

Joseph Ryan  
PO Box 1135  
Pine Valley, Ca. 91962  
619-473-8032

Superior Court of the State of California  
East County Division  
The honorable Judge Deddeh  
250 E. Main Street  
El Cajon, Ca. 92120

CC: California Supreme Court  
350 McAllister Street  
San Francisco, CA 94102-4797

**This is an Allegation of Misconduct, made against bar members, with a demand for Hearing, in accordance with Business & Profession's Code §6108.**

**Party Alleging Misconduct:**

Joseph Ryan  
Po Box 1135  
Pine Valley, Ca. 91962  
619-473-8032

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## **I. SUBJECTS OF ALLEGATIONS:**

Bar members who complainant intends to be subjected to the Court's jurisdiction per this allegation:

San Diego County District Attorney Bonnie Dumanis,

SDCDA assistant, Glenn McCallister,

SDCDA assistant, James Romo,

SDCDA assistant, Brooke Tafreshi,

SDCDA assistant, Patricia O'Mara,

SDCDA assistants, all other Doe bar members involved in the decision to instigate and maintain criminal charges against Joseph Ryan.

### **I (a). EXPLANATION OF LEGAL RELATIONSHIPS:**

Complainant charges Bonnie Dumanis directly and as the person elected by voters to supervise the public's law firm: The San Diego County District Attorney's office. She is responsible for all behavior alleged in this report, via the application of doctrines of agency/and respondeat superior. Glenn McCallister is charged as a person in chain of command with knowledge via his signing of the complaint that initiated the charges, and via his position in the DA's chain-of-command, and via his receipt of a letter from Joe Ryan (see exhibit #7). Patricia O'Mara is charged as a person who wrote facts section of demur, and who was also aware on her own, and made aware by the complainant that the charges were being brought without probable cause. James Romo is the Supervisor of Brooke Tafreshi, whom Brooke Tafreshi is assumed to have been in contact with, on multiple occasions during the process, when she claimed she was going to consult her 'supervisor' to determine a course of action. Brooke Tafreshi was the person assigned to take over the case after the conclusion of the initial phase of the case (the arraignment and a demur hearing). Her role is made clear in the body of this complaint. Doe's are charged because facts, logic and reason indicate others were involved in the political persecution of Joe Ryan.

## **II. PROCEDURAL LAW INVOKED:**

I am hereby invoking Business and Professions Code Section 6108, and I am demanding that in accordance with the mandatory directives contained in section 6108, allowing an aggrieved party to petition the government to control the behavior of attorneys committing crimes of moral turpitude, the Court schedule a hearing or series of hearings if necessary, to determine whether San Diego District Attorney Bonnie Dumanis, Glenn McCallister, James Romo, Brooke Tafreshi, Patricia O'Mara, and doe bar members working in the San Diego District Attorney's office, should have her license to practice law suspended or whether each or any of the aforementioned attorneys should be barred from practicing law in the State of California, for committing serious violations of The California Rules of Professional Conduct, Business and Professions Code 6068, for violating California Penal Code provisions, Federal Statutes prohibiting interference with federal election matters, various provisions contained in The State and Federal Constitutions, by instigating, and maintaining actions targeting Joseph Ryan.

**STANDING:** In addition, as a taxpayer of San Diego County I am a client of the San Diego District Attorney's office; and in accordance, I am also demanding that the hearing encompass other matters wherein I am alleging that Bonnie Dumanis' conduct – acting as the citizen's public prosecutor, warrants her disbarment from the practice of law, and I demand the finding in those matters be included in any punishment the court imposes after the conclusion of the requested hearings.

### **III. PROCEDURAL REQUESTS AND PRESENTATION OF EVIDENCE:**

I request the Court serve Bonnie Dumanis, along with the following parties who are attorneys and other bar members working for Bonnie Dumanis, notice of the hearing at least 5 days before it's scheduled to take place.

I also request that the attendance of the persons on the witness list also be facilitated by invitation or subpoena if necessary.

Section 6108 doesn't provide any provisions for presenting evidence to be used at a hearing of the matter. I have included some exhibits with this complaint, but the volume of evidence available to the person prosecuting the matter is relatively enormous. I have included exhibits that have a direct connection to the persons accused and their conduct, but I did not include every single report, or other piece of evidence, in my possession that may be relevant to the court's final determination of this matter. There's no injustice to not including almost every piece of evidence available to me, with this complaint, since every single piece of evidence I plan to use to prosecute this complaint, is already in possession of the San Diego County District Attorney's office. All the aforementioned evidence was exchanged via discovery procedures, and direct mail correspondence.

I am prepared to present competent evidence at a hearing of the matter to back up every allegation made in the complaint where the court finds that specific matters need to be explored.

Whatever decisions are made regarding other evidence issues, I also request that the court make the entire case-file in the matter of the People v. Joseph Ryan available for the hearing and that all matter contained therein be considered, as appropriate, at the hearing (s) of this matter, and that tapes of the hearings that took place during the litigation, also be made available for use at the hearing (barring valid evidence objections), and that transcripts of relevant hearings be admitted in to evidence as they are produced (as time allows, before the time of the hearing).

**Provisos:** Part written in first person narrative and in 3<sup>rd</sup> person narrative form. Some pleadings were written on before copies were made, so they contain some scribblings not part of original text.

**Note:** In My opinion, Bonnie Dumanis commits crimes on a continuing, continuous basis; therefore, until a hearing is scheduled, I reserve the right to amend this complaint as I research other matters or as new criminal activity requires. The crimes and other misconduct contained in this allegation are complete, so I am not requesting that a hearing of this matter be delayed, pending possible amendments to this complaint.

#### **IV. PERSONS COMPLAINTANT REQUEST BE SUBPOENED TO APPEAR:**

I have included a list of persons that I ask that the court cause to be subpoenaed to appear at the allegation-hearing (s), within Five days of the time scheduled for the hearing, so their presence will aid the determination of the charges.

- 1) Bonnie Dumanis, San Diego County District Attorney
- 2) Glenn McCallister, Deputy District attorney
- 3) James Romo, Deputy District Attorney
- 4) Brooke Tafreshi, Deputy District Attorney
- 5) Patricia O'Mara, Deputy District Attorney
- 6) The person who acted as Investigator for People v. Ryan (if bar member)
- 7) The person in charge of the charging unit responsible for issuance  
Of the two counts from People v. Ryan
- 8) Person in charge of hiring at District Attorney's office

San Diego District Attorney's Office  
Hall of Justice  
330 W. Broadway  
San Diego, CA 92101

Judge Parsky  
C/o San Diego Superior Court  
220 West Broadway  
San Diego, Ca. 92101

Mike Cully  
C/o East County Chamber of Commerce  
210 South Magnolia ave.  
El Cajon, Ca. 92020

Henry Migala  
C/o Cuyamaca College  
99 Rancho San Diego ParkWay  
El Cajon, Ca. 92019

Kathleen Cannon  
Public Defender  
Vista Division Public Defender's Office  
Suite 200  
400 S Melrose Dr  
Vista, CA 92083-6632

Chris Reed  
C/o San Diego Union-Tribune  
San Diego, Ca

Alan Bloom  
550 W C St # 1670  
San Diego, CA 92101-8557

Dan Bauder  
C/o Reader Magazine  
1703 India st  
San Diego, Ca. 92101

Richard Rider  
C/o North County Times  
207 E. Pennsylvania Ave. 92025  
Escondido, CA 92025

Reporter Kelly Thornton  
C/o Voice of San Diego  
2508 Historic Decatur Rd., Suite 120  
San Diego, California 92106

Reporter Keegan Kyle  
C/o Voice of San Diego  
2508 Historic Decatur Rd., Suite 120  
San Diego, California 92106

Dave Stutz  
Address unknown  
Lajolla Ca.

Patrick Fleming  
Address unknown  
Victim in Latour case

Joseph Ryan (complainant)  
PO Box 1135  
Pine Valley, Ca. 91962

Gilda Ryan  
PO Box 1135  
Pine Valley, Ca. 91962

## **V. PROCEDURAL LAW INVOKED:**

**Business and Professions Code §6103:** “. . . any violation of the oath taken by him, or of his duties as such attorney, constitute causes for disbarment or suspension.”

**Business and Professions Code §6106:** The commission of any act involving moral turpitude, dishonesty or corruption, whether the act is committed in the course of his relations as an attorney or otherwise, and whether the act is a felony or misdemeanor or not, constitutes a cause for disbarment or suspension. If the act constitutes a felony or misdemeanor, conviction thereof in a criminal proceeding is not a condition precedent to disbarment or suspension from practice thereof.

**Business and Professions Code §6107:** The proceedings to disbar or suspend an attorney, on grounds other than the conviction of a felony or misdemeanor, involving moral turpitude, may be taken by the court for the matters within its knowledge, or may be taken upon the information of another.

**Business and Professions Code §6108:** If the proceedings are upon the information of another, the accusation shall be in writing and shall state the matters charged, and be verified by the oath of some person, to the effect that the charges therein contained are true. The verification may be made upon information and belief when the accusation is presented by an organized bar association.

**Business and Professions Code §6109:** Upon receiving the accusation, the court shall make an order requiring the accused to appear and answer it at a specified time, and shall cause a copy of the order and of the accusation to be served upon the accused at least five days before the day appointed in the order.

**Business and Professions Code §6111:** The accused shall appear at the time appointed in the order, and answer the accusation, unless, for sufficient cause, the court assigns another day for that purpose. If he does not appear, the court may proceed and determine the accusation in his absence.

**Business and Professions Code §6112.** The accused may answer to the accusation either by objecting to its sufficiency or by denying it.

If he objects to the sufficiency of the accusation, the objection shall be in writing, but need not be in any specific form. It is sufficient if it presents intelligibly the grounds of the objection.

If he denies the accusation, the denial may be oral and without oath, and shall be entered upon the minutes.

**Business and Professions Code §6113.** If an objection to the sufficiency of the accusation is not sustained, the accused shall answer within the time designated by the court.

**Business and Professions Code §6114.** If the accused pleads guilty, or refuses to answer the accusation, the court shall proceed to judgment of disbarment or suspension.

If he denies the matters charged, the court shall, at such time as it may appoint, proceed to try the accusation.

**Business and Professions Code §6115.** The court may, in its discretion, order a reference to a committee to take depositions in the matter.

**Business and Professions Code §6116.** When an attorney has been found guilty of the charges made in proceedings not based upon a record of conviction, judgment shall be rendered disbaring the attorney or suspending him from practice for a limited time, according to the gravity of the offense charged.

## **VI. CONDUCT RULES AT ISSUE**

**California Rule of Professional Conduct 1-120**

**California Rule of Professional Conduct 2-400 (B)**

**California Rule of Professional Conduct 3-110 (A)**

**California Rule of Professional Conduct 3-200 (B)**

**California Rule of Professional Conduct 3-200 (C)**

**California Rule of Professional Conduct 3-210**

**California Rule of Professional Conduct 3-700 (B) (3)**

**California Rule of Professional Conduct 3-700 (B) (3)**

**California Rule of Professional Conduct 5-100**

**California Rule of Professional Conduct 5-200 (A)**

**California Rule of Professional Conduct 5-200 (B)**

**California Rule of Professional Conduct 5-220**

**Business and Professions Code section 6068 (a)**

**Business and Professions Code section 6068 (b)**

**Business and Professions Code section 6068 (c)**

**Business and Professions Code section 6068 (d)**

**Business and Professions Code section 6068 (f)**

**Business and Professions Code section 6068 (g)**

**Business and Professions Code section 6103**

**Business and Professions Code section 6106**

## **ATTORNEY'S OATH**

## VII. SUMMARY OF RELEVANT CONDUCT RULE DEFINITIONS

### **California Rule of Professional Conduct 1-120**

**Clause 1:** A member shall not knowingly assist in any violation of these rules or State Bar Act

**2:** A member shall not knowingly solicit any violation of these rules or State Bar Act

**3:** A member shall not knowingly induce any violation of these rules or State Bar Act

**California Rule of Professional Conduct 2-400 (B) Clause 1:** In the management or operation of a law practice, a member shall not unlawfully discriminate

**California Rule of Professional Conduct 2-400 (B) Clause 2:** In the management or operation of a law practice, a member shall not knowingly permit unlawful discrimination on the basis of race, national origin, sex, sexual orientation, religion, age or disability in hiring, promoting, discharging, or otherwise determining the conditions of employment of any person

### **California Rule of Professional Conduct 3-110 (A):**

**Clause 1:** A member shall not intentionally fail to perform legal services with competence

**Clause 2:** A member shall not recklessly fail to perform legal services with competence

**Clause 3:** A member shall not repeatedly fail to perform legal services with competence

**California Rule of Professional Conduct 3-200 (B) (C):** A member shall not accept or continue employment if they know or should know, the objective is to bring an action, or assert a position, without probable cause, and for the purpose of harassing or maliciously injuring any person

**California Rule of Professional Conduct 3-210:** A member shall not advise the violation of any law

**California Rule of Professional Conduct 3-700 (B) (3):** A member representing a client in other matters shall withdraw from employment, if: The member's mental condition renders it unreasonably difficult to carry out the employment effectively.

### **California Rule of Professional Conduct 5-100**

**Rule 5-100, Clause One:** A member in government service shall not institute or cause to be instituted criminal charges when the member knows or should know that the charges are not supported by probable cause.

**Rule 5-100, Clause Two:** If, after the institution of criminal charges, the member in government service having responsibility for prosecuting the charges becomes aware that those charges are not supported by probable cause, the member shall promptly so advise the court in which the criminal matter is pending.

**California Rule of Professional Conduct 5-200 (A)** A member shall employ, for the purpose of maintaining the causes confided, . . . such means only as are consistent with the truth

**California Rule of Professional Conduct 5-200 (B)** A member shall not seek to mislead the judge, judicial officer, or jury by a false statement of fact

**California Rule of Professional Conduct 5-220:** A member shall not suppress any evidence that the member has a legal obligation to reveal or produce

**Business and Professions Code section 6068 (a):** It is the duty of an attorney to support the Constitution and laws of the United States and of this state

**Business and Professions Code section 6068 (b):** It is the duty of an attorney to maintain the respect due to the courts of justice

**Business and Professions Code section 6068 (c):** It is the duty of an attorney to maintain those actions, proceedings, or defenses only as appear to him or her legal or just

**Business and Professions Code section 6068 (d):** It is the duty of an attorney to employ, for the purpose of maintaining causes, those means only as are consistent with truth

**Business and Professions Code section 6068 (d):** It is the duty of an attorney (g) not to encourage the commencement or continuation of an action, proceeding from any corrupt motive of passion or interest

**Business and Professions Code section 6068 (d):** It is the duty of an attorney to never to seek to mislead the judge or any judicial officer by a false statement of law

**Business and Professions Code section 6103:** A willful disobedience or violation of an order of the court requiring him to do or forbear an act connected with or in the course of his profession, which he ought in good faith to do or forbear, and any violation of the oath taken by him, or of his duties as such attorney, constitute causes for disbarment or suspension.

**Business and Professions Code section 6106:** The commission of any act involving moral turpitude, dishonesty or corruption, whether the act is committed in the course of his relations as an attorney or otherwise, and whether the act is a felony or misdemeanor or not, constitutes a cause for disbarment or suspension. If the act constitutes a felony or misdemeanor, conviction thereof in a criminal proceeding is not a condition precedent to disbarment or suspension from practice thereof.

**ATTORNEY’S OATH:** I solemnly swear (or affirm) that I will support the Constitution of the United States and the Constitution of the State of California, and that I will faithfully discharge the duties of an attorney and counselor at law to the best of my knowledge and ability.

## **VIII. HOW THE RULES OF PROFESSIONAL CONDUCT AND THE STATE BAR ACT HAVE BEEN VIOLATED BY THE ATTORNEY'S CHARGED IN THIS COMPLAINT:**

### **1. EVIDENCE SHOWS ALL CHARGED HAD TO HAVE KNOWN THEY WERE INSTITUTING CHARGES WITHOUT PROBABLE CAUSE, SINCE PLAIN TEXT OF APPLICABLE STATUTES FORBID THEIR USE AGAINST JOE RYAN:**

Bonnie Dumanis, McCallister, James Romo, and other Doe bar members who were involved in the decision to charge Joseph Ryan with two violations of the law, must have known – from the beginning - that they had no right to proceed, lacking probable cause to pursue a violation of either statute by Joseph Ryan. The plain text of the relevant statutes reveals that neither statute was applicable to the facts, since the activity in question involved political speech, that took place at a debate function, and that did not involve any allegation that Joseph Ryan engaged in any violence (as confirmed during the trial by the assistant DA, Brooke Tafreshi). *See exhibit #5, text of statutes used against Joe Ryan to prosecute him.*

It would not require an extensive investigation of the matter to come to the conclusion that no probable cause existed to pursue the matter, since attorney are taught in law school to read statutes, and it only takes a couple minutes to read the words of the applicable statutes, and to then conclude the event in question was a political event, involving political speech; although an extensive investigation would lead to the same conclusion. I believe the evidence – included in this report - indicates that the aforementioned parties had to have known, from the onset, that the statutes in question (PC §403 and Elec. Code §18340) did not apply to the facts of the case.

Even if one found that the aforementioned prosecutors, despite having law school degrees, couldn't read and interpret two relatively simple and straightforward statutes, it would be hard not to conclude that persons of their background (prosecutors with law degrees) should have known the charges were not supported by probable cause. Any one of the persons in the chain of command who might claim to have been 'out of the loop' when it came to the initiation phase of the prosecution, had to have become aware later the charges were not supported by probable cause; since Joe Ryan wrote to three of the charged attorneys, by registered mail, objecting to the charges and the lack of grounds supporting the same. *See exhibit #7, letter sent to Dumanis, McCallister, and Tafreshi, and sections 2b and # 7 of this complaint, and exhibit 9, showing information admittedly accessed at complainant's websites by DA's office personnel.*

So, by proceeding, willfully and for malicious reasons, or at least where they knew or should have known they did not have probable cause to proceed, each and every attorney charged, violated either Rules of Conduct sections 5-100, 3-200 (C), and/or Business and Professions Code section 6068 (c), which prohibits proceeding where it is not legal to do so.

Working together to advance a case they knew or should have known was not legal or just, the attorneys involved also violated Rules of Conduct section 1-120, by assisting each other, and by their mutual support for each other's efforts, inducing each other to proceed, in knowing violation of the Rules of Conduct and Business and Professions Code 6068.

The allegation that the charges were brought without probable cause – willfully - and in violation of Rule 3-200 (A), in order to maliciously harass Joseph Ryan, is bolstered by conduct occurring after the initiation of charges, including the manner in which the DA’s office obfuscated and committed discovery violations (*see sections 4, 15 and 16 of this complaint, and see defendant’s motion to compel discovery, and see appendix A, Summary of matter, sections 29-34*), presumably, to harass the defendant, Joseph Ryan; and based on the way the prosecutor never withdrew their final charge, long after it was obvious, that the statute the prosecutor’s office was using against Joseph Ryan, was not applicable; and long after it became obvious to each and every one of the charged attorneys, that even if the statute had been applicable, that it would be a grossly unjust to proceed in the face of massive amounts of perjury and other misconduct by persons connected to the prosecution’s witnesses, and others who provided evidence to the DA’s office. *See summary of case, Appendix A, Summary of matter, section, and see letter to Dumanis, and others charged, along with exhibit 8, webstats showing DA’s office at website where case problems detailed.*

Also, facts, which indicate that the prosecution was taken for political reasons support the conclusion that the prosecutors involved, not only acted maliciously, but also with a corrupt motive of interest, in violation of Business and Professions Code section 6068 (g). *See sections, 4, 6, 9, 11, & 19, of this complaint for more details regarding evidence showing the actions were brought – at least partially - for political reasons.*

**2. IF THE PROSECUTORS CHARGED HERE, KNEW THAT THE CHARGES WERE NOT SUPPORTED BY PROBABLE CAUSE, BY PUSHING THE CASE FORWARD, THEY WERE VIOLATING RULE 3-110 (A), WHICH PROHIBITS ACTING INCOMPETENTLY, BOTH REPEATEDLY, AND ON PURPOSE. IF IT WAS ALL JUST AN ‘ACCIDENT’, THEN THEY STILL VIOLATED THE SAME RULE**

The same facts supporting the conclusion that the attorneys involved proceeding knowing they lacked probable cause, indicate that the attorneys in question (Dumanis, Romo, McCallister, Tafreshi, and does) acted incompetently on purpose, in order to give themselves standing to harass Joseph Ryan with statutes they knew did not apply to the conduct in question; thereby violating Rule 3-110 (A). If the group or any of the individuals attorneys charged, knew that they didn’t have probable cause to initiate charges, or at the least, if they became aware later that they had no standing to pursue Joe Ryan under PC 403, the conduct would have to be adjudged to have been engaged in willfully. *Please see section 1, 2, 3, 5, 7, where evidence regarding the group’s scienter is explored, including reference to letters sent to Dumanis, Romo, McCallister, and Tafreshi, and an exploration of the large number of visits that were made to Joe Ryan’s websites, where he accurately, and in words any law student would understand, explained how the charges did not apply; and See Appendix C, declaration of Joe Ryan, sections 8-10.*

In other words, if some or all of the prosecutors involved, were ‘pretending’ they didn’t know the statutes didn’t apply, then everything they did involved acting incompetently, repeatedly, and on purpose. Based upon their education levels, experience as prosecutors, letters they received from Joe Ryan, and the visits they made to Joe Ryan’s website to read-up on his analysis of the matter, the evidence supports the

conclusion that the aforementioned prosecutors (each and every one) did act incompetently on purpose, and they did so repeatedly, as the case stretched out over seven months time. *See Appendix A, Summary of case, prosecution details, sections 28-75.*

**Rule 3-110** requires that members not repeatedly, with recklessness or on purpose, fail to perform services with competence. According to decisions included with the rules of Professional conduct, Bonnie Dumanis is responsible in this hearing for all the conduct engaged in by the subordinates named in this complaint. *See decisions for 3-110, with California's Professional Rules of Conduct.*

The only way Bonnie Dumanis can deny that her actions and the actions of her assistants and investigators were done willfully, is to claim that, rather than not being able to read a statute or write a coherent motion, or do whatever other service-act is at issue, the DA and all the assistants who worked *People v. Ryan* are incompetent. She must plead they were incompetent over and over again, since the record of the case and statements made on the record by Brooke Tafreshi, indicate that the case was re-analyzed over and over by office personnel.

If Bonnie Dumanis or any of her associates claim they did not initiate the action or maintain the action in question, willfully for wrongful reasons, then the court must draw the conclusion that all the persons in the group, charged in this complaint, have to be incompetent, and that they demonstrated their incompetence each and every time they reviewed *People v. Ryan*, whether before they initiated the action or whether it was down the line, after they had been confronted by witness problems, and disappearing evidence. *See Appendix A, Summary, trial details, testimony of Mike Cully, Henry Migala, Steve Bosh, Officer Montalvan, sections 46-62.*

#### **2b. DA SPENT A LOT OF TIME REVIEWING CORRECT CASE ANALYSIS AND DETAILS OF CIVIL RIGHTS CONSPIRACY AT COMPLAINTANT'S WEBSITES; THEN GOT FURTHER INVOLVED**

The DA has no obligation to believe every thing the Defendant avers in a legal context, but the fact of the matter is, Joe Ryan's webstats prove the DA did thoroughly review the simple straightforward analysis Joe Ryan included prominently on his websites. *See exhibit # 8, showing webstats indicating a wealth of visits to websites where case facts and law explored, and see exhibit #9, a set of pages read available at the same sites.* The analysis and related material available at the site was not hard to understand, and it turned out to be virtually 100% 'on the money'. The accuracy of Joe Ryan's analysis of the weaknesses in the prosecution's case, that Joe Ryan authored and placed upon his websites, was confirmed at trial by the verdict. *See exhibit #6, order ending case, announcing acquittal by jury.* The fact that the same analysis was read by SDCDA employees including – admittedly – the trial DA, is conclusive proof that the DA and the employees who worked on *People v Ryan*, were recklessly incompetent, or more likely, they purposefully acted with incompetence (maintaining charges where they knew probable cause obviously did not exist), because they were ordered to proceed, and despite the flaws in their case and their ethical obligations, they chose to follow orders, rather than give up the case and/or their careers at the DA's office. This behavior violates **RULE 1-120** since the members who are purposefully accepting pay to carry the case against Joe Ryan and who did so where they knew or should have known they were committing a crime themselves, by aiding and abetting an action brought in violation of

Penal Code 182 (a) (2). Each person in the chain of command violated 3-120 by soliciting those below, to involve themselves in a criminal conspiracy.

Furthermore, all persons who conspired to bring false charges against Joe Ryan, assisted and induced violations of the Rules of Professional Conduct in violation of Rule 3-120. The evidence included in all sections of this complaint, indicates, each person in the chain of command stretching from Bonnie Dumanis through the trial DA (Brooke Tafreshi) conspired to falsely charge Joe Ryan; and each and every one, by virtue of their position in the chain-of-command, or through their actions, assisted and induced each other, by cooperating with and thereby ratifying each other's illegal conduct.

### **3. SWIFTNESS OF VERDICT INDICATES 'SHOULD HAVE KNOWN' ELEMENT OF RULE OF CONDUCT 5-100 SATISFIED**

Rule 5-110 decrees, "A member in government service shall not institute or cause to be instituted criminal charges when the member knows or should know that the charges are not supported by probable cause. The twelve assembled jurors were able to understand in a very short period of time that Joe Ryan could not possibly be convicted of any crime, as charged. Their decision was unanimous and swift, because the case was very, very simple; despite the fact it took seven months to run it's course. How could trained prosecutors, who all graduated from law school, not have known, or not been able to figure out, what 12 lay people correctly found in less than an hour? The evidence indicates they not only should have known, but they did know they had no probable cause, but they didn't care because they were sure they could wrangle a hung jury using an artifice. *See sections 5 and 17 of this complaint, and see exhibit #1, jury instructions submitted by DA's office, including illusory arguments in support of DA's preferred jury instructions, wherein DA tried to claim that the phrase, 'electors assembling to consider public questions' did not describe a political meeting or a debate; and See Appendix A, Summary of matter, sections concerning DA's attempts to prejudice jurors, to achieve hung jury.*

### **4. REFUSAL TO EVER TURN OVER RESULTS OF INVESTIGATION OR EVEN ADMIT THAT AN INVESTIGATION EVER OCURRED, PROVIDES OVERWHELMING CIRCUMSTANTIAL PROOF THAT THE CHARGES WERE BROUGHT WILLFULLY, AND FOR A MALICIOUS PURPOSE; IN ORDER TO INFLICT VARIOUS TYPES OF HARM ON JOE RYAN**

The allegation that the charges were brought without probable cause – willfully and maliciously – in order to harass Joseph Ryan, is supported by the way – from beginning to end – the prosecution refused to acknowledge that they ever did any investigation before bringing charges against Joseph Ryan. Of course, that's not possible, since a charge was added by the prosecutor's office, which did not exist on the citation issued after Joseph Ryan was taken into custody on October 22<sup>nd</sup>, 2008. *See Exhibit 3, and exhibit, # 4.*

Charges don't appear out of thin-air. The DA's website explains how charges are determined. *See exhibit #14, page from DA's website, explaining the bringing of charges, after a review of the facts by the DA and a possible meeting with victims.* The DA never admitted that process occurred here. The second count appeared from thin air, like a mirage floating in from sea. Nobody at the DA's office has any idea how it got there.

Brooke Tafreshi (the assistant DA assigned to prosecute the trial for the office) continued to claim that investigation results did not exist, and finally pledged, three months after the case began, that, when the DA's office investigated the matter (to presumably determine whether probable cause existed to bring the charges in the first place), the DA's office would turn over said results. *See exhibit #2, DA's response to complainant's motion to compel discovery, pg. 2-3, chart wherein DA both denies investigation exists, and also states that one is ongoing.*

No investigation was ever admitted to because – according to available, competent, undisputed, irrefutable evidence - any investigation would invariably have to show one of two things. The investigation would have to show that the charges were unwarranted, and brought despite the investigation's conclusions. Or the investigation's summary would indicate the investigator purposefully engaged in incompetence, by pretending to not be able to decipher the meaning of PC 403, before recommending charges. No other conclusion has any basis in logic or reason. The statute is too easy to read and understand, and the facts of the matter – that it involved political speech at a debate – too clear, for it to be reasonable to believe that any trained, licensed attorney or DA investigator, could, be completely and totally devoid of intelligence, to a degree that would explain recommending charges be brought against Joseph Ryan.

The denial of the existence, or occurrence, of an investigation, that the facts and the DA's own pleadings prove happened, and that was not ever turned over to the defendant, violates **Rule 5-220**, which states that “[A] member shall not suppress any evidence that the member has a legal obligation to reveal or produce”. The conduct also violates Business and Professions Code section 6068 (b), which says that bar members, “shall employ, for the purpose of maintaining the causes confided, . . . such means only as are consistent with the truth.”. All parties involved in suppressing the investigation results, are also guilty of violating Rule of Conduct 1-120, which prohibits bar members from assisting in violations of the State Bar Act or the Rules of Conduct. Considering how prosecutors are supposed to be pursuing the truth for taxpayers, they also violate section 3-110 (A) when they purposefully fail to perform with competence, by getting involved in suppressing exculpatory evidence, that the public's legislature has decreed they turn-over.

##### **5. DISTRICT ATTORNEY'S TRIAL STRATEGY FOCUSED ON GETTING AT LEAST ONE JUROR TO HANG THE CASE, SINCE THERE WAS NO GENUINE HOPE OF WINNING A CONVICTION, ABSENT JOE RYAN FALTERING IN COURT, OR LOSING HIS TEMPER BEFORE THE JURY**

The DA's trial-strategy reveals why Bonnie Dumanis was confident she could harass Joe Ryan with unfounded charges. While the trial prosecutor, Brooke Tafreshi, did call some witnesses to testify about matters that had some relation to the elements of the cause, the focus of the DA's case involved replaying a tape to the jury, over and over, wherein Joe Ryan called Duncan Hunter a name. The focus at trial involved asking witnesses if the name Joe Ryan called Duncan hunter was an 'appropriate word' to use (something irrelevant to the charges), and again, replaying the tape. That was followed up by insulations that Joe Ryan and his wife were in it (getting arrested and prosecuted, 'for

the money’). *At time of hearing, see transcripts of trial testimony that will be produced by the time of the hearing on this matter, by complainant.*

Conclusive evidence supports the conclusion the prosecutors involved, always knew the statute they were using did not apply, and that every person involved, with the possible exception of Patricia O’Mara, was aware that the case would not end with a conviction. Evidence leads to the conclusion that The DA’s office was confident that it could find at least one person on any jury who would object to Joe Ryan calling Duncan Hunter a name; so Joe Ryan could never win exoneration. The jurors were polled from the 52<sup>nd</sup> District, where Duncan Hunter’s father has been a congressman for over thirty years; so it seems more than likely, that it wasn’t fathomable to the DA’s team and Bonnie Dumanis, that they could suffer an outright (12-0) loss before a jury that heard Joe Ryan – in a video - call Duncan Hunter a name, approximately 10 times during the trial. *See Appendix A, Summary of matter, sections #5, and #17 of this complaint; and See Appendix A, Summary of matter 46-67.*

It’s hard to discover or imagine any other reason why a group of persons with legal training and experience as prosecutors would proceed to prosecute someone for speech that occurred at a political meeting, with a statute that says it can’t be used to arrest someone for their speech at a political meeting; unless the group of attorneys responsible, were being pressured to initiate and maintain the action, despite their opinion about the efficacy of proceeding. The same group of attorneys, being employees of the district Attorney’s office, must have also acted with the belief that they could escape liability for their actions. The only way that could be done, is if the group fashioned a trial-strategy that ensured that at least one juror would find against Joe Ryan, despite the inapplicability of the statute being used.

Drawing reasonable inferences, it seems that only Bonnie Dumanis could OK the prosecution of a politician – with false charges – for wrongful reason, and only she can guarantee her assistant DA’s will not face the same justice they mete out; Making Bonnie Dumanis guilty of soliciting violations of the Rules of conduct, in violation of Conduct Rule 1-110, and Business and Professions Code section §6068 (G), which prohibits “the commencement of an action, proceeding from a corrupt motive or from a corrupt interest”.

It turns out the DA’s office made a huge miscalculation, and that their strategy was ill-advised; Since all 12 jurors quickly ruled that Joe Ryan was innocent of the charges brought by The DA’s office. *See Appendix A, Summary of matter, section 74-75, a review of jury.* The use of such a strategy violates several rules including Rule 6068 of the Business and Professions Code, which says, “It is the duty of an attorney to employ, for the purpose of maintaining causes, those means only as are consistent with truth”. Trying to win a case, not with facts or law, but by simply trying, over and over, to appeal to the prejudice of jurors is not at all consistent with the truth; when at the same time, the same attorney and law firm are supposedly in court to try and make arguments about the elements of the cause.

The DA’s strategy provides further evidence that the prosecutor involved knew they could not achieve a hung jury, by referring to the relevant elements of the PC 403 charge, so the use of the strategy in question, supports the allegations contained in section 1 of this complaint, which alleges the charged prosecutors proceeded knowing they did not have probable cause). Reliance on the aforementioned strategy violates Rules of

Conduct section 5-200 (B), which prohibits trying to “mislead the judge, judicial officer, or jury by an artifice”. Judge Shelton was not likely to be influenced by the tactic. The strategy was aimed at finding one juror who would ignore the law and act on prejudicial grounds. Essentially, the prosecution strategy focused on achieving a hung jury (not an out-of-reach conviction), via use of a trick. Gilbert’s Law Dictionary defines the word ‘artifice’ to mean, “ A trick . . . .” “A fraudulent device, used to accomplish some evil.”. Certainly, considering all the facts outlined in this complaint, going to trial without probable cause, to cause damage to an innocent party, would be considered by all but the most callous of persons, to be “evil”.

Furthermore, the utilization of the strategy, for all the aforementioned reasons, is a slap in the face to the court, and the entire community; and it constitutes a violation of Rule 6068 (b), which dictates that bar members should “maintain the respect due to the courts of Justice . . . .”. Wasting the court’s time and resources and twelve juror’s time with a charade is hardly ‘maintaining the respect due the courts.

**6. DAMAGED CAUSED BY PROSECUTION IS ASSUMED TO HAVE WHAT WAS INTENDED, SO EVIDENCE OF DAMAGE CAUSED PROVIDES MORE EVIDENCE THAT BONNIE ACTED WITH A MALICIOUS, POLITICAL PURPOSE**

The DA Bonnie Dumanis, aided by the assistants and other does working in her office, drained Joe Ryan of almost seven months of his time, his health, and his income before the ‘simple’ case was brought to an end by community members.

It would seem that since conviction on the charges was never possible, that draining Joe Ryan of his income, health, and time, was at least partially, the motivation driving the decision made to prosecute Joe Ryan. Based upon the identity of the persons involved in acting as third-party prosecutors, and considering those persons had been caught – by Joe Ryan – being involved in the effective theft of money from our The Grossmont Community College District (See Appendix A, Summary of matter, sections 3-5, and 13), it’s obvious that there were many persons with varying reasons, who desired to see Joe Ryan falsely prosecuted; nonetheless, the overriding reason, which is also related to covering-up school related theft, involved a joint effort to drive Joe Ryan from the political arena, or failing that objective, render him unelectable.

**7. THE DISTRICT ATTORNEY OFFICE CANNOT BE SAID TO HAVE BEEN TAKEN BY SURPRISE BY THE WAY pc 403 COULD BE APPLIED, AND THEY CANNOT BE SAID TO BE UNAWARE OF MASSIVE CREDIBILITY PROBLEMS WITH THEIR WITNESSES, SINCE JOE RYAN’S WEBSTATS PROVE THE DA’S OFFICE SPENT A GREAT DEAL OF TIME READING JOE RYAN’S ANALYSIS OF THE CASE, PUBLISHED ON HIS WEBSITES**

This bar member allegation involves much evidence regarding what the charged parties knew, and when they knew it. This section and the following provide evidence going to those issues.

A large amount of internet traffic, that can be readily traced to the DA Office’s IP address (which is documented in webstats included with this complaint), proves persons working for the District Attorney’s office visited Joe Ryan’s websites

(dumpdumanis.com, and pc403.com) on a regular and continuing basis, during the time leading up to the trial date. *See exhibit #8, detailing traffic to complainant's websites by Trial DA Brooke Tafreshi, as well as other doe DA's office employees; and see Appendix C, Declaration of Joe Ryan, sections 8-10.*

Even though conventional wisdom does not support defense attorneys (or pro se litigants) placing their entire defense strategy online for the other side to review before trial, that's what Joe Ryan did. Joe Ryan placed his entire trial strategy online for months for the whole world to see at a website entitled, DumpDumanis.com. He also placed similar analysis at a site called pc403.com (since defunct). The sites explained in detail how and why the statute the DA was using against Joe Ryan was not applicable, and they gave other details regarding which Prosecution witnesses were lying and how prosecution witnesses were committing perjury to cover-up for their own criminal behavior (which had been discovered and exposed by Joe Ryan just before he was charged by the DA's office), and how prosecution witnesses had openly conspired against Joe Ryan (breaking many penal code provisions in the process).

Joe Ryan openly stated at both web-sites, that he would not and could not, be convicted of the charges he faced, and his analysis of the case turned out to be 100% correct. There is no possible, valid explanation for how multiple persons from the DA's office decided to go ahead and maintain the action, after visiting the dumpdumanis.com; because then they would have to reveal details about their investigation of the case. *See Exhibit # 9, material available at websites visited by DA.* They will not reveal how they decided to continue to press their action against Joe Ryan (*see section 4 and 15 of this complaint*), after reviewing his published analysis of the case, because it's impossible to do an honest investigation, and come to the conclusion that PC 403 or Elections Code section 18340 applied to the facts of the case. *See Exhibit #5, statute text, part 3, combination of relevant portions of PC §403 and EC §18340 which applied in the matter of People v Ryan.*

Therefore, the same law office (a law firm per bar rules) was not and could not have been 'caught by surprise' at trial, when the statute they were using was shown to be inapplicable to the facts.

Furthermore, the assistant DA who was in charge of the trial aspect of the case, complained in Mid-June of 2009, before Judge Shelton, that she did not like what she had read about herself at said websites. The same assistant DA (Brooke Tafreshi) has indicated in Court on at least three occasions, that the decisions regarding whether or not to proceed with the case were being made by her supervisor in The District Attorney's office; so knowledge of the legal analysis, disappearing evidence, and witness-perjury problems, that were detailed on Joe Ryan's websites, had to have made it up the chain of command from the trial attorney Brooke Tafreshi to James Rome and Glenn McAllister.

**8. ALL DOUBTS REGARDING WHETHER BONNIE DUMANIS AND MEMBERS OF HER CHAIN OF COMMAND WERE AWARE THAT THE STATUTE DID NOT APPLY AND THAT THERE WERE MASSIVE PROBLEMS WITH THE PROSECUTING AGENCY'S CREDIBILITY CAN BE ELIMINATED BY REFERENCE TO CORRESPONDENCE, SENT USING REGISTERED MAIL, TO BONNIE DUMANIS AND OTHERS CHARGED HERE**

Any doubt that Bonnie Dumanis and persons in her chain of command, such as James Rome, and James McCallister were aware of the fact that they had no probable cause to continue, and that there were massive problems with the DA's witnesses that made pursuit of the case per-se unjust, was erased in March, by the fact that Joe Ryan wrote a direct letter to each of the aforementioned attorneys wherein he challenged the group for proceeding with an inapplicable statute, using a host of witnesses who were openly and brazenly conspiring in violation of the Penal Code and committing perjury on a large scale basis. Proof of receipt of the letters is included with this complaint as exhibit #7 . Even when Brooke Tafreshi discovered – during the week of the trial - that persons from The Grossmont Community College District had warned Chamber of Commerce officials that the College could not allow them to exclude any candidates from the debate Joe Ryan was arrested for trying to participate in, Brooke Tafreshi's supervisor (assumed to be either Romo or McCallister) would not allow her to voluntarily dismiss the case, as she seemed to desire.

The facts in this section, and the preceding section (section # 7) support the conclusion, that no matter what went on at the initiation stage of the prosecution, the prosecutor's office, and the trial DA maintained the action, and continued the action, in violation of Rules of Conduct section 3-200 (C), Rule of Conduct Section 5-100, as well as Business and Professions Code section 6068 (g), all of which prohibit continuing with an action after it's known that there is no probable cause to do so. *Facts meeting the element of Rule 3-200 (C) requiring that the action was done for a malicious reason, are detailed in sections 1-6, 8-11, 11, 13, 14, 17, & 21, and in Appendix A, Summary of matter, sections 35 and 37.*

**9. BONNIE DUMANIS VIOLATES HER OATH OF OFFICE BY ALLOWING WITNESSES ARRAYED AGAINST JOE RYAN, INCLUDING POWERFUL GOP OPERATIVES LIKE MIKE CULLY OF THE CHAMBER OF COMMERCE, STEVE BOSH OF KUSI, AND GROSSMONT COLLEGE OFFICIAL HENRY MIGALA, TO WALK AWAY FROM THE OPEN AND OBVIOUS CRIMES THEY COMMITTED AGAINST JOE RYAN**

While Joe Ryan was prosecuted for trying to speak at a debate, in direct contravention of the community's standards and morals, Bonnie Dumanis has willfully abdicated her responsibility, and willfully and maliciously violated her oath of office, by pretending she doesn't know that her prosecution witnesses and others driving Joe Ryan's prosecution, committed a wide variety of crimes in their quest to get Joe Ryan convicted of something. Brooke Tafreshi, acting through Bonnie Dumanis also pretends she doesn't recognize what the witness-conspirators were trying to accomplish. The evidence conclusively shows that the District Attorney's office was aware of the exact circumstances of the perjury and disappearing evidence (see sections 2 & 8, detailing web visits and letters sent to DA); but instead of trying to stop her witnesses from engaging in crime, Brooke Tafreshi orchestrated a cover-up of the perjury and evidence disappearances. At trial, the conspiracy outlined in Joe Ryan's letter, was revealed in startling detail by witnesses caught lying, but the DA kept pushing forward, hopeful they could get the hung jury they were obviously always pursuing. See Appendix A, sections 10, and sections 15, 16, 20, 26, & 46-62; and *See sections #5 and 17 of this complaint, where DA's trial strategy is explore;, and see trial transcripts from matter of People V.*

*Ryan, which complainant will make available for hearing, as they are created from DVD recordings of the trial, wherein formerly 'secret' meeting is revealed by one attending witness, while all others blissfully lie before disgusted jury.*

Joe Ryan gave Brooke Tafreshi evidence that proved conclusively that her witness, including Mike Cully, were lying, but instead of dropping the case (no longer maintaining), she used the information provided, to make sure her witnesses changed their stories in time for the trial. *See complainant's declaration, part 12-13; and See Appendix A, Summary of case, trial details, testimony of Mike Cully, Steve Bosh, Henry Migala, and Officer Montalvan, sections 46-62.* If she was trying to ensure that the witnesses told the truth at trial for proper reasons, that would be acceptable; but the volume of material Brooke Tafreshi had in her possession, that proved her witnesses were conspiring and obstructing justice, was so overwhelming; that continuing to trial, while she had to 'correct' witnesses along the way, cannot be considered 'just', by any stretch. Therefore Brooke Tafreshi and all others who knew of the conspiracy to obstruct justice, and who allowed the conspiracy to proceed (albeit, while polishing it's edges to make it more palatable for a jury), are all guilty of maintaining an unjust action, in violation of **Business and Professions Code 6068 (c)**. Also, continuing to trial in light of facts that conclusively illustrated that a number of witnesses were conspiring together, violates Business and Professions Code section 6068 (d) that says "It is the duty of an attorney to employ, for the purpose of maintaining causes, those means only as are consistent with truth".

By willfully and maliciously allowing the conspirators, who sought Joe Ryan's conviction, to walk away from the crimes they committed, knowing that the unsuccessful attempt at convicting Joe Ryan caused massive damage to him on a political level, and that at least some of the conspirators, including Bonnie Dumanis herself, obviously were motivated by a desire to interfere with federal electoral process, Bonnie Dumanis is not only ratifying gross criminal interference with federal elections, but she is giving the conspirators a green light to further harm Joe Ryan if he appears in public, in any forum where his presence isn't appreciated by people like Mike Cully, Police Chief Joel Javines of the GCCCD police Department, or a reporter like Michele Clock of the Union-Tribune. Since some of the conspirators used code names – while using the GCCCD Police department's dispatch system to communicate about their conspiracy to violate Joe Ryan's civil rights, there's no way to know who else is actively conspiring against Joe Ryan. Police Chief Joel Javines hid – with 'Nightstand' – just outside the debate hall's doors, while they jointly managed the violation of Joe Ryan's civil rights by GCCCD officers; but since 'NightStand' is a powerful person in GOP circles, he remains untouchable. *See Appendix A, Summary of matter, sections 21-27.*

By giving criminals, who are likely to repeat their undressed behavior if given the opportunity, a 'green light' to commit crimes against Joe Ryan, without fear of prosecution, Bonnie Dumanis is severely inhibiting Joe Ryan's ability to exercise his free speech rights, denying him an avenue for proper redress of his grievances, inhibiting his fundamental (or at least quasi-fundamental) right to run for federal office, and violating his 14<sup>th</sup> amendment rights to procedural due process and equal protection of the laws. The evidence disclosed in this allegation indicates she is acting with a malicious, political purpose, in doing so, she is violating her oath of office and subverting support for the constitution, in violation of Business and Professions Code §6068 (A), which says, "It is

the duty of an attorney to support the Constitution and laws of the United States and of this state”.

Bonnie Dumanis pretends she doesn't know that the group of persons acting as her third-party prosecutors are actively conspiring to interfere with a federal election; but the evidence indicates she is not only aware of their designs and plans, but that she is an active participant in the conspiracy herself (*see exhibit #7, letter to Dumanis from Joe Ryan, which detailed rights conspiracy by her witnesses, and which she completely ignored without answering, before proceeding with the same witnesses*).

Bonnie Dumanis is the party the third-party prosecutors have been able to convince to initiate charges against Joe Ryan. The initiation of charges, considering the circumstances, constitutes an assault upon the federal constitution; since the federal Constitution protects Joe Ryan's right to run for office without being grossly interfered with by a partisan acting completely outside of the law. Bonnie is required by Business and Professions Code (6068 [a] to uphold the laws and constitutions, not subvert them by interfering with voting rights and federal elections).

In other words, **Business and Professions Code §6068 (A)** essentially prohibits an attorney from assaulting community morals by attacking a candidate for federal office, outside of the electoral process, using heinous tactics, that are themselves, criminal, like the evidence conclusively shows, Bonnie Dumanis did here.

**10. DECISION TO ALLOW HER PERSONAL FRIEND TO COMMIT DANGEROUS CRIMES AGAINST THE COMMUNITY, WHILE JOE RYAN WAS PROSECUTED FOR NO REASON AT ALL, ILLUSTRATES HOW BONNIE DUMANIS IS VIOLATING HER OATH OF OFFICE BY MAKING PROSECUTORIAL DECISIONS, IN A WAY THAT INDICATES SHE IS ENGAGING IN A PATTERN OF RACKETEERING**

The recent matter involving Suzanne Latour, a personal friend of Bonnie Dumanis, and a member of the San Diego Women's Foundation, who Bonnie Dumanis refused to proceed against (after she rammed another car while dead-drunk, causing severe bodily injury to her victim), provides another case on point, proving that Bonnie Dumanis is violating her oath of office, which requires that she uphold the laws of the state, not ignore them when convenient. *See exhibit # 11, article about incident and DA's decision not to charge*. I have asked that David Fleming, the badly injured victim who has made public comments expressing outrage at the decision to not prosecute Latour, be subpoenaed to provide testimony, that one would assume would correlate with public comments he's made about his victimization.

While Bonnie Dumanis is vested with much discretion regarding who gets charged with crimes in San Diego County, it's obvious that the discretion is being exercised in a manner that constitutes racketeering activity, when Suzanne Latour can harm community members, and brag afterward that she will not face charges because of her association with Bonnie Dumanis. Meanwhile Joe Ryan made GOP power-brokers angry and caught GOP operatives stealing from our local college, so Joe Ryan got prosecuted for attempting to exercise non-violent political speech, using inapplicable statutes.

Exercising discretion, taking into account considerations of friendship and political motives, is not only illegal, but it constitutes an act of Racketeering, where a political opponent has been kidnapped under color of law twice, and the discretion is exercised in order to inhibit the person ability to report their victimization to authorities, and to put the person in jail, in order to silence them, and end their unwelcome foray into federal-level politics.

Similarly, Bonnie Dumanis has also been accused of running interference for criminal activity engaged in by associates of her longtime pal, Jerry Sanders, and for running interference for County Supervisor Bill Horn, by Dave Stutz, who formerly worked under Bonnie Dumanis at the DA's office. I have included Chris Reed and Dave Stutz on the subpoena list so they can testify to the aforementioned matters.

**11. BONNIE DUMANIS'S PROTECTION OF HER CROOKED FRIENDS IS SO COMPREHENSIVE AND PERVASIVE, THAT ALL OPERATING UNDER HER PROTECTION ACT WITH IMPUNITY, AND HAVE NO SHAME AT ALL WHEN CAUGHT STEALING OR COMMITTING PERJURY**

If Joe Ryan had not been acquitted on August 25<sup>th</sup>, 2009, it's apparent that the group of persons who run an organized theft ring from their offices at the East County Chamber of Commerce and at Grossmont College, would have continued to steal from the government in the open way that Joe Ryan discovered they were doing. The College illegally withheld documents Joe Ryan requested that showed Meg Whitman and Mike Cully were ripping-off the College, until after their theft was completed; so Joe Ryan could not go to court to get an injunction to halt the thievery. The same College officials were allowing the Chamber of Commerce to steal from GCCCD, and who continued to allow the fraudulent activity to go on despite Joe Ryan's inquiries into their practices, got apprehensive, and they brought the curtain down on their conspiracy (the day Joe Ryan was acquitted). Bonnie Dumanis's prosecution of Joe Ryan, while only partially motivated by the desire to cover-up crime committed at GCCCD, was done in order to help her friends contravene the laws of the State of California, requiring private parties pay for their use of college resources. Aiding the violation of the law, subverts support for the law, and it indicates Bonnie Dumanis violated Business and Professions Code section 6068 (a), which mandates she support the laws, not conspire to allow others to break them at-will. *See Appendix A, Summary of matter, section 76, and exhibit # 21-22.*

**12. THE DISPARITY BETWEEN HOW BONNIE HANDLED TWO RECENT EVENTS, ILLUSTRATES THAT SHE MAKES PROSECUTORIAL DECISIONS FOR POLITICAL REASONS, AND THAT SHE OPERATES IN A DISCRIMINATORY WAY**

Bonnie Dumanis is responsible for the conduct of attorneys acting under her supervision, which includes all persons working in The District attorney's office; however, in certain situations, where attorneys she supervises conduct themselves in ways she is unaware of, and in ways she cannot through normal diligence discover, it could be considered inappropriate or even unfair, to bring the full weight of punishment upon her, for such unknown, and undiscovered conduct.

However, here, the overwhelming weight of the evidence indicates that Bonnie Dumanis herself was involved in the initiation of the charges, and that the charges were

not based upon the existence of probable cause, but rather they were based upon political considerations. This conclusion is bolstered by past events where she seemingly targeted Steve Castaneda for prosecution, in order to harm him politically. According to press reports, that prosecution, which also ended in an acquittal, was likely initiated at the behest of Cheryl Cox, a political ally of Bonnie Dumanis. I have asked that that Chris Reed be subpoenaed to provide testimony that one would assume would correlate with public comments he's written about the DA's conduct.

Bonnie Dumanis penchant for treating politicians in disparate ways, which reportedly includes allowing her political allies to disobey the law with impunity, is bolstered by comments made by attorney Dave Stutz. Dave Stutz worked for Bonnie Dumanis but he left his job with the DA's office after he was asked to make prosecutorial decisions, based upon political criteria. I have asked that Mr. Stutz be subpoenaed to provide testimony that one would assume would correlate with public comments he's made about the DA's conduct.

More evidence indicating that Bonnie makes prosecutorial decisions based upon political considerations, in direct contravention of the morals of the taxpayers who elected her and in contravention of her oath of office, is provided by comparing how she prosecuted Joe Ryan for his non-violent speech related activities, and how she failed to proceed against violent members of a group she associates with on a social level.

The disparity is illustrated by how Bonnie Dumanis proceeded after a recent matter involving members of the LGBT community, who violently protested the actions of a San Diego County Sheriff's Deputy, who was called to a fundraising party held at Francine Busby's residence. Despite the fact that the DA admitted at trial that Joe Ryan had not done anything violent whatsoever on the nights he was detained, it's well known that the Sheriff's Deputy that responded to the Busby affair, was injured, and that he had to make a serious call for back-up, due to the aggressive, violent actions taken by some LGBT community members attending the event.

The way the matter was shelved despite the violent nature of the incidents that occurred at the Busby residence is strong circumstantial proof that Joe Ryan was prosecuted for wrongful reasons, but it also shows how Bonnie Dumanis protects persons who are from favored groups from prosecution for political crimes; since, no matter what happened in Joe Ryan's case, most objective observers and many persons in the law enforcement community, feel charges were well warranted in the Busby matter, and that Bonnie Dumanis was derelict in her duty, when she walked away from obvious lawbreaking. *See exhibit 12, statement in article, wherein Bonnie Dumanis announces she will not pursue charges even though Deputy attacked.*

The facts in this section support the allegation that Bonnie acted against Joe Ryan with a malicious, political purpose, and it supports the conclusion that she violated sections 2-400 of the Rules of Conduct, which prohibits operating a law office with discriminatory intent, and business and Professions Code section 6068 (a), which prohibits her from violating her oath of office by prosecuting innocent persons for political reasons, which prohibits her from discriminating in favor or against community members based upon their sexual preferences.

**13. MORE EVIDENCE BONNIE DUMANIS MAKES HIRING DECISIONS AND DECISIONS REGARDING WHO TO PROSECUTE, ON UNCONSTITUTIONAL, ILLEGAL GROUNDS THAT VIOLATE CONDUCT RULES AND BUSINESS AND PROFESSIONS CODE 6068**

The way Bonnie Dumanis has made decisions, both to prosecute Joe Ryan, and to not prosecute criminals who have openly broken the law to ‘get’ Joe Ryan, illustrates that she is making prosecutorial decisions upon improper grounds that are discriminatory. Joe Ryan is not politically ‘connected’, he’s not a prominent member of the LGBT community, he’s not a member of the same religion as Bonnie Dumanis, and he isn’t a member of the Republican Party, so he is not in any ‘club’ able to provide protection against crimes committed against him by Bonnie Dumanis and her powerful friends.

Further proof of the discriminatory nature of Bonnie Dumanis is the fact that she brags on her website that employment decisions are always made with ‘diversity’ considerations in mind. *See exhibit # 62, a page from Bonnie Dumanis’s website, wherein she brags that she applies illegal considerations to employment decisions.* No matter how widespread the practice has become in academia and elsewhere, and no matter how much members of the ‘diversity coalition’ want to deliver jobs to co-members and to effectively ban white male Caucasians men, who are not Jewish, from the hiring-pool; our State and Federal constitutions, as well as State statutes like the Unruh civil rights act, expressly outlaw the ‘diversity’ quotient she applies to new hires. By basing hiring decisions on skin color, religion, race, national origin, and whether or not a person is a member of the LGBT community, Bonnie Dumanis is blatantly violating section 6068 (A) of the Business and Professions Code, as well as 2-400 (b) and Rule 1-120 of the Rules of Professional conduct.

**14. BONNIE DUMANIS’S MENTAL PROBLEMS RENDER HER UNABLE TO PERFORM PROSECUTORIAL FUNCTIONS IN A HONEST, MORAL WAY**

Bonnie Dumanis has an obligation to recognize her own mental fragilities and weaknesses, in accordance with rule 3-700 (b) which makes it mandatory for an attorney to withdraw from her role as prosecutor, when “the member’s mental condition renders it unreasonably difficult to carry out employment effectively”. The case initiated against Joe Ryan provides ample proof on it’s own that something is seriously wrong with Bonnie Dumanis, and that she does not have the mental capability or control, that will allow her brain to separate her personal feelings, whether driven by hatred for a particular defendant or whether driven by political considerations, when making prosecution-related decisions, from her professional duty. She has demonstrated that she does not have the will power to control her urge to violate her oath of office, and abuse the powers vested in her office, when she gets upset about someone ‘bothering’ her or her friends or political associates in some way, regardless of whether criminal activity has occurred.

The way she handled the case filed against Cynthia Sommers seems to illustrate many of Bonnie Dumanis’s mental control problems, related to her personal distaste for a defendant. In that matter, as time wore on, it became apparent Bonnie had become personally involved in trying to bring about an end to the case which would satisfy her personal anger or dislike for the defendant, regardless of the justice – or injustice - of her stated cause. I have asked that Mr. Bloom, Cynthia Sommers attorney, be subpoenaed to

provide testimony that one would assume would correlate with public comments he's made about the DA's conduct, and with comments made in pleadings, in the matter of People V Sommers.

**15. THE DISTRICT ATTORNEY'S OFFICE HAS A REPUTATION AMONGST SOME MEMBERS OF THE LEGAL COMMUNITY FOR PURPOSEFULLY 'OVERCHARGING' DEFENDANTS; ACTIONS TAKEN IN JOE RYAN'S CASE, WHERE A SECOND CHARGE WAS FILED, THAT OBVIOUSLY LACKED PROBABLE CAUSE, PROVIDES DEMONSTRATIVE PROOF THAT THE PRACTICE IS BEING ENGAGED IN. THE PRACTICE VIOLATES SEVERAL CONDUCT PROVISIONS WHICH FORBID PROCEEDING MALICIOUSLY AND WITHOUT PROBABLE CAUSE**

The District attorney added a second charge against Joe Ryan (Elections Code 18340), which indicated he disrupted a political meeting, which precluded the DA from charging Joe Ryan with Penal Code 403 (if they ever really believed either count was backed by probable cause), because Penal Code 403 doesn't apply to a political meeting. So, to support count two, someone had concluded that the debate was a 'political meeting', but the same investigator went ahead and then coupled that charge with one that said it wasn't applicable to a political meeting. They charged Joe Ryan with violating a political meeting, and with violating a non-political meeting, and they were referring to the same event! In other words, you can't charge someone with violating Education Code 18340 and Penal Code 403 drawing on the same set of facts that happened in one occurrence. That's not possible. There's no logical, lawful reason to proceed as the DA's office did, unless the second count was merely added in order to wear the defendant down, and scare him into a plea bargain.

That conclusion is bolstered by the manner in which the DA tried to trade the second count, which it knew could not apply to any fact situation in tandem with a PC 403 charge, for a guilty plea from Joe Ryan. The DA offered the plea after it cheated non-stop for almost three months, until they finally got Joe Ryan to get angry and vociferously complain to Brooke Tafreshi and her DA investigator about the nature of the charges and the fact that the charges were having an enormous impact on the Joe Ryan's personal, business and professional plans, as well as upon his health, and the health and happiness of his wife. See Appendix C, Declaration of Joe Ryan, section 1. Once they felt they had 'broken' the defendant, they offered to let him walk away from attempting to speak in a debate, with a three year stint on probation, and 10 days of jail time, knowing all along that they were using the power vested in their office to commit crimes against Joe Ryan by bringing and maintaining two charges they knew were completely unfounded. Obviously, Joe Ryan could never be elected to any office as long as he lived after being placed on a road gang for ten days, and after being placed on three years probation; since it's generally acknowledged, by most political consultants, that people on probation don't win elections.

Bringing charges where one knows the charge (s) are not supported by probable cause, simply to wear down defendants by increasing their workload, litigation expenses, and the time expenditure necessary for a defendant to take a matter to trial, especially where done for political reasons and to cover-up crime, violates several Rules of Conduct, including, but not limited to Rules 3-200 (C), 5-100, 5-200 (A), and Business

and Professions Code §6068 (a) (c) (d) & (g). The aforementioned rules were indisputably violated in the matter of people V. Ryan, when Bonnie Dumanis, acting through her investigators and DA assistants, made their decision to charge Joe Ryan with two criminal counts, that were based upon mutually exclusive statutes. *See section #7 of this complaint for summary of rules, and sections 1, 2, 3, & 14 of this complaint, for details regarding how elements of the rules noted here, were met.* Evidence going to the fact that the DA purposefully violated discovery obligations in order to wear down Joe Ryan and his wife, and to win by causing harm to defendant and his wife, rather than by proving elements of a valid charge is abundant. *See Appendix A, Summary of matter, sections, 29-34.*

**16. THE DISTRICT ATTORNEY’S OFFICE HAS A REPUTATION AMONGST SOME MEMBERS OF THE LEGAL COMMUNITY FOR PURPOSEFULLY WITHHOLDING EXCULPATORY EVIDENCE FROM DEFENDANTS. ACTIONS TAKEN IN PEOPLE V RYAN PROVIDE PROOF OF THE PRACTICE.**

Other notorious cases lend credence to the allegation that the District Attorney’s office systematically, and as a matter of policy, fails to turn over exculpatory evidence to witnesses on trial, as it is required to do. In Vista, attorneys working for the public defender’s office have charged that the DA’s office has repeatedly, and willfully broken the law to increase the DA’s chances of winning convictions. **Professional Conduct Rule 3-210** prohibits attorneys from advising the violation of the law or discovery rules. That rule is violated by the DA’s policy and practice of illegally withholding evidence it has an obligation to turn-over and not suppress.

Business and professions Code 6068 prohibits attorneys from withholding discovery they have a lawful obligation to produce, and it also requires that the DA’s office not suppress evidence.

The records of the case People V Ryan, particularly the pleadings related to Joe Ryan’s motion to compel discovery & the accompanying sanctions motion, illustrate that Joe Ryan had to force evidence from the District Attorney’s office, from the beginning of the case through the end of the standard discovery-procedures timeframe. The DA’s office completely ignored the law and never responded in any way to Joe Ryan’s initial requests for discovery, and their subsequent turn-over was woefully deficient. When the matter came before the judge, the District attorney dishonestly blamed the discovery problems on the defendant’s lack of knowledge of court procedures. *See exhibit #1, Defendant’s motion to compel discovery; Appendix A, Summary of matter, section 29-34, and exhibits, # 18-19, correspondences sent to DA on 5/13 and 6/5/08, with reply received from Brooke Tafreshi on 6/6/08.*

The DA’s office also fabricated a date, supplied with the first batch of evidence turned over to the defendant, that backed-up their baseless discovery-difficulty claims. The date indicated the discovery had been ready to be picked-up at the DA’s office on the same day the case was initiated (January 27<sup>th</sup>, 2009), however, the date was revealed to be ante-dated when assistant DA, Patricia O’Mara, declared to Joe Ryan – In March of 2009 - that the first evidence packet that would be turned over to the defendant, was still being compiled from various sources and locations within the DA’s office. *See Appendix C, Declaration of Joe Ryan, section 24.*

So, not only does the DA's office fail to follow court rules and statutes by failing to turn-over discovery in a timely manner, but it also seems that – after breaking discovery rules – DA office employees are very adept at covering-up their bad conduct.

Also, the DA's act of hiding the results of it's own investigation, and refusing to ever divulge the same, when combined and analyzed alongside facts about the same behavior occurring in Vista, shows that the conduct laws requiring discovery be turned over in a lawful manner to defendants, are being violated as a matter of policy. I have asked that Kathleen Conlon of the Vista Public Defender's office be subpoenaed to provide testimony that one would assume would correlate with public comments she's made about the DA's conduct.

**17. REFUSAL TO TURN OVER MATERIAL IT HAS AN OBLIGATION TO PRODUCE AND NOT SUPPRESS IS PROVIDED BY DA OFFICE'S RESPONSE TO PUBLIC DOCUMENT REQUESTS THE LAW REQUIRES BE ANSWERED IN GOOD FAITH**

A reporter with a local online media outlet has been trying to get Bonnie Dumanis's office to comply with public documents requests, but instead of complying, Bonnie Dumanis apparently instructs her staff (assuming they don't make the decision on their own) to charge the person making the requests a relatively enormous fee that is against the law (see Cal. Govt Code 6250), in order to stifle the requests. What she does is in violation of the law, but since she's the prosecutor, there's no party to address the problem except the Court or the State Bar Association. *See exhibit # 15, article written by Keegan Kyle about his unsuccessful attempts to get public document requests fulfilled in a lawful manner.*

Whether the person in charge of handling document requests is acting on their own, or at the direction of superiors, Bonnie Dumanis is responsible for the conduct via the application of agency, respondeat superior, and Rules of Conduct decisions, which make her responsible for bar violations occurring by persons who work in her office. *See rules of conduct decisions for Rule 3-110.*

**18. DA'S TRIAL STRATEGY DICTATED THAT THE DA HAD TO DISPARAGE JOE RYAN AND HIS WIFE BEFORE THE JURY, IN ORDER TO PREJUDICE AT LEAST ONE JUROR AGAINST JOE RYAN, AND ACHIEVE THE HUNG JURY THE DA WAS PURSUING FROM THE GET-GO**

**Business and Professions Code section 6068 (f)** "states that it is the duty of an attorney to advance no fact prejudicial to the reputation of a party, unless required by the justice of the cause".

With Joe Ryan on the stand before the jury, the trial-DA, Brooke Tafreshi, asked questions of Joe Ryan that had no legitimate purpose, as far as determining whether elements of the action were met. The line of questioning, which involved casting aspirations upon Joe Ryan and his wife, implying that Joe Ryan's kidnapping under color of law was all part of a set-up – orchestrated by Joe Ryan and his wife - designed to take money from the government under false pretenses. The DA implied to the jury that Joe Ryan intended to get arrested, and his kidnapping under of color of law was the purposeful result of his 'diabolical' plan. The assistant DA who made the argument was in possession of a wealth of information, including constitutional law arguments sent to

School officials, that strongly indicated that Joe Ryan entered the stage and attempted to speak as a last resort, after all of his efforts to petition the government failed; and in order to spread his political viewpoints and gain political exposure, on an equal basis as the other three candidates, who spoke that night with the government's financial sponsorship.

Also, in a fit of passion, Brooke Tafreshi included language in a motion-in-limine that was completely inappropriate; referring to the sexual activity of the defendant and his wife. *See exhibit #2, DA's first motion in limine; and See Appendix A, Summary of matter, section 35.* While the offending material was removed in an amended pleading, the fact that the information about the defendant's procreation habits was included in a motion, illustrates that the trial DA was at least partially motivated by passion stemming from statements made on the internet by the defendant, which she read and got upset about; and consequently, it's logical to assume that – based upon her vociferous objections to the web content and her inclusion of procreation details in a motion, that Brooke Tafreshi's judgment was clouded, and that she maintained the action, despite all of the problems with the case (previously mentioned in this brief), not only because she was ordered to do so, but also because she developed a personal dislike for the defendant and his wife, during the run-up to the trial.

Also, Brooke Tafreshi tried to advance false facts prejudicial to the defendant, when she brought Chamber of Commerce official Valerie Harrison before the judge, to complain about being abused by the defendant, even though she witnessed the event leading to Valerie Harrison's charge, and she knew that the defendant had been physically attacked by a angry, out-of-control witness, and that the defendant had acted perfectly appropriately in all regards before and after the witness's implosion in a courtroom hallway. Having directly witnessed the events, and knowing the defendant's conduct was appropriate, she nonetheless, tried to prejudice the trial judge by falsely implying that Joe Ryan was an abuser of women and incapable of handling witnesses in the same manner as an attorney. It was grand theatre done with a wrongful purpose. Again, facing a case that could not be won under normal circumstances, the DA tried to cause the judge to act with prejudice against the defendant, Joe Ryan.

#### **19. DA'S OFFICE WILLFULLY, MALICIOUSLY AND FOR WRONGFUL REASONS INCLUDED FALSE STATEMENTS OF FACT IN EVERY PLEADING FILED IN MATTER OF PEOPLE V RYAN**

Every filing contained completely false, deceptive, destructive material designed to cause trouble, confusion, prejudice, and mental anguish. Starting with the DA's demur response, which besides containing falsehoods, misled Joe Ryan into believing the DA was pursuing an entirely different matter than it was actually pursuing. Whether done on purpose to confuse, or because the DA changed their mind about which date to pursue, midstream, it violates bar rules prohibiting incompetence (3-110) or purposeful false pleadings Business and Professions Code section 6068, requiring attorneys use only truthful means. *See exhibit #2, response to demur, facts section, and Appendix C, Declaration of Joe Ryan, section 25.*

The DA's first and second motions in limine contained facts sections that were absolutely dishonest and wrongfully deceptive and misleading. *See Appendix A, Summary of matter, sections 35 and 37.* The requested orders from the DA's 2<sup>nd</sup> motion-in-limine were designed to create a false impression/record of the case, and to prejudice the judge

against Joe Ryan. *See Appendix A, Summary of matter, section 37.* Comparing the record of what had transpired up to the time of trial (see Appendix A, summary of matter, sections 29-34, and exhibits, # 18-19) with what was placed in the DA's second motion in limine shows it took every valid allegation I had made against DA's office and accused me of the same (by implication). The standard tactic of a three-year old caught with their hand in the cookie jar. Just deny, and accuse the accuser of the same conduct. The DA may of thought it was a brilliant tactic, but the tactic violates Business and Professions Code section 6068 which prohibit use of untruthful means to advance a cause.

The DA's opposition to Joe Ryan's demur was dishonest in respect to the fact that the DA lied about events taking place at the arraignment and tried to dishonestly claim that Joe Ryan had pled guilty and that his demur was not effective. *See exhibit #1, defendant's response to DA's demur opposition, pg. 4-8.* In order to win the point, the DA, Patricia O'Mara purposefully misquoted the law in a very deceptive way. *See exhibit #1, defendant's response to DA's demur opposition, pg. 10-11.*

The DA's response to Joe Ryan's demur also contains another a blatant false misstatement of the law designed to fool the fact-finder. The DA circumcised a sentence in a case they cited, so as to completely alter the sentences meaning and import. *See exhibit #1, defendant's response to DA's demur opposition, pg. 19-20.*

## **20. A LIST OF THE STATE AND FEDERAL LAWS BROKEN BY BONNIE DUMANIS AND HER FELLOW RACKETEERS ILLUSTRATES THE DEPTH AND BREADTH OF THE LAWBREAKING THAT HAS VICTIMIZED JOE RYAN AND HIS WIFE HAVE ENDURED**

Included with this complaint is a list of state and federal statutes that have been violated by the racketeers, led by Bonnie Dumanis, who have continuously assaulted Joe Ryan and his wife with criminal activity, starting just a few days after he announced his first foray into politics, in the Spring of 2008. The list is extremely long, because the amount of crime being committed to stop Joe Ryan from continuing in politics, is breathtakingly large, and the number of people who have taken it upon themselves to commit crimes victimizing Joe Ryan and his wife is equally large. *See Appendix B, list of statutes broken by Bonnie Dumanis and her fellow racketeers.* Joe Ryan is prepared to testify at hearing, how each statute cited in Appendix B, was broken by Bonnie Dumanis or her third party prosecutors.

## **21. ALL ACTS OF DISHONESTY DETAILED IN THIS REPORT VIOLATE MULTIPLE CONDUCT RULES, INCLUDING BUSINESS AND PROFESSIONS CODE SECTION 6106, WHICH PROHIBITS DISHONESTY, AND MAKES IT GROUNDS FOR DISBARMENT**

Throughout this complaint acts of dishonesty are detailed. Most of the conduct breaks Rule of conduct 5-220 (A), or Business and Professions Code 6068 (d); but all of it also violates Business and Professions Code section §6106, which makes any act of moral turpitude or dishonesty, grounds for suspension or disbarment.

## **22. RAMPANT INTIMIDATION OF JUDGES HAS BEEN REPORTED IN THE PRESS**

There have been several reports in the press detailing Bonnie Dumanis's practice of boycotting judges of the Superior Court who have made evidence rulings, or other rulings that displease her. Whether the practice is technically legal does not diminish the fact that her abuse of the practice evidences bad moral turpitude, and it violates penal code provisions prohibiting obstruction of justice. *See Cal. PC 182 [a] [5]*. I have asked the court to subpoena Judge Palsky to testify about the issue and her experiences with persons working for the DA's office.

## **23. THE FACT THAT IMMUNITY DOES NOT APPLY, SHOULD BE A FACTOR CONSIDERED WHEN PUNISHMENT IS METED OUT**

If the court finds Bonnie Dumanis has violated her oath of office or committed other violations warranting punishment, the complainant asks that the court take into consideration the fact that Bonnie Dumanis and her assistants and investigators are not eligible to receive even qualified immunity for their acts. The facts surrounding the investigation that was faulty, purposefully rigged, and never revealed, removes all immunity from the persons involved. Immunity applies to all but the most callous, bad conduct a prosecutor might engage in, so that fact that the law does not afford her or her assistants any immunity is a factor that should be considered when punishment is considered.

## **24. DAMAGES CAUSED BY THE BOGUS PROSECUTION, AND THE FORESEEABILITY OF THOSE DAMAGES, SHOULD BE A FACTOR THE COURT CONSIDERS IF PUNISHMENT IS METED OUT**

The prosecution of Joe Ryan drained the defendant of almost all of his income, his health, and any ability to continue in politics in a viable way. Harassing someone for political reasons with wholly unfounded criminal charges is considered way beyond the pale by most Americans; and thus truly an act evidencing bad moral turpitude.

The seven month ordeal caused Joe Ryan so much stress and triggered so many health problems by the time he made it to trial, Joe Ryan's weight had dropped so much, that during jury selection, Joe Ryan had to remark to the jury about his weight, because it was so obviously down that he thought the jurors might conclude he was on meth. When Bonnie Dumanis sent him an indictment on his birthday in January, Joe Ryan weighed approximately 140 pounds. Seven months later, his weight was down to 115, and almost all of his income had been obliterated by the process.

Joe Ryan complained to the DA about the health problems and other difficulties the DA was causing Joe Ryan and his wife, but Joe Ryan's attempt to get the DA's office to behave and stop committing open crimes against him, were ignored; because, as the evidence here proves, causing Joe Ryan numerous difficulties, was the main point of the whole prosecution.

