

**DECLARATION CONTENTS for Joseph Ryan's Declaration:**

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#### **DECLARATION of Joseph Ryan**

1. By mid-April of 2009, three months in to the case, it was clear the DA's office was delaying turning over evidence or other details of their case (like an investigation) that would give me some idea what date was the subject of charges (10/22 or a different debate held 10/28/09), the elements at issue, the witnesses she would call, etc. I became justifiably angry because the case was destroying my business, health, plans to start a family, and my political progress; and it was clear it was all being done on purpose, for wrongful reasons; and that all involved were 100% aware of what they were doing.
2. After a hearing held on 4/21/09, I confronted Brooke Tafreshi along with a DA's investigator in front of the 5<sup>th</sup> floor DA's office lobby-window, and I told them specifically how they were causing numerous problems for me via their harassment with false charges. I objected strenuously to the continuation of the case where the statutes was clearly not applicable, the discovery that was being withheld and hidden, and all the other cheating the DA was engaged in (including suborning perjury). At that time I told Brooke Tafreshi that my wife – Who was 37 at the time – had to postpone her plan to finally have the child she always dreamed of having, because we couldn't go forward with our plans to start a family, with a 1 year jail sentence hanging over my head. Brooke Tafreshi was absolutely and completely indifferent to my concerns about the affect of the persecution on my wife and my self, and she ignored my concerns about her rampant cheating and violations of the law.
3. One week later, on 4/28/09, Brooke Tafreshi went before Judge Cookson (a female) and she dishonestly complained, that by voicing my objections to her persecution, I had 'abused' her, and it was because she was (gasp) a woman. The same theme was trotted out before Judge Shelton at trial; after Brooke Tafreshi witnessed Valerie Harrison (a

case witness that was dropped due to her volatility) go ‘ballistic’ on me in a courtroom hallway. In both cases, Brooke Tafreshi was simply being dishonest, so she could cause a judge to be biased against me. I realized after the first time the strategy was utilized in front of Judge Cookson, that Brooke Tafreshi was a completely amoral human being, without any integrity whatsoever. Knowing that the DA office’s pattern of cheating would continue, and be fostered by the trial DA, caused my workload to increase tenfold over what it could have been, if an honest DA, had been handling the case.

4. The viciousness of the trial DA Brooke Tafreshi was apparent when Motions in limine were filed, and Brooke Tafreshi asked the judge to not let me tell the jury that I had supposedly quit procreating with my wife. *See exhibit # 2, DA’s first motion in limine, filed 6/15/09.* When speaking to her in front of the DA’s office, we did inform Brooke Tafreshi that we had to quit trying to have our first child (*see section 1 above*) in 2009 due to her prosecution, but judging by the language she included in her motions in limine, she was proud of what she had accomplished; and she included the instruction request, not for legitimate reasons, but rather to mock me and my wife. Apparently, harassing me and my wife with unfounded charges, and causing a wife to worry so much she gives up her dream, was a great source of amusement for Bonnie Dumanis, Brooke Tafreshi, and the rest.

5. Knowing that – when all was said and done – the supervisors soliciting Patricia O’Mara and Brooke Tafreshi to harass me, would throw those two under the bus, and claim they had no knowledge of the ‘minor, misdemeanor’ case against me ever existed until after they happened to learn of the verdict, I sent letters on May, 7, 2009, to Brooke Tafreshi (the trial DA), Glenn McAllister (head of East County prosecution division) and Bonnie Dumanis herself, wherein I detailed problems with her witnesses, described the conspiracy her witnesses were openly engaged in, and provided her with documentary evidence showing her witnesses had and were committing perjury. *The letters in question, along with the proofs of mailing and receipt of the letters are included with the complaint as exhibits #7.*

6. Even though the DA possessed the same videos as were sent by me with the letter referred to in the preceding section, and which proved her witnesses were lying, Brooke Tafreshi claimed the matters couldn’t be looked in to because the DVD’s provided by Joe Ryan wouldn’t work on the DA’s computers. *See Exhibit #2, DA’s response to my motion to compel.* After the excuse was proffered, I offered further copies of the videos in question to Brooke Tafreshi, but she turned me down. *See exhibit 17, letter to Brooke Tafreshi, wherein I offered to send new tapes.*

7. Since I build and take care of my own websites devoted to politics, including JoeRyanForCongress.com, and DumpDumanis.com.

8. I was incensed at being harassed with an unfounded criminal charge, filed for political reasons, so I posted details of the harassment, starting in March 2009 on JoeRyanForCongress.com. Then in April of 2009, I opened a new site specifically devoted to detailing details of the case filed against me, called dumpdumanis.com.

9. In the pages I posted over the next couple months (until I ran out of time due to faltering health and continuing obstruction by DA's office) I posted all the matter that would eventually make it before the jury and that would inform their ultra-quick, ultra-simple decision to acquit me of the charges I faced. In addition there was an abundance of additional information, that the jury never heard, that would have made their decision even easier than it obviously was. *The material posted at the sites is included with the complaint as exhibit #9.*

10. A relatively large amount of web traffic – that came from the DA's office – started appearing at the sites where I was detailing the law, the witnesses conspiracy, and other relevant facets of the case, that made it abundantly clear, to anyone perusing the material, that the DA had no right to proceed against me. The volume of traffic indicated that multiple persons were accessing the information on particular days, using the SDCDA.'s domain/IP address.

10. So, in my opinion, it would be ridiculous for the DA's office, or anyone in it, to claim they didn't understand the statutes or other the issues well enough to make an intelligent decision about whether to proceed. They knew what I knew, almost as soon as I knew it. I knew all along the case was 100% garbage, and that the criminals were the third party prosecutors from Grossmont College and the East County Chamber of Commerce, who I caught stealing from the College. I explained the same on the websites frequented by the DA (*see exhibit # 8, Webstats showing visits from DA's IP address*), but the DA willfully ignored the obvious import of the information I provided. *See Exhibit #9, information pointing to obvious innocence, read and ignored by employees of Bonnie Dumanis.*

11. During the week of the trial it became apparent Brooke Tafreshi was very worried that she might not even get the hung jury the DA was after, so she tried to talk her supervisor in to dropping the case on at least two occasions, but in both instances, she was apparently told to 'damn the torpedoes' and proceed to the end. *See Appendix C, Declaration of Joe Ryan, sections 11 and 14.*

12. I provided the DA with as much information as I could to convince them they would lose, and to drop the case. I supplied information at the websites I knew they were reading at, and I provided Brooke Tafreshi with details about how I would show her witnesses were lying at trial. For example, after the DA advanced the position that I had 'bombarded' the East County Chamber with phone calls, scaring them in the process, I provided Brooke Tafreshi with copies of my phone records, that showed no such bombardment occurred, and that the whole 'bombardment' was a fabrication by Mike Cully. My purpose was to show her how it was unjust to precede; but instead she used the information to prep Mike Cully, so he changed his bombardment story on the stand. *See Appendix A, Summary of People V Ryan, sections 52-56, testimony of Mike Cully, and Exhibit# 52, police report containing "bombardment" perjury; and See Appendix C, Declaration of Joe Ryan, sections 23.*

13. I realize that Brooke Tafreshi has an obligation to see to it that her witnesses do not perjure themselves, but the duty should be exercised in relation to a determination of whether it is just to continue to rely on a witnesses that have to have their stories 'corrected' in order for a case to go forward. Brooke Tafreshi knew when she got Mike Cully to change his story before appearing on the stand at trial, that he had told the opposite story in police reports detailing the incident in question (since my copies of the reports came from the DA's office). Is it really 'just' to continue to rely on other disputed statements, made by the same witness (Mike Cully), who the DA knows with 100% certainty has recently committed perjury in the same matter, to somehow achieve a victory (a hung jury)? I believe not, so I proceed with the complaint filed here.

14. Whether in the interest of justice or to save embarrassment, I was sure the DA's office would voluntarily ask for a dismissal before the case went to the jury, after every witness called on the DA's behalf and adversarial witnesses called by me, got caught lying on the stand to try and cover-up their own atrocious conduct (stealing from the school and trying to frame me). *See Appendix A, Summary of matter, sections 46-62* .

4a. Even after the secret meeting was revealed, that proved All of the DA's third party prosecutors were involved in a civil rights conspiracy, the trial DA, just kept continuing the action. *See background summary of People V Ryan, section 10, 46-62*. One witness, Henry Migala, lied so much, before leaving for the day, more than one juror stared at the prosecutor and acted like they wanted to beat her up for wasting a week of their time, with a bunch of lying crooks who simply got caught stealing from the College and violating my rights to protect Duncan Hunter's candidacy.

15. Everybody in the courtroom, including the bailiff, court clerk, the judge, and every juror, saw the case implode, and they all knew the case had no merit at all; but still, the one person in the room (Brooke Tafreshi), who was supposed to be a trained legal professional (other than the judge), acted like she couldn't figure out what she heard and saw happen before her eyes. *See Appendix A, Summary of People V Ryan, section 61-62, testimony of Henry Migala*.

16. It's clear to me that when a political persecution occurs, wherein a member of the community is openly abused for obviously wrongful reasons, it sends a strong message to people who fear being 'next'. They are deeply intimidated. I know for a fact, based on my personal experiences with members of the community, that I've discussed the matter with, that Bonnie Dumanis has successfully scared the heck out of a number of people.

17. I appeared before Judge Ervin In March of 2009. At that time he allowed Bonnie Dumanis to continue with her case, despite not being allowed to proceed by state law, and constitutional prohibitions, against proceeding in the face of due process denials. He allowed her to issue her own undated misdemeanor citation, without a probable cause showing. By evading a probable cause determination, Bonnie Dumanis was able to cause me five more months of grief. The case should have ended until a probable cause hearing was held or a grand jury issued an indictment of me; and if such a hearing was held, any judge with a brain would have ended the fiasco. But Judge Ervin was too scared and

intimidated to rule against Bonnie Dumanis, so he simply ignored the law, allowed her to issue her own undated citation, and allowed her to proceed without revealing the elements at issue, or even what date the DA was pursuing (conduct from 10/22 or 10/28/09). I learned for myself, that Bonnie's intimidation of Superior Court judges was not a myth.

18. On April 21<sup>st</sup> I appeared before Judge Cookson. I had filed a motion to compel discovery, and I had shown by my exhibits that the DA had committed the violations charged, and that they should be sanctioned accordingly. My sanctions motion simply disappeared from the court record, and despite my oral advancement of the same, and the fact that I had made an unrefuted showing that violations should apply, they were denied. By all indications, Judge Cookson is another judge who is absolutely scared and intimidated by Bonnie Dumanis. Either that or she was badly tricked by assistant DA Brooke Tafreshi. I wouldn't be surprised if either conclusion proved true, though my own belief is that she acted due to a combination both motives (generic protection of bar members, and especially Bonnie Dumanis).

19. Working on motions, sometimes up to 24 hours a day to meet deadlines, caused my health to take a bad turn. My stomach problems, which tend to correlate with how much stress-reducing exercise I get, became a big factor in my ability to fight back as effectively as I would have liked. I researched many motions, which I did not submit, because my health problems stopped me from finishing them in time. Additionally, beginning in May, I had to begin to fight a separate case, filed against me as a renter, by a foreclosed homeowner trying to evict me, so they could get a cash-for-keys payment, intended for my benefit (the renter in possession of a foreclosed home). So, by the time the case went to trial, and even though the rental case was concluded, my health was in really bad shape (due to the cumulative effect of fighting two cases at once). I was vomiting almost every morning for weeks on end. I was forced to take multiple hot showers each day to keep my body temperature above 96 degrees.

20. The only way I could make it through a trial was to completely reset my digestive system. To do so I had to go without food for three full days before the trial date (August 17<sup>th</sup>, 2009). I did the same thing in June before the continuance of the trial. Consequently, I was able to make it through the trial without stomach troubles, but by the time the trial arrived, I shockingly weighed just 113 pounds. I weighed 140 when Bonnie Dumanis started her harassment, and I'm back to 128 pounds now. Nonetheless, I know my frame has shrunk and my heart has suffered damage due to the ordeal she put me and my wife through.

21. My wife had to worry for 7 straight months that her husband would be put in jail for an extended period of time, with some crazy people. She expressed her worries often, and I know her health suffered too, as she lost sleep on a repeated basis due to her concerns about my safety and welfare within the jail system.

22. From my perspective it's hard to understand how the DA's office was doing anything other than trying to intimidate me into pleading guilty to charges they knew were false,

under the threat of continuing with – what essentially has proven to be – a criminal assault upon me, when they offered to let me pick up garbage on the side of the road for ten days and stay on probation for three years, in order to avoid their further harassment. I would feel different if the offer was based upon a belief that I had actually done something wrong, rather than a belief that the power of the office could be successfully abused for political purposes, without any chance those wrongfully wielding that power would ever suffer any repercussions.

23. I observed that the trial DA wanted to dismiss the case, or get a continuance, so she could convince her bosses to proceed, but, in my opinion, she was too intimidated by her bosses, to do the right thing, and refuse to proceed in the face of the knowledge she possessed that a conviction was completely out of reach. My impression was, Brooke Tafreshi had no ethical problems with proceeding without cause, as long as it worked out in the end; but when she saw it might be a disaster, she tried to save her own skin by dismissing the case. At that point, she was apparently told, forget it. Continue ahead. So she had to choose between more embarrassing web recounts of her litigation skills that might be accompanied by a bar complaint, or risking the wrath of Bonnie Dumanis. She was stuck in hard place, of her own making. She made her choice. I file my complaint without reservation, and in with the sincere hope she be disbarred, along with Bonnie Dumanis, so the era of political prosecutions, ends; and so minions start standing up against crime instead of going along with the same.

24. Patricia O'Mara informed me on 3/25 that Discovery was not available yet because it was being compiled from multiple locations in the DA's office. When I picked up the discovery packet a few days later, it had a date indicating it had been ready for pickup since January. Then the DA wrote in her response to my motion to compel, that 'discovery problems' were the pro-pers fault, because – supposedly – the discovery had been available all along (when I was writing unanswered letters to the DA), and it was my fault I just didn't 'understand' it was ready for pick-up all along.

25. I was hopelessly fooled by the SDCDA demur response into believing that the SDCDA was pursuing charges against me based upon the arrest made on 11/28/2008 at Grossmont College. When the demur was heard I still hadn't received discovery or even a copy of the complaint (despite much effort at getting both); so I didn't object to any of Judge Ervin's rulings. I was slightly ambivalent about losing or winning the demur; since, at the time I filed the demur I was operating under the impression I was being prosecuted for actions that took place on 11/22/08; but after reading the SDCDA's confusing response (to my demur) I was misled into believing the prosecution had changed their mind about which event would be the focus of the charges. I figured if they thought they could get away with prosecuting me for violating Penal Code 403 or Elections code 18340 for what occurred on 11/28/08 they were -quite frankly - barking up a tall tree. So I sit there and didn't object to any ruling I disagreed with, and then the next day (when I finally got discovery) I found out the demur response filed by SDCDA was full of garbage that had misled me. So, goodbye writ rights. Thanks SDCDA. Nice job.

My confusion was justified considering the prosecution caused all the confusion itself by filing a demur response that would confuse any attorney or defendant in pro-per, no matter their skill level. That's what happens when an attorney has to file a demur response where there has been no investigation! The attorney gets hopelessly confused as they compile a set of demur response 'facts' that are pulled like straws out of a stack of semi-coherent police reports.