

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

SHANE M. GATES	*	CIVIL RIGHTS: 42 U.S.C. § 1983
	*	
VERSUS	*	ACTION AS TO TREASON
	*	
JUDGE RICHARD SWARTZ, WALTER P. REED,*	*	CASE NO.:
ADA NICHOLAS F. NORIEA, JR., CLERK OF	*	JUDGE:
COURT-ST TAMMANY MARIE-ELISE PRIETO,*	*	MAG. JUDGE:
STPSO SHERIFF RODNEY "JACK" STRAIN,	*	
CAPTAIN SHERWOOD, KATHRYN LANDRY,	*	JURY TRIAL
THE OFFICE OF THE CLERK OF COURT	*	
OF ST. TAMMANY, LOUISIANA ATTORNEY	*	
GENERAL JAMES D. "BUDDY" CALDWELL,	*	
THE OFFICE OF THE LOUISIANA ATTORNEY	*	
GENERAL, THE OFFICE OF WALTER P. REED *	*	
DISTRICT ATTORNEY FOR THE PARISH OF	*	
ST TAMMANY, ADA RONNIE GRACIANETTE,*	*	
JOHN AND JANE DOES OF THE PARISH AND	*	
STATE OFFICES NAMED, AND TRAVELERS -	*	
ST PAUL INSURANCE COMPANIES	*	

ORIGINAL COMPLAINT

SHANE M. GATES and all citizens of the State of Louisiana now and at all times during defendants' violations of his and their state and federal constitutional rights, sets forth these facts and violations of his rights under the Constitution of the United States and State of Louisiana. Gates's prosecution exemplifies the fraud and crimes committed against a number of other persons as well.

DA WALTER REED'S LAW FIRM REPRESENTS THE INSURANCE CARRIER FOR THE SHERIFF AND THE SHERIFF'S COUNSEL AND HIS LAW FIRM REPRESENTS THE 22ND JUDICIAL COURT BENCH AND ITS JUDGES

1.

District Attorney Walter P. Reed is "Of Counsel" with the law firm that represents the

Sheriff's insurance companies St Pauls-Travelers in the Gates matter and Reed's continued insistence on prosecuting Gates after the NOT GUILTY verdict works to the apparent benefit of their clients and done to shield all from their liability for Gates's permanent injuries and prognosed surgeries. Reed used his official and private positions in violations of the Hobbs Act.

This is not the first instance of such a conflict on the part of District Attorney Reed, including cases he has referred to other counsel, when the matters were being prosecuted by his office. In the past, Sheriff's Attorney Chuck Hughes has accused Reed of referring cases to attorneys for matters being prosecuted by his office, the records for which will be presented to this Court.

The taxpayer monies spent by Walter Reed in this prosecution also accrues to the benefit of the insurance carriers, who are represented by the law firm where Walter Reed is: "Of Counsel".

When he joined the law firm Reed stated publically that "... he found no conflict of interest associating with the firm, especially because it takes no criminal cases". He did not state that his new firm represents companies that insure the sheriff as in the Gates case and that Reed's continued prosecution after the jury found Gates NOT GUILTY, works to the advantage of his firm's clients, in this instance St. Pauls and Travelers insurance companies.

2.

The sheriff's attorney Charles M. Hughes, Jr. and his law firm has represented the judges of the 22nd Judicial District Court individually but perhaps not surprising is that instances of his and his firm's representations have been removed from the public records of all courts which should contain those records but proof of the representation will be presented manually to this Court.

3.

A case and conflict of first impression, Hughes and his firm represents and has represented

the 22nd Judicial District Court Bench, the insurance company which insures the Sheriff and the Sheriff's Office itself. Of first impression, as such representation has not been uncovered elsewhere.

4.

The admitted ex parte contacts between the sheriff's counsel and the judges gave reason for the Louisiana Attorney to appear and represent the judges when those contacts were discovered and admitted by at least two judges, although the Attorney General has already become involved in the prosecution of Gates. Involving that office is impermissible conflicts by statute. The Attorney General also presented redacted documents to Gates, during this matter which were public records and which is in certain violation of Louisiana Sunshine law. These documents contained information about the ex parte conversations between Caldwell's office, the judges involved, and the DA.

The Louisiana Attorney General's representation of the judges further demonstrates the conflict and violation of Gates's right as the AG's office had been involved in the prosecution of Gates, but had redacted the invoices and records of its involvement, which accidentally appeared in other federal proceedings. All of these apparent and known conflict impugns the integrity of the entire legal system, not only of the courts and the district attorney and the attorney general's office to such an extent that it constitutes TREASON and makes all prior actions of those courts and its officers, void.

To the extent that the insurance companies know or have known of the actions of District Attorney Reed, sheriff attorney Hughes, Prieto, Noriea, and others they are liable and complicitous in this fraud and these violations as well.

TREASON

5.

Defendants Swartz, Reed, Prieto, ADAs Noriea, Gracianette, and other's joint actions and conspiracy as judge and officers of these courts constitute treason under the laws of the Constitution and the United States as established by the United States Supreme Court.

6.

Swartz as judge is an officer of the court, as well as are all attorneys including Reed, Noriea, Gracianette, and other named defendants. Swartz as a state judge is a state judicial officer, paid by the State to act impartially and lawfully whose actions are in clear violation of the United States and Louisiana Constitution contrary to his sworn oath of office such as to constitute treason.

7.

State [and federal] attorneys including Reed, Caldwell, Noriea, Gracianette, and Hughes, fall into the same general category and must meet the same requirements. A judge is not the court. *People v. Zajic*, 88 Ill.App.3d 477, 410 N.E.2d 626 (1980). The District Attorney is not the law.

8.

Having committed and condoned the fraud and destruction of evidence proved, these named defendants including Swartz, Reed, Noriea, and Gracianette, have committed such fraud established by the United States Supreme Court such that: "Whenever any officer of the court commits fraud during a proceeding in the court, he/she is engaged in "fraud upon the court". In *Bulloch v. United States*, 763 F.2d 1115, 1121 (10th Cir. 1985), the court stated "Fraud upon the court is fraud which is directed to the judicial machinery itself and is not fraud between the parties or fraudulent documents, false statements or perjury. ..."

9.

What the named defendants have done is "Fraud upon the court" as has been defined by the 7th Circuit Court of Appeals to "embrace that species of fraud which does, or attempts to, defile the court itself, or is a fraud perpetrated by officers of the court so that the judicial machinery can not perform in the usual manner its impartial task of adjudging cases that are presented for adjudication." *Kenner v. C.I.R.*, 387 F.3d 689 (1968); 7 Moore's Federal Practice, 2d ed., p. 512, ¶ 60.23. Swartz knowing denied Gates the right to introduce the FuelMan credit card receipt which would have proved when Gates left the dealership and disproved the state's fraudulent statement that Gates left the dealership at 7:00 PM—Gates left the dealership at approximately 8:40 PM and he was stopped only twenty minutes later. Noriea in closing argument lied to the jury stating that Gates bought the car during the day and had been drinking all day.

10.

Therefore, the decisions made by Judge Swartz is such as the 7th Circuit further stated "a decision produced by fraud upon the court is not in essence a decision at all, and never becomes final."

11.

From the decisions made by Judge Swartz for Reed and Strain to the benefit of their insurance company, it is also clear and well-settled law that any attempt to commit "fraud upon the court" vitiates the entire proceeding. *The People of the State of Illinois v. Fred E. Sterling*, 357 Ill. 354; 192 N.E. 229 (1934) ("The maxim that fraud vitiates every transaction into which it enters applies to judgments as well as to contracts and other transactions."); *Allen F. Moore v. Stanley F. Sievers*, 336 Ill. 316; 168 N.E. 259 (1929) ("The maxim that fraud vitiates every transaction into which it enters

..."); In re Village of Willowbrook, 37 Ill.App.2d 393 (1962) ("It is axiomatic that fraud vitiates everything."); Dunham v. Dunham, 57 Ill.App. 475 (1894), affirmed 162 Ill. 589 (1896); Skelly Oil Co. v. Universal Oil Products Co., 338 Ill.App. 79, 86 N.E.2d 875, 883-4 (1949); Thomas Stasel v. The American Home Security Corporation, 362 Ill. 350; 199 N.E. 798 (1935).

12.

Under state and Federal law, when any officer of the court has committed "fraud upon the court", the orders and judgment of that court are void, of no legal force or effect, as has been done repeatedly by Judge Swartz in all the instances identified including the fifteen or sixteen motions denied by Swartz who cited no law and gave no basis for his denial of the motions. Nor has the Court issued written orders concerning those denials.

13.

The Supreme Court has also held that if a judge wars against the Constitution, or if he acts without jurisdiction, he has engaged in treason to the Constitution as Judge Swartz had done during the various matters relating to Gates which acts are set forth below.

14.

Courts have repeatedly ruled that judges have no immunity for their criminal acts including fraud. Since both treason and the interference with interstate commerce are criminal acts, no judge has immunity to engage in such acts under the 11th Amendment to the United States Constitution.

15.

Judge Swartz, District Attorney Reed, ADA Noriea and other officers of the court have no immunity for the consequences of their criminal acts including the consequences that effect the civil and constitutional rights of the citizens of this or all other of these United States; those criminal acts

are set forth below.

CRIMES AND ACTS WHICH CONSTITUTE TREASON

16.

These constitutional violations of the rights of Gates and numerous others in the Parish of St. Tammany and the State of Louisiana are crimes. They are crimes committed and covered-up by defendants who are named and otherwise identified herein. Their actions are ongoing now.

17.

Defendants Noreia, Prieto, Sherwood, Strain and Others have committed crimes documented during the medical malpractice action, the felony prosecution, and the misdemeanor prosecution including:

- (1) the fabrication of evidence,
- (2) the destruction of evidence,
- (3) fabrication and alteration of public records,
- (4) the fabrication and alteration of minutes from hearings in the criminal prosecution,
- (5) jury tampering by the sheriff observed and allowed by the trial judge,
- (6) the fabrication of evidence used to initiate the resisting arrest proceedings,
- (7) the complicity of Judge Swartz in covering-up and otherwise ignoring the fraud and fabrication of evidence and jury tampering,
- (8) the complicity of the trial court by denying Gates and experts access to the court-reporter audio tapes which contain evidence probative of the alternation of transcribed testimony as to the truthfulness of witnesses,

- (9) the complicity of the Louisiana Attorney General's Office by working in matters involving the prosecution and then in representing the judges in the 22nd JDC when discovered that those judges had ex parte contacts with the district attorney and counsel for the sheriff about various aspects of this matter,
- (10) the redaction /removal of public records by the Louisiana Attorney General to removed evidence of their involvement in such prohibited dual capacities,
- (11) Hobbs Act violations by Hughes and Reed whose firms acted on behalf of the insurance company for the Sheriff and while simultaneously acting for the Sheriff or the Office of the District Attorney,
- (12) actions by Swartz, Reed, Noriea, Prieto, which constitute treason as established by the United States Supreme Court and the United States Constitution.

Summary of Event and Prosecutions

18.

Gates was severely injured while handcuffed and after he was placed under arrest, at a traffic stop at the Bayou Lacombe bridge in St. Tammany Parish on November 16, 2006. Gates has had several of the prognosed surgeries at a substantial expense.

19.

The prosecution of Shane M. Gates was undertaken by the District Attorney in concert with the Sheriff to protect the Sheriff's insurance carrier and his \$500,000 deductible and subsequently

to cover-up federal and state crimes committed by the Sheriff and his attorneys, various persons with the District Attorney's office who acted in concert with the Clerk of Court Malise Prieto and certain persons in the clerk's office as well. The action against the deputies themselves was stayed when after seven years the district attorney wished to bring forward misdemeanors after having lost the felony trial.

20.

The twelve person St. Tammany Parish Jury found Shane M. Gates NOT GUILTY of all charges brought by the District Attorney on 27 July 2012, after a five day trial. To protect the sheriff and others including the district attorney from the liability arising from their fraud and the Trial Court's complicity in that fraud, the district attorney would now try Gates for misdemeanors not brought forward since 2007.

21.

In order to get some sort of conviction to protect the insurance company and sheriff, the district attorney would try Gates again and Judge Swartz will condone a trial with the identical witnesses and identical evidence used at the trial where the twelve citizens of St. Tammany Parish already found Gates NOT GUILTY. The misdemeanor matter would now be judge-tried before former ADA, now judge Richard A. Swartz. The Gates matter was never presented to a grand jury.

22.

If Noriea, the Sheriff, and the District Attorney did not already know the outcome of the judge trial, they would never have set the trial. And again ADA Noreia and the district attorney would use evidence which has already been proven to be fabricated and other evidence altered and destroyed.

JURISDICTION

FEDERAL LAW CLAIMES

23.

Jurisdiction of this Court arises under 28 U.S.C. secs 1331, 1337, 1343(a), and 1367(a); 42 U.S.C. §§. 1983, 1985, 1986, and 1988.

INJUNCTIVE RELIEF TO PREVENT BAD-FAITH PROSECUTION

24.

Jurisdiction for injunctive relief by this Court is invoked pursuant to 28 U.S.C. §§ 1331, 1343, 2201; 42 U.S.C. §§ 1983, and 1988; and the Fourth, Fifth, Eight, and Fourteenth Amendments of the United States Constitution. The Court should order a hearing for that relief immediately.

25.

This is a civil action to enjoin and redress Gates’s deprivation of rights, under color of state law, by local authorities—as such authorities have been defined by the United States 5th Circuit Court of Appeal in *Holly Ray Bush v. Sheriff Jack Strain, et al.* [5th Cir. No. 05-30837], and *Burge v. Parish of NOPD*, 187 F.3d 452, citing *Mairena*, 816 F.2d at 1064 and *Hudson*, 174 F.3d 677—in violation of his rights, privileges, and immunities under the United States Constitution and the Louisiana State Constitution.

26.

PENDENT STATE LAW CLAIMS

Jurisdiction of this Court for pendent claims is authorized by 28 U.S.C. § 1367 with respect to any state law claims, inasmuch as the amount in controversy exceeds \$75,000.00, exclusive of interest and costs, and under F.R.Civ.P.18(a) and arises under the doctrine of pendent jurisdiction

as set forth in *United Mine Workers v. Gibbs*, 383 U.S. 715.

27.

Pendent claims arise from violation of claimant's right, as set forth in those claims and as the rights violated are expressly guaranteed and protected under the Louisiana State Constitution, particularly due process of law, right to individual dignity, right to privacy, right to judicial review, right to human treatment, and access to legitimate courts and under the laws of the State of Louisiana including but not limited to liability for any and all acts causing damages.

28.

Fraudulent acts, the alteration of public records and other crimes, having taken place in the past have been discovered within the last year since the conclusion of the jury trial and as such acts constitute fraud, no statute of limitation or exceptions of prescription are applicable to such fraud, alteration of public records, and crimes set forth herein. The commission of these crimes, conflicts, and acts of treason is ongoing.

VENUE

29.

Venue in the United States Courts for the Middle District of Louisiana is proper under 28 U.S.C. § 1391(b), as the violations and actions took place within the Parish of East Baton Rouge, and St. Tammany, Louisiana as recently as in the months of May, June, July of 2013.

EVIDENCE REFERENCED - MANUAL DELIVERY

30.

Counsel shall manually deliver of all evidence to the Clerk of Court, that is referenced in this original complaint. The evidence referenced and probative of the constitutional rights violations and

crimes is extensive, compiled over a span of six years, including such evidence as electronic tracking of the clerk's public records at the very times while those records were being altered. And again altered are recently as within the last four months of this year.

PARTIES

Complainants

31.

- A. Complainant SHANE M. GATES**, is a person of the age of majority, who brings this action in the parish of the domicile of certain defendants where the actions and predicate acts of those defendants have also taken place.

Defendants

32.

- A. Defendant RICHARD A. SWARTZ**, presiding judge of Division C of the 22nd Judicial District Court, and former Assistant District Attorney employed by the District Attorney Walter P. Reed who subsequently endorsed and arranged for Judge Swartz to be elected to office with compliance of Sheriff Jack Strain, and who in complicity with the district attorney and sheriff has covered-up their actions and the actions of the clerk of court and reporters who have altered the public records in certain violation of Louisiana law: La. R.S. 14: 132, 133, et seq.
- B. Defendant MARIE-ELISE "MALISE" PRIETO**, the Clerk of Court for the 22nd Judicial District Court for the Parish of St. Tammany, State of Louisiana, in her individual and official capacities which Public Office is a legal entity created by the Constitution of the State of Louisiana; and which she, PRIETO is responsible for the

policies, procedures, and practices implemented by this office, through its various agencies, agents, departments, and employees, and for injury and violation of United States Constitutional and Louisiana Constitutional rights occasioned thereby. PRIETO is the ultimate supervisor of the officers of the Clerk of Court's Office, including, but not only the co-defendant . She is sued in her official capacity such as is required by law and in her individual capacity in consequence of the actions against Gates which were one of the causes-in-fact of Gates's damages.

C. Defendant OFFICE OF THE CLERK OF COURT, 22ND JUDICIAL DISTRICT COURT FOR THE PARISH OF ST TAMMANY, which is a legal entity created by the Constitution of the State of Louisiana through the Louisiana Legislature; and is responsible for the policies, procedures, and practices implemented under its authority through its various officers, agencies, agents, departments, and employees, and for injury and violation of United States Constitutional and Louisiana Constitutional rights occasioned thereby.

D. Defendants NICHOLAS F. NORIEA, JR. and RONNIE GRACIANETTE, Assistant District Attorneys for the Parish of St. Tammany, in their individual and official capacity, who in concert with co-defendants did destroy and alter the "testamentary evidence", did knowingly withhold evidence that could have been used in Gates's defense at the 23-27 July 2012 trial, did falsely charge Gates and otherwise maliciously prosecute him in order to help the Sheriff and certain deputies escape civil liability and certain violation of the Hobbs Acts, Treason, HIPAA and other federal criminal statutes. The prosecution is ongoing and the fabricated evidence to

be used as trial.

E. Defendant WALTER P. REED , District Attorney for the Parish of St. Tammany, in both his individual and official capacity, who in concert with co-defendants did destroy and alter “testamentary evidence”, did knowingly withhold evidence that could have been used in Gates’s defense at the 23-27 July 2012 trial, did falsely charge Gates and otherwise maliciously prosecute him in order to help the Sheriff and certain deputies to escape civil liability and certain violation of the Hobbs Acts and other federal criminal statutes. The twelve person St. Tammany Parish jury returned a verdict of NOT GUILTY on all counts one year ago which gave rise to all probable cause for the vehicle stop. Despite the NOT GUILTY verdict, defendant Walter Reed and others named herein have maliciously prosecuted Gates and continue to do so at this time.

F. Defendant THE OFFICE OF THE DISTRICT ATTORNEY FOR THE PARISH OF ST. TAMMANY and the District Attorney for the Parish of St. Tammany, in both his individual and official capacity, who in concert with co-defendants did destroy and alter “testamentary evidence”, did knowingly withhold evidence that could have been used in Gates’s defense at the 23-27 July 2012 trial, did falsely charge Gates and otherwise maliciously prosecute him in order to help the Sheriff and certain deputies to escape civil liability and certain violation of the Hobbs Acts and other federal criminal statutes. The twelve person St. Tammany Parish jury returned a verdict of NOT GUILTY on all counts which gave rise to all probable cause for the vehicle stop. Despite the NOT GUILTY verdict, defendant Walter Reed

and his office have maliciously prosecuted Gates and continue to do so.

- G. Defendant SHERIFF RODNEY “JACK” STRAIN**, in his official and individual capacity as sheriff, who has committed the acts of jury tampering, perjured himself in affidavits and in statements to the court, and allowed his officers including but not only named defendant Capt. Sherwood to alter evidence in complicity with named defendant Nicholas F. Noriea, Jr., including but not only the alteration of the dispatch tapes used at the July 2012 trial and identified for use again in the misdemeanor trial. Strain is also guilty of other crimes and acts which involve the alteration of testimony evidence and public records in violation of La. R.S. 14: 132 and 133, et seq.
- H. Defendant STPSO CAPTAIN SHERWOOD**, altered evidence in complicity with named defendant Nicholas F. Noriea, Jr., and others from the sheriff’s office as well as the office of Charles Hughes, including but not only the altered dispatch tapes used at the July 2012 trial and identified for use again in the misdemeanor trial. Sherwood is guilty of the crimes and acts which involve the alteration of testimony evidence and public records in violation of La. R.S. 14: 132 and 133, et seq. Sherwood has testified under oath and admitted her work with Noriea in the alteration of this evidence, but has given perjured testimony regarding these matters as well.
- I. Defendant LOUISIANA ATTORNEY GENERAL JAMES D. “BUDDY” CALDWELL, & THE OFFICE OF THE LOUISIANA ATTORNEY GENERAL**, in his official capacity and certain John and Jane Does of his office in their individual and official capacities and the complicity of the Louisiana Attorney General’s Office by working in matters involving the prosecution and then in

representing the judges in the 22nd JDC when discovered that those judges had ex parte contacts with the district attorney and counsel for the sheriff about various aspects of this matter, and the alteration of public records by the Louisiana Attorney General's office to removed evidence of their involvement in such prohibited dual capacities and knew that Hughes and his firm has represented the Judges and that Reed was of counsel with the firm who represented the insurance company in this very case involving Gates.

- J. Defendant KATHRYN LANDRY**, appeal counsel for Walter P. Reed, and the Office of the District Attorney, has falsified facts in pleadings used to influence the various courts and done so in complicity with the alteration of the public records which the named defendant Clerk of Court Prieto and her employees and other Does including but not only persons in the District Attorney's office who have access to the Clerk's public records and have participated in and caused. Allegations made by Landry in her pleadings are explicitly contradicted by the testimony of the officers who she attributes such testimony to and used to fabricate a version of the facts that Gates attacked the officers when in fact the officers have expressly denied such facts. Landry's knowledge of the use and alteration of the public records by the Clerk of Court or the Does in the office of the District Attorney who made alterations to the related public records, constitutes complicity in violation of the Louisiana public record laws as well.
- F. Defendant JOHN DOE[S] and JANE DOE[S]**, natural persons including judicial officers of the court, the district attorney, the clerk of court, the sheriff's office and

attorneys, who have not been identified by name, but who did conspire with co-defendants variously, and were the persons who began the attack on Gates, such as to violate his rights under the United States Constitution and the amendments thereto, and his rights under federal laws, including but not limited to violations of 42 U.S.C. § 1983, *et seq.*, and 18 U.S.C. 1961-1968 as well as his rights under the Constitutions of the State of Louisiana.

32.

This seven-year prosecution has been characterized by the destruction of evidence, the fabrication of evidence, the fabrication and perjury of testimony given by officers, attorneys, and public officials while under oath and overlooked by the trial court judge.

FABRICATION, ALTERNATION, DESTRUCTION OF EVIDENCE
BY THE DISTRICT ATTORNEY AND SHERIFF'S OFFICE

33.

Evidence used by the District Attorney particularly ADA Nick Noriea was fabricated and forensic expert Herbert Joe proved that both the internal contents of certain tracks and the number of tracks themselves on the dispatch tape—had been both destroyed and altered. [Exhibit - Hebert Joe Report & Transcript].

34.

When confronted with the forensic evidence, ADA Noriea admitted having the dispatch tape altered but was allowed to use the altered version of the tape nonetheless. Defendant Capt. Sherwood was involved in the alteration and testified as to her involvement.

35.

After the 23-27 July 2012 trial, investigators and counsel had uncovered and exposed the fabrication of other evidence and testimony done by defendants ADA Noriea, Sheriff Strain and his officers, Clerk of Court Prieto and Does with access to her public records, which have been ignored and thereby covered-up by former ADA now Judge Richard Swartz and John and Jane Does within the office of Louisiana Attorney General James D. Caldwell.

36.

ADA Nicholas Noriea—knowingly altered the dispatch tape, removed at least half of the tracks from the tape and altered the content within certain tracks. He excluded the dispatch statements of the fact that the sheriff’s deputies intentionally diverted the Louisiana State Police from scene where Gates has been severely beaten, after having been arrested and handcuffed.

37.

When confronted with the missing and altered evidence that Noriea himself and others altered, Noriea admitted doing so to the Court.

38.

Noriea told the Court, “I just took the parts that I wanted the jury to hear.”

39.

Despite requests and demands for action from the Court, former ADA now presiding judge Richard Swartz, did nothing in response to Noriea’s admission of these crimes.

40.

Trial Judge Richard Swartz allowed Noriea to introduce and allowed the jury to hear the dispatch tape that Noriea and Capt. Sherwood had altered.

41.

When it was discovered that several versions of the dispatch tape had been produced by the sheriff and different ones by ADA Noriea, Gates and counsel hired forensic expert Herbert Joe who examined the six versions of the tape which they produced over five years.

42.

Expert Herbert Joe sat while Captain Sherwood took out files that she thought were relevant from the dispatch hard-drive. Joe was never given access to the hard-drive or allowed to examine the contents of the hard-drive forensically.

The volumes of evidence and transcripts generated by the investigation and when expert Joe testified—are being put into electronic formats and will be manually delivered to the clerk under local rule .

43.

Expert Joe found that Noriea never produced more than half of the tracks and found that the content within the tracks was altered.

44.

Again, though that evidence and testimony was produced and presented to the Court, Judge Swartz did nothing.

45.

Noriea's destruction and alteration of evidence are crimes in violation of both La. R.S. 14:132 and La. R.S. 14:133.

46.

The evidence that Noriea knowingly committed these crimes, each of which carries a

maximum sentence of five years, is on the record and in the transcripts that are being prepared for manual delivery to your office as exhibits for this original complaint.

47.

In addition to these actions of fraud, ADA Noriea also entered into the record of the proceeding the medical records of Gates, which were only produced and identified during the week of trial and which were taken from the HIPAA protected record of Mr. Gates's medical treatment—to which Noriea would not have had access except through the backdoor of the court or the attorneys for the hospital. They got the medical record because James Blackwell who worked for the district attorney went to the sheriff's office and signed out those records as evidenced by the signed receipt.

48.

Noriea's possession and production of those records are crimes under HIPAA as none of those records were subpoenaed [legally or illegally] but which Noriea or his assistants obtained from sources at the Lacombe Heart Hospital, where Sheriff Jack Strain's wife was a nurse. Dr. Bruce Kerry testified that the medical records were not finished until January of 2007 but the medical evidence allegedly obtained by deputy Gottardi and which Swartz allowed ADA Noriea to place in the record were obtained only four days after the November 16, 2006 incident.

49.

As well, forensic experts have concluded that the BAC print out is not evidenced by any lab tests, or blood samples, or other recordations on the testing equipment but were manually entered onto a computer program and for the use by the sheriff and the district attorney, simply printed out from a nurses station.

50.

ADA Noriea and the district attorney has reported that these records were reports of blood tests which blood tests in fact, do not and never did exist.

51.

ADA Noriea has not allowed Gates or counsel open file discovery but has used the Court through Judge Richard Swartz as a censor to prevent open file discovery including but not only the purged disciplinary files that contain or should contain the information regarding incidents which caused deputy Gottardi to be demoted from the position of detective to an officer working at the jail. Every thing requested in the Gottardi demotion is public record as the investigation and demotion is already concluded.

All such records are the property of the public and Judge Swarz's refusal to have the sheriff and district attorney produce those records is another act by Swartz in violation of his oath of office and Gates's constitutional rights.

52.

This is yet another instance of the District Attorney and others covering up the evidence known to exist and testified to by Gottardi at trial. The State and the Sheriff have again spoliated the evidence to which Gates is entitled under the Louisiana and United States Constitutions.

53.

The files pertaining to Deputy Roger Gottardi's demotion from the position of detective, about which he testified to and confirmed at trial, appear have gone.

54.

The Trial Court has confirmed that these files were not produced and has done nothing to

order their production [Exhibit: Court Order of 24 July 2013] of these public records.

55.

The Court order simply says, that the Gottardi disciplinary files were not produced although they are public records.

56.

Judge Swartz failed to enforce the rights guaranteed Gates under the Sixth Amendment Confrontation and Compulsory Process clauses and the governing jurisprudence: *Crawford v. Washington*, 541 U.S. 36 (2004), *Melendez-Diaz v. Massachusetts*, 129 S.Ct. 2527 (June 25, 2009) & *Donald BullComing v. New Mexico*, 131 S. Ct. 2705 (June 23, 2011).

57.

In June of 2011 the United States Supreme Court in *BullComing v. New Mexico* upheld *Crawford* and *Melendez-Diaz* further made it clear that the Sixth Amendment's Confrontation Clause is absolute and applies to the information about which Gottardi has testified at this time.¹ The facts decided by the St. Tammany Parish Jury and the facts about demotion testified to by Deputy Roger Gottardi at trial, are such and must be introduced and disclosed.

SHERIFF STRAIN JURY TAMPERING AND SPOILIATION

58.

St. Tammany Parish Sherif Jack Strain stood waiting for the jury to come in and take their seats in the jury box as they came into the courtroom, he greeted every juror and glad-handed the ones closest to him. He took his place in the front row, to remind the jurors that he was watching

¹ *Crawford v. Washington*, 541 U.S. 36 (2004), *Melendez-Diaz v. Massachusetts*, 557 U.S. (June 25, 2009) *BullComing v. New Mexico*, 131 S. Ct. 2705 (June 23, 2011).

them.

59.

During the five days of the trial Sheriff Strain showed up Wednesday through Friday, and was present when former deputy Nathan Miller testified and when deputy Roger Gottardi testified. He was also present when defendant Shane Gates testified.

60.

When deputy Gottardi testified Sheriff Strain sat in the front row so that the jury knew he was there and when Gottardi finished testifying he came from the witness box, into the front row next to Sheriff Strain visibly gave Gottardi a hug around his shoulder and said out loud—so that the jury could hear him—“good job, good job!”.

61.

When Gates testified Sheriff Strain looked at the jurors and laughed at Gates—in a loud brutish manner—and shook his head, indicating that Gates’s testimony was not true, or comical.

62.

Despite this obvious attempt to influence the jury or remind them that he was watching them, Judge Richard Swartz did nothing whatsoever.

63.

The failure of the Court to act against the Sheriff, his former employer the district attorney and others even when presented with evidence of fraud, fabrication, and destruction of evidence is characteristic of the manner in which this seven year prosecution has been conducted.

64.

Despite years of fraud, fabrication and alteration of evidence by the Sheriff, the District

Attorney, the Clerk of Court and covered up by the Court itself, the Twelve-Person St. Tammany Parish Jury found Shane M. Gates NOT GUILTY of the felony Aggravated Flight or any of the lesser charges brought on Friday, 27 July 2012.

Now the district attorney could not bring a lesser charge under the same criminal statute which Graciannette testified was maxed out by charging him with the maximum felony under La. R.S. 14:108.

65.

While the District Attorney did not bring the six-year old misdemeanor charges of DUI and Resisting Arrest, they did call every witness and present every adjudicative fact about blood alcohol and resisting arrest in an attempt to prejudice the Jury. Having brought those witnesses and that evidence once, the District Attorney would now bring that evidence again. And over the last six years the clerk of court has altered the minutes, the motions, and the record of this and the related felony matter.

CLERK OF COURT PRIETO'S ALTERATION OF PUBLIC RECORDS
AND USE BY DA APPEAL COUNSEL Kathryn LANDRY

66.

As recently as June 2013, Gates and counsel discovered that the Clerk of Court had [again] altered the public record in the felony and misdemeanor prosecution in order to make it consistent with arguments the District Attorney through Appeals Counsel Kathryn Landry was making with the appeals court, and having made those same arguments repeatedly, contrary to the evidence that was in the record—before the record was altered—and in direct contradiction to the testimony given by all witnesses at trial. Landry in her most recent brief continues contends that there was a flight or aggravated flight from Miller although those facts have been rejected and decided by the jury. Landry

knowingly misrepresents facts that are established and res judicata—and as such she statements constitute fraud.

67.

To argue against the District Attorney's failure to satisfy the requirements of both the felony and misdemeanor procedures and constitutional provisions, the Clerk of Court with the assistance or input of the District Attorney altered the public records.

68.

Once put on notice that Gates and counsel had caught these alterations and had records of the earlier original versions, defendants Prieto and others, corrected the alterations, only to place the incorrect versions back online to provide fabricated evidence and support for the arguments that the District Attorney through Appeals Counsel Kathryn Landry would make with both the state and federal courts.

69.

District Attorney's appeal attorney Kathryn Landry has continued to use the altered records for purposes of advancing the false argument that Gates continued the misdemeanor and the felony matter when in fact he had not.

70.

Again, it is not an coincidence that Appeals Attorney Kathryn Landry again made allegations and false statements of fact regarding these very same records, in her pleadings against Gates to the Louisiana Supreme Court.

71.

Landry's argument to the courts relies in significant part of the altered records as those have

been used in support of Landry's argument about the Gates arrest for the felony flight charge and the District Attorney's failure to comply with the guarantees of the Speedy Trial act.

72.

In fact, Gates was prosecuted and tried for Aggravated Flight, a charge he was not, ever arrested for. Nor did Gates ever sign a ticket or was given a ticket for that charge and in fact the investigators found that there are several versions of the tickets where the deputies or district attorney have altered the color of the car and the number of doors on the car in order to match the description of Mr. Gates's vehicle, when the first versions of those tickets did not match. As of today there are no tickets on record in the clerk of court's office again in violation of La. R.S. 14: 132 and 133, the public record act.

73.

Prieto altered the public record to state that he was arrested for aggravated flight and she fabricated a date on which he was allegedly [but not actually] arrested.

74.

The alteration of Gates's record is equally significant for purposes of writs, appeal, and for any civil rights claims which might be pursued in federal courts.

75.

As Kathryn Landry was going to argue and did that Gates was arrested for that charge, Prieto changed the record again to state that Gates was arrested for aggravated flight and that change was made right at the time Landry's brief went the the First Circuit and then to the Supreme Court.

76.

The repeated alterations of the record in this matter was not an accident or coincidence, as was proved by the time frame and obvious purpose for which he was being altered. At issue also is who in the District Attorney's office has access to amend or alter these public records.

77.

Investigators who have monitored the Clerk's record in this matter will present video-tapes of the records being altered..

78.

Investigators who have monitored the Clerk's record in this matter will show the court the content that was being monitored, at which point the purpose of the alteration will become apparent.

JUDGE RICHARD SWARTZ INVOLVEMENT AND
COMPLICITY IN ACTIONS OF DISTRICT ATTORNEY
AND THE LOUISIANA ATTORNEY GENERAL'S OFFICE

79.

Former ADA Richard Swartz now Judge of Division "C" for the 22nd Judicial District Courts, was assigned Gates's (1) medical malpractice case which is still open, (2) felony case for which he presided over the trial, and (3) this misdemeanor action brought after the jury found Gates NOT GUILTY .

80.

Judge Swartz had heard evidence and ruled on matters in each of these cases and has therefore acquired facts and evidence from each which informed decisions in others and now will do so in a judge-trial.

81.

Gates's medical records from the medical malpractice case, were introduced and used by

Noriea and the District Attorney, in clear criminal violation of HIPAA. Former DA Investigator James Blackwell, took the records from the locked file of the Sheriff and those files like other evidence in these matters.

82.

The trial court did nothing but allowed Noriea and the district attorney to introduce the HIPAA protected documents at the felony trial.

83.

The HIPAA protected documents were used as the state did not have the right to subpoena the records and in fact the records obtained and used by Noreia, were fabricated by the hospital or persons with access to the hospital.

84

Gates was taken to the Lacombe Heart Hospital where he refused treatment but at which his blood was illegally taken but never tested, although a dry-labbed result was produced from the manual operation of a computer program at the nurses station.

85.

Despite repeated requests for the identity of the person who performed the [non-existent] lab test, Gates only learned during the trial, that the lab tech the late Roger Loll, who was the only person on duty the night the test would have been performed, died in June of 2007, shortly after Gates was charged.

86.

Judge Swartz also was presented with and had to rule on matters arising from the medical

records which were a component of the district attorney's fraudulent charging and fabricated prosecution in the felony flight and now in the DUI trial.

87.

Defendant Swartz was also instrumental in denying Gates open file discovery acting as the censor for public records which Gates and counsel were entitled to examine themselves.

88.

Recently Swartz did nothing when defendants Noriea and the Sheriff refused to produce Deputy Roger Gottardi's disciplinary files which contains the investigation of Gottardi and the reasons he was demoted from the position of detective as he testified to at trial.

89.

Gottardi perjured himself at trial when he testified that he "does not know why he was fired" and under pressure later said "it was because he failed to return a phone call". Upon information and belief, Gottardi was fired for failing to return a purse and the money in the purse to a victim during an investigation. The Sheriff has refused to produce that file which are public records and the Court has done nothing to compel the production of those public records in violation of his oath and duty as a judge.

90.

Defendant Swartz also blocked Gates's request to hear the audio-tape which recorded the testimony of former Deputy Nathan Miller on January 5, 2012, when the accuracy of the Miller transcription was questioned.

COUNT I – § 1983 CAUSES OF ACTION

91.

These defendants MALICIOUSLY PROSECUTED AND FALSELY charged plaintiff in violation of the Fourth, Fifth, Eighth, and Fourteenth Amendments to the United States Constitution. Under color of law, and having made a custodial arrest, defendants did inflict serious, permanent injuries upon Gates and cause damages to and otherwise violate his federal constitutional and federal civil rights.

92.

These defendants acted in combination and in concert to commit unlawful and unconstitutional acts against plaintiff. Furthermore, the law under the Fourth, Fifth, Eighth, and Fourteenth Amendments in this regard is clearly established so as to defeat any purported police defendants' qualified immunity for state law claims.

93.

Complainant Gates repeats and re-alleges and incorporates by reference the allegations in paragraphs above with the same force and effect as if set forth herein.

94.

At all times relevant herein, the conduct of all defendants were subject to 42 U.S.C. § 1983, 1985, 1986, and 1988.

95.

Acting under the color of law, defendants worked a denial of Gates's rights, privileges, and immunities secured by the United States Constitution and by Federal law.

COUNT II - ENUMERATED § 1983 VIOLATIONS

96.

Complainant Gates repeats and re-alleges and incorporates by reference the allegations in

paragraphs above with the same force and effect as if set forth herein.

97.

At all times relevant herein, the conduct of all defendants were subject to 42 U.S.C. § 1983, 1985, 1986, and 1988.

98.

Acting under the color of law, defendants worked a denial of Gates's rights, privileges, and immunities secured by the United States Constitution and by Federal law, including but not limited to the violations enumerated immediately below.

99.

VIOLATION OF 42 U.S.C. 1983 - Concerted Unlawful and Malicious Subsequent Arrests and Charges which deprived Gates of both his liberty without due process of law and his right to equal protection of the laws, due course of justice was impeded, in violation of the United States Constitution and its Amendments.

100.

VIOLATION OF 42 U.S.C. 1983 - Concerted Unlawful and Malicious Sequential Fabrication, Destruction of Evidence, and Alteration of Evidence, which deprived Gates of both his liberty without due process of law and his right to equal protection of the laws, due course of justice was impeded, in violation of the United States Constitution and its Amendments.

101.

VIOLATION OF 42 U.S.C. 1983 - Neglecting to Prevent defendant officers under this control, from violating the rights, privileges, and immunities of Gates—as set forth in the facts at paragraphs above or neglect in preventing deprived Gates of both his liberty without due process of

law and his right to equal protection of the laws, due course of justice was impeded, in violation of the United States Constitution and its Amendments.

102.

VIOLATION OF 42 U.S.C. 1983 - Clerk of Court and District Attorney's Malicious Prosecution designed to shield and otherwise coverup the defendant officers under their department's control, who violated the rights, privileges, and immunities of Gates—as set forth in the facts at paragraphs above, which deprived Gates of both his liberty without due process of law and his right to equal protection of the laws, due course of justice was impeded, in violation of the United States Constitution and its Amendments.

103.

VIOLATION OF 42 U.S.C. 1983 - District Attorney Noriea's Malicious Prosecution and his proven personal alteration, destruction, and fabrication of evidence designed to shield and otherwise coverup for others including certain named co-defendants who violated the rights, privileges, and immunities of Gates—as set forth in the facts at paragraphs above which deprived Gates of both his liberty without due process of law and his right to equal protection of the laws, due course of justice was impeded, in violation of the United States Constitution and its Amendments.

104.

COUNT III – § 1983 CONSPIRACY CAUSE OF ACTION

All defendants acted in combination and in concert, and in whose “deliberate indifference in not preventing these acts,” combined with the willful acts of his deputies acting in concert and conspiracy with the Clerk of Court, the District Attorney, and private counsel thereby allowing the commission of these unlawful acts of illegally detaining, arresting, extorting, and violating Gates's

various constitutional rights.

105.

As a result of defendants' conspiracy to commit illegal acts against Gates, they are liable to plaintiff per 42 U.S.C. §1983 as well as 42 U.S.C. §1988 for attorneys' fees.

COUNT IV – § 1983 LIABILITY OF Defendants, Clerk of Court, ADA Noriea, District Attorney Walter P Reed, in their official capacities

106.

The named defendants through their public offices violated complainant rights as those rights are expressly guaranteed and protected under *Holly Ray Bush v. Sheriff Rodney Jack Strain, et al.* [No. 07-30837, 14 January 2008], *Monell v. New York City Dept of Social Services*, 436 U.S. 658, *City of Canton v. Harris*, 489 U.S. 387, *McMillian v. Monroe County*, 520 U.S. 781, *Bryan County Comm'r v. Brown*, 520 U.S. 397, and *Burge v. St Tammany* 187 F 3d. 452, C.A. 5 (La.) 1999, *State v. Tate* 171 So. 108, *Perez*, 454 So.2d 806, *Bush I*, 538 So.2d 606, and *Bush II*, 541 So.2d 903.

107.

The Clerk of Court and the District Attorney and their office are responsible for the acts and omissions of the employees and are liable for the activities of its agents, who are not employees.

108.

At all times pertinent hereto, the defendants were acting under color of law, statutes, customs, policies, ordinances and usages of the State of Louisiana, the Parish of St. Tammany Clerk of Court and District Attorney's Offices.

109.

At all times pertinent hereto, the Clerk of Court and District Attorney's Offices failed to adopt sufficient policies to deter or prevent the violating of Gates's civil rights.

110.

At all times pertinent hereto, these defendants failed to develop and/or maintain a custom or policy to identify, discipline, rehabilitate and/or retrain its police officers who violated Gates's civil rights.

111.

The illegal and unconstitutional policies and procedures of the department were the driving force of the deprivation of Gates's rights herein.

112.

Furthermore, through improper training, improper hiring, negligent retention and after ineffective internal policies, ignoring patterns and practices of abuse, these defendants were deliberately indifferent to said policies and procedures leading to Gates's rights being violated.

113.

The District Attorney and their co-defendants used the policy and procedure to engage in illegal activities to illegally secure charges—including but not limited to *resisting an officer* or *resisting arrest*—against innocent persons, here in violation of Gates's federal and state rights.

114.

As a result of their various violations, these defendants are liable to plaintiff pursuant to 42 U.S.C. §§1983, 1985, 1986, and 1988.

115.

At all times pertinent hereto, defendants acting under color of law, are responsible for the actions and inactions of his subordinates as they relate to the violations of Gates's civil rights, in the following non-exhaustive particulars:

1. Failure to properly hire, train, discipline and/or supervise the officers under their authority;
2. Failure to adopt and enforce reasonably appropriate policies, practices, and procedures for the operation and administration of the internal affairs of the Clerk of Court and the District Attorney's Office;
3. Condoning a pattern, practice and/or custom of police officer intimidation and abuse, and by failing to take appropriate and reasonable measures to ensure that the members of the general public are protected from unlawful searches, seizures, and extortion by members of the defendants offices and departments;

116.

All of the acts and omissions alleged herein are established customs, policies and practices, which, among others, have the effect of depriving Gates of his right to due process of law, including freedom from unreasonable searches and seizures, as well as other rights, privileges and immunities secured by the Fourth, Fifth, Eighth, and Fourteenth Amendments to the Constitution of the United States and the Constitution of the State of Louisiana, which directly and proximately caused the damages complained of herein.

117.

At all times pertinent hereto, defendants were acting within the course and scope of their employment and authority under the color of law, and were liable for the acts of said defendants

and/or vicarious liability for all causes and claims stated herein.

118.

As a result of their various violations, these defendants are liable to Gates pursuant to 42 U.S.C. §§1983, 1985, 1986, and 1988.

COUNT V – LIABILITY OF PUBLIC OFFICIALS AND OFFICES

119.

The Clerk of Court, ADA Nick Noriea and Gracianette, and the St. Tammany District Attorney, his assistants, and his office violated complainant rights as those rights are expressly guaranteed and protected under *Monell v. New York City Dept of Social Services*, 436 U.S. 658, *City of Canton v. Harris*, 489 U.S. 387, *McMillian v. Monroe County*, 520 U.S. 781, *Bryan County Comm’r v. Brown*, 520 U.S. 397, and *Burge v. St Tammany* 187 F 3d. 452, C.A. 5 (La.) 1999, and *Holly Ray Burns v. Sheriff Rodney Jack Strain, et al.* [No. 07-30837, 14 January 2008].

120.

The Clerk of Court, ADA Noriea, the St. Tammany District Attorney, his assistants, and his office have violated their mandate as set forth in the United States Constitution and the 1974 Louisiana Constitution, as articulated expressly in *State v. Tate* 171 So. 108, *Perez*, 454 So.2d 806, *Bush I*, 538 So.2d 606, and *Bush II*, 541 So.2d 903 and have violated that mandate as further defined under *Monell v. New York City Dept of Social Services*, 436 U.S. 658, *City of Canton v. Harris*, 489 U.S. 387, *McMillian v. Monroe County*, 520 U.S. 781, *Bryan County Comm’r v. Brown*, 520 U.S. 397, and *Burge v. St Tammany* 187 F 3d. 452, C.A. 5 (La.) 1999, *State v. Tate* 171 So. 108, *Perez*, 454 So.2d 806, *Bush I*, 538 So.2d 606, and *Bush II*, 541 So.2d 903.

121.

By conspiring with the co-defendants to obstruct Mr. Gates's redress of the violations of his constitutional and civil rights, these defendants including but not only the St. Tammany District Attorney, the Sheriff, the Clerk of Court, and Judge have violated their mandate as set forth in the 1974 Louisiana Constitution, and as articulated—specifically prohibiting a district attorney from being involved or interested in any extrinsic matters, which might consciously or unconsciously impair his power to conduct an accused's trial impartially. *State v. Tate*, Sup.1936, 185 La. 1006, 171 So. 108. Their conduct also constitutes treason.

122.

In violating their constitutional mandate, the Clerk of Court and the St. Tammany District Attorney, his assistants, and his office have also deprived and violated his constitutional and civil rights as set forth in *Monell v. New York City Dept of Social Services*, 436 U.S. 658, *City of Canton v. Harris*, 489 U.S. 387, *McMillian v. Monroe County*, 520 U.S. 781, *Bryan County Comm'r v. Brown*, 520 U.S. 397, and *Burge v. St Tammany* 187 F 3d. 452, C.A. 5 (La.) 1999, *State v. Tate* 171 So. 108, *Perez*, 454 So.2d 806, *Bush I*, 538 So.2d 606, and *Bush II*, 541 So.2d 903.

COUNT VI – DUE PROCESS AND EQUAL PROTECTION VIOLATIONS

123.

By maliciously and illegally and sequentially arresting, falsely charging plaintiff, and denying plaintiff a good faith prosecution, a right to a fair trial, all color of law officials and district-attorneys defendants violated Gates's rights to due process and equal protection as set forth by the United States Constitution.

COUNT VIII – LOUISIANA LAW CLAIMS

124.

Based on the facts stated above, plaintiff hereby asserts various claims under the Louisiana Constitution and laws of the State of Louisiana and based on the facts stated above, Co-defendants did knowingly and intentionally, or in the alternative negligently, violate Gates's rights as those rights are protected and guaranteed under the Constitutions of the United States, and that of the State of Louisiana.

125.

The facts underlying defendants' violations of Gates's rights are distinct and separate from any facts underlying the various charges created, made, altered—and almost one year after the incident, only now prosecuted against Gates—such that they can coexist with any fact-based aspect of any element of any charge which has been created, made, and now advanced by the defendants Clerk of Court and District Attorney.

DAMAGES

126.

Gates avers all damages arising from these violations of his rights under the United States Constitution and that of the State of Louisiana.

REQUEST FOR JURY TRIAL

Shane M. Gates Requests a Trial by Jury

RELIEF

Based on the facts stated above, and against all defendants and award such damages as are allowed under federal and state law, including all penalties and fees and costs for bringing this matter

and those fees and costs required to defend Gates in the fraudulent criminal matters.

Respectfully submitted,

s/ Daniel G. Abel

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Verification of the Facts

I, Shane M. Gates have personal knowledge of the facts and statements made herein and therefore verify that these facts are true to the best of my knowledge and belief. I have worked with counsel to comply with the requirements needed to submit this complaint.

Verified on 5 August 2013

s/ Shane M. Gates

Shane M. Gates,
Complainant

Rule 11 Verification of Investigation and Facts

I, Daniel G. Abel, attorney at law, have personal knowledge of the facts and statements made herein and therefore verify that these facts are true to the best of my knowledge and belief under Rule 11. I have represented Gates since the outset of this malicious and fabricated prosecution and have personal knowledge and evidence which proves that testamentary evidence was altered and destroyed

by the defendants named herein and shall provide that evidence including the work of forensic experts who shall further prove the fraud underlying the malicious felony prosecution of Gates which ended a twelve person verdict of NOT GUILTY, on 27 July 2012. I have also been involved in the investigation of four or five other, similar prosecutions in the Parish of St. Tammany and shall confirm the fraud and actions taken in the Gates matter as part of the habit and practice by the District Attorney including but not only his referral of civil actions to other attorneys while the underlying criminal actions are being prosecuted by Reed and the persons in his office. I may be called as a witness at trial and shall testify accordingly.

Verified on 5 August 2013

_____/s/ Daniel G. Abel_____
Daniel G. Abel, LSB #8348
Attorney at Law