L F Y E A R S T O W O R K M Y C A S E) B E G A N H I S
25 R E P R E S E N T A T I O N O F M E B Y M O V I N G T O R E M O V E J U D G E D A N F L Y N N F O R O B V I O U S
26 B I A S . M R . S O M E R S T H E N M O V E D F O R B A I L (D E N I E D) A N D M A D E A 1 7 (b) M O T I O N T O
27 D I S M I S S T H R E E O F T H E C R I M I N A L T H R E A T A L L E G A T I O N S F O R L A C K O F E V I D E N C E
28 (D E N I E D) . M R . S O M E R S B E L I E V E D C O M P L E T E L Y I N M Y I N N O C E N S E A N D D E C L A R E D T O
M E O N S E V E R A L O C C A S I O N S T H A T B O T H T H E D I S T R I C T A T T O R N E Y A N D T H E C O U R T
W A S B I A S A G A I N S T M E . T H I S I N C L U D E D M Y N E W J U D G E (C A R A B E A T T Y) . H E M A D E T H I S
D E T E R M I N A T I O N A F T E R J U D G E B E A T T Y A L L O W E D T H E D I S T R I C T A T T O R N E Y T O M A K E
F A L S E S T A T E M E N T S T O T H E J U D G E , T E L E G R A P H E D H E R D I S D A I N F O R H I S M O T I O N S
B E F O R E S H E H E A R D T H E M A N D B E L I T T L E D P E R S U A S I V E A U T H O R I T Y I N T H E . . .

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7 H A B E A S C O R P U S
8 S U P P L E M E N T A L B R I E F (C O N T .)
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11
12 I N A N D F O R T H E U N I T E D S T A T E S D I S T R I C T C O U R T O F C A L I F O R N I A , E A S T E R N D I S T R I C T
13

14 ..."HUMPHREYS" - ABILITY TO PAY BAIL DECISION) AND BY USING CIRCULAR LOGIC AND
15 PRESUMPTION OF INTENT TO DENY HIS SINGULARLY MERITORIOUS MOTION TO DISMISS
16 THREE OF THE CRIMINAL THREATS CHARGES AGAINST THIS DEFENDANT (A MOTION
17 THAT IF GRANTED, WOULD HAVE TAKEN MUCH WIND OUT OF THE PROSECUTIONS CASE
18 AND CHANGED THE ENTIRE COMPLEXION OF MY PROSECUTION). MR, SOMERS ALSO
19 ATTEMPTED TO SECURE FUNDING FOR A FORENSIC PSYCHIATRIST, BUT WAS DENIED
20 BY THE SUPERVISOR OF THE CONFLICT DEFENDERS FOR COST REASONS, A FURTHER
21 UNCONSTITUTIONAL, PREJUDICIAL AND TERMINAL BLOW TO MY RIGHTS AS A
22 DEFENDANT. UNFORTUNATELY, AFTER DOING MUCH GOOD, OR AT LEAST TRYING TO,
23 MR. SOMERS TRANFERRED BACK TO THE PUBLIC DEFENDERS OFFICE AND WAS
24 REMOVED FROM MY CASE. SO AFTER FURTHER DELAY, OF EIGHT MONTHS, WHILE I SAT
25 IN A JAIL CELL, I WAS STARTING OVER WITH LAWYER NUMBER TEN. WHICH BRINGS US
26 TO MY LAST LAWYER, AND ARGUABLY THE WORST. MR. RYAN BIRSS. MR. BIRSS' FIRST
27 WORDS TO ME, ON OUR FIRST MEETING WERE "I KNOW YOUR CASE IS REALLY FUCKED
28 UP, I'VE HEARD ALL ABOUT IT, I'M LIKE YOUR TENTH LAWYER AND NO-ONE IS PREPARING
YOUR CASE." THIS IS IMPORTANT TO NOTE BECAUSE IT INDICATES NOT ONLY THAT IT
WAS COMMON KNOWLEDGE AMONG THE LAWYERS IN DIVISION ONE THAT I WAS BEING
SCREWED OVER, BUT ALSO THAT MR. BIRSS CAME ON TO THE CASE KNOWING FULL
WELL THE TORTURED HISTORY OF MY CASE. BY THIS TIME, I NO LONGER BELIEVED
THAT ANY LAWYER WOULD PREPARE MY CASE, IN ANY REASONABLE AMOUNT OF....

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7 H A B E A S C O R P U S
8 S U P P L E M E N T A L B R I E F (C O N T .)
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10
11
12 I N A N D F O R T H E U N I T E D S T A T E S D I S T R I C T C O U R T O F C A L I F O R N I A , E A S T E R N D I S T R I C T
13

14 ...T I M E . T H E R E I S A S A Y I N G T H A T J U S T I C E D E L A Y E D I S J U S T I C E D E N I E D . W I T N E S S R O B
15 W I L L I S D I E D W H I L E I W A S I N J A I L . W I T N E S S E D W A R D M C G U I N E S S M O V E D A W A Y A N D
16 C O U L D N O T A G A I N B E L O C A T E D . M E M O R I E S F A D E D . I N O L O N G E R H A D F A I T H I N T H E
17 S Y S T E M O R M Y L A W Y E R S . I I N F O R M E D M R . B I R S S O F T H E E N T I R E H I S T O R Y O F T H E
18 C A S E A N D W H A T L I T T L E M Y P R E V I O U S L A W Y E R S H A D A C C O M P L I S H E D . I T O L D H I M T H A T
19 I H A D A L R E A D Y S E R V E D M O R E T I M E P R E - T R I A L T H A N I W A S E V E R L I K E L Y T O G E T I F I
20 W A S F O U N D G U I L T Y O F A L L C H A R G E S . I M A D E I T A B U N D A N T L Y C L E A R T H A T I W A S
21 M O S T L Y I F N O T E N T I R E L Y I N N O C E N T , T H A T I W A S O V E R - C H A R G E D A N D T H A T T H E C A S E
22 W A S H I G H L Y P O L I T I C I Z E D B E C A U S E O F P U B L I C I T Y A N D B E C A U S E M Y A L L E G E D V I C T I M S
23 W E R E L A W E N F O R C E M E N T . I T O L D H I M , A N D H E A G R E E D F U L L Y , T H A T T H E J U D G E W A S
24 B I A S A G A I N S T M E A N D T H A T I W A S N E V E R G O I N G T O G E T A F A I R T R I A L . I T O L D H I M T H A T ,
25 A T S O M E P O I N T , A D E F E N D A N T S H O U L D C O N C E N T R A T E O N G E T T I N G O U T O F J A I L A N D
26 T R Y T O A P P E A L T O A H I G H E R C O U R T , E V E N I F I T M E A N S T A K I N G A P L E A . I T O L D H I M T H A T
27 I H A D W A T C H E D N I N E O T H E R L A W Y E R S T A K E M O N T H S A N D Y E A R S T O D O V E R Y L I T T L E
28 O R N O T H I N G A N D T H A T I N M Y B E S T E S T I M A T I O N , T H E C A S E W A S O N L Y 1 5 P E R C E N T
P R E P A R E D F O R T R I A L . I T O L D M R . B I R S S T H A T N O M A T T E R W H A T P R O M I S E S H E M A D E
T O M E O R H O W S I N C E R E H E S E E M E D T O B E , T H A T I D I D N O T T H I N K H E W A S G O I N G T O
B E A N Y B E T T E R . I T O L D H I M T H E L A W G U A R A N T E E S S P E E D Y T R I A L A N D T H A T I H A D
A L R E A D Y B E E N D E N I E D T H A T L O N G B E F O R E , B U T T H A T I W O U L D G I V E H I M 6 0 D A Y S . . .

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7 H A B E A S C O R P U S
8 S U P P L E M E N T A L B R I E F (C O N T .)
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10
11
12 I N A N D F O R T H E U N I T E D S T A T E S D I S T R I C T C O U R T O F C A L I F O R N I A , E A S T E R N D I S T R I C T
13

14 ... (T H E T I M E A L L O T T E D B Y L A W T O E N S U R E S P E E D Y T R I A L R I G H T) , T O P R E P A R E M Y
15 C A S E . I M A D E A B S O L U T E T L Y C L E A R T O H I M , T H A T I W A S M E N T A L L Y F A T I G U E D F R O M
16 B E I N G I N J A I L F O R T H R E E Y E A R S A N D F O U R M O N T H S , T H A T I H A D S E R I O U S M E N T A L
17 P R O B L E M S T H A T W E R E N O T B E I N G T R E A T E D I N T H E J A I L , T H A T I H A D N O T S E E N M Y
18 D A U G H T E R O R M Y H O M E F O R T H A T E N T I R E T I M E , T H A T N O N E O F M Y L A W Y E R S (E X C E P T
19 T E D S O M E R S) H A D P E R F O R M E D . I M A D E I T A B S O L U T E L Y C L E A R , T H A T G U I L T Y O R N O T , I
20 W A N T E D T O G O H O M E . I M A D E P E R F E C T L Y , C R Y S T A L L I N E , A N D I M M I N E N T L Y C L E A R T O
21 A T T O R N E Y R Y A N H . B I R S S , T H A T I F H E D I D N O T P R E P A R E M Y C A S E F O R T R I A L I N 6 0
22 D A Y S , T H A T I W A S G O I N G T O T A K E A P L E A , T H A T I T W O U L D B E F U L L Y C O E R C E D , T H A T I
23 W O U L D B E T A K I N G I T F O R T H E S A K E O F G E T T I N G O N W I T H M Y L I F E A N D M Y D A U G H T E R
24 H A V I N G A F A T H E R I N H E R L I F E . I A L S O E X P L A I N E D T O M R . B I R S S , T H A T W H I L E I T W A S
25 I L L E G A L F O R H I M T O E N T E R M Y P L E A K N O W I N G I T W A S C O E R C E D , I W O U L D D O I T I F H E
26 A G R E E D T O H E L P M E N O T I C E T H E C O U R T T H A T T H E P L E A W A S C O E R C E D A S S O O N A S I
27 W A S O U T O F J A I L A N D T H E C O U R T C O U L D N O L O N G E R E X P L O I T M Y C U S T O D I A L
28 H A N D I C A P . H E F U L L Y A G R E E D A N D W E H A D T H I S C O N V E R S A T I O N S E V E R A L T I M E S I N A S
M A N Y M O N T H S . A F T E R 6 0 D A Y S , S I T T I N G I N A J A I L C E L L , M E N T A L L Y I L L , S U I C I D A L A N D
F E E L I N G A S T H O U G H M Y W H O L E L I F E H A D B E E N T A K E N A W A Y , M R . B I R S S H A D N O T H I N G ,
N O T H I N G W H A T S O E V E R T O S H O W F O R T H E 6 0 D A Y S O F M Y L I F E I H A D G I V E N H I M , T O
S I M P L Y P R E P A R E A M E A N I N G F U L D E F E N S E T O M Y C H A R G E S . A L L I G O T W E R E E X C U S E S . .

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7 H A B E A S C O R P U S
8 S U P P L E M E N T A L B R I E F (C O N T .)
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12 I N A N D F O R T H E U N I T E D S T A T E S D I S T R I C T C O U R T O F C A L I F O R N I A , E A S T E R N D I S T R I C T
13

14 ...FROM HIM. HE HAD "MEANT" TO CONTACT A WITNESS, BUT HIS SECRETARY WAS OUT
15 OF TOWN. HE WAS "GOING TO" ASK THE CONFLICT DEFENDER AGAIN TO FUND A
16 FORENSIC PSYCHIATRIST, BUT THE SUPERVISOR WAS ON SICK LEAVE. HE WAS
17 "SERIOUSLY CONSIDERING" FILING A MOTION TO DISMISS FOR SPEEDY TRIAL, BUT WAS
18 "WORKING ON OTHER CASES AND DIDN'T GET AROUND TO IT" I HAD HEARD SIMILAR
19 EXCUSES FOR NEARLY THREE YEARS FROM NINE OTHER LAWYERS. I MET SEVERAL
20 TIMES WITH MR. BIRSS DURING THAT TIME AND MOST OF THOSE TIMES MY
21 INVESTIGATOR DONALD LUSTER WAS PRESENT. I WAS POLITE AND CO-OPERATIVE AND
22 TOLD MR. BIRSS WHAT MY DEFENSES WERE AND WHAT NEEDED TO BE PREPARED JUST
23 AS I HAD WITH ALL OF MY OTHER ATTORNEYS. I TOLD MR. BIRSS AND MR. LUSTER
24 REPEATEDLY THAT THE ENDLESS DELAYS WERE A VIOLATION OF MY RIGHTS TO SPEEDY
25 TRIAL AND REMINDED THEM THAT I WAS IN CUSTODY. I TOLD THEM NUMEROUS TIMES
26 THAT IF MY CASE WAS NOT PREPARED SOON, THAT I WAS GOING TO ALLOW MY PLEA TO
27 BE COERCED, BECAUSE THERE WAS SIMPLY NO REASON TO CONTINUE MY
28 INCARCERATION UN-NECESSARILY WHEN IT WAS QUITE CLEAR THAT NO LAWYER WAS
GOING TO PREPARE MY CASE. THIS HONORABLE COURT MUST BELIEVE ME WHEN I SAY
THAT MY TREATMENT BY MY LAWYERS HAD LONG-BEFORE ALREADY CROSSED THE
RUBICON INTO BEING ABUSIVE AND DELIBERATELY INDIFFERENT TO MY RIGHTS, MY
LENGTHY INCARCERATION AND MY DETERIORATING MENTAL STATE. MR. BIRSS JUST
DIDN'T GIVE A DAMN AND NO-ONE WAS GOING TO HOLD HIS FEET TO THE FIRE.

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7 H A B E A S C O R P U S
8 S U P P L E M E N T A L B R I E F (C O N T .)
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11
12 I N A N D F O R T H E U N I T E D S T A T E S D I S T R I C T C O U R T O F C A L I F O R N I A , E A S T E R N D I S T R I C T
13

14 D U R I N G T H E E N T I R E P E N D E N C Y O F M Y C A S E S , I H A D M A D E R E P E A T E D O B J E C T I O N S
15 V E R B A L L Y T O T H E C O U R T , A S W E L L A S H A B E A S I N T H E S U P E R I O R C O U R T A N D W R I T T E N
16 M O T I O N S , T H A T M Y R I G H T S U N D E R T H E C O N S T I T U T I O N T O E F F E C T I V E A S S I S T A N C E O F
17 C O U N S E L , D U E P R O C E S S A N D S P E E D Y T R I A L W E R E B E I N G V I O L A T E D . N O N E O F T H E S E
18 M O T I O N S W E R E E V E R R U L E D U P O N B Y T H E C O U R T . I R E Q U E S T E D N U M E R O U S T I M E S
19 T H A T A T T O R N E Y S F I L E S I M I L A R M O T I O N S A N D N O N E O F M Y A T T O R N E Y S F O L L O W E D
20 T H R O U G H W I T H T H E I R P R O M I S E T O D O S O . T O B E C L E A R , M Y A T T O R N E Y S W E R E
21 U N I F O R M L Y I N A G R E E M E N T W I T H M E T H A T M Y R I G H T S W E R E B E I N G V I O L A T E D A N D
22 W E R E W I L L I N G T O F I L E S U C H M O T I O N S , B U T S I M P L Y N E V E R D I D . S E V E R A L A T T O R N E Y S ,
23 I N C L U D I N G N O R T H A M , S O M E R S A N D B I R S S T O L D M E O N S E V E R A L O C C A S I O N S T H A T I
24 W A S O V E R C H A R G E D , T H A T M Y C A S E S W E R E B E I N G P O L I T I C I Z E D B E C A U S E M Y A L L E G E D
25 V I C T I M S W E R E L A W E N F O R C E M E N T A N D T H A T T H E C O U R T A N D P R O S E C U T I O N W E R E
26 B I A S E D A G A I N S T M E . M R . S O M E R S (M Y N I N T H A N D N E X T T O L A S T L A W Y E R) T O L D A T
27 L E A S T T W O J U D G E S , T H A T M Y P R E V I O U S A T T O R N E Y S H A D S U P P R E S S E D M Y C A S E S
28 A N D T H A T I D I D H A V E C O G E N T D E F E N S E S T H A T H E W A S P R E P A R I N G , B U T T H A T
P R E V I O U S L A W Y E R S H A D F A I L E D I N T H E I R D U T Y T O P R E P A R E . I B E L I E V E T H I S I S V E R Y
S T R O N G E V I D E N C E T H A T A N Y A R G U M E N T T H A T I S O M E H O W D I D N O T H A V E A D E F E N S E
O R T H A T L A W Y E R S H A D D O N E A L L T H E Y C O U L D , S H O U L D B E S T R O N G L Y D I S C O U N T E D .
I A L S O B E L I E V E , T H A T B E C A U S E I T W A S M Y N I N T H L A W Y E R , N E A R L Y T H R E E Y E A R S . . .

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7 H A B E A S C O R P U S
8 S U P P L E M E N T A L B R I E F (C O N T .)
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10
11 I N A N D F O R T H E U N I T E D S T A T E S D I S T R I C T C O U R T O F C A L I F O R N I A , E A S T E R N D I S T R I C T
12

13
14 ...I N T O T H E P E N D E N C Y O F M Y C A S E S , T H A T I T C R E A T E S A G R A V E D O U B T I F M Y
15 D E F E N S E W A S N O T A L R E A D Y U N R E C O V E R A B L E B Y T H A T P O I N T . I N A N Y C A S E , F O R M R .
16 S O M E R S T O S A Y T H E T H I N G S H E S A I D A N D T O S O O N T H E R E A F T E R W I T H D R A W F R O M M Y
17 C A S E G I V E S R I S E T O Q U E S T I O N S A B O U T W H E T H E R F U R T H E R D E L A Y W A S N O T
18 E X T R E M E L Y P R E J U D I C I A L , W H E T H E R T H E N E X T L A W Y E R W O U L D P I C K U P W H E R E M R .
19 S O M E R S H A D L E F T O F F O R W O U L D S I M P L Y U N D E R P E R F O R M L I K E T H E P R E V I O U S
20 L A W Y E R S A N D I N W H A T M E N T A L S T A T E H I S W I T H D R A W A L W O U L D L E A V E T H E
21 D E F E N D A N T . I B E L I E V E T H A T I W A S A L R E A D Y T H O R O U G H L Y D I S C O U R A G E D . W H A T E V E R
22 H O P E , O R F A I T H I N T H E S Y S T E M A N D M Y L A W Y E R S T H A T M R . S O M E R S H A D G I V E N M E B Y
23 V I G O R O U S L Y D E F E N D I N G M E , W A S S U R E L Y L O S T A T H I S D E P A R T U R E . I R E M E M B E R
24 T H I N K I N G T H A T I F I T T O O K N I N E L A W Y E R S B E F O R E I H A D O N E T H A T W O U L D F I G H T , H O W
25 M A N Y M O R E L A W Y E R S W O U L D I H A V E T O W A I T F O R I N A J A I L C E L L , B E F O R E O N E W O U L D
26 F I G H T A G A I N ? I D O B E L I E V E , T H A T H A D M R . S O M E R S R E M A I N E D O N M Y C A S E , H E W O U L D
27 H A V E S O O N A F T E R M O V E D T O R E C U S E J U D G E B E A T T Y . H E W O U L D H A V E M A D E
28 N U M E R O U S M O T I O N S T O D I S M I S S F O R D U E P R O C E S S A N D S P E E D Y T R I A L A N D H E
W O U L D H A V E A P P E A L E D A N Y N E G A T I V E D E C I S I O N S T O H I G H E R C O U R T S . I B E L I E V E
T H A T I T S H O W S T H E G R E A T E S T C O N T R A S T I N M Y C A S E S B E T W E E N A D I L I G E N T L A W Y E R
A N D A N I N E F F E C T I V E O N E B Y S I M P L Y C O M P A R I N G M R . S O M E R S T O M R . N O R T H A M . O N E
L A W Y E R C H A L L E N G E D H I S C L I E N T S T R E A T M E N T B Y T H E C O U R T A N D O N E R E M A I N E D
S I L E N T . O N E L A W Y E R R E S P E C T E D H I S C L I E N T S V E R Y R E A S O N A B L E L I N E S O F D E - ...

1
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3 P.O. BOX 881
4 FOWLER, CA. 93625
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6

7 H A B E A S C O R P U S
8 S U P P L E M E N T A L B R I E F (C O N T .)
9

10
11 I N A N D F O R T H E U N I T E D S T A T E S D I S T R I C T C O U R T O F C A L I F O R N I A , E A S T E R N D I S T R I C T
12

13
14 ...FENSE AND ONE SPENT THE ENTIRETY OF 17 MONTHS FIGHTING WITH HIS OWN
15 CLIENT AND REFUSING TO DO ANYTHING THAT WOULD BENEFIT HIS CLIENT (UNLESS
16 YOU COUNT TRYING TO HAVE HIM DECLARED INCOMPETENT AND SENT TO STATE
17 HOSPITAL, WHICH I DO NOT). TO CONTINUE WITH MR. BIRSS, I TOLD HIM UPON OUR
18 FIRST MEETING THAT NO MATTER HOW DISCOURAGED I WAS BY THE PERFORMANCE OF
19 PREVIOUS ATTORNEYS, I WAS WILLING TO GIVE HIM A FAIR CHANCE TO SHOW ME THAT
20 HE WOULD DILIGENTLY DEFEND ME. HE ASSURED ME THAT HE UNDERSTOOD MY
21 ON-GOING DILEMNA AND THAT I WAS MENTALLY FATIGUED. HE ASSURED ME THAT HE
22 WOULD FIGHT. AFTER THE INITIAL 60 DAYS I GAVE HIM TO PREPARE AND AFTER WHICH
23 HE HAD DONE NOT ONE SINGLE THING TO PREPARE MY DEFENSE, HAD NOT FILED ONE
24 MOTION HE PROMISED TO FILE, HAD NOT INVESTIGATED ONE FACT IN ORDER TO
25 PREPARE FOR A TRIAL, I GAVE HIM ANOTHER 60 DAYS. I SAT IN JAIL, DEPRESSED AND
26 SUICIDAL, BEING HELD FOR THE ENTIRETY OF MY INCARCERATION IN ADMINISTRATIVE
27 SEGREGATION, BEING ABUSED PHYSICALLY AND MENTALLY BY JAIL DEPUTEES AND I
28 WAITED ANOTHER 60 DAYS FOR MY LAWYER TO DO HIS JOB. I TOLD MR. BIRSS AGAIN. IN
FACT SEVERAL MORE TIMES, THAT IF HE DID NOT PREPARE MY CASE FOR TRIAL, I WAS
GOING TO ALLOW MY PLEA TO BE COERCED BY THE COURT SO I COULD END MY VERY
LENGTHY AND PSYCHOLOGICALLY DAMAGING INCARCERATION. IN FACT, I TOLD HIM, AT
THIS POINT I BELIEVE IT IS WHAT THE COURT IS WAITING FOR. I BELIEVE IT IS MORE OR
LESS DELIBERATE AND I DO NOT BELIEVE I WILL EVER GET A FAIR TRIAL.

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7 H A B E A S C O R P U S
8 S U P P L E M E N T A L B R I E F (C O N T .)
9

10
11
12 I N A N D F O R T H E U N I T E D S T A T E S D I S T R I C T C O U R T O F C A L I F O R N I A , E A S T E R N D I S T R I C T
13

14 D U R I N G T H E P E N D E N C Y O F M Y C A S E S , I W A S O F F E R E D S E V E R A L P L E A A G R E E M E N T S
15 B Y T H E A S S I G N E D D E P U T Y D I S T R I C T A T T O R N E Y S F O R N O S T R I K E D E A L S A N D E I T H E R
16 T I M E S E R V E D O R S M A L L E R P R I S O N S E N T E N C E S T H A N I U L T I M A T E L Y S E R V E D A N D W A S
17 S E N T E N C E D T O . I N E A C H C A S E , W H E N I A G R E E D T O T H E S E P L E A A G R E E M E N T S , T H E Y
18 W E R E T H E N W I T H D R A W N B E C A U S E T H E D I S T R I C T A T T O R N E Y I N T E R V E N E D A N D
19 D E M A N D E D A H A R S H E R S E N T E N C E . I B E L I E V E T H A T T H E D E P U T Y D I S T R I C T A T T O R N E Y S
20 W E R E A C T I N G M O R E O R L E S S I N G O O D F A I T H , B U T T H A T T H E D I S T R I C T A T T O R N E Y
21 H E R S E L F W A S I N T E N T O N O V E R P U N I S H I N G M E T O D E M O N S T R A T E T H A T S H E W O U L D
22 B E " T O U G H " O N A N Y O N E W H O W A S P E R C E I V E D T O H A V E T H R E A T E N E D L A W E N F O R C E -
23 M E N T O F F I C I A L S . B E C A U S E S H E W A S N O T A S F A M I L I A R W I T H T H E F A C T S A S T H E
24 D E P U T Y A T T O R N E Y S W E R E , I B E L I E V E T H I S P R E J U D I C E D T H E P R O C E S S . T H E D E P U T Y
25 A T T O R N E Y S W E R E O F F E R I N G D E A L S T H A T W E R E C O M M E N S U R A T E W I T H T H E F A C T T H A T
26 T H E S T A T E D I D N O T H A V E G O O D C A S E S A G A I N S T M E . W H I L E T H E D I S T R I C T A T T O R N E Y
27 S I M P L Y D I D N O T C A R E A B O U T T H E F A C T S O F T H E C A S E . T H I S I N T E R F E R E D W I T H B O T H
28 T H E N O R M A L P L E A A G R E E M E N T P R O C E S S , B U T A L S O M Y T R U S T I N M Y A T T O R N E Y S .
T H I S P R A C T I C E C O N T I N U E D L I T E R A L L Y U P T O T H E M O M E N T O F M Y A C T U A L P L E A .
A L R E A D Y F A T I G U E D A N D H A V I N G N O F A I T H W H A T S O E V E R I N T H E P R O C E S S , I W A S
O F F E R E D A P L E A A G R E E M E N T F O U R D A Y S B E F O R E M Y F I N A L P L E A F O R O N E S T R I K E ,
T I M E - S E R V E D A N D I W O U L D R E T A I N M Y F U L L A P P E A L R I G H T S . H O W E V E R , W H E N I
A C C E P T E D T H I S P L E A , M Y A T T O R N E Y I N F O R M E D M E I T W A S A G A I N W I T H D R A W N A N D . . .

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7 H A B E A S C O R P U S
8 S U P P L E M E N T A L B R I E F (C O N T .)
9

10
11
12 I N A N D F O R T H E U N I T E D S T A T E S D I S T R I C T C O U R T O F C A L I F O R N I A , E A S T E R N D I S T R I C T
13

14 ...I W O U L D N O W H A V E T O P L E A D T O T W O S T R I K E S . I C A N N O T S T R E S S U P O N T H E C O U R T
15 E N O U G H , T H A T I W A S N O T I N M Y R I G H T M I N D A T A L L A T T H I S P O I N T A N D I W A S
16 L I T E R A L L Y S I C K A T T H E R O L L E R - C O A S T E R O F E V E N T S I N M Y C A S E . I R E M E M B E R
17 T E L L I N G M Y A T T O R N E Y A T T H I S P O I N T , T H A T I S I M P L Y D I D N ' T C A R E A N Y M O R E . I F T H E Y
18 W E R E C O N T E N T T O S I M P L Y W E A R M E D O W N U N T I L I T O O K A N Y T H I N G T H E Y W E R E
19 O F F E R I N G , I N O L O N G E R H A D T H E S T R E N G T H T O F I G H T T H E M . I T R U L Y B E L I E V E D , T H A T I
20 H A D D E M O N S T R A T E D C L E A R L Y F O R T H E R E C O R D W H A T W A S T R A N S P I R I N G I N M Y
21 C A S E S , T H E L A C K O F C O M P E T E N T R E P R E S E N T A T I O N W A S C L E A R , M Y W I L L I N G N E S S T O
22 C O N T I N U E T O P R O T E S T M Y I N N O C E N S E W A S C L E A R , T H E C O M P L E T E L A C K O F D U E
23 P R O C E S S W A S C L E A R . I T W A S T I M E T O A V A I L M Y S E L F T O H I G H E R C O U R T S . M Y L A W Y E R
24 T H E N I N F O R M E D M E T H A T T H E J U D G E (C A R A B E A T T Y) W A S D E M A N D I N G T H A T I W A I V E
25 M Y A P P E A L R I G H T S I F I A C C E P T E D T H I S A G R E E M E N T . I R E M E M B E R S H O U T I N G A T M Y
26 L A W Y E R " S H E C A N ' T D O T H A T , I T ' S I L L E G A L " . I C O U L D N O T F A T H O M U N D E R W H A T
27 L E A G A L T H E O R Y T H E J U D G E C O U L D R E J E C T A P L E A A G R E E M E N T B A S E D U P O N A
28 D E F E N D A N T W A I V I N G A P P E A L R I G H T S . O N E C O U L D S A Y T H A T M Y T H I N K I N G W A S
C O G E N T A T T H I S T I M E B E C A U S E I U N D E R S T O O D W H A T W A S H A P P E N I N G A N D W A S
C O M M U N I C A T I N G W I T H M Y L A W Y E R , B U T I N F A C T , I W A S N O L O N G E R A C T I N G W I S E L Y
I N M Y B E S T I N T E R E S T . W H A T I W A S D O I N G W A S T H R O W I N G I N T H E T O W E L . I R E M E M B E R
L A U G H I N G V E R Y S A R C A S T I C A L L Y A T M Y L A W Y E R A T T H I S P O I N T A N D T E L L I N G H I M " I
D O N ' T C A R E A N Y M O R E , I T ' S A L L B E E N D I R T Y T R I C K S . T H E Y A R E N ' T G O I N G T O Q U I T . . .

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7 H A B E A S C O R P U S
8 S U P P L E M E N T A L B R I E F (C O N T .)
9

10
11
12 I N A N D F O R T H E U N I T E D S T A T E S D I S T R I C T C O U R T O F C A L I F O R N I A , E A S T E R N D I S T R I C T
13

14 ...UNTIL THEY COERCE MY PLEA". I INSTRUCTED MY LAWYER TO ACCEPT THE PLEA, BUT
15 ONLY AFTER STRENUOUSLY OBJECTING TO THE JUDGES DEMAND THAT I WAIVE MY
16 APPEAL RIGHTS, WHICH HE DID. I CANNOT STRESS ENOUGH TO THE COURT, THAT I WAS
17 UNDER THE FULL BELIEF THAT MY ATTORNEY WOULD KEEP HIS PROMISE TO WAIT UNTIL
18 I WAS OUT OF CUSTODY AND THEN INFORM THE COURT THAT THE PLEA WAS COERCED.
19 MY ATTORNEY AND I HAD DISCUSSED ON NUMEROUS OCCASIONS, THAT WE BOTH FELT
20 THAT THIS WAS NOT AN ORDINARY CASE OR CIRCUMSTANCE. WE BOTH HAD AGREED
21 THAT THE COURT WAS ESSENTIALLY BIAS AGAINST ME, OR AT LEAST INDIFFERENT TO
22 MY DUE PROCESS RIGHTS. WE BOTH AGREED THAT THE COURT WAS ESSENTIALLY
23 EXPLOITING MY CUSTODIAL HANDICAP IN ORDER TO FORCE MY PLEA. OUR AGREED
24 UPON LEGAL STRATEGY WAS TO GET ME OUT OF JAIL WHERE I COULD MORE EASILY
25 GET LEGAL HELP AND CONTACT HIGHER COURTS. THIS STRATEGY INCLUDED ENTERING
26 INTO A DELIBERATELY COERCED PLEA. I BELIEVE THAT THIS COURT SHOULD SERIOUSLY
27 CONSIDER THAT IN THESE CASES, FOR WHATEVER REASON, THE JUDGES WERE NOT
28 ATTEMPTING TO SAFEGUARD MY RIGHTS IN ANY WAY. IT WOULD BE LUDICROUS FOR
ANYONE TO SAY THAT THE COURT COULD NOT SEE WHAT WAS GOING ON AND HOW
IT WAS IMPACTING MY RIGHTS. I HAD BEEN IN JAIL OVER THREE YEARS. I HAD REJECTED
MULTIPLE PLEA AGREEMENTS. I WAS DENIED MEANINGFUL BAIL AND BAIL HEARING. I
HAD REMOVED ONE JUDGE FOR BIAS. I HAD REMOVED SEVERAL ATTORNEYS BY WAY OF
THE MARS DEN PROCESS. WHAT, PRECISELY DID THEY THINK WAS GOING ON?

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7 H A B E A S C O R P U S
8 S U P P L E M E N T A L B R I E F (C O N T .)
9

10
11
12 I N A N D F O R T H E U N I T E D S T A T E S D I S T R I C T C O U R T O F C A L I F O R N I A , E A S T E R N D I S T R I C T
13

14 I N H E R R E M A R K S A T M Y P L E A H E A R I N G , J U D G E B E A T T Y S A I D E S S E N T I A L L Y T H A T S H E
15 W A S G O I N G T O D E M A N D M Y W A I V E R O F A P P E L L A T E R I G H T S B E C A U S E I " W A S A G O O D
16 W R I T E R " . S H E W A S R E F E R R I N G T O M Y M A N Y H A B E A S A N D M O T I O N S T O T H E C O U R T ,
17 W H E R E I N I H A D M A D E S O M E V E R Y G O O D L E G A L A R G U M E N T S . T H E O N L Y C O N C L U S I O N
18 O N E C A N D R A W F R O M T H I S E X C H A N G E I S T H A T T H E J U D G E W A S O P E N L Y S T A T I N G T H A T
19 S H E W A S G O I N G T O B L O C K M Y A P P E A L S S O T H A T T H E C A S E W O U L D N ' T B E
20 O V E R T U R N E D . T H I S I S A H I G H L Y I N F L A M M A T O R Y A N D P R E J U D I C I A L P O S I T I O N T O T A K E .
21 I D O N O T H A V E T O R E M I N D T H I S C O U R T T H A T J U D G E S A R E S U P P O S E D T O B E I M P A R T I A L .
22 T H E Y A R E N O T S U P P O S E D T O T A K E D E F E N S I V E S T A N C E S T O B U L W A R K A B A D C A S E , B U T
23 T H I S I S P R E C I S E L Y W H A T J U D G E B E A T T Y D I D . T H I S I S C L E A R F R O M T H E R E C O R D I T S E L F
24 A N D H E R O W N C O M M E N T S . A G A I N , T H O R O U G H L Y D I S G U S T E D A N D F A T I G U E D , I S I M P L Y
25 D I D N ' T C A R E A N Y M O R E . T H E W R I T I N G W A S O N T H E W A L L A S T H E Y S A Y . I T R U S T E D M Y
26 L A W Y E R T O H E L P M E C H A L L E N G E T H E P L E A A S S O O N A S I W A S O U T O F C U S T O D Y . I N -
27 S T E A D M Y L A W Y E R B E T R A Y E D T H A T T R U S T A N D R E F U S E D T O H E L P M E A F T E R I W A S
28 S E N T E N C E D . T H E D I S T R I C T A T T O R N E Y A N D T H E C O U R T T H E N R E T A L I A T E D F U R T H E R B Y
P L A C I N G M E O N P A R O L E (E V E N T H O U G H I H A D S E R V E D M O R E T I M E T H A N T H E Y W E R E
O R C O N C E I V A B L Y C O U L D S E N T E N C E M E T O) A N D T H E D . A . T H E N M A N I P U L A T E D P A R O L E
T O H A V E M Y P A R O L E B E S E R V E D I N F R E S N O C O U N T Y (S O M E 4 0 0 M I L E S A W A Y) . P A R O L E
W O U L D G O O N T O R E F U S E T O L E T M E T R A V E L B A C K T O S H A S T A T O A T T E N D F A M I L Y . . .

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6
7 H A B E A S C O R P U S
8 S U P P L E M E N T A L B R I E F (C O N T .)
9

10 I N A N D F O R T H E U N I T E D S T A T E S D I S T R I C T C O U R T O F C A L I F O R N I A , E A S T E R N D I S T R I C T .
11

12
13 ...COURT, TO MAINTAIN MY PROPERTY IN SHASTA COUNTY OR TO ACCESS MY FORMER
14 LAWYERS AND WITNESSES TO ATTEMPT TO PREPARE MY CASE TO THE HIGHER COURTS.
15 THIS RESTRICTION UPON MY TRAVEL TO SHASTA COUNTY DID FURTHER IMPAIR MY
16 EFFORTS TO BRING FACTS TO LIGHT AND TO PREPARE ANY APPEALS OR PETITIONS IN A
17 TIMELY MANNER. WHEN I WAS ASSIGNED AN APPELATE LAWYER (MRS. CONNESS
18 THOMPSON), SHE TOLD ME MY CASE WAS "ONE OF THE WORST CASES SHE HAS EVER
19 SEEN", BUT THAT, BECAUSE I HAD "WAIVED" MY DIRECT APPEAL, SHE WAS ONLY
20 ALLOWED TO BRING UP ISSUES OF MY SENTENCING. SHE STRENUOUSLY SUGGESTED
21 THAT I FILE A HABEAS CORPUS MOTION ONCE MY DIRECT APPEAL (SUCH AS IT WAS),
22 WAS CONCLUDED. I DID FILE THIS PETITION PREVIOUSLY, BUT WAS DIRECTED BY THE
23 (EASTERN DISTRICT) JUDGE TO WAIT UNTIL ALL MY APPEALS WERE EXHAUSTED. AS OF
24 THIS DATE, ALL MY APPEALS HAVE BEEN DENIED OR ABANDONED ON THE ADVICE OF
25 MRS. THOMPSON. I WAS ADVISED BY MRS. THOMPSON, THAT HABEAS CORPUS IS THE
26 ONLY RELIEF AVAILABLE TO A DEFENDANT WHO HAS BEEN DENIED OR HAS WAIVED
27 DIRECT APPEAL AND/ OR WHO WISHES TO RAISE DUE PROCESS OR INEFFECTIVE
28 ASSISTANCE OF COUNSEL CLAIMS. I HAVE SPENT MUCH OF THIS TIME ATTEMPTING TO
GET LAWYERS AND INVESTIGATORS IN MY CASE TO PROVIDE DECLARATIONS TO
PROVIDE TO THE HIGHER COURT IN ORDER TO CLARIFY CERTAIN ASPECTS OF THE
CASE. IT TOOK UNTIL 2019 TO GET A DECLARATION FROM MY PRIMARY INVESTIGATOR,
MR. DONALD LUSTER. IN HIS DECLARATION. MR. LUSTER ADMITS THAT COUNSEL WERE
INEFFECTIVE, THAT THIS PETITIONER WAS DENIED DUE PROCESS AND THAT THIS

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6

7 H A B E A S C O R P U S
8 S U P P L E M E N T A L B R I E F (C O N T .)
9

10 I N A N D F O R T H E U N I T E D S T A T E S D I S T R I C T C O U R T O F C A L I F O R N I A , E A S T E R N D I S T R I C T .
11

12 ...WAS HELD, ESSENTIALLY, AS A POLITICAL PRISONER. I HAVE ASKED DONALD TO
13 CLARIFY WHAT HE MEANS BY THIS ON SEVERAL OCCASIONS AND HE IS ADAMANT THAT,
14 IN HIS OPINION, THIS PETITIONER WAS HELD IN JAIL DELIBERATELY BY THE COURT AS A
15 TACTIC TO EXPLOIT THIS PETITIONER'S CUSTODIAL HANDICAP, SPECIFICALLY BECAUSE
16 THE DISTRICT ATTORNEY HAD POLITICIZED MY CASES, BOTH BECAUSE OF PRESS
17 COVERAGE, AS WELL AS TO "DEFEND THE HONOR" OF THE POLICEMEN I WAS ALLEGED
18 TO HAVE THREATENED. IN DONALD'S OPINION, AND THIS PETITIONER DOES AGREE, THE
19 DISTRICT ATTORNEY WAS SO BLINDED BY HER INDIGNANCE AND ZEAL, THAT MY
20 PRE-TRIAL INCARCERATION AND PROSECUTION BECAME MERE AFTER-THOUGHTS OF
21 HER HELL-BENT DETERMINATION TO PUNISH ME EXCESSIVELY AND AT ALL COSTS.
22 OBVIOUSLY THIS IS A BIAS AND AMOUNTS TO DELIBERATE INDIFFERENCE TO MY CIVIL
23 RIGHTS AND, ONCE AGAIN, I HAVE BEEN FORCED TO ALLEGE AS SUCH IN A SECTION
24 1983 (CIVIL RIGHTS) ACTION IN THE EASTERN DISTRICT. I HAVE BEEN IN CONTACT WITH
25 ATTORNEY'S NORTHAM AND BIRSS, TO ELICIT A DECLARATION FROM THEM AS WELL.
26 NORTHAM HAS MADE STATEMENT'S SINCE MY SENTENCE, THAT THE COURT WAS
27 BIASED AGAINST ME, THAT THE COURT WAS GOING TO "GET ME" ONE WAY OR ANOTHER
28 AND THAT IT WAS HIS BELIEF THAT I HAD TO PLEAD N.G.I. IN ORDER TO GET A
PSYCHIATRIC DEFENSE. HE HAS PROMISED TO WRITE ME A DECLARATION ON SEVERAL
OCCASIONS BECAUSE HE "THINKS I KIND OF GOT SCREWED", BUT HAS NEVER
FOLLOWED THROUGH. LIKewise, MR. BIRSS HAS READILY ACKNOWLEDGED AND
ADMITTED TO MUCH OF WHAT I HAVE ALLEGED HERE AND HAS PROMISED TO...

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6 H A B E A S C O R P U S
7 S U P P L E M E N T A L B R I E F (C O N T .)
8
9

10 I N A N D F O R T H E U N I T E D S T A T E S D I S T R I C T C O U R T O F C A L I F O R N I A , E A S T E R N D I S T R I C T .
11

12 ...WRITE A DECLARATION AS WELL, BUT AGAIN CONSISTENTLY FAILS TO FOLLOW
13 THROUGH. AS OF THIS DATE (12-22-20), I AM STILL ATTEMPTING TO GET MR. BIRSS TO
14 FOLLOW THROUGH WITH HIS PROMISE. I WOULD RESPECTFULLY INFORM THIS COURT,
15 THAT I WOULD NOT HAVE TAKEN THE PLEA I TOOK IF I HAD NOT BEEN RELYING ON MR.
16 BIRSS' PROMISE TO IMMEDIATELY CHALLENGE THE PLEA AND I BELIEVE THAT MR. BIRSS
17 IS RELUCTANT TO ADMIT THIS FACT. I HAVE TOLD HIM ON NUMEROUS OCCASIONS THAT
18 I DO NOT BELIEVE THAT IT WAS WRONG FOR HIM TO KNOWINGLY ENTER A COERCED
19 PLEA, GIVEN THE TORTURED CIRCUMSTANCES OF MY CASE AND MY INCARCERATION,
20 ONLY THAT HE NEEDS TO FOLLOW THROUGH WITH HIS PROMISE TO ADVISE THE COURT
21 OF THE TRUE NATURE OF THE PLEA. I HAVE TOLD HIM THAT, BY ENTERING THE
22 COERCED PLEA, HE WAS ONLY ATTEMPTING TO DO WHAT WAS RIGHT FOR HIS CLIENT,
23 WHICH SHOULD BE HIS PRIMARY OBJECTIVE. MY CASE WAS NOT AN ORDINARY CASE BY
24 ANY MEANS. IT WAS OUR BELIEF, AND WE WERE IN FULL AGREEMENT, THAT THE COURT
25 WAS, IN FACT, EXPLOITING MY CUSTODIAL HANDICAP AND WOULD SIMPLY LEAVE ME IN
26 JAIL AS LONG AS IT TOOK TO COERCE THE PLEA. IF THERE WAS NEVER GOING TO BE
27 ANY FAIR TRIAL, IF THE COURT WAS CONSISTENTLY BIAS AGAINST THE DEFENSE, IF
28 THERE WAS IMMENSE PRESSURE ON THE COURT TO AVOID A LAWSUIT BY SECURING A
CONVICTION AND THE COURT WAS ACTING ON THIS PRESSURE BY GOING SO FAR AS TO
MAKE ME A POLITICAL PRISONER, THEN IT CANNOT BE NEGATIVELY ATTRIBUTED TO MY
LAWYER THAT HE STARTED THINKING OUTSIDE THE BOX. BOTH MY LAWYER AND
MYSELF WERE IN COMPLETE AGREEMENT THAT ONLY THE HIGHER COURTS COULD...

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10 I N A N D F O R T H E U N I T E D S T A T E S D I S T R I C T C O U R T O F C A L I F O R N I A , E A S T E R N D I S T R I C T .
11

12 ...SOMEHOW DEFEND MY RIGHTS AS A DEFENDANT. MR. BIRSS HAS CLEARLY
13 COMPLICATED MATTERS BY ENTERING THE COERCED PLEA AND THEN FAILING TO KEEP
14 HIS PROMISE TO HELP ME TO GET THE PLEA WITHDRAWN AFTER MY RELEASE FROM
15 CUSTODY. THIS PETITIONER RESPECTFULLY CONTENDS THAT IT WAS MUCH MORE THAN
16 MR. BIRSS' REPRESENTATION THAT CALLS INTO QUESTION THE LEGITIMACY AND
17 VOLUNTARINESS OF MY PLEA. FIRST OF ALL, WAS THE ALL-OUT BATTLE THAT THE
18 DISTRICT ATTORNEY WAS MAKING OF MY CASES, THIS ALONE WAS PRESSURE ENOUGH
19 TO CAUSE THE COMMON DEFENDANT TO ENTER A PLEA, GUILTY OR NOT. SECONDLY,
20 MY INCARCERATION PRE-TRIAL WAS EXCESSIVE AND LITTLE OR NO EFFORT WAS MADE
21 TO SECURE A BAIL OR OTHER TYPE OF RELEASE FOR ME BY MY LAWYERS. THIRDLY
22 WAS THE MENTAL AND EMOTIONAL TOLL MY INCARCERATION AND PROSECUTION WERE
23 TAKING ON MY PERSON, A CONDITION THAT ONLY WORSENER AS TIME WENT ON.
24 ANOTHER ISSUE THE COURT SHOULD CONSIDER IS THE WAY MULTIPLE OFFERS WERE
25 OFFERED TO ME THROUGH MY LAWYERS, ONLY TO BE CHANGED AND/OR WITHDRAWN
26 WHEN I ACCEPTED THEM OR LITERALLY AT THE LAST MINUTE. IF THE COURT WERE TO
27 COMPARE THESE OFFERS WITH MY ULTIMATE PLEA AGREEMENT, IT WOULD SEE THAT
28 THESE OFFERS VARIED GREATLY FROM TIME SERVED, NO STRIKE DEALS AT THE
BEGINNING OF MY INCARCERATION TO 6 YEAR, MULTIPLE STRIKE OFFERS AT THE END
OF MY CASE. I BELIEVE THAT THESE OFFERS ONLY INCREASED THE LONGER I WAS
INCARCERATED TO JUSTIFY MY INCARCERATION, A CONDITION THAT I BELIEVE IS A
TYPE OF BIAS AND A DUE PROCESS VIOLATION. IN OTHER WORDS, THE LONGER...

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10 I N A N D F O R T H E U N I T E D S T A T E S D I S T R I C T C O U R T O F C A L I F O R N I A , E A S T E R N D I S T R I C T .
11

12 ...MY INCARCERATION WENT ON, THE MORE "SERIOUS" MY CASES BECAME AND THE
13 OFFERS HAD TO BE COMMENSURATE WITH THE LENGTH OF MY PRE-TRIAL
14 INCARCERATION. ANOTHER ASPECT THIS COURT SHOULD CONSIDER IS THE MENTAL
15 EFFECT IT HAS WHEN AN OFFER IS WITHDRAWN OR CHANGED AT THE LAST MINUTE AND
16 THE POSSIBILITY THAT IT PREJUDICES THE DEFENDANT BECAUSE IT WEARS HIM OR HER
17 DOWN AND MAKES IT MORE LIKELY FOR THEM TO THROW UP THEIR HANDS AND SIMPLY
18 ACCEPT WHATEVER OFFER IS STILL ON THE TABLE. THIS PETITIONER RESPECTFULLY
19 SUBMITS, THAT WHATEVER THE AVERAGE PERSON FEELS OR THINKS ABOUT A
20 DEFENDANT UNDER PROSECUTION, TO A DEFENDANT, THE MOMENT BY MOMENT AND
21 DAY TO DAY EVENTS IN THE CASE TAKE ON VERY LARGE AND EVER-PRESENT
22 EMOTIONAL AND MENTAL PRESSURES. SO MUCH SO, THAT EVEN A PERFECTLY SANE
23 AND COMPETENT DEFENDANT CAN MAKE CHOICES THAT ARE NOT IN HIS OR HER BEST
24 INTEREST, BASED SIMPLY ON AN EMOTIONAL OR IRRATIONAL IMPULSE. IMAGINE THEN, A
25 DEFENDANT SUCH AS MYSELF, WHO HAS A LONG HISTORY OF PSYCHIATRIC PROBLEMS,
26 WHO HAS HAD A NUMEROUSITY OF LAWYERS HE SEES DOING NOTHING TO DEFEND HIM,
27 WHO BELIEVES THE COURT IS NOT PROTECTING HIS RIGHTS, WHO HAS NOT SEEN HIS
28 DAUGHTER FOR SEVERAL YEARS OR HAD ANY REAL FAMILIAL VISITATION IN THE JAIL,
WHO IS BEING MENTALLY AND PHYSICALLY ABUSED BY JAIL DEPUTEES, HELD IN "
ADMINISTRATIVE SEGREGATION" AS RETALIATION FOR ALLEGEDLY THREATENING
LOCAL SHERIFF'S DEPUTEES ETC. AT WHAT POINT DOES OUR SYSTEM OF JUSTICE
ADMIT THAT ONE BECOMES GUILTY, NOT BECAUSE OF REAL GUILT, BUT BECAUSE...

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11

12 ...THE VERY OPPRESSIVENESS OF THE CRIMINAL PROCESS WEARS DOWN EVEN
13 INNOCENT DEFENDANTS UNTIL THEY ADMIT SOME GUILT JUST TO RELIEVE SOME OF
14 THE IMMENSE PRESSURE THEY ARE FEELING? I BELIEVE THAT THE "BAIT AND SWITCH"
15 TACTICS UTILISED BY THE PROSECUTION IN MY CASE, VIS A VIS, PLEA OFFERS, SHOULD
16 BE SCRUTINIZED BY THIS COURT. NOT FOUR DAYS BEFORE MY FINAL PLEA, THIS
17 PETITIONER WAS OFFERED A PLEA AGREEMENT FOR TIME SERVED, ONE STRIKE AND
18 FULL APPEAL RIGHTS. LITERALLY IN THE TIME IT TOOK FOR MY LAWYER TO RELAY THIS
19 OFFER TO ME, AND FOR ME TO ACCEPT AND FOR HIM TO GET THE CASE BACK ON
20 CALENDER THE FOLLOWING WEEK, THE OFFER WAS WITHDRAWN AGAIN. I
21 RESPECTFULLY SUBMIT THAT SIMPLY THE CHANGE IN OFFERS, HAVING BEEN
22 DUTIFULLY RELAYED TO ME BY COUNSEL, THEN LITERALLY CHANGED AT THE CHANGE
23 OF PLEA HEARING, CALLS INTO SERIOUS QUESTION THE VOLUNTARINESS OF MY PLEA .
24 THE COURT SHOULD CONSIDER, THE LENGTH OF MY INCARCERATION AT THAT POINT,
25 MY MENTAL STATE, THE TIME I WAS ALLOWED TO FULLY CONSIDER THE CHANGED
26 OFFER (FIVE MINUTES IN THE HOLDING CELL), THE MOTIVES OF PROSECUTORS IN
27 CHANGING THE OFFER, MY ATTORNEYS' ABYSMAL HISTORY OF PREPARING MY CASES
28 TO TRIAL ETC. THE SYSTEM CANNOT SIMPLY BE A MECHANISM FOR BLUDGEONING
GUILTY PLEAS FROM INCARCERATED, UNDER-DEFENDED DEFENDANTS. I BELIEVE THAT
THE COURT SHOULD CONSIDER THAT JUDGE CARA BEATTY'S INSISTANCE THAT I WAIVE
MY APPEAL RIGHTS AT MY CHANGE OF PLEA, AND MY LAWYERS STRENUOUS
OBJECTION TO THIS, ALSO CALLS INTO SERIOUS QUESTION THE VOLUNTARINESS OF MY
PLEA. I ALSO BELIEVE THAT THIS INSISTANCE WAS AN ABUSE OF DISCRETION BY THE...

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11

12 ...JUDGE. THE RIGHT TO APPEAL WAS EXPLICITLY NEGOTIATED WITH THE PROSECUTION
13 AND WAS A VERY PRONOUNCED "STICKING POINT". I HAD MADE IT VERY CLEAR TO ALL,
14 THAT I BELIEVED MY RIGHTS WERE BEING VIOLATED AND I INTENDED TO APPEAL ANY
15 PLEA, SENTENCE OR JUDGEMENT TO THE HIGHEST COURTS IN THE LAND. PREVIOUS
16 OFFERS HAD BEEN REJECTED SPECIFICALLY BECAUSE THEY DID NOT ALLOW FOR
17 APPEAL. THE DEFENSE FINALLY GOT THE PROSECUTION TO AGREE TO NOT BLOCK ANY
18 APPEAL AND THEN THE JUDGE DEMANDS IT? THIS WAS HIGHLY IRREGULAR AND
19 CAUGHT THE DEFENSE OFF-GUARD. OUR ONLY OPTION WAS TO OBJECT TO THE VERY
20 DEAL WE WERE ACCEPTING. I BELIEVE THAT THE CALIFORNIA CONSTITUTION
21 GUARANTEEING FULL APPEALS FOR DEFENDANTS AND THE OVER-RIDING DUE PROCESS
22 CLAUSE OF THE UNITED STATES CONSTITUTION MAKE THE JUDGES' INTERFERENCE
23 WITH A LAWFULLY NEGOTIATED PLEA SETTLEMENT A VIOLATION OF DUE PROCESS AND
24 THIS DEFENDANT SHOULD HAVE BEEN ALLOWED A FULL APPEAL PROCESS. THERE WAS
25 ALSO ALOT OF WHAT MY LAWYERS CALLED INAPPROPRIATE STATEMENTS BY THE
26 JUDGE, DESIGNED TO ENCOURAGE ME TO TAKE THE PLEA. THE JUDGE SAID THINGS
27 LIKE " IT'S A BEAUTIFUL DAY OUTSIDE TODAY, I KNOW YOU'VE BEEN IN THE JAIL A LONG
28 TIME. WOULDN'T YOU LIKE TO GET THIS ALL BEHIND YOU AND GO HOME?" IT DID NOT
SEEM TO ME THEN, OR NOW, THAT THERE WAS ANY PRESSURE, INDUCEMENT OR
DISSUASION, THAT THE COURT WOULD NOT USE TO OBTAIN MY PLEA AND EVENTUALLY,
THEY GOT WHAT THEY WERE AFTER. IN NOVEMBER, 2018, I PLED NO CONTEST (WEST
PLEA) TO SPECIFIC CRIMES I KNEW I HAD NOT COMMITTED, INDEED, CAN PROVE TO THIS
DAY I DID NOT COMMIT, SO THAT I COULD JUST...GO....HOME.