



National Coalition For Men (NCFM)

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December 13, 2017

Sent via Electronic Mail: sdahlem@mariposacounty.org

Mr. Steven W. Dahlem
County Counsel
County of Mariposa
Office of County Counsel
5100 Bullion Street
P.O. Box 189
Mariposa, CA 95338

Mr. Dahlem,

We are in receipt of your letter dated November 27, 2017 in response to our letter sent to the Mariposa County Board of Supervisors dated November 8, 2017.

Thank you for taking the time to respond. Our organization has some additional comments and questions, as we have reviewed some recent public record documents, and court documents.

We do not agree with your assessment that there was no collusion regarding the false rape case and the coincidental initiation of the receivership action in the middle of that case. In fact, public record documents in both the criminal case and the receivership case reveal collusion and an intent by the County and your office to use the false allegations in the criminal case to support the receivership action.

Our letter to the Board of Supervisors asked that the Board hold a public meeting regarding the maladministration of the false criminal allegations against Jerry Cox and the encumbering of his property through receivership.

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December 13, 2017 letter to Steven W. Dahlem, County Counsel, eight pages
NCFM - Committed to ending harmful gender based stereotypes

Specifically, to discuss with the citizens of Mariposa County the arrest and prosecution of Jerry Cox, to include the entire chain of events leading up to the receivership action of Mr. Cox's property. As you know, in a separate letter, we also asked the Board of Supervisors, to ask the FBI Public Corruption Unit to conduct an investigation and to make the request public.

Some of our concern comes from a history of public corruption in the County of Mariposa, like that revealed in a televised ABC News 20/20 expose and public officials investigated with respect to that expose and other suspicious activities. Moreover, local news articles and Internet postings show that area residents are concerned about collusion and corruption within the county, especially pertaining to Mr. Cox and a possible "cover-up." If, as you say, no collusion exists, then as a public official and to clear public misconceptions, we would hope you would welcome transparency and an FBI investigation to ensure similar collusion and corruption does not exist.

Your letter states, and the public record reflects that the 'inspection warrant' was sealed by the court in accordance with all applicable laws, and that those laws governing the sealing of such warrants are not limited to the Code of Civil Procedure. However, after reviewing some recent court documents produced by the County; specifically concerning the issue of the sealing of the 'inspection' search warrant that was obtained and served on Mr. Cox's ranch on October 14, 2016, we have some additional concerns.

In mid-October 2017, a Defense Request for Discovery and Special Interrogatories served on the County. On November 17, 2017 your office and Silver and Wright, legal counsel for the Receiver, submitted responses.

Below is a screenshot of the County's objection to Mr. Cox's request for copies of 'inspection' search warrants and related documentation.

16 **RESPONSE TO SPECIAL INTERROGATORY NO. 7:**
17 The County objects to this interrogatory on the grounds that it is overbroad in both time and
18 scope. The County objects to this interrogatory on the grounds that requested documents are sealed
19 pursuant to California Rules of Court Rules 2.550 and 2.551 and are not subject to discovery. The
20 County objects to this interrogatory on the grounds that it impermissibly seeks information and
21 documents protected by the official information privilege in Evidence Code section 1040. The County
22 objects to this interrogatory on the grounds that it seeks information not relevant to the subject matter of
23 this action and not reasonably calculated to lead to the discovery of admissible evidence.

You cite all documents pertaining to the ‘inspection’ search warrant that was served on October 14, 2016 and that have been ordered sealed by the court. That would presumably include the search warrant, the affidavit, any documents if they exist involving the sealing of the warrant, and the return.

As of today, Mr. Cox, his defense team and the public do not know who initiated, crafted and submitted the inspection warrant affidavit and warrant; and, what was thereby seized as evidence, all of which should be public information.

California Rules of the Court section 2.550 establishes that records can only be sealed under specific circumstances, which are:

- (1) There exists an overriding interest that overcomes the right of public access to the record;
- (2) The overriding interest supports sealing the record;
- (3) A substantial probability exists that the overriding interest will be prejudiced if the record is not sealed;
- (4) The proposed sealing is narrowly tailored; and
- (5) No less restrictive means exist to achieve the overriding interest.

Section 2.550 clearly establishes that a court order sealing a record must:

- (A) Specifically state the facts that support the findings; and
- (B) Direct the sealing of only those documents and pages, or, if reasonably practicable, portions of those documents and pages, that contain the material that needs to be placed under seal. All other portions of each document or page must be included in the public file.

Section 2.551 specifies the process for the proper handling and petition for requesting a court order for the sealing records, which states in part:

“A party requesting that a record be filed under seal must file a motion or an application for an order sealing the record. The motion or application must be accompanied by a memorandum and a declaration containing facts sufficient to justify the sealing.”



“A copy of the motion or application must be served on all parties that have appeared in the case. Unless the court orders otherwise, any party that already has access to the records to be placed under seal must be served with a complete, unredacted version of all papers as well as a redacted version. Other parties must be served with only the public redacted version. If a party's attorney but not the party has access to the record, only the party's attorney may be served with the complete, unredacted version.”

Therefore, please tell us what *overriding interest* justified(s) secreting information in the inspection warrant from Mr. Cox, his legal team and the public? To be clear and keep things in proper perspective, Mr. Cox' situation concerns alleged building code violations, not terrorist threats or serial murders.

What compelling legal reasons existed to keep Mr. Cox from his home and seize his property, without even telling him?

Inexplicably, the court case file has no copy of the inspection warrant, no mention that the warrant was sealed, no related declaration, or affidavit, all of which is in violation of numerous provisions of the California Rules of the Court section 2.551. Moreover, the court case file does not even have a copy of the inspection warrant proof of service.

We sent a letter to District Attorney Thomas Cooke on September 27, 2017, which requested, among other things, that a criminal investigation and prosecution of false rape accuser Ashley Harris. If you have not yet done so we recommend you read our letter to Cooke before reading any further. It's available at <http://ncfm.org/2017/10/news/courts-news/court-cases/ncfm-sends-letter-to-mariposa-county-da-about-injustices-in-the-jerry-cox-case/> or, www.ncfm.org.

We received a remarkable response dated November 11, 2017, by Deputy District Attorney Philip Dodgen, who treated our letter to DA Cooke as a Public Records Act Request. Regardless, ADA Dodgen's letter did say no records could be found of efforts to investigate or prosecute Harris for her false allegations, which turned Mr. Cox's life upside down and triggered events costing Mariposa County taxpayers perhaps a million dollars or more.

In a recent public record discovery, we learned Receiver, Mr. Mark Adams, of the California Receivership Group (CRG), petitioned the court for roughly \$300,000 in fees even though there has been no remediation to the property. Court documents in the receivership action emphatically state that the structures on the property are unfit and unsafe for human habitation or occupancy, yet the guards occupying the property have been videotaped using the structures, entering the allegedly unsafe buildings, utilizing Mr. Cox's 4-wheel drive

vehicles, cooking and conducting BBQ's with their children, and watching NetFlix on the television inside the structures as the bills reflect. We know of no structures requiring demolition or remediation, although after the abuse by CRG employees we know costly repairs may be necessary to return the property.

In our view, this receivership action was well organized, unlawful, an abomination, criminal in appearance, and an attempt to steal valuable property by abusing the court. Indeed, insufficient, wrongheaded, incomplete, and misleading information was submitted to the court upon which the receivership action was granted; and, there appears to be many people involved. If true, the Cox debacle may make a RICO action.

With these most recent discoveries, and the violations of state law with regard to transparency and discovery obligations, NCFM reiterates, in the strongest terms, the absolute and immediate need for a public corruption investigation by the Federal Bureau of Investigation.

As such, the following portion of this letter IS in fact a Public Records Act Request.

Pursuant to the California Public Records Act § 6250 et seq., the National Coalition For Men, a 501(c)(3) non-profit advocacy and journalistic organization are requesting the following records.

- Any and all communications, to include electronic mail communications, memos, written correspondence, records of phone calls to include landline and cellular phone calls produced, initiated or received from county issued cellular phones or cellular phones paid by taxpayer funds concerning any and all matters related to both matters pertaining to Mr. Cox including the criminal case and the receivership case, by any and all county officials, including any and all personnel from the Sheriff's Department, the District Attorney's Office, any planning or building department personnel, any personnel from the fire department or any other state agency who participated or assisted in these matters, or persons acting on behalf of, or at the direction of any county official, to exclude communications that are deemed protected by the attorney client privilege. If there are communications that are deemed protected by the attorney-client privilege, then it is requested that a list of any all communications of that type be included that indicated who the sender of the message was, who the recipient of the message was, and the date and time of the message and the message or communication type, of course without divulging the content of the protected message.

As the evidence developing reveals that Mr. Cox's First Amendment rights have been hampered, we also ask for the following:

- Any and all communications of any type, to and from any county employee or persons acting on their behalf or direction, to and from any social media organization such as Facebook or Instagram or any such similar social media organization, concerning any issue involving the infringement of Mr. Cox's First Amendment Rights through social media postings.
- The name of outside legal counsel or law firm and the dollar amount of taxpayer funds spent on any legal counsel or law firm who has been retained or is already on retainer, contacted or counseled with regard to any issue involving Mr. Cox, not to include outside legal counsel retained for the purposes of the receivership action.

Additionally, the following public records are requested.

- Any and all records and documents related or connected to the alleged civil inspection search warrant that was served on Mr. Cox's property on October 14, 2016, to include; notes, reports, photographs, video or audio recordings, names of persons who participated in any manner in the preparation or service of the inspection search warrant, the search warrant, the search warrant affidavit, the search warrant return, the court stamped and signed declaration or affidavit of the person or persons or affiant who requested that the search warrant be sealed, the reasons or justification for the request for the sealing of the search warrant affidavit, and any and all documents, reports, notes, court records, official forms, detailing why the County of Mariposa is in violation of California Rules of the Court sections 2.550 & 2.551. Additionally, it is requested, that if the records requested pursuant to California Rules of the Court sections 2.550 & 2.551 exist, and are provided, that they be accompanied by an affidavit, sworn under penalty of perjury that the records are true, were produced at or around the time of the service of the inspection warrant, and that the sworn affidavit provide information as to the exact location(s) of the electronic device(s) that produced those records and a confirmation that those devices will be protected from tampering, hacking, or destruction, so the veracity of the initial construction of those documents can be verified by an electronic forensic examination if warranted. Since this correspondence is being presented to Mr. Steven Dahlem, County Counsel for the County of Mariposa California, it is respectfully requested that this accompanying affidavit, sworn under penalty of perjury come directly from and is signed by Mr. Steven

Dahlem. If the sworn affidavit is provided or signed by another person other than Mr. Dahlem, then a legitimate reason or reasons shall be included in such sworn affidavit.

- Any records, court records, litigation records, communications of any type of any county official or anyone who has made prior complaints against any employee of the County of Mariposa, or any agency or entity of the County of Mariposa that involves the failure of the County of Mariposa, in any form and in any venue, to produce any record, or who has lodged any complaint or official court filing of the failure of the County of Mariposa to comply with discovery requests in any and all venues.

Inasmuch as the National Coalition For Men is a non-profit, advocacy, and journalistic organization, we are exempt from fees.

Inasmuch as the National Coalition For Men is a non-profit, advocacy, and journalistic organization, journalistic integrity, transparency, and the right of the general public to be informed of the truth of matters of interest to them require the release of this information.

The California Public Records Act requires a response within ten business days. If access to the records we are requesting will take longer, please contact me with information about when those records will be available.

If all or part of this request is denied, please cite each specific exemption you feel justifies the refusal to release the information and notify me of the appeal procedures available to me under the law.

We again ask that a criminal investigation and prosecution of false rape accuser Ashely Harris. This should be easy since the necessary documents and information should be readily available in Mr. Cox's criminal case files. The potential criminal law violations include, but are not limited to the following;

California Penal Code sections 143.5(a) (b) & (e), False Report of an Emergency.

Subsection (e), states; "Any individual convicted of violating this section, based upon a report that resulted in an emergency response, is liable to a public agency for the reasonable costs of the emergency response by that public agency."

California Penal Code sections 148.5(a)(b)(c), False Report of a Crime.



California Penal Code section 550, Crimes Against Insured Property and Insurers, including any and all subsections that pertain to Ms. Harris' receiving of medical services by fraud and false statements which were provided by taxpayers of the County of Mariposa, including sections pertaining to the recovery and restitution of taxpayer funds, and the loss of labor hours to conduct such medical procedures.

California Penal Code section 186.11 ET. seq., Fraud in Excess of \$100,000, including any and all appropriate sections, upon conviction to seize assets.

California Penal Code section 115(a), Causing False Instrument to be filed with Agency.

California Penal Code section 182(a) ET. seq., Conspiracy.

California Government Code sections 12650-12656, California False Claims Act.

Again, we respectfully ask that the County of Mariposa, request and coordinate an investigation with the Office of the California Attorney General for a violation of the California False Claims Act, for the waste of an estimated \$1,000,000 (one million dollars) in taxpayer funds, in labor hours and various resources by county and state employees conducting an investigation of a crime that never happened, and which it should have been known by the sheriff's department, didn't happen from the very first day that the investigation was launched.

Thank you for your time. I am looking forward to receiving that information within the next ten days.

Respectfully,


President

cc:

