

From: Laham, Michael S
Sent: Thursday, December 04, 2003 7:16 AM
To: 'nobrutality@sbcglobal.net'
Cc: 'Office@October22.ORG'; 'aztlan263@yahoo.com';
'jjordan@janicejordan.org'
Subject: POLICE ON TRIAL FOR MALICIOUS PROSECUTION IN IRVINE, CA

TO: The October 22nd Coalition, Los Angeles Area Chapter

CC: The October 22nd Coalition to Stop Police Brutality, Repression, and the Criminalization of a Generation
P.O. Box 2627, New York, NY 10009 USA
Phone: 1-888-NO BRUTALITY or 212-477-8062
Fax: 212-477-8015

The October 22nd Coalition, San Bernadino Area Chapter

The October 22nd Coalition, San Diego Area Chapter

When police harass citizens for no good reason, it is good to see THEM put on trial. Such a trial is happening on Thursday, 18 December 2003, at the Orange County Central Justice Center courthouse, located at 700 Civic Center Drive West, Santa Ana, CA 92701, Phone (714) 834-4676. The hearing is at 8:30 AM, in Department C-54 at the Central Justice Center. On trial is the Irvine Police Department (Irvine, CA) for malicious prosecution. I am the Plaintiff, and I invite any and all readers and members of the October 22nd Coalition to attend this hearing (Case of *Michael Laham v. City of Irvine*, Case Number 03CS007196).

Because of the Irvine Police Department's (IPD) bias against us, the IPD maliciously prosecuted me for a groundless charge of making annoying phone calls, even though my wife and I did not make any such calls and have no criminal record. But the IPD refused to do anything about a violent next-door neighbor with a criminal record who relentlessly harassed us, forcing us to move out of our home that we 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 & Oliker*, 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 IPD 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 IPD Police Report DR 01-19823. The IPD presented as their evidence two phone traps on my home phone that occurred when I was at work. The IPD refused to listen to the tape that contained the annoying phone calls to verify whether it even sounded like my voice. The IPD tampered with the evidence because the tape that contained the annoying phone calls repeated the same calls multiple times by presenting the exact same date and time stamp over and over again. And the IPD did not even confront me directly about their case; I only learned about the charges when the District Attorney sent me my letter of arraignment.

The annoying phone call case was pursued to a legal termination in my favor. Although the IPD insisted the District Attorney's Office prosecute this case, the case never even went to trial because of a lack of substantial evidence. See the docket report for Orange County Superior Court case IR02HM00216.

The motive behind the above outrageously absurd annoying phone call criminal charge against the suspect is a long history of bias by the IPD against my family. The IPD never contacted us regarding three police reports that non-credible neighbors filed against us. These are DR 00-23319 written by Ofcr Miller badge #5278, DR 01-02842 written by Ofcr Velarde badge #294, and DR 01-18508 written by Ofcr Clanin badge #296. Had the IPD

contacted us, they would have learned via airline tickets, travel expense reports, and hotel receipts that we could not have committed these crimes.

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

We requested a proper copy of DR 02-06198 but received a stamped "Controlled Document" by IPD, which contained ONLY our 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, we requested a PROPER COPY of DR 02-06198. In letter of 9/25/02, Lt. Sam Allevato refused to give us a proper copy of DR 02-06198, in which we were the VICTIMS, and to which we were legally entitled, according to CA Govt Code Section 6254(f). And the IPD refused to refund us the \$15.00 processing fee for a proper copy of report DR 02-06198.

Because the IPD refused to give us a proper copy of DR 02-06198, we had to use other means to discover the identity of the violent next door neighbor. On 9/24/03, we 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 US, WHO HAVE NO CRIMINAL RECORD. DID THE IPD DO THIS IN ORDER TO FORCE US TO MOVE OUT OF OUR HOME THAT WE OWNED FOR 16 YEARS? DID THE IPD REFUSE TO GIVE US A PROPER COPY OF REPORT DR 02-06198 SO THAT NO ONE WOULD KNOW THIS?

I sent a complaint via letters dated 4/24/03 and 5/24/03, both by certified mail, to the City of Irvine. These two letters described how the Irvine Police Department committed malicious prosecution against me, in violation of California Government Code Section 9149.22(c). They also presented my claim of \$5,000.00 for attorney fees to defend myself against that wrongful charge. I also submitted a claim-for-damages form in person on 6/23/03. My claim was denied in a letter dated 6/19/03 from the City of Irvine. The 6/19/03 letter DID NOT EVEN ADDRESS the issue of malicious prosecution or police misconduct. The City of Irvine assigned a file number of S 139440 PC to my claim.

I am very dissatisfied because the City of Irvine never gave a reason for their denial of my claim and never indicated if any internal investigation happened in the Irvine Police Department.

Malicious prosecution by city officials is a violation of California Government Code 9149.22(c). So I filed suit against the City of Irvine for their police department's malicious prosecution. Suit was filed in the Small Claims Division of the Orange County Superior Court, Newport Beach facility at 4601 Jamboree Road, Newport Beach, CA 92660-2595. The case number was 03HS01988, and the hearing was originally scheduled for Friday, 01 August 2003 at 1:30 PM in Department H10. At that hearing, the City of Irvine moved to have the case decided by a judge, rather than a commissioner, who was temporarily standing in for the judge. Since no judge was available on that day (8/1/03), the trial was continued to Friday October 3, 2003, at 1:30 PM, in Department H10, at the same court house. After that hearing, at the request of the two persons authorized to appear on behalf of the City of Irvine, the previously agreed-to date of Friday October 03, 2003 was vacated, and the trial was continued to Friday, October 31, 2003, at 1:30 PM, in Department H10, at the same court house.

But at the hearing of October 31, 2003, the presiding judge, Margaret R. Anderson, RECUSED HERSELF from the case. In addition, the ENTIRE HARBOR JUSTICE CENTER, Newport Beach facility, RECUSED THEMSELVES of this case. Case was ordered transferred to the Orange County Central Justice Center, where it would be assigned a NEW case number.

The word RECUSE means, "To reject or challenge (a judge or juror) as disqualified to act, especially because of interest or bias." (See Random House Webster's College Dictionary, copyright 1997, page 1088).

On November 17, 2003, the Central Justice Center court notified both parties that the new case number for Laham v. City of Irvine is 03CS007196, and the hearing is scheduled for Thursday, 18 December 2003 at 8:30 AM, in Department C-54 at the Central Court. The Central Justice Center is located at 700 Civic Center Drive West, Santa Ana, CA 92701, Phone (714) 834-4676.

Anyone who wishes further information can contact me (Michael Laham) at P. O. Box 5248, Orange, CA 92863-5248, e-mail michael.s.laham@boeing.com