

IRVINE, CA - Police Misconduct/Malicious Prosecution

TWISTED BADGE POSTING AS OF WEDNESDAY, 21 JANUARY 2004

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IRVINE, CA - Police Misconduct/Malicious Prosecution

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The screenshot shows a Netscape browser window with the title "Twistedbadge.com - IRVINE, CA - Police Misconduct/Malicious Prosecution - Netscape". The address bar shows a URL from worldcrossing.com. The browser's toolbar includes buttons for Back, Forward, Reload, Home, Search, Netscape, Print, Security, Shop, and Stop. Below the toolbar, there are links for Instant Message, Inside Boeing, My Information, and Internet Search. The main content area has a red background. At the top, there is a "worldcrossing" logo with the text "Host your own forum - Free!" and a "webcrossing" banner for "web application development server". The forum owner is listed as "twisted badge". The forum title is "IRVINE, CA - Police Misconduct/Malicious Prosecution". A post by "Michael Laham" from May 29, 2003, is shown with a "reply" button. The post content discusses a police misconduct case in Irvine, California, mentioning attorney expenses and a broken promise of a police report. The browser's status bar at the bottom shows the Start button, taskbar with icons for Internet Explorer, Outlook, and others, and the system clock showing 10:02 AM.

Twistedbadge.com - IRVINE, CA - Police Misconduct/Malicious Prosecution - Netscape

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**IRVINE, CA - Police Misconduct/Malicious Prosecution**

[Michael Laham](#) - May 29, 2003 11:45 am [reply](#)

May 16, 2003

To Twisted Badge Web Site Message Board,

We adamantly believe and have solid evidence that the Police Department of IRVINE, CALIFORNIA performed POLICE MISCONDUCT against us in the following manner:

- 1) We are victims of MALICIOUS PROSECUTION by the Irvine Police Department, which has cost us over \$5,000.00 for needless attorney expenses for a groundless, absurd and ridiculous charge.
- 2) We are victims of the Irvine Police Department's BREAKING THE LAW AND REFUSING TO GIVE US OUR LEGAL RIGHTS AS CITIZENS. They denied us a proper copy of a police report of a crime in which we were victims and would not refund us the money we spent for a proper copy of the above police report that they refused to give us.

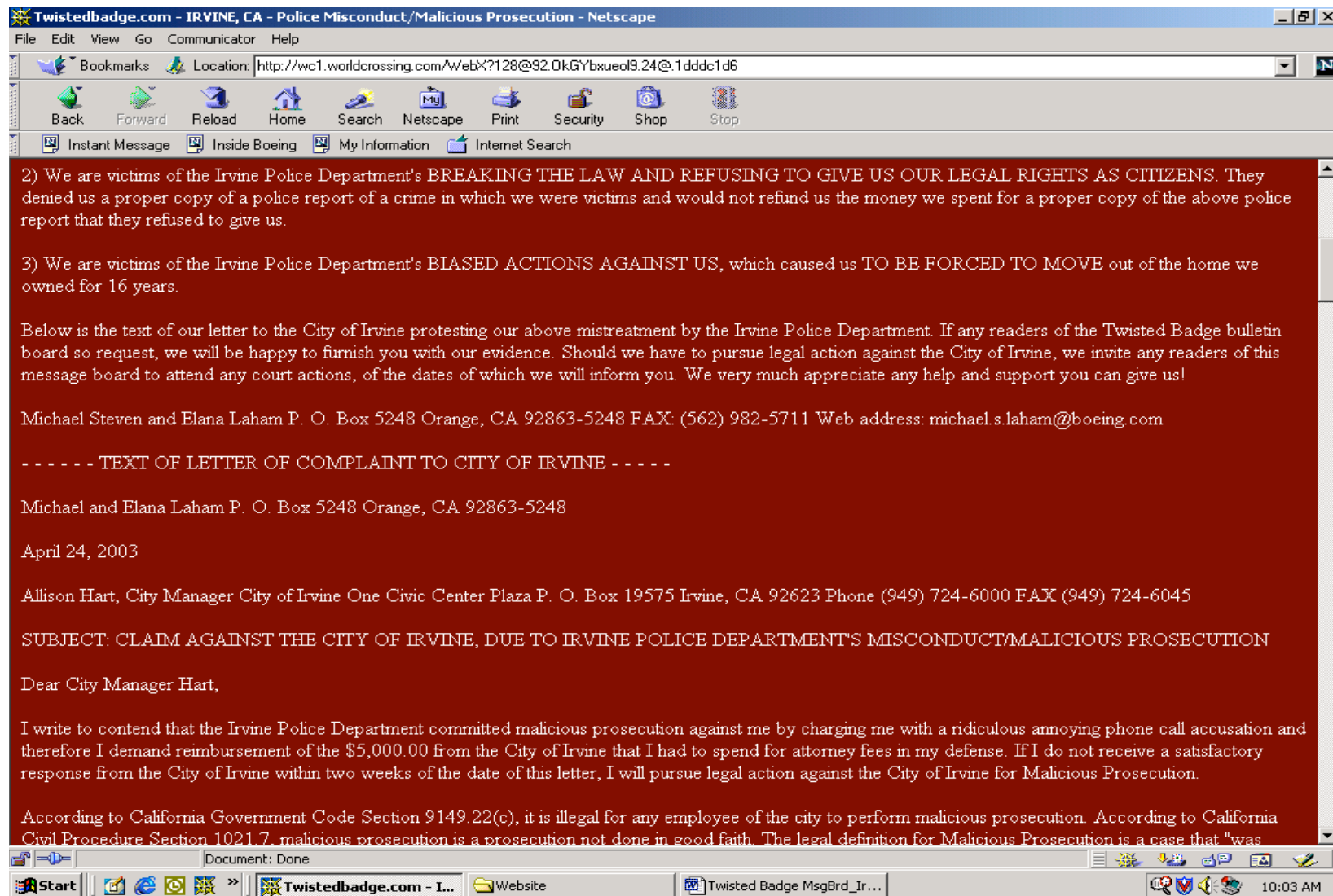
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IRVINE, CA - Police Misconduct/Malicious Prosecution

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According to California Government Code Section 9149.22(c), it is illegal for any employee of the city to perform malicious prosecution. According to California Civil Procedure Section 1021.7, malicious prosecution is a prosecution not done in good faith. The legal definition for Malicious Prosecution is a case that "was pursued to a legal termination in plaintiff's favor, was brought without probable cause, and was initiated with malice." This definition is from the case of Crowley v. Katleman (34 Cal.Rptr.2d 386, 390 (1994)) and Sheldon Appel Co. v. Albert & Olier (254 Cal.Rptr.336, 340 (1989)).

1. Pursuant to the definition of malicious prosecution, the Irvine Police Department's case against me was "brought without probable cause" because the Irvine Police Department had no evidence against me. In police report DR 01-19823, in which I was wrongfully accused of making harassing phone calls, the victim and other people wrongfully state that

a) I was stalking her. b) I am unemployed. c) I key cars. d) I do acts of vandalism. e) I make excessive noise. f) I take medication. g) I am forcing neighbors to move. h) I sent her "hate" mail. i) I made harassing phone calls to her.

I have evidence to prove that the above claims are false.

On 12/13/02 investigator Cristal Hayes, badge #5293 recommended that the District Attorney prosecute me for harassing phone calls without ever even contacting me. Had she contacted me, she would have learned via indisputable evidence that the above claims against

 [michael laham](#) - Jul 3, 2003 6:01 am (1) [delete](#) [reply](#)




This reply to the IRVINE, CA Police message on TB message board summarizes how the Irvine Police Department performed malicious prosecution and police misconduct against innocent American citizens, forcing them move out of their home that they owned for 16 years.

According to California Civil Procedure Section 1021.7, malicious prosecution is a prosecution not done in good faith. According to Crowley V. Katleman, 34 Cal.Rptr.2d 386, 390 (1994), and Sheldon Appel Co. v. Albert & Olier, 254 Cal.Rptr 336, 340 (1989), "not done in good faith" is defined as a case that is 1) brought without probable cause, 2) initiated with malice, and 3) pursued to a legal termination in the suspect's favor.

The annoying phone call case was brought without probable cause because the content of the annoying phone calls consisted of someone munching potato chips, a child playing with a toy, and inaudible mumbling.

The annoying phone call case was initiated with malice because the Irvine Police Department did not appropriately investigate the annoying phone call case, since they, per Investigator Cristal Hayes, Badge Number 5293, refused to even contact the suspect. See Irvine Police Report DR 01-19823. The Irvine Police

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IRVINE, CA - Police Misconduct/Malicious Prosecution

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The screenshot shows a Netscape browser window with the title "Twistedbadge.com - IRVINE, CA - Police Misconduct/Malicious Prosecution - Netscape". The address bar shows a URL from worldcrossing.com. The browser's toolbar includes buttons for Back, Forward, Reload, Home, Search, Netscape, Print, Security, Shop, and Stop. Below the toolbar, there are links for Instant Message, Inside Boeing, My Information, and Internet Search.

The message board thread is displayed on a red background. The first post is by "michael laham" on Jul 10, 2003, at 11:02 am, with an edit time of 12:03 pm. It contains a paragraph about a lawsuit filed against the City of Irvine. The second post is by "twisted badge" on Jul 16, 2003, at 8:04 am, mentioning recent events in Irvine. The third post is by "michael laham" on Aug 5, 2003, at 11:24 am, providing an update on the hearing. The fourth post is by "twisted badge" on Aug 6, 2003, at 4:32 pm, thanking the user. The fifth post is by "michael laham" on Sep 15, 2003, at 6:49 am, providing another update on the trial. Each post has "delete" and "reply" buttons next to it.

The browser's status bar at the bottom shows the "Start" button, a "Document: Done" indicator, and several open tabs: "Twistedbadge.com - I...", "Website", and "Twisted Badge MsgBrd\_Ir...". The system clock in the bottom right corner shows "10:05 AM".



IRVINE, CA - Police Misconduct/Malicious Prosecution

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The screenshot shows a Netscape browser window with the title "Twistedbadge.com - IRVINE, CA - Police Misconduct/Malicious Prosecution - Netscape". The address bar shows the URL "http://wc1.worldcrossing.com/WebX?128@92.0kGybxueol9.24@.1dddc1d6". The browser's toolbar includes buttons for Back, Forward, Reload, Home, Search, Netscape, Print, Security, Shop, and Stop. Below the toolbar, there are links for Instant Message, Inside Boeing, My Information, and Internet Search.

The main content area displays a message board post. At the top, it says "Road, Newport Beach, CA 92660-2595." Below this, the post is attributed to "michael laham" on "Oct 2, 2003 6:05 am (2.1.1.1.1)". There are "delete" and "reply" buttons next to the post. The text of the post reads:

We are posting additional information regarding the Irvine Police Department (IPD) to the readers of Twisted Badge.

On 4/5/02 the Lahams filed police report DR 02-06198 against the violent next door neighbor who tried to batter Mrs. Laham, vandalized their property and continued to harass them. They found a photo on their car warning that their car was going to be vandalized or stolen. The Lahams repeatedly contacted the IPD for assistance. An Ofcr Peasley refused to contact the violent next door neighbor. Oftrs William Russell and Hung warned the Lahams that THEY would get arrested if they didn't stop harassing the violent next door neighbor! The Lahams elicited one last cry for help but the IPD refused respond. The Lahams shared the same stairwell to their front and only doors with this violent next door neighbor. Because the IPD refused to do their job, the Lahams moved out of duress on 4/16/03. They accumulated emergency moving costs of \$2,392.64 per hotel and storage invoices.

The Lahams requested a proper copy of DR 02-06198 but received a stamped "Controlled Document" by IPD, which contained ONLY their own narrative. It did not contain any record showing that a police officer had contacted the suspect, or the name and address of the suspect, which is required by law per CA Govt Code Section 6254(f). In letters of 9/19/02, 9/27/02, and 10/18/02, the Lahams requested a PROPER COPY of DR 02-06198. In letter of 9/25/02, Lt. Sam Allevato refused to give the Lahams a proper copy of DR 02-06198, in which the Lahams were the VICTIMS, and to which the Lahams were legally entitled, according to CA Govt Code Section 6254(f). And the IPD refused to refund the Lahams the \$15.00 processing fee for a proper copy of report DR 02-06198.

Because the IPD refused to give the Lahams a proper copy of DR 02-06198, they had to use other means to discover the identity of the violent next door neighbor. On 9/24/03, the Lahams learned that the violent next door neighbor's full name is Sean Robert Norton, who has a criminal record! On 5/8/99, Officer Hutchcraft of the IRVINE POLICE DEPARTMENT arrested Sean Robert Norton for being under the influence of Methamphetamine; see IPD report DR 99-05576. On 9/30/99 Sean Robert Norton entered a plea of guilty; see the docket report for Case #99HM03522, from the Orange County Superior Court (Harbor Justice Center, Newport Beach, CA).

ON 5/8/99 THE IPD ARRESTED THIS VIOLENT NEXT DOOR NEIGHBOR, SO THEY KNEW HE HAD A CRIMINAL RECORD; YET THEY REFUSED TO CONTACT HIM AND THEREBY SIDED WITH HIM AGAINST THE LAHAMS, WHO HAVE NO CRIMINAL RECORD. DID THE IPD DO THIS IN ORDER TO FORCE THE LAHAMS TO MOVE OUT OF THEIR HOME THAT THEY OWNED FOR 16 YEARS? DID THE IPD REFUSE TO GIVE THE LAHAMS A PROPER COPY OF REPORT DR 02-06198 SO THAT NO ONE WOULD KNOW THIS?

Below the post, there is a reply from "John O Doe" on "Oct 8, 2003 4:31 pm (2.1.1.1.1)". There is a "reply" button next to it.

The bottom of the browser window shows the taskbar with the Start button, several open windows including "Twistedbadge.com - I...", "Website", and "Twisted Badge MsgBrd\_Ir...", and the system clock showing "10:06 AM".

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A screenshot of a Netscape browser window. The title bar reads "Twistedbadge.com - Irvine, CA - Police Misconduct/Malicious Prosecution - Netscape". The address bar shows "http://wc1.worldcrossing.com/WebX?128@92.0kGYbxueol9.24@1dddc1d6". The browser's toolbar includes icons for Back, Forward, Reload, Home, Search, Netscape, Print, Security, Shop, and Stop. Below the toolbar are links for Instant Message, Inside Boeing, My Information, and Internet Search. The main content area has a red background and displays a message board post. The post is from "John Q Doe" on Oct 8, 2003 at 4:31 pm, with a "reply" button. The subject line is "DO THIS IN ORDER TO FORCE THE LAHAMS TO MOVE OUT OF THEIR HOME THAT THEY OWNED FOR 16 YEARS? DID THE IPD REFUSE TO GIVE THE LAHAMS A PROPER COPY OF REPORT DR 02-06198 SO THAT NO ONE WOULD KNOW THIS?". The body of the post discusses a "Drug War" and a subpoena. Below the post is a reply from "michael laham" on Oct 31, 2003 at 8:13 pm, with "delete" and "reply" buttons. This reply discusses a lawsuit against the City of Irvine and a hearing on Friday, 31 October 2003. The bottom of the browser window shows the status bar with "Document: Done" and the taskbar with various icons and the time "10:08 AM".



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Orange County Central Justice Center, located at 700 Civic Center Drive West, Santa Ana, CA 92701, Phone (714) 834-4676.

**twisted badge** - Nov 21, 2003 7:41 am (2111111111) [reply](#)

Thanks for the update. We'll spread the word.

**michael laham** - Jan 21, 2004 9:14 am (2111111111) [delete](#) [reply](#)

This reply to the IRVINE, CA Police message on TB message board is to post the results of the hearing for Michael Laham's lawsuit, Case Number 03CS007196, against the City of Irvine for their police department's malicious prosecution of him. The hearing was scheduled for Thursday, 18 December 2003 at 8:30 AM, in Division C54 at the Orange County Central Justice Center, 700 Civic Center Drive West, Santa Ana, CA 92701, Phone (714) 834-4676. The court moved the trial to Division C53, presided over by Commissioner Barry S. Michaelson. After Laham moved to have case heard by a judge, the court moved the case to Division C61, where Judge James H. Poole heard the case.

In order to win his case against the Irvine Police Department (IPD), Laham, the Plaintiff, had to prove 4 points, per the criteria established in the case of Sheldon Appel Co. v. Albert & Oliker [254 Cal.Rptr. 336, 47 Cal.3d 863]:

Point 1: "Prosecution was commenced at direction of Defendant." This is proved by statement of IPD Investigator Cristal Hayes in IPD Police Report DR 01-19823.

Point 2: "Prosecution was pursued to legal termination in Plaintiff's favor." This is proved by the D.A.'s unilateral dismissal of the charge against Laham in the prior case; see the Docket Report for (prior) Case IR02HM00216.

Point 3: "Prosecution was brought without probable cause." This is proved by IPD Police Report DR 01-19823, which shows that IPD had NO evidence that LAHAM made any phone calls. Yet Judge James H. Poole writes, "[Plaintiff's] primary basis for malic[ious prosecution] was failure of Irvine P[olice] to contact him for his side of story. = Not Malice." [See his handwritten statement on Plaintiff's Claim form, from Docket for Case #03CS007196.] He COMPLETELY IGNORED the legal precedent of the case of Puryear v. Golden Bear Insurance Company [66 Cal.App.4th 1188, 78 Cal.Rptr.2d 507], which establishes that THERE IS NO PROBABLE CAUSE WITHOUT EVIDENCE AS TO WHO DID IT. The IPD needed to contact Laham in order to know WHO DID IT, because all that their two phone traps indicated is that a call occurred from one phone number to another, not WHO the caller was.

Point 4: "Prosecution was initiated with malice." Judge James H. Poole writes, "[Plaintiff's] primary basis for malic[ious prosecution] was failure of Irvine P[olice] to contact him for his side of story. = Not Malice." [See his handwritten statement on Plaintiff's Claim form, from Docket for Case #03CS007196.] He

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Point 4: "Prosecution was initiated with malice." Judge James H. Poole writes, "[Plaintiffs] primary basis for malic[ious prosecution] was failure of Irvine P[olice] to contact him for his side of story. = Not Malice." [See his handwritten statement on Plaintiff's Claim form, from Docket for Case #03CS007196.] He COMPLETELY IGNORED the legal precedent of the case of Baker v. Gawthorne [82 Cal.App.2d 496, 186 P.2d 981], which establishes inference of malice from REFUSAL TO DO RESEARCH before filing a complaint. The IPD refused to contact Laham to find out whether or not they had a case against him.

More on this case in the following (subsequent) reply on this TB message board.

 [michael laham](#) - Jan 21, 2004 9:56 am (21111111111111111111) [edit](#) [delete](#) [reply](#)

This reply to the IRVINE, CA Police message on TB message board is to continue posting the results of the hearing for Michael Laham's lawsuit, Case Number 03CS007196, against the City of Irvine for their police department's malicious prosecution of him. This continues the posting from the previous reply.

To further substantiate Point 4, "initiated with malice," Laham addressed to Judge James H. Poole the very different treatment the IPD gave to Melinda Sidor, victim of (annoying?) calls consisting of munching potato chips, a child playing with a toy, and inaudible mumbling (See D.A. evidence tape.), versus treatment the IPD gave the Laham family, victim of a violent next-door neighbor, Sean Robert Norton, who attempted to batter Mrs. Laham and vandalized their property. These two cases occurred CONCURRENTLY. Yet:





(a) The IPD, at VICTIM'S REQUEST (see IPD Report DR 01-19823), PROSECUTED Laham. But despite the Lahams' REPEATED REQUESTS, the IPD refused to EVEN SPEAK to their violent next-door neighbor. (see IPD Report DR 02-06198)

(b) Laham, the suspect of the annoying phone call case, has NO criminal record. But the Lahams' neighbor, the suspect of vandalism to their property and attempted battery, has A CRIMINAL RECORD of which the IPD is aware because they arrested him (IPD Report 99-05576. See also the Docket for Case #99HM03522).

(c) The IPD had NO evidence against Laham that HE made ANY annoying phone calls to Melinda Sidor. All they had were two (2) phone traps on his home phone while Laham was at work 30 miles away. (See Sprint phone bill, letters from team leader and cube-mate, and lab report.) They had four (4) postcards containing no threats or obscene language (see IPD Report DR 01-19823) without ANY evidence that they came from Laham. But the IPD had Mrs. Laham's EYEWITNESS statement that she was victim of an attempted assault and battery, and they had photos of their kicked-in front door and a photo placed on their car threatening to steal or vandalize it.

(d) Melinda Sidor ONLY HAD TO CHANGE HER PHONE NUMBER. But (d) since the Lahams could not file a restraining order against their violent next-door

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(c) The IPD had NO evidence against Laham that HE made ANY annoying phone calls to Melinda Sidor. All they had were two (2) phone traps on his home phone while Laham was at work 30 miles away. (See Sprint phone bill, letters from team leader and cube-mate, and lab report.) They had four (4) postcards containing no threats or obscene language (see IPD Report DR 01-19823) without ANY evidence that they came from Laham. But the IPD had Mrs. Laham's EYEWITNESS statement that she the was victim of an attempted assault and battery, and they had photos of their kicked-in front door and a photo placed on their car threatening to steal or vandalize it.

(d) Melinda Sidor ONLY HAD TO CHANGE HER PHONE NUMBER. But (i) since the Lahams could not file a restraining order against their violent next-door neighbor who continued to harass them because they shared the only stairwell to their front and only doors, and (ii) since the IPD refused to contact the violent next-door neighbor, OUT OF DURESS the LAHAMS MOVED, costing them \$2,392.64 (See hotel and storage invoices.) in emergency moving costs. The IPD wanted to cover up the fact that they never contacted the Lahams' violent next-door neighbor, so they REFUSED, despite the Lahams' repeated requests, to give them a PROPER COPY of the police report (See letters to IPD dated 9/19/02, 9/27/02, and 10/18/02, and IPD letter dated 9/25/02.), (i) to which CA Gov't Code 6254(f) says victims are entitled, (ii) in which the Lahams were victims, and (iii) for which the Lahams paid the \$15.00 processing fee. A PROPER COPY would include the suspect's statement, which would show that the IPD at least contacted the violent next-door neighbor. Instead, all the IPD gave the Lahams was a copy of IPD Police Report DR 02-06198 WHICH ONLY HAD THE LAHAMS' NARRATIVE IN IT!

Yet Judge James H. Poole COMPLETELY IGNORED this CONTRAST in the IPD's handling of these two concurrent cases. The contrast of the two concurrent cases shows a DOUBLE STANDARD and BIAS against the Laham family, which proves Point 4, "initiated with malice."

More on this case in the following (subsequent) reply on this TB message board.

▶▶▶▶▶▶▶▶▶▶ [michael laham](#) - Jan 21, 2004 9:58 am (21111111111111111111) [edit](#) [delete](#) [reply](#)

This reply to the IRVINE, CA Police message on TB message board is to continue posting the results of the hearing for Michael Laham's lawsuit, Case Number 03CS007196, against the City of Irvine for their police department's malicious prosecution of him. This continues the posting from the previous reply.

Judge James H. Poole writes, "[Plaintiff] failed to prove malice - Note phone t[r]aps." [See his handwritten statement on Plaintiff's Claim form, from Docket for Case #03CS007196.] Does he say this because he wants people to believe that Laham cannot prove malicious prosecution just because two phone traps existed - which could be phoney? This is false because IPD never proved WHO made the calls.

In any fair and legal court, Laham would have won his case, because he proved all four (4) points via hard evidence needed to substantiate malicious prosecution. The ruling in this case, Laham v. City of Irvine, sends the message to all that it is OK for a judge to rule AGAINST THE LAW by breaking legal precedents

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could be phoney? This is false because it's never proved who made the calls.

In any fair and legal court, Laham would have won his case, because he proved all four (4) points via hard evidence needed to substantiate malicious prosecution. The ruling in this case, Laham v. City of Irvine, sends the message to all that it is OK for a judge to rule AGAINST THE LAW by breaking legal precedents (doctrine of "stare decisis") and by ignoring the pertinent facts of a case, especially in Small Claims court, where there is no word-for-word record of the hearing so that the judge never goes on record, and a plaintiff cannot appeal. It also sends the message that the police can escape accountability for their actions.

Judge James H. Poole's verdict means that any police agency can harass any innocent law-abiding citizen they do not like with absurd, unsubstantiated charges and make them spend thousands of dollars on attorney fees or go to jail and lose their jobs if they cannot afford a decent attorney. One can rationalize, "This only happens to bad people," but it happened to Michael Laham, a law-abiding professional who lives in an upper middle-class neighborhood. And one can rationalize, "This only happens to a few people." The Lahams always had a lot of respect for the police because they believed that they risk their lives to protect the innocent, but their life EXPERIENCES with the police have taught the Lahams otherwise. Unless we Americans UNITE, ORGANIZE, and COLLECTIVELY FIGHT to stop this sort of police misconduct and malicious persecution, anybody in this land of the free and home of the brave could be next!

Anybody who has questions or concerns on this story, or wants copies of the cited exhibits, can contact Michael Laham at P. O. Box 5248, Orange, CA 92863-5248.


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