



BOS 6/23/2020

Rev'd 6/23/2020

EDC COB <edc.cob@edcgov.us>

6/23/20 Open Forum - Sheriff D'Agostini violates Constitutional Oaths

1 message

Melody Lane <melody.lane@reagan.com>

Tue, Jun 23, 2020 at 9:40 AM

To: edc.cob@edcgov.us, lori.parlin@edcgov.us, sue.novasel@edcgov.us, john.hidahl@edcgov.us, shiva.frentzen@edcgov.us, brian.veerkamp@edcgov.us

Cc: Vern R Pierson <vern.pierson@edcgov.us>, Donald Ashton <don.ashton@edcgov.us>, bosfive@edcgov.us, bosfour <bosfour@edcgov.us>, bosone@edcgov.us, bosthree@edcgov.us, bostwo@edcgov.us

Please ensure the entirety of this correspondence is entered into the public record under Open Forum:

###

Today I am entering into the public record a notification of legal responsibility received June 15th by Sheriff John D'Agostini for violating his sacred oaths of office relevant to my first and second amendment rights.

In retaliation for "holding his feet to the fire" regarding EDSO corruption, John D'Agostini vindictively issued a directive to IT to block my ability to communicate electronically with any EDSO staff, which is a flagrant violation of my rights secured in the First Amendment. Additionally he failed to lawfully respond relative to CA Public Record Act requests for information as required by law and other correspondence involving the River Management Plan, assaults, crimes and threats made against me by members of the River Mafia Mob, and subsequent denial of due process of law with respect to several Citizen Complaints of Officer Misconduct.

On October 31, 2019, I entered EDSO headquarters for the eighth time and requested to speak with Records Supervisor, Serena Wilke. Shortly thereafter the Sheriff entered the room and interrupted my conversation with Serena and then fraudulently and unjustifiably threatened me with a restraining order. The Sheriff claimed to know the law better than I do was contradicted by his unconstitutional, unlawful actions. He knows perfectly well that fraud, misprision, and obstructionism aren't lawful, ethical, or within the bounds of his Constitutional oaths. In the process of violating my right to access records, the Sheriff falsely accused me of "harassing" staff, portrayed me as a nuisance for exercising my rights, impugned my character, and threatened a restraining order against me which he **fraudulently** claimed was "in process".

In light of the assaults and threats I've endured, from the Sheriff, his staff and others working in EDC government, and with the current state of affairs transpiring in our nation over gun rights, my First and Second Amendment rights are of paramount importance. The Sheriff approved my CCW permit, but then fraudulently rescinded it without justification, which suggests his actions were based in personal, private reasons. USGC 6254(f) specifically states that local law enforcement agencies are *required* to disclose that information to *victims of an incident or crime*. His denial of my right to access relevant records further indicates that his motive was retaliatory in nature because I filed Citizen Complaints of Officer Misconduct.

It is evident that John D'Agostini is not the Oathkeeper or Constitutional Sheriff that he professed to be, further confirmed in writing by Sheriff Richard Mack of the Constitutional Sheriffs and Peace Officers Association. The Sheriff's reckless disregard for the law, overt malice and discrimination against me, an evangelical senior citizen, only serves to maintain the corrupt status quo rather than to protect the Citizens whom he professes to serve. By his own words and actions, the Sheriff obstructed my rightful efforts in pursuit of redress of grievances pertaining to the crimes committed against me.

My claims, statements and averments also pertain to actions taken regarding the Sheriff's failure to provide honest public services, pursuant to his oaths, namely, collusion with county counsel and other county staff, to unconstitutionally and unlawfully deny me equal access to public services and due process of law, as stated within the Bill of Rights. By conspiring with other county officials to deprive me of public services and the ability to petition government for redress of grievances, further demonstrates a flagrant violation of his Oaths, the Constitutions, my secured inherent First Amendment rights and due process of law guaranteed therein.

The Sheriff egregiously harmed me by conspiring with county staff to suppress my inherent right of free speech, preventing and/or restricting my access to government employees, and depriving me of public information or public services necessary to assist my efforts for redress of grievances—all lawful actions on my part that fall under the protections of the First Amendment.

By his unconstitutional actions John D'Agostini perjured his oaths, and such unlawful actions render the Sheriff a renegade, with no protection or "immunity" of office, thus John D'Agostini, as an individual, *will be held personally accountable and liable for any and all harm inflicted upon me and my inherent, constitutionally secured rights.*

If you have any questions or comments, please make them at this time.

This document will be distributed electronically to staff to be entered into the public record: 1) This transcript 2) D'Agostini Affidavit of Truth

****For the record, while I was speaking Lori Parlin, Shiva Frentzen and Sue Novasel removed their visual screens from the Zoom meeting indicating a gross disrespect for the public and lack of transparency.**

Melody Lane

Founder – Compass2Truth

When the defense of liberty becomes a crime, tyranny is already in force. At that point, failure to defend liberty makes slavery a certainty.



2ML_DAgostini Affidavit 6-2020.pdf

17851K

AFFIDAVIT/DECLARATION OF TRUTH

Sheriff John D'Agostini
El Dorado County Sheriff's Office
200 Industrial Drive
Placerville, CA 95667

I, **Melody Lane**, the undersigned, hereinafter: Affiant/Declarant, make this Affidavit/Declaration of Truth of my own free will, and I hereby affirm, declare and solemnly swear, under oath, before a certified California Notary Public, that I am of legal age and of sound mind and hereby attest that all the information contained in this Affidavit/Declaration is true, correct and admissible as evidence.

This Affidavit/Declaration of Truth is lawful notification to you, Sheriff John D'Agostini, and is hereby made and sent to you pursuant to the Federal Constitution, specifically, the Bill of Rights, in particular, Amendments I, II, IV, V, VI, VII, IX and X, and The Declaration of Rights of the California Constitution, in particular, Article 1, Sections 1, 2, 3, 9, 10, 11, 21, 23, and Article 3 Section 1, which requires your written rebuttal to me, specific to each and every point of the subject matter stated herein, within 30 days, via your own sworn and notarized affidavit, using true fact(s), valid law and evidence to support your rebuttal.

You are hereby noticed that your failure to respond, as stipulated, and rebut, with particularity and specificity, anything with which you disagree in this Affidavit/Declaration, is your lawful, legal and binding tacit agreement with and admission to the fact that everything in this Affidavit/Declaration is true, correct, legal, lawful, and fully binding upon you in any court in America, without your protest or objection and that of those who represent you. See: *Connally v. General Construction Co.*, 269 U.S. 385, 391. Notification of legal responsibility is "the first essential of due process of law." Also, see: *U.S. v. Tweel*, 550 F. 2d. 297. "*Silence can only be equated with fraud where there is a legal or moral duty to speak or where an inquiry left unanswered would be intentionally misleading.*"

Affiant/Declarant hereby affirms that the following actions and events took place:

On April 8, 2020, I sent you, Sheriff John D'Agostini, via USPS certified mail, a letter which you received on April 13, 2020. That letter, attached hereto, incorporated herein as if fully set forth in this Affidavit/Declaration, and marked **Exhibit A**, was sent to inform you of specific events and statements made by you, and also as an inquiry to ascertain whether you, Sheriff John D'Agostini, support and uphold them or would rebut them. Pursuant to the lawful notification contained in that letter, as I originally stated therein, and as cited and included by reference herein, you were required to respond to and rebut anything contained in the attached letter with which you disagreed, within thirty (30) days of receipt thereof.

You failed to respond to that letter and thereby failed to rebut anything stated therein. Therefore, pursuant to the referenced lawful notification, you tacitly admit to all of the statements, charges and claims contained therein, fully binding upon you in any court, without your protest, objection or that of those who represent you.

Some of the things to which you admit include, but are not limited to, the following:

- 1) In retaliation for my “holding your feet to the fire” regarding EDSO corruption, you vindictively issued a directive to IT to block my ability to communicate electronically with any of your staff, which is a flagrant violation of my rights secured in the First Amendment. Additionally you failed to lawfully respond relative to CA Public Record Act requests for information as required under Government Code § 6250 – 6276.48 and other correspondence involving the River Management Plan, assaults and threats made against me by members of the River Mafia Mob, and subsequent denial of due process of law with respect to several Citizen Complaints of Officer Misconduct that I filed with EDSO. By your unconstitutional actions you perjured your oaths, and your unlawful actions render you a renegade, with no protection or “immunity” of your office, thus you, as an individual, will be held personally accountable and liable for any and all harm you have inflicted upon me and my inherent, constitutionally secured rights.
- 2) By conspiring with other county officials, such as you have done, to deprive me of public services and the ability to petition government for redress of grievances, further demonstrates a flagrant violation of your Oaths, the Constitutions, my secured inherent First Amendment rights and due process of law guaranteed therein. By your unlawful actions, you acted in sedition and insurrection against the Constitutions, both national and state, and in treason against the People, in the instant case, me. See: 18 USC § 241 - Conspiracy Against Rights, and 18 USC § 242 – Deprivation of Rights Under Color of Law. See also: *U.S. v. Guest*, Ga. 1966, 86 S.Ct. 1170, 383 U.S. 745, 16 L.Ed 239.

In addition to state law, Under the Political Reform Act, federal anticorruption law broadly guarantees the public “honest services” from public officials. My claims, statements and averments also pertain to your actions taken regarding your failure to provide honest public services, pursuant to your oaths, namely, your collusion with county counsel and other county staff, to unconstitutionally and unlawfully deny me equal access to public services and due process of law, as stated within the Bill of Rights. You egregiously harmed me by conspiring with county staff to suppress my inherent right of free speech, preventing and/or restricting my access to government employees, and depriving me of public information or public services necessary to assist my efforts for redress of grievances—all lawful actions on my part that fall under the protections of the First Amendment. See *Miller v. U.S.*, 230 F.2d. 486,489 “*The claim and exercise of a Constitutional right cannot be converted into a crime.*” See also USC 18 § 241 and USC 18 § 242, respectively, *Conspiracy Against Rights and Deprivation of Rights Under Color of Law*.

- 3) When public officers take oaths, yet are ignorant of the constitutional positions and mandates to which they are bound by those oaths, then fail to abide by those positions and mandates in the performance of their official duties, as you have done, this suggests that you may have had no intention of ever honoring your oaths, and your signature upon the oath documents constitutes fraud. Fraud vitiates any action. Any deceptive, obstructive enterprise undertaken by any public

official, such as you, that tends to weaken public confidence and undermines the sense of security for individual rights, is against public policy and against the Supreme Law of the land and any other laws which comply with the national Constitution. Fraud, in its elementary common-law sense of **deceit**, is the simplest and clearest definition of that word [483 U.S. 372] in the statute. See *United States v. Dial*, 757 R2d 163, 168 (7th Cir 1985), includes the deliberate concealment of material information in a setting of fiduciary obligation.

- 4) On October 25, 2019, I entered the EDSO Records Department for the seventh time, necessitated by the obstructive tactics used against me by this department, apparently on your orders, and requested to speak with Records Supervisor, Serena Wilke, in order to obtain public information about specific case files and investigations to which I am lawfully entitled access. Your repeated attempts to bully, discredit, censor, and intimidate me are in defiance of the Constitution(s), and your discriminatory actions are a direct assault upon my due process rights secured by the First Amendment, violate and perjure your sworn oaths and invoke the referenced Sections 3 & 4 of the 14th Amendment.

- 5) On October 31, 2019, I entered EDSO headquarters for the eighth time and requested to speak with Records Supervisor, Serena Wilke. While waiting for Serena, a woman behind the window audibly remarked to another employee, "*The Sheriff told her not to come back to the building last week.*" Shortly thereafter you entered the room and interrupted my conversation with Serena and fraudulently and unjustifiably threatened me with a restraining order. Sheriff, your claim to know the law better than I do is contradicted by your unconstitutional, unlawful actions committed against me. You know perfectly well that fraud, misprision, and obstructionism aren't lawful, ethical, or within the bounds of your Constitutional oaths. In the process of violating my right to access records, you falsely accused me of "harassing" your staff, portrayed me as a nuisance for exercising my rights, impugned my character, and threatened a restraining order against me which you fraudulently claimed was "in process". See *United States v. Dial*, 757 F.2d 163, 168 (7th Cir. 1985) - *Any enterprise undertaken by the public official who tends to weaken public confidence and undermine the sense of security for individual rights is against public policy.* See also *Morrison v. Coddington*, 662 P.2d. 155, 135 Ariz. 480 (1983) - *Fraud and deceit may arise from silence where there is a duty to speak the truth, as well as from speaking an untruth.* [Emphasis added] Apparently your threat of filing a restraining order that you claimed to be "in process" was a deceptive bully tactic to dissuade me from the exercise of my First Amendment rights.

Whenever a rogue government agency or individual, such as you, disregards the rule of law whenever, wherever, and however it chooses and operates above the law, that is exactly how law enforcement gives rise to a government of wolves who abuse their power at the expense of the citizenry, in this case me. Your reckless disregard for the law, overt malice and discrimination against me, an *evangelical senior citizen*, only serves to maintain the corrupt status quo rather than to protect the Citizens whom you profess to serve pursuant to your oaths of office. The Constitution does not restrict or limit rights guaranteed in the Constitution. By your own words and actions, and in some cases inaction, you have obstructed my rightful efforts in pursuit of redress of grievances pertaining to the crimes committed against me. Furthermore, you have failed to address, respond to and give due consideration to correspondence and factual

information conveyed to you by me, therefore your unconstitutional actions harmed me by obstructing, limiting and denying me the ability to exercise my rights of due process secured in the Bill of Rights and elsewhere in the national and state Constitutions.

- 6) You are aware that I am the victim of multiple crimes and documented threats impacting my personal safety. On both the aforementioned occasions I brought with me a letter addressed to you requesting my right to access the CCW interview report of Detective Sean Fitzpatrick and other case file investigations to which you unlawfully denied me access. Your actions were in flagrant disregard of USGC 6254(f) which specifically states that local law enforcement agencies are *required* to disclose that information to *victims of an incident or crime*. Additionally you've been made aware of numerous unlawful practices within your department, including Unjust Enrichment and falsification and/or withholding of records, yet you've failed to take any corrective action. In so doing you've aided and abetted the perpetuation of government fraud, and are therefore culpable, complicit and liable for the deprivation of my constitutionally secured rights to due process. *See United States v. Dial, 757 R2d 163, 168 (7th Cir 1985) includes the deliberate concealment of material information in a setting of fiduciary obligation.* See also *USC Title 18, § 2071 – Concealment, removal, or mutilation generally.*
- 7) In light of the assaults and threats I've endured, from you, your staff and others working in EDC government, and with the current state of affairs transpiring in our nation over gun rights, my First and Second Amendment rights are of paramount importance. You approved my CCW permit, but then fraudulently rescinded it without justification, which suggests your actions were based in personal, private reasons. Your denial of my right to access relevant records further indicates that your motive was retaliatory in nature because I filed Citizen Complaints of Officer Misconduct against your staff. The law says *you* work for the Citizens, in the instant case, *me*. By not responding to my correspondence, as you have failed to respond, you, the oath taker, denies the Citizen remedy, thus, denies the Citizen constitutional due process of law, as stated within the Bill of Rights. There is no legitimate argument to support the claim that oath takers, such as you, are not required to respond to correspondence or other public inquiries, which, in this case, act as petitions for redress of grievances, stating complaints, charges and claims made against them by Citizens injured by their actions. Since you have failed to respond to any of my correspondence to you, and you failed to rebut any of my claims and charges made against you in my correspondence, therefore, you admit to all of them, fully binding upon you in any court, without protest or objection, and that of those who represent you. Pursuant to your oaths, as described above and in the previous referenced correspondence, by your own unlawful actions you have violated, restricted, and denied my inherent constitutionally guaranteed rights and due process of law.
- 8) Mr. Aiello's reply to you spoke volumes about your lack of ethics and malicious attack upon my character and reputation as a highly respected conservative and evangelical leader. It is evident that you are not the Oathkeeper or Constitutional Sheriff that you professed to be. This was further confirmed in writing by Sheriff Richard Mack of the Constitutional Sheriffs and Peace Officers Association (CSPOA). Any action committed by you either supports and upholds the Constitution(s), or opposes and violates them. You have no constitutional authority, or any other

form of valid authority, to oppose and violate the very documents to which you swore or affirmed your oaths. Fraud is a crime, and when fraud is committed by public officers, pursuant to their oaths, then that is a Constitutional crime. The First Amendment guarantees the Right of free speech and the Right to petition government for redress of grievances, which the oath taker, pursuant to his oath is mandated to uphold. You failed this requirement by failing to respond in kind to and/or rebut my lawful notices to you; thus you violated two provisions of the First Amendment, my constitutionally guaranteed rights secured therein, the Public Trust, and perjured your oaths of office.

- 9) Ever since I began “holding your feet to the fire” in 2013, you’ve consistently demonstrated that you do not take your oaths of office seriously. In the presence of multiple witnesses, your own words and actions have demonstrated overt hostility, retaliation, libel, defamation, censorship, discrimination, and threats against me, a Citizen whom you’ve sworn an oath to serve and protect. By conspiring with other county staff to deprive me of inherent, God-given rights you have placed my safety and security in grave jeopardy, acted in dereliction of duty and malfeasance of office, and act as a domestic enemy. Your actions and failures further bear proof of the hypocrisy of your vision and mission statements posted on the EDSO website which only serves to undermine the public’s trust in law enforcement.

You are cognizant that I’ve been sexually assaulted, shot at in my own front yard, vandalized, threatened, libeled, slandered and hacked by members of the River Mafia Mob. When I submitted substantiating evidence of each of the above cited incidents to EDSO, your staff refused to enforce the law under your apparent directive, and then they falsified their case file reports resulting in the necessity for me to file multiple Citizen Complaints of Officer Misconduct. However, I was never interviewed or permitted to exercise my First Amendment rights for redress of grievances as stated on the EDSO website and the accompanying forms that I filled out. *See Olmstead v. United States, (1928) 277 U.S. 438 "Crime is contagious. If the Government becomes a lawbreaker, it breeds contempt for law; it invites every man to become a law unto himself; it invites anarchy."* If any public official, such as you, who has been notified of crimes committed, but fails to act and correct the matter, then they condone, aid and abet the criminal actions, and further, collude and conspire with the criminal public officers to deprive me and other Citizens of their Rights guaranteed in the Constitutions, as a custom, practice and usual business operation of their office and the jurisdiction for which they work. It is impossible for any public officer, such as you and the other public officers with whom you colluded and conspired, to defend himself against treason committed. *See: U.S. v. Guest, Ga. 1966, 86 S.Ct. 1170, 383 U.S. 745, 16 L.Ed 239, and USC Title LXX Sec. 5407 - Conspiracy to defeat enforcement of the laws.*

- 10) Sheriff, you are not above the law. Evidence I obtained via a CA Public Records Act request indicated that you’ve never taken any of the mandatory Public Service Ethics Training required under AB1234. Because of the breadth of federal anticorruption law, public officials are warned to avoid any temptation to walk closely to the line that divides legal from illegal conduct. It is apparent that you have crossed the “thin blue line” in order to protect yourself and staff instead of the citizens whom you profess to serve. Furthermore, it is the duty of every Citizen to demand that government employees, such as you, specifically perform pursuant to the constitutional mandates contained within their oaths, thereby uphold and protect the rights of the people, as

opposed to upholding and promoting the destructive EDSO “status quo” that perniciously violates the rights of the people as its apparent routine custom, practice and policy. Two examples of your failure to uphold your oaths were cited during the July 29, 2019 Taxpayers Association meeting when you were the guest speaker. At that time I “held your feet to the fire” in the presence of 32 witnesses when I inquired about two specific issues. One issue involved the fact that Sheriff Richard Mack of the Constitutional Sheriffs and Peace Officers Association confirmed to me in writing that you have not been a member of the CSPOA for several years, and he stated apparently you have no desire to be an Oathkeeper. The other issue involved an EDSO incident that resulted in a woman being violently assaulted by Sgt. Dreher who had her tasered and thrown into jail where she woke up naked and covered in feces, simply because she sought a meeting with the Sheriff about her incarcerated daughter. I asked you why Dreher was later promoted to EDSO Lieutenant under your watch, and then promoted once *again* to Chief Investigator for the District Attorney’s office. I simply stated the facts and made a public inquiry of the Sheriff which is perfectly within my First Amendment rights. This is information the public has a right to know. When any public official, such as you, has knowledge of wrongdoing but fails to remediate the situation, that public official aids, abets and commits misprision of crime, thus is personally liable. As previously stated, the First Amendment guarantees the Right of free speech and the Right to petition government for redress of grievances which the oath taker, pursuant to his oath, is mandated to uphold. By refusing to respond honestly and transparently to my public inquiries, you failed this requirement; thus you violated two provisions of the First Amendment, my inherent rights secured therein, the Public Trust, and perjured your oaths of office. (*See U.S. v. Tweel above.*)

- 11) You are aware that I submitted formal requests for investigation with the Grand Jury, District Attorney, and DOJ regarding EDSO corruption. Detective Sean Fitzpatrick, who conducted the interview for my CCW permit, had apparent foreknowledge of the investigations and Citizen Complaints of Officer Misconduct which we discussed during the interview process. Although I received confirmation that you approved my CCW permit, you then retaliated by rescinding the permit just three days before my scheduled appointment to pick it up from EDSO Records. Since that time my CCW appeals and right to access relevant case file reports and investigations, including Detective Fitzpatrick’s CCW interview report, have been denied me without lawful justification.

Since I am the victim of the aforementioned violent assaults, threats and crimes, the law says under Government Code 6254(f) that state and local law enforcement *shall disclose* to the victim of an incident or a crime the un-redacted names, records and statements. However, whenever I’ve attempted to inspect the case file reports, I discovered EDSO failed to investigate the incident, falsified the case file report, and made it appear that I was a nuisance for notifying law enforcement in accordance with the EDSO “See something, say something” policy. In light of the circumstances, my Second Amendment rights to protect myself from further such threats and assaults made it imperative that I examine the content of Detective Fitzpatrick’s CCW interview report and all other correspondence leading up to you suddenly rescinding my previously approved CCW permit. Pursuant to your oaths, as described herein and in the previously referenced correspondence, by your own actions you have violated, restricted, and obstructed my constitutionally guaranteed First and Second Amendment rights.

- 12) The purpose of each of my eight visits within a two month period to a **public building** was to seek **public information** from **public servants** about specific case files and crime investigations involving my personal safety and security. It was glaringly evident that you gave your staff a directive to obstruct and divert my inquiries to county counsel in an apparent collaborative “set up” to discredit and silence me for whistleblowing. Additionally you had absolutely no cause whatsoever to threaten me with a restraining order for the exercise of my rights. Under the Political Reform Act, federal anticorruption law broadly guarantees the public “honest services” from public officials. Depriving the public of honest services is a federal crime. *See 63C Am. Jur.2d, Public Officers and Employees §247 - “As expressed otherwise, the powers delegated to a public officer are held in trust for the people and are to be exercised on behalf of the government or of all citizens who may need the intervention of the officer.”* **Your actions as herein stated violated all of these lawful requirements.**

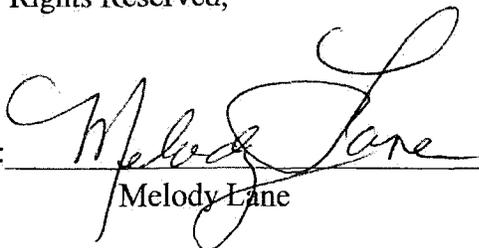
Retaliation and abuse of power, such as you and your staff have brazenly displayed against me, undermines the public’s trust in law enforcement. In so doing, you demonstrated contempt for the Supreme Law of the Land and violated my constitutionally secured rights and due process of law. (*See Gallegos v. Haggerty, N.D. of New York, 689 F. Supp. 93 (1988.)* “*Personal involvement in deprivation of constitutional rights is prerequisite to award of damages, but defendant may be personally involved in constitutional deprivation by direct participation, failure to remedy wrongs after learning about it, creation of a policy or custom under which unconstitutional practices occur or gross negligence in managing subordinates who cause violation.*” *See also: Government Code 8547 GC et seq; 42 U.S. Code § 1997d. - Prohibition of retaliation; and 403 U.S. 388 (91 S.Ct. 1999, 29 L.Ed.2d 619).* The above-cited case clearly upholds the Constitution, my inherent rights and due process guaranteed therein, which you by your actions have consistently violated.

Lawful notification has been provided to you stating that if you do not truthfully and factually rebut the statements, charges and averments made in this Affidavit/Declaration, then, you agree with and admit to them. Pursuant to that lawful notification, if you disagree with anything stated under oath in this Affidavit/Declaration of Truth, then rebut that with which you disagree, with particularity, within thirty (30) days of receipt thereof, by means of your own written, sworn, notarized affidavit of truth, based on true specific, relevant fact and valid law to support your disagreement, attesting to your rebuttal and supportive positions, as valid and lawful, under the pains and penalties of perjury under the national and state Constitutions, the laws of the United States of America and this state of California. An un-rebutted affidavit stands as truth and fact before any court in America.

Your failure to respond, as stipulated, is your agreement with and irrevocable admission to the fact that everything in this Affidavit/Declaration of Truth is true, correct, legal, lawful, fully binding upon you, John D’Agostini, in any court of law in America, without your protest, objection and that of those who represent you.

Further Affiant sayeth naught.

All Rights Reserved,

By: 
Melody Lane

Date: 6/12/20

Melody Lane
Compass2Truth
C/o P.O. Box 598
Coloma, California [95613]

See Attached Notarial Certificate

(See attached California Notarization)

Attachment:

- Exhibit A – Pre-letter dated 4/8/20

CC: District #1 Supervisor John Hidahl
District #2 Supervisor Shiva Frentzen
District #3 Supervisor Brian Veerkamp
District #4 Supervisor Lori Parlin
District #5 Supervisor Sue Novasel
D.A. Vern Pierson
Sheriff Richard Mack, CSPOA
Todd Crawford, President EDC Deputy Sheriffs' Association
Congressman Tom McClintock
Senator Brian Dahle
Assemblyman Frank Bigelow
Director of CA Parks & Recreation, Lisa Mangat
CA Attorney General, Xavier Becerra
CA DOJ Division of Law Enforcement, Chief Kevin Gardner
US Attorney General Eastern CA, McGregor Scott
Media and other interested parties

CALIFORNIA JURAT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document, to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA }

COUNTY OF El Dorado }

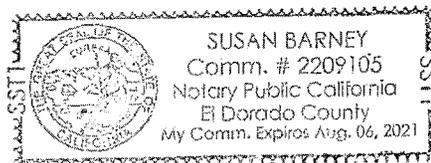
Subscribed and sworn to (or affirmed) before me on this 12 day of June, 2020
Date Month Year

by Melody Lane

Name of Signers

proved to me on the basis of satisfactory evidence to be the person(s) who appeared before me.

Signature: Susan Barney, Notary Public
Signature of Notary Public



Seal
Place Notary Seal Above

OPTIONAL

Though this section is optional, completing this information can deter alteration of the document or fraudulent attachment of this form to an unintended document.

Description of Attached Document

Title or Type of Document: Affidavit/Declaration of Truth

Document Date: 6/12/20

Number of Pages: 8

Signer(s) Other Than Named Above: _____

*Melody Lane
Compass2Truth
P.O. Box 598
Coloma, CA 95613*

April 8, 2020

Sheriff John D'Agostini
El Dorado County Sheriff's Office
200 Industrial Drive
Placerville, CA 95667

Sheriff D'Agostini,

This letter is lawful notification to you, and is hereby made and sent to you pursuant to the national Constitution, specifically, the Bill of Rights, in particular, Amendments I, II, IV, V, VI, VII, IX, and X, and the California Constitution, in particular, Article 1, Sections 1, 2, 3, 9, 10, 11, 21, 23, and Article 3, Section 1. This letter requires your written rebuttal to me, specific to each claim, statement, and averment made herein, within 30 days of the date of this letter, using fact, valid law, and evidence to support your rebuttal.

You are hereby noticed that your failure to respond within 30 days as stipulated, and rebut with particularity everything in this letter with which you disagree is your lawful, legal and binding agreement with and admission to the fact that everything in this letter is true, correct, legal, lawful and binding upon you, in any court, anywhere in America, without your protest or objection and/or that of those who represent you. Your silence is your acquiescence. See: *Connally v. General Construction Co.*, 269 U.S. 385, 391. Notification of legal responsibility is "the first essential of due process of law." Also, see: *U.S. v. Tweel*, 550 F. 2d. 297. "Silence can only be equated with fraud where there is a legal or moral duty to speak or where an inquiry left unanswered would be intentionally misleading."

What I say in this letter is based in the supreme, superseding authority of the Constitution for the United States of America, circa 1787, as amended in 1791, with the Bill of Rights, and the California Constitution, to which all public officers, such as you, have sworn or affirmed oaths, under which they are bound by Law. It is impossible for an oath taker to *lawfully* defy and oppose the authority of the documents to which he or she swore or affirmed his or her oath.

Since America and California are both Constitutional Republics, not democracies, they are required to operate under the Rule of Law, and not the rule of man. Any "laws", rules, regulations, codes and policies which conflict with, contradict, oppose and violate the national and state Constitutions are null and void, *ab initio*. You are not above the law, nor does the national Constitution grant you any exemptions from the law. Your oath requires you to support and uphold the national and state

EXHIBIT A

Constitutions and the rights of the people secured therein and all aspects of constitutional due process.

Any public officer, including, but not limited to you, who has egregiously violated the Constitutions and due process of law, as you have, has stepped outside of his LIMITED delegated authority and acts as a renegade, thus, cannot be lawfully protected by the jurisdiction for which he works, unless that jurisdiction acts in direct violation and opposition to the state and federal Constitutions, as the ordinary, usual, routine unlawful custom, practice and unwritten policy of that jurisdiction. If the jurisdiction so acts, and protects you, then the jurisdiction admits that it is a criminal, treasonous body, acting in sedition and insurrection to the Constitutions and to the people, who are the *de jure* government.

CLAIMS AND AVERMENTS:

- 1) It is the civic duty of every citizen to hold their public officials accountable to the people whom they profess to serve. You *appeared* to be supportive in that regard when you stated during one of our quarterly meetings held in your office shortly after your 2010 election, ***"You need a new Board [of Supervisors.] All of them. Hold their feet to the fire. Mine too; I work for you."*** You clearly understood my position working for Capitol legislators and my active role in Capitol ministries which included hosting conferences for pastors and ministries from throughout the entire globe at my home in Coloma. However in October 2013, in retaliation for my "holding your feet to the fire" regarding EDSO corruption, you vindictively issued a directive to IT to block my ability to communicate electronically with any of your staff, a flagrant violation of my rights secured in the First Amendment, and additionally denied me due process of law relative to several Citizen Complaints of Officer Misconduct.

By your unconstitutional actions as described above and in the below paragraphs, you perjured your oaths, thereby invoked the self-executing Sections 3 & 4 of the 14th Amendment, thus vacated your office and forfeited all benefits thereof, including salary and pension. Your unlawful actions render you a renegade, with no protection or "immunity" of your office, thus you, as an individual, will be held personally accountable and liable for any and all harm you have inflicted upon me and my inherent, constitutionally secured rights.

On August 6, 2018, your former Chief Financial Officer, Don Ashton, distributed to the Board of Supervisors, County Counsel, and District Attorney Vern Pierson an email that libelously accused me of being "increasingly accusatory and disrespectful to County staff", wherein he states, ***"While we are aware the Sheriff has already blocked all emails from Ms. Lane, I now have one other department asking County IT to block all emails as well."*** (See Exhibit A)

For the record, my correspondence rightfully challenged the county's "Bureaucratic Shenanigans" used to circumvent the law, based upon factual events. The emails Mr. Ashton referred to as "inappropriate, accusatory, disrespectful, inflammatory, and attacking" were factual notarized affidavits that

were addressed to you and other government officials concerning the lack of response to my CA Public Record Act requests for information as required under Government Code § 6250 – 6276.48. They also included perfectly appropriate correspondence regarding the lack of responses to code/law enforcement issues as required by law, in particular those incidents involving the River Management Plan, assaults and threats made against me by members of the River Mafia Mob, criminal investigations, and Citizen Complaints of Officer Misconduct.

In addition to state law, Under the Political Reform Act, federal anticorruption law broadly guarantees the public "honest services" from public officials. *Depriving the public of honest services is a federal crime*. My claims, statements and averments also pertain to your actions taken regarding your failure to provide honest public services, pursuant to your oaths, namely, your collusion with county counsel and other county staff to unconstitutionally and unlawfully deny me equal access to public services and due process of law, as stated within the Bill of Rights.

Furthermore, you egregiously harmed me by conspiring with county staff to suppress my inherent right of free speech, preventing and/or restricting my access to government employees, and depriving me of public information or public services necessary to assist my efforts for redress of grievances—all lawful actions on my part that fall under the protections of the First Amendment. See *Miller v. U.S.*, 230 F.2d. 486,489 "The claim and exercise of a Constitutional right cannot be converted into a crime." See also USC 18 § 241 and USC 18 § 242, respectively *Conspiracy Against Rights and Deprivation of Rights Under Color of Law*.

Then on 8/8/18 @ 12:50 PM, CAO Don Ashton broadly distributed to county staff yet another libelous email in which he again cites your unlawful discrimination and censorship attached herewith as **Exhibit B**. In that email Mr. Ashton references the unlawful precedence that you established in 2013 prohibiting me from corresponding electronically with EDSO:

"In addition, you are are not aware, the Sheriff's Office blocked access to all of her emails some time ago. I now have two other elected department heads asking to have her emails blocked, and the other four elected department heads agree to have restrictions put in place so that Melody cannot email their staff, but can still email them. Mike Ciccozzi and I have discussed a variety of options relative to how restrictive the County can be in limiting a constituents access to government and we settled on the following two options."

With respect to the aforementioned correspondence, Mr. Ashton was served with two notarized affidavits containing notifications of legal responsibility which is the first essential of due process of law, and they were entered into the public record respectively on January 9, 2018 and April 9, 2019. You were also served with a relevant notarized affidavit, and it was entered into the public record on November 13, 2018. Your collusion with county staff to protect your own political

interests, to the exclusion of a law-abiding Citizen such as me, demonstrates a blatant disrespect for the people you theoretically serve, maintains the corrupt status quo, and constitutes deceptive, criminal behavior which substantially harmed and continues to harm me and all El Dorado County Citizens.

Conspiring with other county officials, such as you have done, to deprive me of public services and the ability to petition government for redress of grievances, further demonstrates a flagrant violation of your Oaths, the Constitutions, my secured inherent First Amendment rights and due process of law guaranteed therein. Based upon the actions you have taken and what exists on the public record, it is impossible for you, as a public officer, to defend yourself against treason committed. By your unlawful actions, you acted in sedition and insurrection against the Constitutions, both national and state, and in treason against the People, in the instant case, me. See: 18 USC § 241 - Conspiracy Against Rights, and 18 USC § 242 – Deprivation of Rights Under Color of Law. See also: *U.S. v. Guest*, Ga. 1966, 86 S.Ct. 1170, 383 U.S. 745, 16 L.Ed 239.

- 2) When public officers take oaths, yet are ignorant of the constitutional positions and mandates to which they are bound by those oaths, then fail to abide by those positions and mandates in the performance of their official duties, as you have failed, this suggests that the public officers may have had no intention of ever honoring their oaths, and their signatures upon the oath documents constitute fraud. Fraud vitiates any action. Any deceptive, obstructive enterprise undertaken by any public official, such as you, that tends to weaken public confidence and undermines the sense of security for individual rights, is against public policy and against the Supreme Law of the land and any other laws which comply with the national Constitution. Fraud, in its elementary common-law sense of **deceit**, is the simplest and clearest definition of that word [483 U.S. 372] in the statute. See *United States v. Dial*, 757 R2d 163, 168 (7th Cir 1985), includes the *deliberate concealment of material information in a setting of fiduciary obligation*.

For example, the following two incidents recount confrontations initiated by you in the EDSO lobby while I attempted to exercise my First Amendment rights to access information concerning case files and crimes committed against me:

On October 25, 2019 I entered the EDSO Records Department for the seventh time, necessitated by the obstructive tactics used against me by this department, apparently on your orders, and requested to speak with Records Supervisor, Serena Wilke, in order to obtain public information about specific case files and investigations to which I am lawfully entitled access. For months Ms. Wilke and other EDSO staff avoided me, failed to return my phone calls, and refused to appropriately answer my inquiries under your apparent directive. While cordially speaking with Records staff member, Maryann Lilliput, you interrupted our conversation and falsely accused me of being “rude” and “harassing” your staff. Because I had the moxie to stand up to your bully tactics and fraudulent accusations, you ordered me out of “your” building paid for by my tax dollars.

The full transcript of our interaction is attached herewith as **Exhibit C**, and excerpts appear below:

D'Agostini: *Melody, you're being extremely rude right now.*

Melody: I'm not being rude.

D: Come back in a week or two.

M: John, I'm not being rude and...

D: *You're leaving NOW and not coming back!*

M: John, you said it yourself...

D: *(interrupting) Not today. Not for you!*

M: You said it yourself...

D: *Not today I don't work for you!...Please leave my stuff alone for a week and stop harassing them. Now leave my building.*

M: I'm not harassing. You are discriminating John, and you know it!

Your repeated attempts to bully, discredit, censor, and intimidate me are in defiance of the Constitution(s), and your discriminatory actions are a direct assault upon my due process rights secured by the First Amendment, violate and perjure your sworn oaths and invoke the referenced Sections 3 & 4 of the 14th Amendment.

- 3) On October 31, 2019, I entered EDSO headquarters for the eighth time and requested to speak with Records Supervisor, Serena Wilkes. While waiting for Serena, a woman behind the window audibly remarked to another employee, "The Sheriff told her not to come back to the building last week." Shortly thereafter you entered the room and interrupted my conversation with Serena and fraudulently and unjustifiably threatened me with a restraining order. The following are excerpts from the transcript attached herewith as **Exhibit D**:

D'Agostini: *Just so you know we are seeking a restraining order on you...*

Melody: What?!

D: ...because you are taking up so much of our county's time and our staff's time for things that we will never, ever, ever be able to make you happy.

D: *(shouting) You don't know the law!*

M: I DO know the law!

D: *(interrupting) You need to hire a lawyer or something!*

D: *(interrupting & shouting) You know NOTHING!*

D: *(interrupting) Well, she might. You're interrupting county business!*

M: I'm NOT interrupting county business. I'm...

D: *(interrupting) Yes you are!*

M: ...I'm NOT, and you know it!

D: *I told you it will be the grounds for our restraining order against you should we be able to obtain it.*

M: OK. You try and get a restraining order John, you know that I'm...

D: *(interrupting) (unintelligible)...It's in process Melody.*

M: ...within my rights and you are violating my rights.

D: No, I'm not violating your rights Melody.

M: You are, John.

D: I know the law better than you'll ever, EVER possibly know the law!

Sheriff, your claim to know the law better than I do is contradicted by your unconstitutional, unlawful actions committed against me, as herein stated. If you truly know the law, then you would not act as if you are above the law by perjuring your oath and conducting a malicious vendetta against me, a scheme to obstruct my accessing public information on matters relevant to me, my safety and that of my animals and my home. There is no need for me to talk to county counsel when it was patently obvious that you are the one who violated my inherent rights and acted outside of the law. You should know perfectly well that fraud, misprision, and obstructionism aren't lawful, ethical, or within the bounds of your Constitutional oaths. In the process of violating my right to access records, you falsely accused me of "harassing" your staff, portrayed me as a nuisance for exercising my rights, impugned my character, and threatened a restraining order against me which you fraudulently claimed was "in process". See *United States v. Dial*, 757 F.2d 163, 168 (7th Cir. 1985) - Any enterprise undertaken by the public official who tends to weaken public confidence and undermine the sense of security for individual rights is against public policy. See also *Morrison v. Coddington*, 662 P.2d. 155, 135 Ariz. 480 (1983) - Fraud and deceit may arise from silence where there is a duty to speak the truth, **as well as from speaking an untruth.** [Emphasis added]

As you should already know, the First Amendment guarantees American Citizens the right to present their grievances to government, but apparently you are totally unaware of the gravity of the constitutional **mandates** imposed upon you by and through your oaths. You should also know that retaliation, discrimination, defamation, libel, and slander, all of which you have committed against me, are against the law and all public policy.

It is evident by your arrogant remarks in the attached two transcripts that you don't take your oaths of office seriously and follow neither the letter nor the spirit of the law. Apparently your threat of filing a restraining order that you claimed to be "in process" was a deceptive bully tactic to dissuade me from the exercise of my First Amendment rights. Whenever a rogue government agency or individual, such as you, disregards the rule of law whenever, wherever, and however it chooses and operates above the law, that is exactly how law enforcement gives rise to a government of wolves who abuse their power at the expense of the citizenry, in this case me.

It has been said that "absolute power corrupts absolutely." When any public official deliberately makes false statements, such as you have so arrogantly demonstrated, and your personal biases compete with the performance of your official duties, a conflict of interest arises. Conflicts of interest are prohibited by law not only to prevent the actual abuse of power, but also to prevent the officer from being placed in a situation that carries within it the potential for abuse and subsequent liability. Your reckless disregard for the law, overt malice and discrimination against me, an *evangelical senior citizen*, only serves to maintain

the corrupt status quo rather than to protect the Citizens whom you profess to serve pursuant to your oaths of office.

The Constitution does not restrict or limit rights guaranteed in the Constitution. By your own words and actions, and in some cases inaction, you have obstructed my rightful efforts in pursuit of redress of grievances pertaining to the crimes committed against me. Since our last meeting in 2013 you have been evasive and/or unresponsive, leading me and all accompanying witnesses to believe that you had no intention whatsoever of fulfilling your duty to provide transparent, honest public services. (See U.S. versus Tweel above.) Additionally you have failed to address, respond to and give due consideration to correspondence and factual information conveyed to you by me, therefore your unconstitutional actions harmed me by obstructing, limiting and denying me the ability to exercise my rights of due process secured in the Bill of Rights and elsewhere in the national and state Constitutions.

- 4) You are aware that I am the victim of multiple crimes and documented threats impacting my personal safety. On both the aforementioned occasions I brought with me a letter addressed to you requesting my right to access the CCW interview report of Detective Sean Fitzpatrick and other case file investigations to which you unlawfully denied me access. Your actions were in flagrant disregard of USGC 6254(f) which specifically states that local law enforcement agencies are required to disclose that information to *victims of an incident or crime*. (See Exhibit E)

As you know, the fiduciary responsibilities of a public officer cannot be less than those of a private individual. You've been made aware of numerous unlawful practices within your department, including Unjust Enrichment and falsification and/or withholding of records, yet you've failed to take any corrective action. In so doing you've aided and abetted the perpetuation of government fraud, and are therefore culpable, complicit and liable for the deprivation of my constitutionally secured rights to due process. See *United States v. Dial*, 757 R2d 163, 168 (7th Cir 1985) includes the deliberate concealment of material information in a setting of fiduciary obligation. See also USC Title 18, § 2071 – Concealment, removal, or mutilation generally.

In light of the assaults and threats I've endured, from you, your staff and others working in EDC government, and with the current state of affairs transpiring in our nation over gun rights, my First and Second Amendment rights are of paramount importance. You approved my CCW permit, but then fraudulently rescinded it without justification or explanation, which suggests your actions were based in personal, private reasons. Your denial of my right to access relevant records further indicates that your motive was retaliatory in nature because I filed Citizen Complaints of Officer Misconduct against your staff. The law says you work for the Citizens, in the instant case, *me*:

The Oath of office is a quid pro quo contract (U.S. Const. Art. 6, Clauses 2 and 3, Davis Vs. Lawyers Surety Corporation., 459 S.W. 2nd. 655, 657., Tex. Civ.

App.) in which clerks, officials, or officers of the government pledge to perform (Support and uphold the United States and State Constitutions) in return for substance (wages, perks, benefits). Proponents are subjected to the penalties and remedies for Breach of Contract, conspiracy under Title 28 U.S.C., Title 18 Sections 241, 242., treason under the Constitution at Article 3, Section 3., and intrinsic fraud as per Auerbach vs. Samuels., 10 Utah 2nd. 152., 349 P. 2nd. 1112, 1114., Alleghany Corp vs. Kirby., D.C.N.Y. 218 F. Supp. 164, 183., and Keeton Packing Co. vs. State., 437 S.W. 20, 28.

By not responding to my correspondence, as you have failed to respond, you, the oath taker, denies the Citizen remedy, thus, denies the Citizen constitutional due process of law, as stated within the Bill of Rights. There is no legitimate argument to support the claim that oath takers, such as you, are not required to respond to correspondence or other public inquiries, which, in this case, act as petitions for redress of grievances, stating complaints, charges and claims made against them by Citizens injured by their actions. All American Citizens can expect, and have the Right and duty to demand, that you and other government officers uphold their oaths to the Constitution(s) and abide by all constitutionally imposed mandates of their oaths. This is an un-enumerated Right guaranteed in the Ninth Amendment, which I hereby claim and exercise. Since you have failed to respond to any of my correspondence to you, you have rebutted none of my claims and charges made against you in those correspondences. Therefore, you admit to all of them, fully binding upon you in any court, without protest or objection, and that of those who represent you. These facts will be used against you in any future court action and that court will be held to constitutional mandates.

Pursuant to your oaths, as described above and in the previous referenced correspondence, by your own unlawful actions you have violated, restricted, and denied my inherent constitutionally guaranteed rights and due process of law.

- 5) After I disseminated transcripts of the aforementioned October 2019 encounters with you at the EDSO headquarters, two of my associates emailed you in November about your actions. Your hypocritical and libelous response, and Mr. Aiello's reply to you is attached as **Exhibit F**. His reply spoke volumes about your lack of ethics and malicious attack upon my character and reputation as a highly respected conservative leader. The following excerpts from Mr. Aiello's message perfectly summarize how your un-constitutional actions have harmed me:

"You refused to meet with Melody Lane or to allow her to accompany other citizens into meetings for the purpose of redress of grievances. The ability to petition the government for a redress of grievances is a Constitutionally-secured, inherent right which you denied, thereby perjuring your oath to the Constitution.

You also approved Melody's CCW permit and then maliciously rescinded that permit without just cause, which is a violation of her 2nd Amendment rights.

You also denied Melody due process for filing multiple Citizen Complaints of Officer Misconduct, another Constitutional violation.

Sheriff, by your own email, you encouraged me to "research me and my administration for all the work I have done standing up for our Constitution." Melody's affidavit is only one small part of that research, and already you've thrown the Constitution out the door! So by "standing up for our Constitution", do you mean that you stand up for only parts of it? If so, then the truth you need to know is that the oath you took means affirming your lawful mandate to uphold the entire Constitution, not just parts of it.

I have also seen the transcript of Melody's audio recording of when she went to your office to request public information. Not private, but public information. Her request was met with repeated refusals to answer her direct questions by your staff and then, when you appeared, you threatened her with a restraining order. *For her requesting public information!* Yet you are a public officer, elected by the public to serve the public under oath to the supreme law of the United States of America, circa 1787, as amended with the Bill of Rights in 1791. Where is your Constitutional authority to refuse to provide public information and seek a restraining order?

These are matters of truth, Sheriff. A legal maxim is that an unrebutted affidavit serves as the truth in law and before the court. But beyond that, the Supreme Judge over all of us knows the truth as well, and He knows that when you tell me that you are "standing up for our Constitution", you are not being truthful."

As Mr. Aiello stated in his email to you, it is evident that you are not the Oathkeeper or Constitutional Sheriff that you professed to be. This was further confirmed in writing by Sheriff Richard Mack of the Constitutional Sheriffs and Peace Officers Association (CSPOA). Any action committed by you either supports and upholds the Constitution(s), or opposes and violates them. You have no constitutional authority, or any other form of valid authority, to oppose and violate the very documents to which you swore or affirmed your oaths. However, by your flagrant violations of the constitutionally secured inherent rights and due process of law guaranteed to me and all American and California Citizens, that is exactly what you have done. The requirements of *Tweel*, cited above, are incumbent upon you in both your personal and professional capacities, pursuant to the oath under which you hold and exercise the duties of your position. Fraud is a crime, and when fraud is committed by public officers, pursuant to their oaths, then that is a Constitutional crime.

The First Amendment guarantees the Right of free speech and the Right to petition government for redress of grievances, which the oath taker, pursuant to his oath is mandated to uphold. You failed this requirement by failing to respond in kind to and/or rebut my lawful notices to you; thus you violated two provisions

of the First Amendment, my constitutionally guaranteed rights secured therein, the Public Trust, and perjured your oaths of office.

- 6) Ever since I began "holding your feet to the fire" in 2013, you've consistently demonstrated that you do not take your oaths of office seriously. In fact, in the presence of multiple witnesses, your own words and actions have demonstrated overt hostility, retaliation, libel, defamation, censorship, discrimination, and threats against me, a Citizen whom you've sworn an oath to serve and protect. By conspiring with other county staff to deprive me of inherent, God-given rights you have placed my safety and security in grave jeopardy, acted in dereliction of duty and malfeasance of office, and act as a domestic enemy, to quote Jefferson, who urged all Americans to oppose all enemies of this republic, both foreign and domestic. Your actions and failures further bear proof of the hypocrisy of your vision and mission statements posted on the EDSO website:

"The mission of the El Dorado County Sheriff's Office is to uphold the law through the **investigation and enforcement** of criminal and civil law, to provide leadership and law enforcement support to allied law enforcement agencies, to deliver consistent and humane treatment to those placed in our care and custody, and to perform these responsibilities in a manner that is **responsive to the needs of our community and faithful to the Constitution of the United States and the Constitution of the State of California.**"

You are cognizant that I've been sexually assaulted, shot at in my own front yard, vandalized, threatened, libeled, slandered and hacked by members of the River Mafia Mob. You are also aware I was responsible for bringing in law enforcement to the River Management Advisory Committee meetings, as required within the River Management Plan due to the fact that male members had threatened and intimidated several women to prevent their participation in public meetings. When I submitted substantiating evidence of each of the above cited incidents to EDSO, your staff refused to enforce the law under your apparent directive, and then they falsified their case file reports resulting in the necessity for me to file multiple Citizen Complaints of Officer Misconduct. However, I was never interviewed or permitted to exercise my First Amendment rights for redress of grievances as stated on the EDSO website and the accompanying forms that I filled out. See *Olmstad v. United States*, (1928) 277 U.S. 438 "Crime is contagious. If the Government becomes a lawbreaker, it breeds contempt for law; it invites every man to become a law unto himself; it invites anarchy."

If any public official, such as you, who has been notified of crimes committed, but fails to act and correct the matter, then they condone, aid and abet the criminal actions, and further, collude and conspire with the criminal public officers to deprive me and other Citizens of their Rights guaranteed in the Constitutions, as a custom, practice and usual business operation of their office and the jurisdiction for which they work. This constitutes treason by the entire jurisdiction against me, and based upon the actions taken and what exists on the public record, it is impossible for any public officer, such as you and the other public

officers with whom you colluded and conspired, to defend himself against treason committed. See: *U.S. v. Guest, Ga. 1966, 86 S.Ct. 1170, 383 U.S. 745, 16 L.Ed 239, and USC Title LXX Sec. 5407 - Conspiracy to defeat enforcement of the laws.*

- 7) Evidence I obtained via a CA Public Records Act request indicated that you've never taken any of the mandatory Public Service Ethics Training required under AB1234. Because of the breadth of federal anticorruption law, public officials are warned to avoid any temptation to walk closely to the line that divides legal from illegal conduct. It further says ethics laws are a floor for conduct, not a ceiling. Sheriff, it is apparent that you have crossed the "thin blue line" in order to protect your staff instead of the citizens whom you profess to serve. Had you taken the state mandated ethics training, then you would know that public officers cannot retaliate against Citizens who whistle blow, and prohibitions deter betrayals of the public's trust by creating penalties for such betrayal. Furthermore, it is the duty of every Citizen to demand that government employees, such as you, specifically perform pursuant to the constitutional mandates contained within their oaths, thereby uphold and protect the rights of the people, as opposed to upholding and promoting the destructive EDSO "status quo" that perniciously violates the rights of the people as its apparent routine custom, practice and policy.

For example, during the July 29, 2019 Taxpayers Association meeting when you were the guest speaker, I "held your feet to the fire" in the presence of 32 witnesses when I inquired about two specific issues. One issue involved the fact that Sheriff Richard Mack of the Constitutional Sheriffs and Peace Officers Association confirmed to me in writing that you have not been a member of the CSPOA for several years, and he stated apparently you have no desire to be an Oathkeeper.

The other issue involved an EDSO incident that resulted in a woman being violently assaulted by Sgt. Jeff Dreher who had her tasered and thrown into jail where she woke up naked and covered in feces, simply because she sought a meeting with the Sheriff about her incarcerated daughter. Although Judge Wagoner promptly dismissed the jury and awarded the woman a meager \$127,000 settlement, I asked you why Dreher was later promoted to EDSO Lieutenant, and then promoted once *again* to Chief Investigator for the District Attorney's office. I remarked that Dreher should have been disciplined and fired, but instead he was exalted in a 2018 press release: *"El Dorado County Sheriff's Lieutenant Jeff Dreher, One of the Most Respected Regional Leaders in Law Enforcement, Joins the El Dorado County District attorney's Office."* When I produced the two incriminating news articles and asked why Dreher wasn't fired, you angrily responded, *"I'm not going to answer your questions Melody. You always twist things."*

The truth be told, I simply stated the facts and made a public inquiry of a public official which is perfectly within my First Amendment rights. This is information the public has a right to know. When any public official, such as you, has knowledge of wrongdoing but fails to remediate the situation, that public official

aids, abets and commits misprision of crime, thus is personally liable. As stated above, the First Amendment guarantees the Right of free speech and the Right to petition government for redress of grievances which the oath taker, pursuant to his oath, is mandated to uphold. By refusing to respond honestly and transparently to my public inquiries, you failed this requirement; thus you violated two provisions of the First Amendment, my inherent rights secured therein, the Public Trust, and perjured your oaths of office. (See *U.S. v. Tweel* above.)

- 8) You are aware that I submitted formal requests for investigation with the Grand Jury, District Attorney, and DOJ regarding EDSO corruption. Detective Sean Fitzpatrick, who conducted the interview for my CCW permit, had apparent foreknowledge of the investigations and Citizen Complaints of Officer Misconduct involving Deputy Terrie Cissna which we discussed during the interview process.

Although you approved my CCW permit, you then retaliated by rescinding the permit just three days before my scheduled appointment to pick it up from EDSO Records. Since that time my CCW appeals and right to access relevant case file reports and investigations, including Detective Fitzpatrick's CCW interview report, have been denied me without lawful justification. The transcripts of the October 2019 audio recordings, attached as **Exhibits C and D**, made it apparent that you and Records Supervisor, Serena Wilke, had no intention of cooperating or complying with the law which states:

"Access is immediate and allowed at all times during business hours. (Government Code § 6253(a)). Staff need not disrupt operations to allow immediate access, but a decision on whether to grant access must be prompt. An agency may not adopt rules that limit the hours records are open for viewing and inspection. (§ 6253(d); 6253.4(b)) The agency must provide assistance by helping to identify records and information relevant to the request and suggesting ways to overcome any practical basis for denying access. (§ 6253.1) These time periods may not be used solely to delay access to the records. (§ 6253(d))" [Emphasis added.]

Furthermore, since I am the victim of the aforementioned crimes, the law says under Government Code 6254(f) that state and local law enforcement **shall disclose** to the victim of an incident or a crime the un-redacted names, records and statements. **(See Exhibit E)**

As previously stated, you were made aware during our initial quarterly meetings that I was targeted by the River Mafia Mob for exposing their illicit conduct during River Management Advisory Committee (RMAC) meetings. As you also know, EDSO plays a crucial role in the enforcement of the River Management Plan. During several RMAC meetings I was accompanied by a consultant from Californians Aware who thoroughly documented and apprised county officials of their unlawful conduct. You were also cognizant that I was sexually assaulted by a member of the River Mafia Mob who was served with a Temporary Restraining Order after he began stalking me and trespassing on my private property. Per Deputy Dave Petty, that individual refused to give up his guns as required by law

when he was served with the TRO. Petty was the same deputy who responded after I was shot at in my own front yard by two men in a white pick-up truck. It was also Deputy Petty who warned me to keep my guns loaded and handy in case law enforcement couldn't respond in a timely manner, which is all too frequently the situation.

Then in 2018, the same individual who sexually assaulted me began harassing me again with inappropriate emails, trespassing on my property, and then he conspicuously left a two-foot machete on my property which logic dictates was obviously intended as a thinly-veiled threat. However EDSO again refused to investigate the incident, falsified the case file report, and made it appear that I was a nuisance for notifying law enforcement in accordance with the EDSO "See something, say something" policy. In light of the circumstances, my Second Amendment rights to protect myself from more such threats and assaults made it imperative that I examine the content of Detective Fitzpatrick's Carry Concealed Weapon interview report and all other correspondence leading up to you suddenly rescinding my previously approved CCW permit which I addressed in **Exhibit E**.

For far too long you and your staff have been avoiding me, fraudulently interpreting the law to suit your own personal agenda, and denying my right to access case file investigations. My visits to EDSO were for the purpose of getting to the bottom of your unlawful bureaucratic shenanigans. Pursuant to your oaths, as described herein and in the previously referenced correspondence, by your own actions you have violated, restricted, and obstructed my constitutionally guaranteed First and Second Amendment rights.

- 9) Sheriff, even you should know that building which houses EDSO is not "your" building, nor is it lawful for you to issue a directive to county staff to deprive any Citizen of public services. The purpose of each of my eight visits within a two month period to a **public building** was to seek **public information** from **public servants** about specific case files and crime investigations involving my personal safety and security. It was glaringly evident that you gave your staff a directive to obstruct and divert my inquiries to county counsel in an apparent collaborative "set up" to discredit and silence me for whistleblowing. Additionally you had absolutely no cause whatsoever to threaten me with a restraining order for the exercise of my rights.

Under the Political Reform Act, federal anticorruption law broadly guarantees the public "honest services" from public officials. Depriving the public of honest services is a federal crime. See *63C Am. Jur.2d, Public Officers and Employees §247* - "As expressed otherwise, the powers delegated to a public officer are held in trust for the people and are to be exercised on behalf of the government or of all citizens who may need the intervention of the officer." **Your actions as herein stated violated all of these lawful requirements.**

I repeat that it is evident you do not take your Constitutional oaths of office seriously, otherwise you would uphold the Constitution(s), your oaths thereto and

all rights and due process guaranteed to the Citizens, in the instant case, me, much less abide by laws, ethics, or common standards of morality in the course of your official duties. Retaliation and abuse of power, such as you and your staff have brazenly displayed against me, undermines the public's trust in law enforcement. In so doing, you demonstrated contempt for the Supreme Law of the Land and violated my constitutionally secured rights and due process of law. *(See Gallegos v. Haggerty, N.D. of New York, 689 F. Supp. 93 (1988.) "Personal involvement in deprivation of constitutional rights is prerequisite to award of damages, but defendant may be personally involved in constitutional deprivation by direct participation, failure to remedy wrongs after learning about it, creation of a policy or custom under which unconstitutional practices occur or gross negligence in managing subordinates who cause violation."* See also: *Government Code 8547 GC et seq; 42 U.S. Code §1997d. - Prohibition of retaliation; and 403 U.S. 388 (91 S.Ct. 1999, 29 L.Ed.2d 619)* The above-cited case clearly upholds the Constitution, my inherent rights and due process guaranteed therein, which you by your actions have consistently violated.

Pursuant to the constitutional mandates imposed upon them, by and through their oaths, there is no discretion on the part of public officers, such as you, to oppose the Constitutions and their oaths thereto, nor to be selective about which, if any, mandates and protections in the Constitutions they support and uphold. The mandates and protections set forth in the Constitutions are all-encompassing, all-inclusive and fully binding upon public officers, without exception, as they are upon you. All of the facts, claims and charges stated herein clearly demonstrate that you, John D'Agostini, pursuant to your oath, acted outside the lawful scope of your limited duties and constitutional authority; therefore, you acted on your own, as a private Citizen and renegade, outside of any governmental protection and/or immunity, whatsoever. By your actions, as herein stated, you invoke the previously referenced, self-executing Sections 3 & 4 of the 14th Amendment, vacated your office upon commission of these crimes, and are no longer eligible to receive public funds, such as salary and pensions of any type. This is a primary constitutional position that will be used against you in any court to remove you from office and hold you accountable and liable for your unconstitutional, criminal actions against me. As stated, that court will be held to constitutional mandates imposed upon the judge and the court or will be exposed as another governmental fraud, as EDSO. If the government officers who oversee and supervise you, as sheriff, were to protect and defend your unconstitutional actions, then those government officers become complicit in those actions, condone, aid and abet them, therefore commit misprision of all crimes committed by you and can be joined in any suit.

If you disagree with anything in this letter, then rebut that with which you disagree in writing to me, via your notarized affidavit stating any rebuttal with particularity, within thirty (30) days of the date of this letter, and support your disagreement with valid evidence, true fact and constitutionally compliant law.

Your failure to respond, as stipulated, is your agreement with and admission to the fact that everything in this letter is true, correct, legal, lawful, and is your irrevocable

agreement attesting to this, fully binding upon you, in any court in America, without your protest or objection and that of those who represent you. Should you fail to rebut, as stipulated, this fact will be one of the main causes of action against you in any suit.

Sincerely,

All Rights Reserved

A handwritten signature in black ink, appearing to read "Melody Lane", with a long horizontal flourish extending to the right.

Melody Lane

Attachments:

- Exhibit A – 8/6/18 @ 5:09 PM Ashton email
- Exhibit B – 8/8/18 @ 12:50 PM Ashton email
- Exhibit C – 10/25/19 EDSO Sheriff D'Agostini transcript
- Exhibit D – 10/31/19 EDSO Sheriff D'Agostini transcript
- Exhibit E – 8/12/16 Wilke/D'Agostini letter re: case files & CCW report
- Exhibit F – Aiello email response to Sheriff D'Agostini

- CC:
- Dist. #1 Supervisor John Hidahl
 - Dist. # 2 Supervisor Shiva Frentzen
 - Dist. # 3 Supervisor Brian Veerkamp
 - Dist. #4 Supervisor Lori Parlin
 - Dist. # 5 Supervisor Sue Novasel
 - District Attorney Vern Pierson
 - CAO Don Ashton

Subject: Inappropriate Constituent Emails

From: Donald Ashton

Date: 8/6/18, 5:09 PM

To: The BOSONE <bosone@edcgov.us>, The BOSTWO <bostwo@edcgov.us>, The BOSTHREE <bosthree@edcgov.us>, The BOSFOUR <bosfour@edcgov.us>, The BOSFIVE <bosfive@edcgov.us>

CC: Michael Ciccozzi <michael.ciccozzi@edcgov.us>, David Russell <david.russell@edcgov.us>

BCC: Vernon Pierson <vern.pierson@edcgov.us>

Good afternoon Board members,

Over the past several weeks the tone of Melody Lane's emails have become increasingly accusatory and disrespectful to County staff. While we are aware the Sheriff has already blocked all emails from Ms. Lane, I now have one other department asking County IT to block all emails as well.

County Counsel has determined the County can take reasonable actions in determining how the public interacts with their government, as long as those actions do not unreasonably prevent access to an constituents governmental representatives.

As a result, I am planning on asking IT to only allow Ms. Lane to email the following email addresses.

- 1) Myself so that she isn't prevented access from emailing the CAO.
- 2) Jim Mitrusin and edc.cob@edcgov.us since she often emails attachments to be included with the Board agenda and PRAs,
- 3) Roger Runkle to assist in the review of PRAs.
- 4) Mike Ciccozzi so she has access to the County's lawyer and so he is aware in the event of any legal questions.
- 5) Char Tim and planning@edcgov.us since she often emails attachments to be included relative to Planning Commission items.
- 6) Roger Trout as Char's supervisor.
- 7) All five Board members.

Any emails that require the attention of another department will be forwarded to that department for appropriation action, similar to what is currently being done with the Sheriff's Office.

Please let me know if you have any questions or concerns with this approach. If I don't hear of any concerns by the end of this week, I will ask David to implement these changes next week, and at the same time email Ms. Lane letting her know as well so that when her emails start getting returned she is aware.

EXHIBIT A

Subject: Emails from Melody Lane

From: Donald Ashton

Date: 8/8/18, 12:50 PM

To: Dave Johnston <dave.johnston@edcgov.us>, Charlene Carveth <charlene.carveth@edcgov.us>, Patricia Charles-Heathers <patricia.charles-heathers@edcgov.us>, Roger Trout <roger.trout@edcgov.us>, Rafael Martinez <rafael.martinez@edcgov.us>, Greg Stanton <greg.stanton@edcgov.us>, Jeanne Amos <jeanne.amos@edcgov.us>, Brian Richart <brian.richart@edcgov.us>, Teri Monterosso <teri.monterosso@edcgov.us>, Don Semon <don.semon@edcgov.us>

CC: Michael Ciccozzi <michael.ciccozzi@edcgov.us>, David Russell <david.russell@edcgov.us>

Good afternoon everyone,

I'm not sure if you receive the various emails sent by Melody Lane to the County, but if you are, you have likely noticed that recently they seem to have been escalating, becoming more and more inflammatory and in some instances attacking staff. In addition, you are are not aware, the Sheriff's Office blocked access to all of her emails some time ago.

I now have two other elected department heads asking to have her emails blocked, and the other four elected department heads agree to have restrictions put in place so that Melody cannot email their staff, but can still email them.

Mike Ciccozzi and I have discussed a variety of options relative to how restrictive the County can be in limiting a constituents access to government and we settled on the following two options.

- 1) Prevent Melody from emailing all staff, only allowing her access to email Department Heads and Board members.
- 2) Restrict Melody's email access to only the CAO, County Counsel, Clerk of the Board, Clerk of the Planning Commission, and Board members.

Based on discussions with the elected department heads, I'm now considering implementing Option 1, but wanted to see if you have any concerns.

Please let me know by the end of the week if you have any questions or concerns with this approach...most importantly I want to be as consistent as possible county wide. If I don't hear any concerns, I will work with County Counsel and IT to implement some time next week.

EXHIBIT B

At approximately 12:15 PM on October 25, 2019 I entered EDSO facilities for the seventh time to speak with Records Supervisor Serena Wilke concerning specific case files and investigations. I was in the building less than six minutes. It was apparent Serena had been avoiding me. A young male clerk informed me that Serena was not in, therefore I asked him to check her schedule in order that I could return and speak with Serena directly. When he returned, he was followed by Maryanne Lilliput. The young man informed me that Serena would be in "sometime next week" but he didn't know her schedule. Maryanne interjected to let me know Serena was attending a conference, but her typical schedule was 8 AM – 4 PM, Monday through Friday. We then commenced a friendly conversation about the PG&E power outages and fires when Sheriff D'Agostini enters the reception area.

Maryanne: Are you kidding about this stuff?

Melody: I've got multiple...stuff. The whole thing is planned. It was planned far in advance, and that's what's really bad.

Maryanne: Oh no!

Melody: Oh yes! What they're doing...in fact I've even got videos not only of the fires that started in southern CA, but up here, were all simultaneous. You'd have to see it to believe it... simultaneously within seconds. There were three of them I think in southern California, and then the two up here. Simultaneously you see them exploding. And it's very, very scary. And the workers that we've been talking to, you know...again this...what's going on...it's real Dark Ops kind of stuff.

Maryanne: Holy cow!

(Sheriff John D'Agostini walks in with his arms akimbo looking angry and says something unintelligible to the young male clerk)

Melody: Yes, but this is the kind of thing... But anyhow, that's...as long as...

Maryanne: (Abruptly changing her friendly tone and reverting back to topic of Serena Wilkes' schedule upon the arrival of John D'Agostini.) That's her normal schedule.

Melody: OK, but as long as I know that's she's not avoiding me if I come in, because this is my seventh trip...

Maryanne: (interrupting) Yeah, I know.

Melody: ...in here. You know it, Maryanne.

Maryanne: And sometimes that schedule changes too based on other appointments elsewhere she may have, and you might come in...

Melody: And, and I understand. But I'll be back.

Maryanne: OK.

Melody: But actually John's here right now. I'd love to talk to you John, right out here. **(I motion for the Sheriff to join me in the empty lobby)**

John D'Agostini: No, I don't have time for you. Not right now. (Extremely brusque)

Melody: OK. John...

D'Agostini: (interrupting) Let us get through this.

Melody: OK.

D'Agostini: *Melody, you're being extremely rude right now.*

M: I'm not being rude.

D: We're in turmoil and going through something very difficult right now.

M: OK. John, I'm not...

D: Come back in a week or two.

M: John, I'm not being rude and...

D: Yes you are...

M: No I'm not.

D: ...and you're leaving! You're bothering our staff. We're trying to...

M: I'm not bothering the staff.

D: (shouting) *You're leaving NOW and not coming back!*

EXHIBIT C

M: John, you said it yourself...

D: *(interrupting) Not today. Not for you!*

M: You said it yourself...

D: *Not today I don't work for you!*

M: You said it yourself--you work for me!

D: *(Shouting) OK! Not today I don't work for you!*

M: I'm at the top of that chain of command.

D: Melody...

M: I came in here to get public information...

D: *(interrupting) We're working on it.*

M: ...and again John, what you are doing...

D: Everybody here is working...

M: Actually I have a letter here I addressed to you... (I hold up a letter addressed to Sheriff D'Agostini c/o Serena Wilke referencing multiple case file investigations, Deputy Ishmael's involvement, as well as my CCW permit interview report.) **(SEE *EXHIBIT A)**

D: ...*(unintelligible)* to meet the needs of the community...

M:...and the fact that your,...

D: ... *and right now we don't have time to be dealing with you!*

M: ...your discrimination...I'm glad, John, that you are here and that there are witnesses to this!

D: Good luck!

M: The fact that you,...

D: Have a nice day Melody! *(talking over me – unintelligible)*

M: ...are discriminating, and you're NOT the Constitutional Sheriff...

D: *(unintelligible interruption) Please leave my staff alone for a week and stop harassing them. Now leave my building.*

M: I'm not harassing. You are discriminating John, and you know it!

D: I'm not discriminating. Have a nice day. *Go away and come back in a couple of weeks!*

M: I'm not coming back in a couple of weeks.

D: *(talking over me) Discrimination means nothing to me.*

M: You are! And the rudeness is from you. *Don't forget who you work for!*

D: *You're harassing my staff. Please leave my staff alone for a couple weeks and leave the premises.*

M: I came in here for public information.

D: *(Unintelligible, shouting)...respect! Even the media is being more respectful right now than you are!*

M: I'm not being disrespectful.

D: *Yes you are!*

M: I am standing my ground on my First Amendment rights, and you know it.

D: Good! Take it somewhere else for right now...for a while.

M: John, what you just did...you know is audio recorded and it will be used against you. (Sheriff walks away in anger)

10-31-19 Interaction with EDSO Staff and John D'Agostini

Melody: Hi. I'd like to speak with Serena please.

Young female clerk with long red hair: And you are?

Melody: Melody.

Young clerk: OK. Will you have a seat please?

(Another older female clerk with short brown hair comes out to reception area and exchanges places at the window with the younger clerk. With her back to me she audibly tells the younger clerk, "**The Sheriff told her not to come back to the building last week.**")

Older Female Clerk turns around to address me through the glass window: (inaudible) ...would you step over here. Is there something you want to ask her?

Melody: I asked to speak with Serena.

OFC: OK. She's not available. (Younger clerk is now standing beside the older seated clerk)

Melody: OK...now I've heard that before. **And I also just heard what she just told you about the Sheriff telling me not to come back.**

OFC: I don't expect...

Melody: I'm asking for public information that only Serena can give me and I need to speak with her...Hi Maryanne. (Maryanne Lilliput joins the women at the reception window.)

Maryanne Lilliput: Hi! She's not at her desk. I don't know where she went off to. But what can we do for you?

Melody: Well again, you know I need...you know this is my 8th trip back...

Maryanne: Sure.

Melody: ...and I need to speak with Serena about questions only she can answer. And so...

Maryanne: Do you have a request that you need to submit?

Melody: Noooo. I need to speak with Serena directly. She knows what it's about and so at this point rather than waste my time and going around in circles...

Maryanne: Right.

Melody: ...could...um...I please have Serena's telephone number and I will call her directly...

Maryanne: OK.

Melody:...and ask for an appointment to speak with her directly. I don't want to talk to anybody else.

Maryanne: OK. (Maryanne walks out of the room)

(Serena enters from the right side of the room & I motion her to come to the window)

Melody: If you can come out here again...

Serena Wilke: I can stand here but I'd be happy to help you.

Melody: OK, but I need to show you something so if you would come out here please.

Serena: I'm going to stand behind the counter but I'd be happy to help you.

Melody: OK. Uh...I've been given the run around for quite some time on some issues, and I need to know who it is, whose signature is on this report, and who blacked this all out (pointing to the left illegible black signature on the document).

After some discussion about one particular case file, Serena left the room. When she returned, we resumed our conversation, but it was obvious Serena had no intention whatsoever of answering my inquiries:

Melody: OK. And um...the other question is...is when I was in to see you last time you refused to speak with me. Who was it that gave you the directive not to speak with me or answer my questions?

Serena: I never refused to speak with you.

EXHIBIT D

Melody: Yes you have, and you did. And you referred me to county counsel.

Serena: What can I help you with today?

Melody: I'm asking you a direct question.

Serena: (Annoyed) Is there anything I can do for you today?

Melody: I'm asking you a direct question. Are you refusing to answer and to provide public services?...And the question is...one more time...you are a public servant whose salary is paid for by my taxes. I'm asking you...Who gave you the directive to refer me to county counsel on matters that refer to you and your department?

Serena: I'm trying to assist you. Is there anything that you need today from...

Melody: I'm asking you who gave you that directive? In the past you've been cooperative, but you've stopped being cooperative on providing public information and try to divert it to county counsel which has zero authority to answer for you or over what you do. You alone are responsible. That is why I'm asking you. Who gave you the directive?

Serena: Is there anything I can help you with today?

Melody: Are you refusing to answer?

Serena: I'm asking if there is anything I can answer?

Melody: I'm asking YOU a question.

Serena: Melody, I don't know what you want me to say.

Melody: OK...I'm just asking you...Are you refusing to give me that information of your own volition?

Serena: I don't know what information you need. I need to know what you're asking.

(John D'Agostini enters reception area)

John D'Agostini: Melody, what are you asking?

Melody: I'm asking why she is refusing to give me public information, and who gave her the directive?

D'Agostini: Wait, wait, wait! Ask the question. What are you asking for?

Melody: The question is...Who gave the directive to refer me to county counsel about Sheriff's Department issues that county counsel has no authority over?

D'Agostini: What issues are you talking about?

Melody: What I just came in here to talk to her about. This...about this... (fumbling for case file documents in my folder)

D'Agostini: We don't know what your question is Melody. We can't help you. We don't know what your question is.

Melody: I made the question quite clear. I asked Serena who gave her the directive when she referred me last time to county counsel?

D'Agostini: The law.

Melody: No. No, no, no...

D'Agostini: The law. She's not going to answer those questions because there is no directive. There's nothing of the sort.

Melody: OK...

D'Agostini: She's sending you over there because she's abiding by the law that you don't agree with.

Melody: No, no, no, no...

D'Agostini: *Just so you know we are seeking a restraining order on you...*

Melody: What?!

D'Agostini: ...because you are taking up so much of our county's time and our staff's time for things that we will never, ever, ever be able to make you happy.

M: John, I'm coming in here to ask...

D: (interrupting) **No! Go to county counsel. Take it up with them.**

M: No. County...

D: (interrupting) We'll answer your PRAs in a timely fashion...

M: No. County counsel has no authority. I'm coming in and asking...

D: (interrupting) Yes they do. They're my attorney

M: OK. OK... They have no authority over me.

D: Go take it up with my attorney!

M: OK. I am my own attorney and...

D: (interrupting) Great! If you're your own attorney go talk to my attorney who's county counsel.

M: I'm requesting public information John...

D: (interrupting) What we're... what we're releasing is what we can release.

M: OK...

D: (interrupting) That's all you're gonna get.

M: OK, but in the past you've not done this. You've... you've...

D: (interrupting & talking over me) (unintelligible)... abiding by the law.

M: OK, but you're NOT abiding by the law.

D: **Go talk to my attorney, county counsel.**

M: First of all John, that is a conflict of interest.

D: Don't... that's the law.

M: No. John...

D: (shouting) **You don't know the law!**

M: I DO know the law!

D: (interrupting) **You need to hire a lawyer or something!**

M: My taxes pay...

D: (interrupting & shouting) **You know NOTHING!**

M: My taxes pay county counsel's salary...

D: (interrupting) Go talk to county counsel!

M: ... and that's a conflict of interest for him to represent me AND you.

D: Go outside and protest. Out there where you are not interrupting business. That's just fine. (The lobby was empty except for a dark haired officer and blond woman who were leaning against the opposite wall across the lobby 40 feet away observing the exchange.)

M: I'm not interrupting any business. (I motion to the empty lobby)

D: (shouting) Yes you are! We have work to do!

M: I came in here...

D: I have work to do!

M: John, this is my eighth trip to come in and find public information which Serena denied...

D: (interrupting) And we're doing what we can pursuant to law.

M: You're not!

D: If you have a problem, go to county counsel.

M: Now, what I would like to do is... (opening my case file folder)

D: (interrupting and creating a diversion) Does this lady over here need business? Does she have business to deal with? Does she have business over here? (indicating the same blond woman now standing by herself against the opposite wall 40 feet across the lobby. She later exited the building with me and was talking on her cell phone outside her car parked next to mine.)

M: I don't know. Well, so...

D: (interrupting) Well, she might. You're interrupting county business!

M: I'm NOT interrupting county business. I'm...

D: (interrupting) Yes you are!

M: ... I'm NOT, and you know it!

D: **I told you it will be the grounds for our restraining order against you should we be able to obtain it.**

M: OK. You try and get a restraining order John, you know that I'm...

D: (interrupting) (unintelligible)...*It's in process Melody.*

M: ...within my rights and you are violating my rights.

D: No, I'm not violating your rights Melody.

M: You are, John.

D: **I know the law better than you'll ever...**

M: You do not.

D: ...**EVER possibly know the law!**

M: You do not! And you're NOT a constitutional Sheriff!

D: Go talk to my lawyer!

M: I'm not going to talk to your lawyer, but you will be hearing from me. (I calmly exit the building)

Melody Lane
P.O. Box 598
Coloma CA 95613
(530) 642-1670

August 12, 2016

Sheriff John D'Agostini
c/o Serena Wilke, EDSO Records Supervisor
El Dorado County Sheriff's Office
300 Fair Lane
Placerville, CA 95667

**REQUEST TO VIEW CASE FILES EG15-5698, EG15-5793 & EG16-6732
CCW Approval/Denial Report**

Dear Sheriff D'Agostini,

I am the **victim** of crimes relevant to the above referenced incidents. As such I am entitled access to the associated records as per Government Code 6254(f). You are hereby reminded that you are bound by your Constitutional Oath of Office and Government Code 6254(f) to accommodate my right to know the status of the inter-related investigations. Please note specifically the following:

Government Code 6254:

(f) Records of complaints to, or investigations conducted by, or records of intelligence information or security procedures of, the office of the Attorney General and the Department of Justice, the Office of Emergency Services and any state or local police agency, or any investigatory or security files compiled by any other state or local police agency, or any investigatory or security files compiled by any other state or local agency for correctional, law enforcement, or licensing purposes. **However, state and local law enforcement agencies shall disclose the names and addresses of persons involved in, or witnesses other than confidential informants to, the incident, the description of any property involved, the date, time, and location of the incident, all diagrams, statements of the parties involved in the incident, the statements of all witnesses, other than confidential informants, to the victims of an incident, or an authorized representative thereof, an insurance carrier against which a claim has been or might be made, and any person suffering bodily injury or property damage or loss, as the result of the incident caused by arson, burglary, fire, explosion, larceny, robbery, carjacking,**

vandalism, vehicle theft, or a crime as defined by subdivision (b) of Section 13951, unless the disclosure would endanger the safety of a witness or other person involved in the investigation, or unless disclosure would endanger the successful completion of the investigation or a related investigation.

In respect to inter-related case files EG15-5698 and EG15-5793, it is my understanding that Deputy Bernie Brown's investigation was handed off to Deputy Engelbreckton. However the last phone conversation I had with Deputy Engelbreckton was on 2/21/16 at which time it sounded like he was in a bar and/or at a very rowdy party. Since he was very reticent to speak with me he sent Deputy Ishmael to my home to pick up additional materials. Despite making several inquiries I never received a reply or heard from EDSO again regarding the status of this investigation.

Regarding EG16-6732, Sergeant Danny Bears informed me on Friday that he reviewed Deputy Stockeland's report therefore I presume he is responsible for the investigation of the materials I'd handed him late the evening of July 29, 2016. I have not heard from Deputy Stockeland since then, nor have I been contacted by EDSO regarding additional documents I have in respect to this particular new incident that appears to be related to EG15-5698 & 5793. So what exactly is going on?

As for the letter dated July 29, 2016 from EDSO Records Supervisor Serena Wilke (See **Exhibit A**) with respect to a CPRA submitted publicly on 7/19/16 requesting a copy of the CCW interview report by Detective Sean Fitzgerald, this too is a record I am indeed entitled to examine as a victim of EDSO misconduct. (**Reference highlighted portions of GC 6254(f) above**) Additionally please note:

- **Access is immediate** and allowed at all times during business hours. (§ 6253(a)). Staff need not disrupt operations to allow immediate access, but a decision on whether to grant access must be prompt. An agency may not adopt rules that limit the hours records are open for viewing and inspection. (§ 6253(d); 6253.4(b))
- **The agency must provide assistance** by helping to identify records and information relevant to the request and suggesting ways to overcome any practical basis for denying access. (§ 6253.1)
- **The agency may never make records available only in electronic form.** (§ 6253.9(e))
- **Access is always free.** Fees for "inspection" or "processing" are prohibited. (§ 6253)
- **Copy costs are limited to "statutory fees"** set by the Legislature (*not* by local ordinance) or the "direct cost of duplication", typically 10-25 cents per page. Charges for search, review or deletion are not allowed. (§ 6253(b)); *North County Parents v. DOE*, 23 Cal.App.4th 144 (1994).

Thank you in advance for your anticipated cooperation.

Melody Lane
Founder – Compass2Truth

Attachments:

1. Exhibit A – 7/29/16 EDSO letter signed by Serena Wilke

11/5/19 Aiello- Beck exchange with D'Agostini

On Tuesday, November 5, 2019, 12:38:15 AM EST, John D'Agostini <john.dagostini@edso.org> wrote:

Mr. Aiello and Mr. Beck,

Thank you for reaching out to me regarding Ms. Lane. I would encourage both of you and your organizations to please reach out to any of your associates that may be in my area to meet with Ms. Lane and offer to be her "Aide de Camp" for enough time to realize what the truth is. Or, better yet, come visit me at my office anytime. Without Ms. Lane please.

Every effort to assist Ms. Lane has been made over the years and we, I and my entire agency, do, and have done, everything within our authority to assist her but to no avail, we are not able to appease her requests due to following clear and documented law.

I understand you and any organizations you are affiliated with want to be sure you have all the facts prior to a campaign to defame any brother, constitutional, oath keeper. I also encourage you to research me and my administration for all the work I have done standing up for our Constitution and especially second amendment rights.

I look forward to hearing from you.

Sincerely,

John

Mr. Aiello's reply to you spoke volumes about your lack of ethics:

From: Rick Aiello

Sent: Tuesday, November 5, 2019 3:58 PM

To: John D'Agostini

Subject: Re: Ms. Melody Lane

Thank you for your reply.

First of all, I want to extend my sympathies and condolences to you and your colleagues for the recent loss of Deputy Brian Ishmael. That's an awful tragedy for all concerned, especially his family.

Second, I do not live anywhere near California, so I am unable to visit your office. But if I were to do so, I would not think of doing so without Melody.

I am already one of her "aides-de-camp", as you put it, but she is quite well aware of the truth without her other aides-de-camp. The fact that you think she needs help in discerning the truth makes me wonder who really needs such help, and the fact that you welcome me into your office but not Melody makes me wonder further if you are also afraid of the truth. Whatever you would have to say to me you should be able to say directly to Melody.

EXHIBIT F

Third, in your email you wrote “Every effort to assist Ms. Lane has been made over the years and we, I and my entire agency, do, and have done, everything within our authority to assist her but to no avail, we are not able to appease her requests due to following clear and documented law.”

I have an affidavit that Melody wrote and sent to you and some twenty others in mid-October of 2018 that was written pursuant to a notification she had sent to you on August 31 and which you received on September 4, 2018. You are lawfully mandated by the Constitutional requirements of your office to provide a proper response to both notifications, citing truth, facts, valid law, and evidence to support anything with which you disagreed in both of those letters. Since you did not respond, you therefore agree with everything in those letters. A few of the facts in the affidavit with which you agreed are:

You refused to meet with Melody Lane or to allow her to accompany other citizens into meetings for the purpose of redress of grievances. The ability to petition the government for a redress of grievances is a Constitutionally-secured, inherent right which you denied, thereby perjuring your oath to the Constitution.

You also approved Melody’s CCW permit and then maliciously rescinded that permit without just cause, which is a violation of her 2nd Amendment rights.

You also denied Melody due process for filing multiple Citizen Complaints of Officer Misconduct, another Constitutional violation.

Sheriff, by your own email, you encouraged me to “research me and my administration for all the work I have done standing up for our Constitution.” Melody’s affidavit is only one small part of that research, and already you’ve thrown the Constitution out the door! So by “standing up for our Constitution”, do you mean that you stand up for only *parts* of it? If so, then the truth you need to know is that the oath you took means affirming your lawful mandate to uphold the *entire* Constitution, not just parts of it.

I have also seen the transcript of Melody’s audio recording of when she went to your office to request *public* information. Not private, but public information. Her request was met with repeated refusals to answer her direct questions by your staff and then, when you appeared, you threatened her with a restraining order. *For her requesting public information!* Yet you are a public officer, elected by the public to serve the public under oath to the supreme law of the United States of America, circa 1787, as amended with the Bill of Rights in 1791. Where is your Constitutional authority to refuse to provide public information and seek a restraining order?

Sheriff D’Agostini, this is only a small part of the research I have conducted on your actions as sheriff. There’s much more:

- You denied Melody access to multiple case file reports
- You refused to conduct an investigation of crimes committed against Melody
- You failed to provide public services or respond to requests for assistance
- You failed to properly respond to California Public Record Requests
- You ordered Melody out of “your” building, a taxpayer-funded, multi-million dollar “Taj Mahal”

Even Sheriff Richard Mack of the CSPOA (a gentleman I have met) confirmed in writing that Sheriff D’Agostini is definitely NOT a Constitutional Sheriff nor member of Oathkeepers.

And there is still the matter of the un rebutted affidavit that you will have to deal with, Sheriff, because you have already admitted to everything stated therein, and that admission is now a matter of public record and can and will be used against you in a court of law.

These are matters of truth, Sheriff. A legal maxim is that an un rebutted affidavit serves as the truth in law and before the court. But beyond that, the Supreme Judge over all of us knows the truth as well, and He knows that when you tell me that you are "standing up for our Constitution", you are not being truthful.

Sincerely,
Rick Aiello



EDC COB <edc.cob@edcgov.us>

Regarding Police Reform - Meeting Date 6.23.2020 - Agenda Items 3-55 and General Comment

Tucker Chopp <tschopp@ucdavis.edu>
To: EDC COB <edc.cob@edcgov.us>

Tue, Jun 23, 2020 at 12:56 PM

I think attaching it to the open forum would be best. Thank you.

[Quoted text hidden]

[Quoted text hidden]

--

WARNING: This email and any attachments may contain private, confidential, and privileged material for the sole use of the intended recipient. Any unauthorized review, copying, or distribution of this email (or any attachments) by other than the intended recipient is strictly prohibited. If you are not the intended recipient, please contact the sender immediately and permanently delete the original and any copies of this email and any attachments.



EDC COB <edc.cob@edcgov.us>

Regarding Police Reform - Meeting Date 6.23.2020 - Agenda Items 3-55 and General Comment

4 messages

Tucker Chopp <tschopp@ucdavis.edu>
To: edc.cob@edcgov.us

Fri, Jun 19, 2020 at 4:38 PM

Greetings,

Allow me to introduce myself. My name is Tucker and I am a graduate student who has lived in El Dorado County for many years. I am writing to express the need for body-worn cameras for police officers and sheriffs everywhere in El Dorado County. In the wake of the tragic and senseless deaths of African Americans like George Floyd and Breonna Taylor, our nation's awareness of systemic issues of racism in our American law enforcement is at an all-time high. Accountability and transparency for our peace officers are essential to improve the integrity of our police system and improve the trust between the American people and its police. Along those same lines, police records and data from body-worn cameras should be made easily accessible by members of the public. Qualified immunity, which has shielded police officers from being held accountable for killings, needs to be dismantled. So too do the practices of secretive grand juries and investigating police killings by a department's own members or their county's DA. Rather, these investigations need to be undertaken by an independent department or unit with minimal current or former ties to the department under investigation. This will only improve the quality and objectivity of any investigation.

The retention and use of military-grade weapons should be banned for police departments, even if these weapons happen to be cheaper or in high supply. The use of sonic weapons, rubber bullets, and tear gas is also inhumane and can cause significant bodily damage if not death despite not being considered "lethal." If opportunities arise for El Dorado County law enforcement to obtain or use any of these kinds of weapons, I strongly urge you to divest or refuse these options in all circumstances. Unless our nation plans to wage war on itself on our own soil again, we have no need for these kinds of weapons.

The low amount of training required to work as a police officer in America is appalling. After several months of training and passing a handful of tests (https://theacademy.ca.gov/basic_police_academy) officers can perform the duties and use the powers of a police officer, including all of the truly significant responsibilities of choosing when and how to enforce the law, responding to a multitude of crises, and taking the lives of other Americans with, as we've seen, little repercussions. I urge you to take every opportunity to demand more quality training for every officer including significantly higher standards for police academy training.

Ultimately, however, this training will cost a great deal of money in order to bring our officers to the caliber of expertise necessary to provide adequate policing. The ultimate solution to this and other problems is to defund the police. This does not mean completely extinguishing all law enforcement positions in the US. Rather, it means redistributing the large majority of funding typically allocated to the police department to other budget items, like schools, grocery stores, community hospitals and health clinics, child, family, and social services, parks and recreation, public art, libraries, small businesses, low-cost housing, roads, infrastructure, and even community clubs and organizations. In truth, funding these measures can have a profound impact on local communities and lead to greater health and vitality and less desperation for local citizens, who would, in turn, be less prone to committing crimes like burglary, shoplifting, drug distribution and possession, vandalism, gang activity, and gang violence. In reality, reallocating funds typically used for police forces would work wonders for the purposes of crime prevention and potentially save thousands or millions of dollars. With lower rates of people committing crimes, police would have fewer incidents to respond to. Furthermore, choosing to invest in other first responders, like social workers, mental health practitioners, community and victim advocates, drug counselors, and other non-violent community members could be utilized in cases where the option to use any kind of force is unnecessary, thereby reducing the demand for police again. This allows for a smaller number of highly trained and specially equipped officers to respond to incidents where the danger to civilians is the pressing issue. These 3 articles provide more information about defunding police as a solution for a number of societal issues: <https://fortune.com/2020/06/08/defund-the-police-what-does-it-mean-protests-george-floyd/> ; <https://www.cnn.com/2020/06/06/us/what-is-defund-police-trnd/index.html> ; <https://www.washingtonpost.com/opinions/2020/06/07/defund-police-heres-what-that-really-means/>

John Oliver also does a piece on the police with a bit more levity, and it's available online. The content regarding defunding the police starts about 25 minutes into the video: <https://www.youtube.com/watch?v=Wf4cea5oObY&feature=youtu.be>

One legitimate concern regarding defunding the police would be the risk of guns in this county and in this country at large. Who will respond when gun-related homicide or suicide threats are made in this county? The solution here is to improve the regulation of guns on the county, state, and national levels. If firearms were regulated with the scrutiny and diligence of owning and using a motor vehicle in this state, then unsafe gun use would be an entirely less significant issue with less of a police budget. Strict and mandatory safety measures and registration processes should be required for owning and operating firearms in this county so that gun violence would be less of an issue. I urge you to take every opportunity to establish mandatory firearm safety measures for the safety of all in tandem with defunding the police in favor of funding social services and community resources. This would include mandatory licensing and registration for all owners and sellers of guns and ammunition. This would include a full background check and mental health evaluation that screens for risk factors for violence and any previous violence (or even calls to violence) whatsoever, and mandatory specifications for locking firearms and ammunition properly. And, please ban the use of assault rifles entirely. Their danger has been demonstrated in the devastating school and community shootings from the past several years, and their danger far outweighs the potential benefits of owning and operating these kinds of weapons. Please note that banning their use would not mean other firearms with less-lethal capability would also need to be severely restricted. You can find more information about gun violence prediction and prevention at The American Psychological Association's report on gun violence here: <https://www.apa.org/pubs/info/reports/gun-violence-report.pdf>

Thank you so much for your time and consideration.
My best regards,

--

Tucker Chopp
Psychology, BA
University of California, Davis, 2015

EDC COB <edc.cob@edcgov.us>

Mon, Jun 22, 2020 at 8:35 AM

To: The BOSONE <bosone@edcgov.us>, The BOSTWO <bostwo@edcgov.us>, The BOSFIVE <bosfive@edcgov.us>, The BOSTHREE <bosthree@edcgov.us>, The BOSFOUR <bosfour@edcgov.us>, Donald Ashton <don.ashton@edcgov.us>

FYI

Office of the Clerk of the Board
El Dorado County
330 Fair Lane, Placerville, CA 95667
530-621-5390

CONFIDENTIALITY NOTICE: This electronic communication with its contents may contain confidential and/or privileged information. It is solely for the use of the intended recipient(s), except as otherwise permitted. Unauthorized interception, review, use, or disclosure is prohibited and may violate applicable laws including the Electronic Communications Privacy Act. If you are not the intended recipient, or authorized to receive for the intended recipient, please contact the sender and destroy all copies of the communication. Thank you for your consideration.

[Quoted text hidden]

EDC COB <edc.cob@edcgov.us>

Mon, Jun 22, 2020 at 8:37 AM

To: Tucker Chopp <tschopp@ucdavis.edu>

Good Morning. I have forwarded your email to the Board of Supervisors and our CAO, Donald Ashton. I cannot attach it to all items 3-55. Please let me know if you would like it attached to a certain item or we can attach it to Open Forum. Please let me know.

Thank you.

Office of the Clerk of the Board
El Dorado County
330 Fair Lane, Placerville, CA 95667
530-621-5390

CONFIDENTIALITY NOTICE: This electronic communication with its

contents may contain confidential and/or privileged information. It is solely for the use of the intended recipient(s), except as otherwise permitted. Unauthorized interception, review, use, or disclosure is prohibited and may violate applicable laws including the Electronic Communications Privacy Act. If you are not the intended recipient, or authorized to receive for the intended recipient, please contact the sender and destroy all copies of the communication. Thank you for your consideration.

[Quoted text hidden]

Tucker Chopp <tschopp@ucdavis.edu>
To: EDC COB <edc.cob@edcgov.us>

Tue, Jun 23, 2020 at 12:56 PM

I think attaching it to the open forum would be best. Thank you.

[Quoted text hidden]

[Quoted text hidden]

--

WARNING: This email and any attachments may contain private, confidential, and privileged material for the sole use of the intended recipient. Any unauthorized review, copying, or distribution of this email (or any attachments) by other than the intended recipient is strictly prohibited. If you are not the intended recipient, please contact the sender immediately and permanently delete the original and any copies of this email and any attachments.