

MEMO FROM:

GILBERT HARELSON  
JUDGE, SUPERIOR COURT

2.22

Carl,  
for your info

Regards  
G. Harelson



*Follow-up 40 2-12  
letter*



For Your Information

Enclosed is the material you requested

**ASSEMBLYMAN LARRY STIRLING**

77th Assembly District

California Legislature



W. Mayberry  
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Feb. 16, 1982  
El Cajon, Calif.

Assemblyman, Larry Stirling  
State Capitol Bldg  
Sacramento, Calif.  
95814

Dear Mr. Stirling,

Thank you for your pleasant reception of me during my recent visit to Sacramento. It was a relief to finally find someone in the nebulous monolith we call "Government" who recognizes that such things as INDIVIDUALS still exist in the real world. It was even more pleasing to discover that you were willing to try and help me resolve my problem as an individual. I am grateful for your assistance. Please convey my sincere "thank you" to Renay Weinrub for her help, too.

Just to refresh your memory on the basics of our discussion, I'll run over them briefly here.

In early May, 1979, I moved my wife, Elizabeth Mayberry, out of my home and sued her for divorce. A few days later, May 11, 1979, I was involved in a three-truck accident while at work for San Diego Gas & Electric Company. I was not at fault in that accident.

I was hospitalized for three days from that accident. During that time my ex-wife went into my home and took many items from the home. Among the items she removed were some important papers I would need to file for my salary continuation plan at work.

About a week after I returned home from the hospital I went to the college campus where my ex-wife and her boyfriend attended in hopes of obtaining my insurance papers which had been removed from my home.

That was May 19, 1979, about six o'clock in the evening. While I was at that campus, my ex-wife and her lover attempted to murder me. They succeeded in wounding me in the left shoulder. During the fight, Samuel Herbert, the lover, also got shot in the stomach. According to State Prosecutors and police at my trials, my injury was "accidental" and Mr. Herbert's was a blatant attempt to murder him and my ex-wife.

We all left the scene of the crime and on May 25 (?) I surrendered myself to the court and posted bail of \$3000. On May 26 I was released on the above bond and returned to my home and my children.

July 10, 1979, Samuel Herbert and Elizabeth Mayberry filed more charges falsely accusing me of criminal acts in Poway, California.

July 12, 1979, I was arrested at my home at 4825 Jellet Street, S.D., and taken back into custody. My bail was set at \$75,000. Since I was unable to raise that amount, I was imprisoned on the charges.

Around the last of September, 1979, I finally raised the necessary funds to post the \$75,000 bail. I was released from jail and went



back to my home. By this time my children had been taken from me by the State. Since thier mother didn't want them, they were placed in Foster homes. When I tried to get them back the State absolutely refused to return them.

About this time, while I was still in jail, San Diego Gas & Electric Company's insurance company (they are self insured), granted me the status of "Long Term" or permanent disability. This meant I did not have to be re-examined by doctors for the next two years for purposes of proving my disability. Thus, I was also excused from reporting to work or filing any absence reports with S.D.G.E.

November 13 (?), 1979, Samuel Herbert and Elizabeth Mayberry made more false accusations against me. No formal charges were ever made, only vague accusations. I was not even allowed to know what town or area the incidents ocured in or the exact nature of the accusations. Even a letter that Judge Gilliam received from Prosecutor Charles Peake was denied to Defense. This occurred in court on November 16, 1979, when I appeared for a scheduled court hearing on the previous charges. Prosecutor Peake succeeded in getting me re-imprisoned on \$500,000 bail without filing any charges or even giving specifics about what sort of criminal act I supposedly committed or where!!

Unable to raise any more bail money, I therefore remained imprisoned until my total acquittal on all charges in early August, 1981. That finally came at the end of my third trial and after more than two-years total imprisonment

My acquittal came from a jury of twelve California citizens who heard all the "evidence" the State could gather, even though much of it was lies and gross exaggerations. There were no technical manuevers, appeals or slick lawyer tactics. My part was all above board and honest. The State can not say the same for its agents.

At my first trial in March-May, 1980, Prosecutor Peake denied that certain evidence Defense requested under Discovery motions existed. We were therefore denied documents and tapes which we later proved did exist. Unfortunately the documents were destroyed by the prosecutor at my second trial while we were trying to obtain them under new Discovery motions based upon testimony received at the first trial. We believe the tape we finally received was also altered by inducing a loud hum over the voices to make it unusable. This looks even more suspicious today, because in spite of a court order to release all items which the Prosecutor had on the Mayberry case, that tape and some other items have never been released. It is also interesting to note here that some \$15,000-\$20,000 in bulk silver and gold coins which were taken from my private warehouse by police have also disappeared.

At my second trial (the first one was a mistrial), Prosecutor Craig Rooten took over for the State. He also claimed the tape and documents did not exist. Later, after Judge Roseado reprimanded him, Mr. Rooten produced the "non-existent" tape. But it was unusable due to the hum. Mr. Rooten also admitted destroying "a couple of boxes of papers" on the Mayberry case, "because they were cluttering up the office". This is in blatant violation of California laws which state such documents can not be destroyed for two-years after they are properly recorded and even then only with written authorization from the proper authorities.

But the Facade of Justice went merilly on its way. No matter that an innocent American's life, liberty and persuit of happiness were in peril. Attempts to get assistance from various news media were futile.



Also at the second trial Defense proved that the State's witnesses were committing perjury and had done so at the first trial. At this trial it also became clear that Sam Herbert and Elizabeth Mayberry had attempted to shoot me with an illegally concealed weapon they carried.

The second trial also resulted in a mistrial, so a third trial was ordered at the insistence of State's Prosecutors.

The third trial proved more of what the second trial had started proving. It revealed Sam Herbert and Elizabeth Mayberry as perjurers, although only Elizabeth Mayberry openly admitted it on the stand. This trial also conclusively showed that these two people had filed false police reports, carried a concealed weapon and used that gun in an attempt to kill me. By calling new witnesses, the Defense also proved I had indeed been shot in the left shoulder; that Elizabeth Mayberry lied even more than she admitted and had ransacked my home several times. Police incompetence became more obvious and the vindictive nature of the State's case against me also became clearer.

I was totally acquitted by the jury of the third trial. I was released on the sixth or seventh of August. Prior to all this, I had no bad record

During my ordeal I had lost my children, my mother committed suicide from the stress, my home and other property was foreclosed, my disability compensation was cancelled because I was a "ward of the State", S.D.G.E. fired me because I was a "convicted felon and because of excessive absenteeism", my business reputation and my credit rating slid into a cesspool somewhere; in short, everything I had worked an honest lifetime for was destroyed by the State of California.

The ironic part of all this is that if these crimes against me had been committed by anyone except the government I could probably qualify for assistance as a Victim of a Crime. The State even stopped my unemployment benefits which I had paid for ten years or more before I was falsely accused and imprisoned. I can't even afford to sue them.

Every door I knock on seems to be locked to me. Average citizens are skeptical of me because they do not want to believe that such a horrible nightmare can befall them as easily as it did me. No one wants to believe that we have our own American Gastapo right here in California. It is much easier to just close our eyes and minds to the terrible truth and label the individual as a radical. Another ploy is to simply shrug and say he is just an innocent and unfortunate victim of the justice system.

Let's look at that last part a bit more closely. Why should anyone be a "victim of the justice system"? Shouldn't we compensate people when our "Justice system" victimizes them? Wouldn't that be at least a good faith attempt to do justice to the unfortunate victim?

And if our "Justice System" really wants to see justice done, and really wants to prosecute "criminals" as the prosecutors claimed while persecuting me, why haven't they filed charges against the people who were proven to be criminals in the Mayberry case? San Diego District Attorney, Ed Miller, Attorney General George Deukmejian and Governor Jerry Brown have each been contacted and refused to do anything to see justice done.

So, Mr. Stirling, you can see why I am pleased that you have offered to assist me. I truly appreciate any help you can give to me, but I must not be overly optimistic.

Sincerely yours,  
M. William Mayberry