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6

7 SUPERIOR COURT OF THE STATE OF CALIFORNIA
8 IN AND FOR THE COUNTY OF STANISLAUS

9 PEOPLE OF THE STATE OF)
10 CALIFORNIA,)
11 Plaintiff,)
12 vs.)
13 FRANK C. CARSON, et. al.,)
14 Defendants.)
15

CASE NO.: 1490969

DECLARATION OF FRANK CARSON
IN SUPPORT OF MOTION TO RECUSE
STANISLAUS COUNTY DISTRICT
ATTORNEY

Date: TBA
Time: 9:30 a.m.
Dept.: 26

16
17 1. I have practiced criminal law in Stanislaus County for twenty-five years. I have intimate
18 first hand knowledge of the criminal court case load in this county and the various criminal law
19 practitioners in this county due to my almost daily appearances in the criminal courts here and
20 my association with fellow defense counsel. I am a State Bar Certified Criminal Law Specialist
21 and a past president of the Stanislaus County Criminal Courts Bar Association, which is
22 composed of local criminal defense attorneys. At the time of the filing of the charges against me
23 I had one of the largest criminal case loads (70-80) for a sole practitioner in the county and a
24 number of those cases were homicide related. I have tried a numerous trials in this county (in
25 excess of 100) and have one of the best acquittal records of any criminal defense attorney in the
26 county.

27 For twenty-five years I have been subjected to a pattern of animosity and harassment at
28 the hands of the Stanislaus County District Attorney's (SCDA) Office. It has ranged from

1 physical assault and intimidation to career and licensure threats.

2 The backdrop leading up to and foreshadowing this case is a history of acrimony far and
3 away surpassing the normal adversarial relationship that is inherent between prosecutors and
4 defense counsel. I have practiced in numerous other jurisdictions and know this to be true, as
5 well as being told by staff members themselves.

6
7 Since the early 1990's, I have been a frequent and vocal critic of the SCDA's office and
8 their staff. Both in pleadings and oral argument I have denounced their tactics, motives,
9 dishonesty and ethics. I've cited them for being dishonest "jack-booted" thugs and bullies, for
10 example. I have exhorted the defense bar to aggressively counter the SCDA on inappropriate
11 tactics and positions.

12
13 2. In approximately 1993, I learned from a friend of mine in the District Attorney's Office,
14 Deputy District Attorney Frank Alvarez, that his office was "keeping book" on me because his
15 colleagues were so upset by my zealousness and success in the court room. He warned me that
16 Birgit Fladager was going from deputy to deputy in the office and collecting stories of my
17 supposed abuse of police officers on the witness stand, and my being argumentative with judges.
18 In the same approximate time frame (1993) I confronted Ms. Fladager in a courthouse hallway
19 and told her I knew of her activities concerning collection of information about me. She did not
20 deny my assertions.

21 Shortly thereafter, I received a complaint inquiry from the California State Bar
22 concerning allegations by the SCDA that I'd defamed police officers on the witness stand and
23 had been very argumentative with local judges. I responded, pointing out the successes in trial I
24 had, as sour grapes and baseless. No action whatsoever was taken by the Bar against me.

25
26 3. I have filed State Bar complaints over the years on both Dave Harris and Birgit Fladager.

27
28 4. In approximately 1994 I filed a pleading opposing the District Attorney on a case that

1 challenged the ethics and mental stability of the District Attorney Donald Stahl for engaging in
2 the behavior exhibited in the prosecution of that case. District Attorney Stahl was so incensed
3 that he called Dallas Cole, my then boss at the Stanislaus Public Defender's Office, and
4 demanded I be fired and demanded he withdraw the pleading that had been filed. Mr. Cole
5 explained this all to me but refused to fire me. District Attorney Stahl went so far as to ask a
6 judge to alter the court's file and remove reference to his mental issues. I did have information
7 about his mental health treatment, but hadn't mentioned that in the pleading.

8
9 5. In approximately March of 1994, Steve Jacobson, one of the two principal investigators
10 in this case, and at the time employed with the Oakdale Police Department, came to my personal
11 office at the Stanislaus County Public Defender's Office and demanded to know "what was my
12 problem" with him in challenging his assertions in police reports and testimony in the courtroom.
13 I responded that I knew him to be a liar. He responded that "the end justifies the means." I have
14 consistently challenged his veracity, ethics, and behavior for two decades.

15 I have detailed this March 1994 encounter me and his misconduct in multiple
16 declarations, for both Pitchess Motions, and others concerning Jacobson for the last twenty years,
17 which he has never denied. My investigation of his misconduct included my running an ad in the
18 Oakdale newspaper soliciting information about him from citizens and making complaints to his
19 department about his behavior. I have advised clients to file similar departmental complaints
20 when victimized by him.

21
22 6. In approximately 1995, the SCDA Donald Stahl pressured the CEO of Stanislaus County,
23 Reagan Wilson, to have me fired by the Stanislaus County Public Defender Dallas Cole. Mr.
24 Wilson administered my office's budget and could remove Mr. Cole. Mr. Cole described to me
25 what was going on and that he was refusing to fire me. I was one of the most successful trial
26 attorneys he had ever had in the office. When Mr. Cole refused, he was himself forced to retire
27 directly because of me; this he told me himself. I learned that applicants for his position were
28 being asked about their willingness to fire me if they got the job. This was disclosed to me by

1) an applicant and 2) a former administrator in the office.

Mr. Cole left his position on approximately January 5, 1996 and I left the office on or about January 12, 1996; I was finishing a jury trial (People v. Perman Mauldin) which resulted in an acquittal. I subsequently went into private practice.

7. Years ago I tried a criminal case alleging a serious P.C. 245 (Assault w/ Great Bodily Injury) where my client, a construction worker, hit his roommate with a baseball bat and gave her a compound fracture of the arm. Birgit Fladager herself was prosecuting that case. The jury correctly acquitted my client of that offense, and merely found a misdemeanor P.C. 240 assault had occurred, as I recall. Ms. Fladager was livid and so incensed by the verdict that she was sputtering, and I recall noting her emitting spittle on counsel table.

8. Some years ago I tried a case alleging my client had tried to kidnap an 11 year old girl (People v. Hodges). My client was, at one time, a serial rapist, robber, and kidnaper who'd been dubbed the Green Mustang Rapist in the early 1970s. He had been prosecuted in this county and given a life sentence and had been released after approximately 28 years. He was very notorious locally and considered, according to what the deputy district attorney prosecuting the case told the trial judge, to be the worst sexual predator in this county's history with approximately 32 strike convictions. On the day the trial began, I pled my client to a misdemeanor P.C. 647.6 (annoying a child) and thereafter my client was acquitted by the jury of any felony charge. The prosecuting attorney appeared to be beside herself with the verdict, and members of her office voiced their anger for weeks afterward, asking how I could live with myself for "getting him off."

9. In 2006 the present District Attorney Birgit Fladager ran for that office against challenger Michael Cummins, a local judge, on leave from the bench. I supported and campaigned for Fladager's opponent Mr. Cummins; including making a large financial donation to his campaign. I actively supported his campaign and put up his campaign signs, including one on my front lawn on an obscure street (9th Street) in Turlock, California. Fladager won the election and then ran

1 again unopposed in 2010.

2 In 2006, SCDA investigator Kirk Bunch chided me, commenting on having Fladager's
3 opponent's campaign sign in my residence front yard on 9th Street in Turlock. I had never
4 identified my home or address to him or anyone else in his office. I understood that statement as
5 an act of intimidation to convey he knew where I lived and was watching me.

6
7 10. In November 2013 I took out papers to run for the Office of District Attorney against the
8 incumbent Ms. Fladager. In a hard fought campaign that ended in June 2014, I debated her in
9 several forums, on radio, T.V., and public meetings; including several times before the County
10 Board of Supervisors. That body controls the budget of the SCDA and I exposed corruption,
11 flawed priorities, and terrible morale within the office because of the climate of fear and
12 intimidation with which the office is ruled. I advocated reducing the number of investigators and
13 questionable prosecutions and increasing the number of prosecutors to take care of the backlog
14 and delayed resolution of cases that are crippling this county. I had campaign signs posted
15 throughout the county. In the election I received approximately one third of the vote (over
16 10,000 votes) against the incumbent. Ms. Fladager was forced to spend over \$100,000 more than
17 me to retain her job. I announced then and have since, my intention to run again in the next
18 election (2018) and win, my being no longer a political novice.

19
20 11. During the election, my opponent went so far as to have scores of her office members on
21 a workday pose on the courthouse steps in support of her candidacy with their names listed.
22 Included in the photo, representing himself as a SCDA employee, was Jon Evers, a Modesto
23 Police Department detective. Evers has assisted Kirk B. Bunch and Steve Jacobson throughout
24 this investigation in the subject case, and is instrumental in this prosecution.

25
26 12. The election campaign including my calling a news conference in the courtyard of the
27 county government building at 1010 10th Street, Modesto, and exposing that Birgit Fladager's
28 Chief of Investigators Aaron Gallagher had been fired for tipping off a crony and informant

1 David Nelson to an imminent federal search warrant authorized and targeting him. Nelson, thus
2 alerted, was able to allegedly move an assault weapon that Gallagher had provided him. Nelson
3 explained this to investigators, including Kirk Bunch, in the prosecution of A.J. Pontillo, whom I
4 represented (See Paragraph 23 below). Nelson went to federal prison on drug charges. Fladager
5 interceded with federal prosecutors, I was told, to avoid Gallagher's indictment on federal
6 charges.

7
8 13. After a broadcast campaign debate in 2014 at the Modesto Center Plaza, I observed
9 SCDA investigators photographing the defendant Atwal brothers and their family and friends as
10 they exited the forum. I have since learned that I was videotaped as well as by SCDA
11 investigators. Kirk Bunch followed, in an unmarked black sedan, former Modesto Mayor and
12 current journalist Carmen Sabatino and me as I drove us to Sabatino's Restaurant on McHenry
13 Avenue in Modesto, miles away. I understood these actions as indirect threats and a direct effort
14 to intimidate me and my supporters in the campaign.

15 I have learned that the SCDA photographed the Atwals putting up my campaign signs.
16 Again, I believe that to be an effort to intimidate and interfere with the election process.

17
18 14. During the political campaign for District Attorney, the Modesto Bee, the local
19 newspaper, did a joint candidate interview of myself and Birgit Fladager. She was asked by the
20 Bee editors about the propriety of her office investigating her opponent and disseminating
21 information about me concerning a criminal investigation; asking if it wouldn't be more
22 appropriate that another agency or office should be doing that, and she answered, in my presence,
23 "I don't know how to answer that" and left it at that.

24
25 15. On or about August 9, 2012, after business hours, investigators Kirk Bunch, Jon Evers,
26 and Frank Navarro barged into my office through a door which had been unlocked for a
27 workman entering with a ladder. They had no warrant or authorization to be there. I ordered
28 them to leave and they refused despite my insistence. I called 911 and asked for the Modesto

1 Police Department to arrest them. Ultimately only Evers walked outside in compliance to my
2 demand. To responding officers, I signed an arrest demand. This invasion of my office was an
3 effort to harass my wife (who was present at the time) and myself and intimidate us. My wife
4 especially was upset by their demeanor and behavior; Kirk Bunch asserted that since I hadn't
5 talked to them, it was only going to get worse for us. This lengthy intrusion in my office and
6 refusal to vacate my property included me seeing them looking at the outgoing attorney-client
7 privileged mail on the front desk by the door.

8
9 16. In a high profile case that were had political overtones, I defended the former mayor of
10 Modesto (People v. Carmen Sabatino) in 2006 against corruption charges. The case was
11 dismissed after a lengthy jury trial with no convictions. The investigator in that case was Kirk
12 Bunch who engaged in unethical and illegal behavior and suborned perjury. I denounced him
13 throughout the trial and in the years since for his misconduct. I have, since 2006, sworn
14 declarants attesting to his dishonesty and misconduct. The declarations I've done on cases other
15 than mine have been used in multiple state and federal cases challenging investigator Bunch's
16 credibility. Kirk Bunch is one of the two principal investigators in my present prosecution and
17 we have a very adversarial relationship. I have been told by witnesses and suspects in this case
18 that he has told them if they'd just "give up" Carson, all their legal problems, if any, would go
19 away.

20
21 17. In approximately 2007, while walking in the local courthouse hallway, a SCDA
22 investigator by the name of Burrell made a sideways step purposely towards me and raked my
23 abdomen with his firearm that was on his waistband. I immediately notified courthouse security
24 and sought to have him arrested for battery. I had been litigating a criminal case in which he was
25 the investigator and had denounced him in court as not telling the truth and harassing my client.

26 D.D.A. Dave Harris and Birgit Fladager refused to do anything about the incident even
27 after the presiding judge was briefed by me on what had happened. I subsequently sent
28 complaints to the California State Bar against them.

1 18. In 2010, I was assaulted by SCDA Investigator Steve Jacobson in a hallway of the county
2 courthouse. Jacobson had advanced up the hallway towards me, speaking loudly (See Photos,
3 Exhibit 2 hereto, true and correct photos of Jacobson advancing on me), and viciously struck my
4 hand and knocked a camera I was holding to the ground. I placed him under citizen's arrest and
5 had him disarmed by bailiffs. I filed a lawsuit against him, a true and correct copy of which is
6 attached here as Exhibit I. A jury trial for that case, now pending in Stanislaus Superior Court,
7 was scheduled for August 11, 2015, three days before my arrest. The suit was against Jacobson
8 and Stanislaus County (SCDA) and sought damages and financial liability. Liability is clear due
9 to witnesses and admissions. Jacobson's crazed behavior is documented by a photograph I took
10 of him (see exhibit) a second before he struck me. While I was aware of my being under
11 investigation by law enforcement previously, it is apparent and I believe my arrest during the
12 week scheduled for trial was triggered by the fear of a plaintiff's verdict and its attendant
13 consequences.

14 I'm aware that a plaintiff's verdict will result not only in substantial financial liability for
15 Jacobson and Stanislaus County, but will support a civil restraining order against him. Such an
16 order will prohibit his possession of firearms and therefore end his law enforcement career.

17 SCDA Fladager and her office stands to lose, in my civil trial as a victim, all credibility if
18 her employee is found to be assaulting people himself while on duty.

19
20 19. In 2012, in the murder trial of People v. Kelly Valle being prosecuted by Deputy District
21 Attorney Marlissa Ferriera, now the prosecutor in this case, I caught and denounced as untrue and
22 unethical misrepresentations made by her as to what the principal prosecution witness was
23 receiving in compensation and "expenses" from the SCDA. Ms. Ferriera also refused the trial
24 court's order to comply with a discovery order. Thereafter, the trial was stayed, mid-trial, by the
25 California Supreme Court for a month. Only after the trial court, fearing a mistrial with any
26 further delay for the jury, reversed itself and dropped the discovery order, did the trial resume.

27 In a number of other cases I've handled, I've caught Ms. Ferriera making material
28 misrepresentations of fact and law to the courts and repeatedly denounced her in court for doing

1 so.

2 In my legal career Ms. Ferriera is the most dishonest and unethical attorney that I have
3 ever dealt with. My opinion of her, while previously held and voiced by me in courtrooms, has
4 been doubly reenforced by her behavior in this case. Her representations are not just often
5 recklessly false or mistaken, but willfully fabricated to gain perceived tactical advantage. Her's
6 is a "win at any and all cost" to the truth mind set in violation of her duty as a prosecutor. When
7 caught or challenged in her misconduct, she will feign tears and protest umbrage at having been
8 so accused.

9 I believe my opinion is shared by a number of local defense bar members. I am aware
10 that attorney Robert Wildman (of the law office representing Robert Woody) had denounced in
11 pleadings and argument similar misconduct by Ms. Ferriera. I've read the pleadings and spoken
12 to Mr. Wildman.

13

14 20. In 2013 I tried a jury trial involving a high profile client (People vs. Tony Havens) which
15 resulted in an acquittal. Thereafter I tried People vs. Hoyt, a P.C. 187 jury trial in which he was
16 acquitted of both murder and manslaughter. The SCDA's office, in comments made to me by
17 their deputies, was very upset by the results of my work. I thereafter began a P.C. 187 murder
18 trial in Merced County (People v. Daniel McDonald). A deputy district attorney from Stanislaus
19 County who had no connection to that case whatsoever, went to Merced County and attempted to
20 coach the prosecutor in that case as to my supposed trial tactics. I saw the Stanislaus County
21 prosecutor in the audience, spoke to her, and during the in limine motions the Merced County
22 deputy district attorney told the trial judge that he'd been briefed by Stanislaus County
23 prosecutors and that I could be expected to be very tricky, try to distract the prosecution, and ask
24 a lot of questions until I got the answer I wanted. The trial judge was dismissive and the trial
25 proceeded. My client was acquitted of murder despite the efforts of Stanislaus County
26 prosecutors from the neighboring county to intervene and assist Merced County.

27

28 21. The acquittal of my client Jakari Phyll (People v. Jakari Phyll) on all charges including

1 murder in a jury trial in the fall or 2013 was particularly humiliating for the SCDA. The central
2 theme of the case was that the charged homicide was gang related; SCDA investigator Froylan
3 Mariscal staked his reputation as the testifying gang expert on this premise. Due to my work and
4 my retained expert, the jury convicted the co-defendants but rejected the notion the crimes were
5 gang related. Mr. Mariscal is now the supervisor of the SCDA investigators and I am not aware
6 of his expert opinion having been previously discredited and rejected by a jury. Mariscal has
7 participated in the investigation of this case.

8
9 22. In 2014, in the murder trial of People v. Richard Jolly, the Stanislaus County District
10 Attorney (SCDA) settled the case against him very favorably in trial after my opening statement.
11 In 2015, in the murder trial of People v. Juan Manual Tello, which I tried, the jury deadlocked
12 (7-5) requiring a retrial be scheduled. That retrial was scheduled to begin a few days after the
13 day I was unexpectedly (for me) arrested on August 14, 2015. The defense has developed
14 evidence since the mistrial in June of this year that I believe will result in his complete acquittal
15 at the retrial. Earlier in March, 2015, in a highly media publicized and bitterly contested sex
16 offense jury trial (People v. Frank Drumond) I secured a mistrial (11 for acquittal-1 to convict,
17 then dismissed) that was denounced by the SCDA to the news media (Modesto Bee) as being
18 forced by my aggressive examination of prosecution witnesses.

19 The prosecuting attorney in both the referenced Jolly and Drumond cases was Deputy
20 District Attorney Elizabeth DeJong. Ms. DeJong is a prosecution witness in this case and has
21 been disclosed to have been the prosecutor who declined to go forward on the prosecution's
22 witness Ronald Cooper, and stunningly dismissed his charged offenses of violence and for which
23 he was facing decades in prison.

24
25 23. In a trial conducted in 2014 (People v. A.J. Pontillo) alleging kidnaping, conspiracy, and
26 theft by a bail bondsman, Mr. Pontillo had been a vocal critic of the SCDA and the Stanislaus
27 County Sheriff. He had denounced the SCDA on social media, state bar complaints, and to the
28 civil grand jury. The investigation was overseen by SCDA Chief Deputy Dave Harris. It was a

1 bitterly fought jury trial in which I mocked Harris and Steve Jacobson personally throughout for
2 unethical and dishonest behavior. The jury, after a six month long trial, on December 10, 2014
3 acquitted Mr. Pontillo of all charges, including those that exposed him to four life sentences.
4

5 24. Mr. Pontillo, incidently, was a witness to the 2010 assault by Steve Jacobson on me and
6 has been deposed as a plaintiff's witness in that lawsuit. The 2010 assault preceded Pontillo's
7 being arrested and prosecuted by the SCDA. Mr. Pontillo had, prior to his arrest, denounced on
8 social media and YouTube SCDA investigator Jacobson's behavior and ethics; nicknaming him
9 "Juice" (steroid use) and calling him a sexual predator for inappropriate behavior he did to a
10 detained female during a search at Mr. Pontillo's business. Mr. Pontillo posted on YouTube
11 surveillance tape footage of Jacobson's shocking and disgusting actions towards this young
12 woman. That young woman was subsequently arrested over a year later with Mr. Pontillo and
13 prosecuted with him. Mr. Jacobson, during the search, had attempted to disable the office's
14 surveillance system, but had only disabled the phone system instead.
15

16 25. Midway through that trial, approximately half the allegations of misconduct (separate
17 overt acts) were dismissed by the trial judge for violations of Brady discovery due process. In
18 meeting with the jurors after the verdict, on December 10, 2014, they recounted being
19 approached by the SCDA investigator Jacobson before verdicts were reached and made
20 comments calculated to influence the jury. While doing so, a jury commissioner approached and
21 demanded Jacobson cease. Jacobson then lied to the jury official and said his discussions were
22 unrelated to the trial.
23

24 26. After that humiliating defeat, in January 2015, when before the trial judge on return of
25 evidence issues, I disclosed to the trial court what I had learned and demanded contempt be
26 found against Jacobson and Harris for the attempt to tamper with the jury and newly discovered
27 Brady evidence violations that occurred during the trial. Harris misrepresented to the court that
28 the jury contacts happened after the verdicts and that since the defendant was acquitted, it didn't

1 matter. He said he thought the jury members approached were alternates, so that's why he
2 refused to inform the court and counsel of the unauthorized and inappropriate contact.

3 I sought OSC's for contempt for the jury tampering attempt and discovery violations.
4 Judge Steffen subsequently did a declaration in support of an order to show cause for contempt
5 against them. I was the principal witness in that case that was currently pending at the time of
6 my arrest.

7
8 27. The trial court subsequently brought criminal contempt charges against Harris and
9 Jacobson for their misconduct. I have testified both live and by declaration and was the chief
10 prosecution witness against them. My testimony was pending as a rebuttal witness to their
11 defense of themselves at the time of my arrest. They faced jail, fines, loss of jobs, and sanction
12 by the State Bar for Harris. After my arrest and my remaining in custody, the charged pair placed
13 their matters on the court's calendar and I've learned apologized for their misconduct. I was
14 neither notified nor was I available to testify against them, so the matter was dismissed in my
15 absence.

16 Mr. Pontillo is pursuing a multi-million dollar claim against this county over his
17 treatment and law enforcement and prosecutorial misconduct.

18
19 28. I know of no firewall between the biased and conflicted individuals in the SCDA and the
20 prosecution of me. I observed myself Chief Deputy David Harris prosecuting co-defendant
21 Robert Woody in 2015. I've received mail from Harris disclosing my communications being
22 electronically intercepted (wiretapped).

23
24 29. I do not believe my co-defendants can get a fair trial being prosecuted by the SCDA.
25 They are collateral victims, I believe, of the documented vendetta against me.

26
27 30. I have learned the Atwals are suing the SCDA and Stanislaus County for millions of
28 dollars. Co-defendants Baljit and Daljit Atwal, I'm told, commenced lawsuits in 2014 for

1 damages and injuries suffered at the hands of District Attorney investigators. Baljit Atwal was
2 injured, I've been told, in a bizarre auto accident after an aborted arrest and illegal detention by
3 D.A. investigators while he was in their custody.

4 Daljit Atwal was similarly falsely arrested, held for hours handcuffed, kept in custody,
5 and then released. He suffered allegedly permanent nerve injury to one of his hands. Their
6 respective families and businesses were damaged in many other ways as well. Their suits are
7 being pursued by the respected law firm of Morrison and Forester.

8 I am aware that Daljit Atwal had previously brought suit in 2013 against law enforcement
9 and Stanislaus County for being abused with a firearm while handcuffed by Detective Frank
10 Navarro, one of the principal investigators and witnesses in this case. The incident arose from
11 the execution of search warrants in this investigation when Navarro approached a peacefully
12 seated Atwal and put a gun in his face and threatened him while Atwal was surrounded by other
13 officers waiting while the Atwal home was searched.

14
15 31. I've also learned incidentally, another early suspect in the investigation of this case,
16 Praveen Singh, unknown to and unrelated to the Atwals (also Indian), has brought suit against the
17 SCDA for similar behavior and damages he and his family were allegedly subjected to involving
18 the investigation of this case. He is suing for millions of dollars as well and Stanislaus County
19 faces devastating financial liability if and when he prevails.

20 I am a percipient witness against the SCDA in the civil lawsuits brought by 1) B. and D.
21 Atwal, 2) P. Singh, and 3) A.J. Pontillo. My lawsuit seeking redress for the 2010 assault by
22 investigator Steve Jacobson requires my being a witness against the SCDA.

23
24 32. Recusal is appropriate, based on my experiences and opinion as a criminal law expert, if
25 for no other reason alone than the fact that in addition to the principal role of the SCDA in the
26 investigation of this case, Stanislaus County District Attorney lawyers, Chief Deputy David
27 Harris, and deputies Beth De Jong, Mabel Lew, Meghan Anderson, and Jeff Laugero have and
28 will be called as percipient witnesses regarding issues of involvement, and the giving of

1 consideration to prosecution witnesses in return for their cooperation. Other deputies who will
2 be called are Tom Brennen, Sam Getrich, Brad Nix, Jarid Carillo, and M. Ferriera. Fladager
3 herself will be called to the stand concerning numerous issues. That list is likely to grow with
4 ongoing investigation.

5
6 33. Based on my training, experience, and knowledge of the office and individuals involved
7 in my prosecution, I firmly believe it impossible to receive a fair trial or the objective detachment
8 necessary for due process as long as the SCDA is the prosecuting entity.

9 As a legal expert, I believe much more than a prima facie showing has been made
10 requiring the action sought in this motion.

11 Confidence in the judicial system is only served by unbiased and detached application of
12 the law. That simply cannot and has not happened here under these circumstances. Recusal is,
13 in my opinion, demanded by the facts of this case.

14 I certify under penalty of perjury that the foregoing is true and correct and that this
15 declaration was executed on January 17, 2016 at Modesto, California.

16
17
18 
19 Frank C. Carson