

To:

RE: NATIONAL/INTERNATIONAL SEARCH FOR AN ETHICAL NON RACIST MORALLY-INTACT INDIVIDUAL WHO WILL ASSIST ME IN REFERRAL TO A CREDIBLE INVESTIGATIVE AGENT/AGENCY - TO INVESTIGATE MY CHARGES OF

RACISM: DOMESTIC WAR CRIMES, LEGAL-LYNCHING AGAINST RIVERSIDE COUNTY, CALIFORNIA, KU KLUX KLAN PROSECUTORS OR CHARGES OF MALICIOUS/VINDICTIVE "RACE-HATE" PROSECUTION WITHOUT PROBABLE CAUSE OF A LEGITIMATE BONA FIDE VICTIM IN CONTRAVENUE TO ARTICLE III, SEC 2 OF THE U.S. CONSTITUTION, NO VICTIM, NO CRIME LAW, COMBINED WITH WRONGFUL CONVICTION

BY RICO CONSPIRACY OF WITNESS PERJURY (PROVIDING A U-VISA TO AN ILLEGAL ALIEN TO CHANGE HER TALE. PROSECUTORIAL ACCESSORY TO SAID PERJURY TELLING THE JURY HIS STANKING ALIEN TOLD THE TRUTH. IN MY 13 YEARS OF WRONGFUL ENSLAVEMENT I HAVEN'T FOUND ANYONE WITH THE CUTS/BALLS TO EVEN ACKNOWLEDGE MY WITNESS PERJURY CHARGES AGAINST THE CORRUPT SLAVE STATE CALIFORNIA. I LIVE IN A RACIST WHITE SLAVE STATE FULL OF MURDERING, CHEATING, LYING GENOCIDAL MONSTERS. KKK RACIST COWARDS

RICO DISTRICT ATTORNEY OFFICE OF PROFESSIONAL STANDARDS REFUSES TO EVEN ACKNOWLEDGE MY CHARGES - TO POLICE ITS CORRUPT MEMBERS

REQUEST FOR REFERRAL: NAME/ADDRESS OF A NON RACIST WHITE, NON-CORRUPT MORALLY-INTACT, ANTI-SLAVE INDIVIDUAL WITHIN THE GOVERNOR'S OFFICE, CALI, ATTORNEY GENERAL'S OFFICE OR THE RIVERSIDE COUNTY D.A.'S OFFICE OF PROFESSIONAL STANDARDS
RACIAL GENOCIDE

I REFUSE TO ACCEPT THAT ALL WHITE ARE GENOCIDAL MURDERING, LYING CHEATING COWARDS. WHERE ARE THE DECENT WHITE PEOPLE OF AMERIKA? PLEASE ADVISE?

OTIS LEE ROGERS-V02538, BOX 200-Y107-L, VACAVILLE, CA 95696

5/10/81

Working to Bring Justice to the Unjustly Imprisoned

Imagine if you will the most cruel, corrupt, godless state with the richest slave empire the world has ever known by ripping off the stupid taxpayers to provide deadend parasitic "do nothing ass jobs" at obscene exorbitant salaries for the dredge of criminals, those with hidden agendas hiding behind badges, black robes, authority and thats: God Damn California.

I was captured by my enemies, kidnapped from my family and loved one, unjustly tried under California's infamous Three-Stikes Law of being (I.) Poor, (II.) Black, and (III.) Targeted, charged with a fictitious crime, summarily convicted and mercilessly condemned to prison all in the face of the drafted "named-victim" Joyce R., pretrial in open court sworn repudiation of Deputy District Attorney Deborah Ann Lucky's vicious lies of her victimization, denying that she had been abused or threatened by me. In protest to California's iniquitous defacto "racehate" black code lynch (slave) law, Joyce refused to participate, boycotted the kangaroo trial, abandoning me, fleeing the state in fear of retaliation. And on behalf of the "unavailable" Joyce, arresting deputy Gary Bowen testified at my trial that Joyce had told him that she had not been threatened nor assaulted with a firearm by me.

100650

Unperturbed Riverside County Deputy District Attorney Brian D. King in conspiracy produced a simpleminded illegal Mexican alien, Sandra Rodriguez, suborn by extortive threats of deportation (having to leave her many anchor children), to commit perjury, to change her story and to testify falsely that she, a percipient witness had observed me commit a firearm assault upon a black Jane Doe of which; in undisputed rebuttal 9-1-1 sheriff's dispatcher Barbara Lang testified that Rodriguez was (a perjurious-liar) because she had initially reported to her that she had no visual and she saw no weapons; as is confirmed by Rodriguez's voice on the 9-1-1 tape of which my attorney, John Ward (415) 255-4996 has a copy in repository. Trial Judge J. Thompson Hanks in collusion refused to expose this lying prosecutor by not allowing the jury to hear the dispositive 9-1-1 tape indicating Rodriguez had reported she saw no weapons.

ELDER OTIS LEE RODGER
PO BOX 5247 - V02538
CERRITOS CA 93712

Moral-decency and civilized-intelligence dictates that if the Mexican had no visual and she saw no weapons than it would be logically impossible and defy the laws of physics for her to truthfully testify two-years after the fact that she now looked back into her past and observed a firearm assault and; it is rape of the intelligence to ACCEPT her first-time, in-court, cross-racial "remembering" identification of me as perpetrator, the only male black referred to as defendant questioning and standing before her. Lastly, the prosecutor stooped to molesting, abused nine-year old Nelita Sanchez, Rodriguez's daughter under terrorist threats of either seeing her mother deported or save her by committing perjury, testify falsely and corroborate her mother's lies.

Tearful little Nelita testified that she couldn't identify her mother's male perpetrator nor her female black victim and that she had observed a gun in the shadows some 3-4 hours prior to her mother's tale. DEPUTY DISTRICT ATTORNEY- DDA King declared that he wasn't gonna call Francisco Sanchez, a material witness, Rodriguez's husband (who refused to lie) who according to her had told her to take her (lying busybody) self to sleep, WITH NO MENTIONING OF A FIREARM ASSAULT BEING OBSERVED; DISPUTING HER LIES OF SEEING A GUN

My freedom was wrongfully stolen without probably cause, my family (my beautiful black wife and my (5) beautiful little black children) lost, gone destroyed and my life senselessly murdered by savages; LYING FILTHY BEAST, SCUM!

No sane individual wants to be a slave and I wanted to be free and live like everyone else, "My life ain't no joke", a tragic comedy for pleasure of others. Yet my yellow neo-stripped enemies whom I have nothing but pure hate, utter visceral contempt and disdain, "neo-fascist enemies of humanity F----- my life off like it was nothing and I didn't matter.

And to you cowardly murderous monster who lied and cheated to martyrized and take my life, I curse you a thousand time over in life and for all eternity, I lay my curse of all curses upon you. ROT IN HELL YOU LYING SCUMBAGS POLITICAL PRISONER

G O D D A M N C A L I F O R N I A T O H E L L FREE Otis Lee Rodgers
Wrongfully Convicted.

CONTINUATION SHEET

FILE NUMBER: ER01196030

PAGE NUMBER: 2 OF 4

1 EVIDENCE:2 ITEM QTY DESCRIPTION

3 01 01 Taurus .357 Magnum revolver, stainless with black grips, serial #74827.

4
5 02 07 .357 Magnum ammunition. (3) Norma rounds, (2) Winchester rounds, (1) Speer round, and (1)
6 WW Super round.7
8 The above items of evidence were collected on 071501, about 0355 hours, and placed into evidence at
9 the Jurupa Valley Sheriff's Station on 071501, about 0815 hours, by me.10
11 DETAILS:12
13 On Sunday, 071501, I was working uniformed patrol in a marked Sheriff's unit, in the unincorporated
14 area of Rubidoux, Riverside County.15
16 About 0341 hours, I was dispatched to the Garden Estates Apartments, at 5618 Tilton, Rubidoux,
17 reference an unknown trouble call. The anonymous reporting party told dispatch that a male and female were
18 arguing inside a red sedan in the parking lot of the apartments. The reporting party told dispatch that she heard
19 the male say he was going to kill the female. He then told the female he was going to shoot her. The caller
20 informed dispatch that the red sedan was in the driveway to the apartments.21
22 About 0345 hours, I arrived and saw a red sedan, occupied by a male and female, driving northbound
23 along the driveway of the apartments toward the Tilton St. exit. I conducted an investigative stop.24
25 When I approached the red Ford sedan I saw that the female passenger, (O)-Joyce Rodgers, was crying. I
26 asked the driver, (S)-Otis Rodgers, to exit the vehicle. Rodgers told me that he and his wife, Joyce, had been
27 arguing about financial problems. He denied threatening or physically abusing his wife. He told me he did not
28 have any weapons on his person or in the vehicle. Otis informed me that he was _____ and that
29 he had spent 14 years in Arizona State Prisons. He was released in 1997 and is not on active parole. A records
30 check of Otis Rodgers showed a recent arrest (2000) in Riverside County. _____ Otis told
31 me that the case was pending and that he is currently out of custody on bail. The records check also indicated
32 that he did not have a current California driver's license (12500(a) VC). I detained Otis in the back seat of my
33 unit while I spoke to Joyce Rodgers.34
35 Joyce told me she and Otis had been arguing, however he was not physical with her and he did not
36 threaten to shoot her. Joyce said she had no knowledge of any weapons in the vehicle. She told me that she and
37 Otis are married and that the vehicle belongs to both of them. She gave me consent to search the vehicle for
38 weapons.39
40 While searching the trunk I found a clear plastic bag containing a stainless, Taurus .357 Magnum
41 revolver with black grips, serial #74827. The bag also contained (7) live ammunition rounds. A records check of
42 the firearm showed no record on file.43
44 I placed Otis under arrest for 12021(a)(1) PC-Felon in possession of a firearm, 12022.1PC-Felony
45 committed while on bail, and 12500(a)VC-Driving without a license. I transported Otis to the Jurupa Valley
46 Station for further investigation. (9)

ARRESTING DEPUTY GARY BOWEN TESTIMONY AT TRIAL

1 couple times. What does that mean?

2 A. Crying, upset, disheveled.

3 Q. Did you ask her if she was upset?

4 A. Yes.

5 Q. Did you personally ask her?

6 A. Yes.

7 Q. What was her response?

8 A. That she was upset. She had been arguing with you.

9 Q. Did you ask her if she had been assaulted by

10 Mr. Rodgers?

11 A. Yes.

12 Q. And what was her response?

13 A. She --

14 THE COURT: Are -- is this hearsay? Is this an
15 agreeable situation?

16 MR. KING: It is, Your Honor. But I am not objecting
17 for a reason.

18 THE COURT: All right.

19 Q. (BY MR. RODGERS) Did you ask her if she had been
20 assaulted by Mr. Rodgers?

21 A. Yes, I did.

22 Q. And her response?

23 A. She said she had not. ✓

24 Q. Did you ask her if she had been threatened with a
25 firearm by Mr. Rodgers?

26 A. Yes.

27 Q. What was her response?

28 A. She said she had not been threatened. ✓

ALLANTS FROM THE NAMED-VICTIM JOYCE R.

10/1
T. J.

1 THE WITNESS: That's correct. Okay.

2 THE COURT: If it helps you at all, he doesn't

3 understand whether it was an I.D. card or license from another
4 state. So you can move on.

5 Q. (By the Defendant) You said you hadn't arrested
6 Mr. Rodgers for not having a driver's license. At that point
7 you hadn't arrested him. You pulled him out of the car and put
8 him inside your car?

9 A. That's correct.

10 Q. You also say you detained him for purposes of
11 questioning his wife. What type of -- what type of a legality
12 is that, to put someone in the car to talk to their wife?

13 A. I had probable cause to investigate the incident. I
14 detained you while I spoke to what could have been a victim, in
15 my mind. From the knowledge I had, this woman was a victim --

16 Q. So it was necessary --

17 A. -- or possible victim.

18 Q. It was necessary for you to put me in a locked car?
19 Was that necessary?

20 A. Yes.

21 Q. You mentioned in your report that you spoke to her and
22 you said she was crying, but she stated that he was not physical
23 with her and did not threaten to shoot her. Did she make that
24 statement to you initially?

25 A. That she did not --

26 Q. That the defendant had not threatened her.]

27 A. She did tell me that.

28 Q. The defendant had not threatened to shoot her?

DEPUTY GARY BOWEN - ON BEHALF OF THE NAMED-VICTIM TOYCE RODGERS

1 A. Yes, she told me that.

2 Q. So even after that, you still detained Mr. Rodgers in
3 the car to speak to her -- how far away did you -- did you speak
4 to Miss Rodgers -- how far from Mr. Rodgers to Mrs. Rodgers?
5 How far away was the gap? How far was it?

6 A. I would estimate 30 feet.

7 Q. In this courtroom how far from her to there?

8 A. Probably from here to at least the blue chair behind
9 you.

10 THE COURT: 20 feet. ✓

11 Q. (By the Defendant) You stated you personally talked to
12 Miss Rodgers; is that correct?

13 A. That's correct.

14 Q. And you personally asked her if she [sic] Could search
15 the vehicle?

16 A. Asked her if I could search the vehicle?

17 Q. If you could search the vehicle.

18 A. Yes.

19 Q. Were you the only officer that actually searched the
20 vehicle?

21 A. Yes. ✓

22 Q. How many officers were there at the time?

23 MS. LUCKY: Objection. Assumes facts not in
24 evidence.

25 THE COURT: Overruled.

26 Q. (By the Defendant) How many officers were there with
27 you at that time?

28 A. Three.

DVA Lucky Questions Deputy Bowen

1 they are still feeling a threat from the abuser at this point.
2 Meaning if the male and female are there together, she is afraid
3 to state that he abused her for fear, usually.

4 Q. (By Ms. Lucky) And you previously testified that you
5 learned about -- you spoke with Mrs. Rodgers after placing
6 Mr. Rodgers in the back of your vehicle; correct?

7 A. That's correct.

8 Q. Is that when she denied there had been any physical
9 abuse of her?

10 A. Yes.

11 MS. LUCKY: Thank you. I have no further
12 questions.

13 THE COURT: Anything else?

14 THE DEFENDANT: Yes.

15 RECROSS-EXAMINATION

16 BY THE DEFENDANT:

17 Q. Deputy Bowen, you said that in agreeance [sic] with the
18 deputy D.A. that there was some abuse. Do you know for a fact
19 there had been abuse on this particular evening?

20 A. I did not know whether there was -- whether that was
21 factual or not. I didn't know at that time.

22 Q. That was probably a nice theory, but it wasn't a fact
23 that particular night as far as your knowledge is concerned?

24 MS. LUCKY: Objection. Argumentative.

25 THE COURT: Sustained.

26 Q. (By the Defendant) You don't know whether there was any
27 abuse other than what you observed; is that correct?

28 A. I was investigating that at the time.

1 imagine me threatening somebody with a gun if there's no
2 fingerprints on it. That just seems a little strange and a
3 stretch of the imagination how the D.A. could come up with that
4 if an individual didn't know the cops were coming and all the
5 fingerprints are gone off of that.

6 There's nothing else I have to say.

7 THE COURT: Thank you very much. Anything else?

8 You may step down.

9 You have any other witnesses or evidence you want
10 to present, Mr. Otis [sic].

11 THE DEFENDANT: No.

12 THE COURT: Let me just take a second.

13 All right, Miss Lucky. I'll hear from you first.

14 MS. LUCKY: Your Honor, in this instance, the

15 police are caught in a catch in description
16 woman being threatened, a description of a black female, a black
17 male in a red sedan in a location with threats of shooting.
18 They arrive on scene within three minutes of that call and
19 contact people that match that description, a black male, black
20 female, red sedan in the location, and the female is crying,
21 according to Deputy Bowen.

22 They discuss -- they pull them outside. Defendant
23 is asked several questions, and he is detained inside the police
24 car. The female is asked several questions, and she denies
25 being assaulted. ✓ Consent is asked for and received, and the
26 consent search takes place.

27 I think the bias both of Mr. and Mrs. Rodgers is
28 fairly evident from such statements as to the discrepancy as far

JOYCE
RODGERS

1 Q. (By the Defendant) You were not being abused that day;
2 is that correct?

3 A. Yes.

4 Q. Bad question.

5 Were you abused that evening?

6 ✓ A. No, I was not.

7 Q. Were you afraid of your husband?

8 ✓ A. No, I wasn't.

9 Q. Were you afraid to tell the police anything you wanted
10 to tell them?

11 ✓ A. No, I wasn't.

12 Q. But you're saying categorically and emphatically you
13 did not give Deputy Bowen the -- you didn't give Deputy Bowen
14 permission to search the car? ✓

15 A. No, I didn't.

16 THE DEFENDANT: I have no further questions.

17 THE COURT: Cross-examination.

18 MS. LUCKY: Thank you, your Honor.

19 CROSS-EXAMINATION

20 BY MS. LUCKY:

21 Q. Miss Rodgers, when the police contacted you and your
22 husband that night, you were crying, weren't you?

23 ✓ A. No, I wasn't.

24 Q. Were you crying at any point during this encounter with
25 the police? ✓

26 ✓ A. No.

27 Q. Did you have any scratches on your arms?

28 A. Yes, I did.

1 Q. Were you talking in just a manner such as we're talking
2 now?

3 A. Yes.

4 Q. So your voices weren't raised at all angrily?

5 A. No.

6 Q. Did he ever threaten you?

7 A. No.

8 MS. LUCKY: Nothing further.

9 THE DEFENDANT: I have nothing further.

10 THE COURT: All right. Thank you, Mrs. Rodgers.
11 You are excused, and you can stay in the courtroom if you wish
12 as long as the baby doesn't cry.

13 Any further witnesses?

14 THE DEFENDANT: Yes. I call myself as a witness.

15 THE COURT: Come on up.

16 You understand the district attorney will get to
17 cross-examine you about anything having to do with the incident
18 that evening?

19 THE DEFENDANT: I do.

20 THE COURT: Further, anything you say can and will
21 be used against you at your trial?

22 THE DEFENDANT: Yes, your Honor, I do.

23 THE COURT: You know you have a right to stay
24 quiet now?

25 THE DEFENDANT: Yes, I do.

26 THE COURT: Go ahead and swear him in.

27 THE CLERK: Do you solemnly state that the
28 evidence you will give in the matter shall be the truth, the

Joyce
Rodgers

ARRESTING Deputy BOWEN
Preliminary Hearing

1-8-02

000056

1 record.

2 THE WITNESS: Gary, G-a-r-y; Bowen B-o-w-e-n.

3 THE CLERK: Thank you.

4 THE COURT: And, Miss Lucky, you may inquire.

5 MS. LUCKY: Thank you.

6 GARY BOWEN,

7 called as a witness by and on behalf of the People, and having
8 been first duly sworn by the clerk, was examined and testified
9 as follows:

10 DIRECT EXAMINATION

11 BY MS. LUCKY:

12 Q Sir, could you tell the Court what you do for a
13 living?

14 A Deputy sheriff with the Riverside County Sheriff's
15 Department.

16 Q How long have you been so employed?

17 A About five years.

18 Q Is it over five years or under five years?

19 A Oh, what is the date today?

20 Q Today is the 9th of January.

21 A It is over five years then.

22 Q I'd like to refer you back to July 15th of 2001.

23 Were you employed by the Riverside Sheriff's Department at
24 that time?

25 A Yes, I was.

26 Q Was that for under five years at that time?

27 A Yes.

28 Q And prior to becoming a sworn deputy, did you take

1 Q Okay.

2 Did you have occasion to speak with the female
3 passenger?

4 A Yes.

5 Q And did she identify herself to you?

6 A She did. She told me that she was the defendant's
7 wife.

8 Q And did she tell you whether or not they had been
9 arguing that evening?

10 A She told me they had been arguing over financial
11 problems, I believe.

12 Q Did you see any injuries on her?

13 A I believe she had some red marks on her arm but she
14 wasn't bleeding.

15 Q Did she continue to be upset during your
16 conversation with her?

17 A Yes.

18 Q During your conversation with her, did you ever ask
19 her whether or not the defendant had threatened her with a
20 gun?

21 A Yes, I did. I did ask her that.

22 Q What did she say?

23 A She said no.

24 Q During your investigation, did you ever contact
25 anyone other than the defendant or Mrs. Rodgers?

26 A No.

27 Q And do you remember what her name was,
28 Mrs. Rodgers?

11-1-01

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II
THE DEFENDANT HAS NOT SHOWN
THAT A CONFLICT OF INTEREST EXISTS
THAT WOULD RENDER IT UNLIKELY
THAT HE WOULD RECEIVE A FAIR TRIAL

A. The Court Hearing on October 10, 2001

The defendant complains that the prosecutor's statement to the court regarding the language used by the defendant in his prior motions, and the court's response that the court, too, found the motion "offensive" has had a "chilling effect" on the defendant's right to a fair trial. It should be noted that this court has received two additional motions from the defendant since this court's "irate and resulting reprimand;" clearly, any momentary "chilling effect" has long since dissipated. The defendant continues to make appropriate use of the procedures designed to insure that he receives a fair trial.

In addition, the defendant needn't be reminded that, in exercising his right to defend himself, he subjects himself to the colloquy that is engaged in between attorneys and judges. Sometimes, in fact, it is much more offensive than what has occurred in this courtroom. (See *People v. Kelly* (1977) 75 Cal.App.3d 672.) The defendant cannot throw out the gauntlet of opprobrious language and then attempt to shield himself from attorney response and judicial reprimand by claiming that he can no longer receive a fair trial.

B. Prosecutor's Powers and Duties

The defendant claims that the prosecutor has "lost her objectivity" and that, because she has prosecuted the defendant for over a year the case has become "personal, vindictive and malicious prosecution, designed to get (the defendant) by any means necessary." The factual bolster to this claim is that the victim does not want to be a victim and that the prosecutor insists on prosecuting this case without her testimony.

AND THE PROSECUTOR
DID
(SEE RT 97:16-17)

Obviously a prosecutor who has lost objectivity would be an unsuitable prosecutor, but a prosecutor as an advocate can have a normal advocate's interest in its result. (*People v. Byars* (1978) 77 Cal.App.3d 294, 300.) The defendant has shown no facts demonstrating a personal, as opposed to a professional, interest in this case. Ms. Lucky would have no cause to "get Otis Lee Rodgers" based upon her advocacy in the prior case, since that matter resulted in a conviction. The subsequent filing of an amended complaint following appropriate investigation is within the ambit of the prosecutor's duties.

Certainly a prosecutor should not file any charge until he has investigated fully all of the circumstances surrounding a case. To presume that every case is complete at the time an initial charge is filed, however, is to presume that every prosecutor is infallible—

CRIVER TRASK
DISTRICT ATTORNEY
County of Riverside
State of California

11-1-01
2
POWERS & AUTHORITY
DDA KENNIS A. CLARK

9-16-02

car. In the trunk, police located a .357 magnum revolver with seven rounds of ammunition. Even though victim denied being threatened, her demeanor at the time of the detention was consistent with the conclusion that she remained in fear for her safety through the entire one hour incident, from the time of the threat at least until defendant was arrested.

Given the explicit nature of the threat and the use of a gun, the evidence unequivocally supports the conclusion that defendant actually caused the victim to be in sustained fear for her safety and that that fear was "reasonable under the circumstances."

Dated: , September 16, 2002

Respectfully submitted,

GROVER TRASK
District Attorney

MATTHEW J. HARDY
Deputy District Attorney

9-16-02

Response to 995 MOTION

ADMISSIONS BY DDA HARDY

2-25-03 (12)
2-25-03

(DDA BRIAN D. KING)

000307

4/1/03
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GROVER TRASK
District Attorney
County of Riverside
4075 Main Street, First Floor
Riverside, California 92501
Telephone: (909) 955-5400
State Bar No.: 171870

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF RIVERSIDE
FEB 25 2003
cup

ORIGINAL

SUPERIOR COURT OF CALIFORNIA
COUNTY OF RIVERSIDE
(Riverside)

IMAGED

THE PEOPLE OF THE STATE OF CALIFORNIA,

Plaintiff,

v.

OTIS LEE RODGERS,

Defendant.

NO. RIF098234

RESPONSE TO MOTION
TO DISMISS AND
DISQUALIFY PROSECUTING
ATTORNEY

(Hg: 4-18-03, D-52, 8:30 a.m.)

STATEMENT OF THE CASE

The Defendant's statement of the case in regards to the charges he faces is accurate.

I

DEFENDANT WAS NOT DENIED A SUBSTANTIAL RIGHT
AT THE PRELIMINARY HEARING

The defendant seems to be arguing that because the conflicting statement by the person who called the 911 dispatcher concerning the possible lack of weapon seen on the night of the incident was a denial of a substantial right. The investigator that testified during the preliminary hearing testified that he actually interviewed the 911 caller and she told him that she in fact had seen a weapon. In fact the person's young daughter had actually also seen a weapon.

The defendant's attorney, William Gebbe, who conducted the cross of the investigator, did have in his possession (according to the defendant's moving papers) the 911 transcript. It had been delivered the day of the preliminary hearing. No questions were asked of the investigator

GROVER TRASK
DISTRICT ATTORNEY
County of Riverside
State of California

DDA KING LIED WHEN DEFENDANT CHALLENGED KING'S LIE THAT THE TAPE HAD BEEN DELIVERED. HE TOLD THE COURT HE HAD NOTHING TO ADD (RT-56:1-8) DEFENDANT DID NOT RECEIVE THE 911 TAPE/TRANSCRIPT UNTIL MARCH 24, 02, SOME EIGHT MONTHS AFTER THE FACT (RT-12:1-3, 53:17-28, 54:1-23, 61:6-7, 62:56)

Filed
2-25-03

EXHIBIT 7

1 You have heard, first, from Sandra Rodriguez. And
2 basically, what you heard from her was that this argument that
3 had occurred between Mr. Rodgers and his wife lasted for quite
4 some time and that finally because of the nature of what
5 Mr. Rodgers was doing to Mrs. Rodgers, i.e., pointing the gun at
6 her head, she figured she had probably heard and seen enough and
7 now it's time to get the police involved.

8 Now, you saw Miss Rodriguez testify. And a lot of what
9 goes on in a criminal trial is judging people's credibility, and
10 whether -- not just what they say, but how they say it.

11 Well, Miss Rodriguez told you she really didn't want to
12 be here. She never really wanted to come to court. You heard
13 over and over again that she was reluctant to come in, didn't
14 really want to keep going over the story, time and time again.
15 But she did, when asked, tell everyone what happened
16 essentially.

17 And you have to ask yourself, you know, why would she
18 be lying about this? There is absolutely no reason to be lying
19 about this. She didn't want to be here. If she was going to
20 lie, she would have said: This never happened. I don't want to
21 come to court. I don't know what you are talking about. But
22 that's not what happened. She told the truth, was pretty clear
23 that she was telling the truth from the stand.

24 And I am not sure if you caught it, but I did, and I
25 hope -- hope you saw, that when she was testifying and primarily
26 when she was being questioned by Mr. Rodgers, and the question
27 of her -- statement that she previously couldn't identify
28 Mr. Rodgers was true or not, what she did admit to you being

*The Prosecutor Lied w Accessory to Perjury
We All knew he wasn't there AT THIS DATE / TIME*

How would they expect him to know these

The PRESBYTER USE THE CALLY WITHOUT BASIES
OR FACT ACCUSED THE DEFENDANT OF BEING A-LUM
YET HIS MESS-KAW TOLD THE TOUTH (ET- 319: 22-23)

1 and the thunder and lightning to roll and the person basically
2 blow up as he finishes the sentence, because I thought, wow,
3 what a -- what a great way to prove God, essentially.

4 But he did say another thing: Fear is a reason to lie.
5 Well, the only person who truly lied during this particular
6 trial is Mr. Rodgers when he insinuated or basically blatantly
7 said that Deputy Bowen planted a gun. And what's his fear?
8 Fear of a conviction. Fear of you, essentially, fear of what a
9 conviction will do.

10 Well, this isn't a life case. Don't consider
11 punishment. He went and said over and over and over again, this
12 is murder, this is my death. Well, that's not going to happen.
13 But is he fearful of a conviction? Sure he is.

14 Ladies and gentlemen, please evaluate the evidence that
15 you heard in this case. Don't let -- don't let Mr. Rodgers
16 engender any sympathy for you. You heard everything that you
17 are going to hear in this particular case.

18 Come back with guilty verdicts on all four counts and
19 all the allegations as alleged. Thank you.

20 THE COURT: Ladies and gentlemen. I have about 30
21 minutes of reading that I have to do. Those of you that have
22 been around a jury trial before, I have to read the jury
23 instructions to you. And there are a couple of instructions
24 that I still have to modify that -- so it would be quite late
25 but before we would get done here.

26 I was hoping I would get this out to you today, but I
27 am not going to be able to do that. So instead I am going to
28 bring you back tomorrow morning, read the instructions to you,

DDA BRIAN D. KING'S ADMISSIONS TO THE COURT
PRIOR TO TRIAL IN THE ABSENCE OF THE JURY

1 THE COURT: Go ahead.

2 MR. KING: Basically, what Deputy Padilla will be
3 called to testify -- one, that he did give Miss Rodgers a ride
4 home and that is in the report. And he noted her physical
5 appearance essentially, her demeanor. She was upset, crying.
6 At the time he initially arrived at the scene where this
7 incident took place, he did notice some physical marks on her
8 body, asked her about those. She denied there was any kind of
9 violence done to her by Rodgers. Apparently she had been
10 drinking. He kind of left it at that. Took her home
11 essentially.

12 THE COURT: Is that the extent of his information?

13 MR. KING: I believe so.

14 MR. RODGERS: Your Honor, this is the first time I have
15 heard that. This is clearly a Brady violation. The day of the
16 trial he is telling me that this witness is going to come in to
17 shore up his case that he saw bruises. There was a -- this has
18 been going on for two years. He has all the opportunity in the
19 world to advise. There is nothing in the report. This is
20 simply a Brady violation. This will not stand -- I have no way
21 of checking this out. I have no way of investigating it. I
22 have had no opportunity.

23 THE COURT: Well, before Officer Padilla testifies, I
24 will allow you to examine him on the stand.

25 MR. RODGERS: Well, Your Honor, then I would like to
26 bring -- I would like to bring in some witness who said he saw
27 Padilla -- what is bringing in people? Your Honor, this is
28 ridiculous for him to bring in this officer at the last hour.

PROSECUTOR ADMITS TO THE FACT HE DIDN'T
HAVE A CLIP WITHOUT A VICTIM

1 Again, holding the gun to a person's head, that person is not
2 joking. And I don't know about you, but I don't want to be a
3 person who has any type of firearm pointed to the side of their
4 head. I don't care if it's a toy firearm. I don't want it
5 pointed at my head, especially in an angry or threatening
6 manner.

7 And the threatening statement caused the person
8 threatened reasonably -- to reasonably be in a sustained fear
9 condition, essentially. And that element, of all five, might be
10 the one that you talk about the most. Because the difficulty in
11 this particular case is the victim not being here. So we don't
12 really know what she was thinking throughout this whole
13 incident. But that's why it becomes important to remember what
14 Deputies Padilla and Bowen said, even Miss Rodriguez and Nelida,
15 because during this whole incident, even before the gun was
16 pointed at her, she is getting hit.

17 Miss Rodriguez hears the slapping sounds, and she is
18 crying, visibly crying. Crying loud enough that Miss Rodriguez
19 and Miss Sanchez, Nelida, can hear her crying from their bedroom
20 window anywhere from I think it was maybe up to a hundred feet
21 away.

22 The deputies respond. They get there after this gun
23 had been pointed at her head and she is still crying, visibly
24 upset.

25 So she is in some sustained fear. It can't be just a
26 moment. It has to last for some period of time. And that's
27 what we have here, at least until the deputy takes her home.
28 She is still upset, although not quite as upset, she is still