



The State Bar of California

OFFICE OF CHIEF TRIAL COUNSEL

845 South Figueroa Street, Los Angeles, CA 90017

800-843-9053
Fax: 213-765-1168

Attorney Misconduct Complaint Form

Your Information		
Title: Mr.		
First Name: Keith "Malik"	Middle Name: H.	
Last Name: Washington		
Address: 5325 Broder Blvd		
City: Dublin	State: CA	Zip Code: 94586
Email: gsanders@destination-freedom.org		
Home Phone:	Work Phone: 7753357773	Cell Phone:

If you prefer to communicate by email, please provide an email address. Complaints are confidential unless charges are filed. So that we may promptly communicate with you, please provide an email address to which you have exclusive access is not share with others.

Attorney's Information		
First Name:	Middle Name:	
Last Name: NATIONAL LAWYERS GUILD - San Francisco Bay Area Chapter		
Address: 558 Capp St		
City: San Francisco	State: CA	Zip Code: 94110
Email:	CA Bar License #: n/a	
Primary Phone: (415) 285-5067	Other Phone:	
Cell Phone:	Website:	

Complaint Information
To better achieve the State Bar's mission to protect the public, please answer the following questions:
Have you or a member of your family complained to the State Bar about this attorney previously?
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Did you hire this attorney?
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Does this complaint involve allegations of theft?

Yes No

Does this complaint involve allegations of attorney misconduct where a person 65 years of age or older was victimized?

Yes No

Does this complaint involve allegations of attorney misconduct where a person who is incapacitated, infirm, disabled, incarcerated, an immigrant, or a minor was victimized?

Yes No

Does this complaint involve allegations that the attorney has abandoned a client?

Yes No

Statement of Complaint

Include with your submission, a statement of what the attorney did or did not do that is the basis of your complaint. Please state the facts as you understand them. Do not include opinions or arguments. If you hired the attorney(s), state what you hired the attorney(s) to do. Additional information may be requested.

See Attached State Bar Complaint

Related Court Case Information (If known)	
Name of Court:	Case Name:
Case Number:	Approx. date case was filed:
Size of law firm complained about:	
If you are not a party to this case, what is your connection with it? Explain briefly. Not applicable	

Translation Information
<input checked="" type="checkbox"/> Not Applicable The State Bar accepts complaints in over 200 languages. If you need translation services to communicate with the State Bar, please let us know by completing this section of the complaint form. We will communicate with you through a translation service in the language of your choice. Do you need translation services? <input type="checkbox"/> Yes <input type="checkbox"/> No Please state the language in which you need formal translation: _____

The State Bar's mission is to protect complainants regardless of their immigration status. Complainants who are unable to complete this form due to disability, language restrictions, or other circumstances may obtain help by calling the complaint line at 800-843-9053.

Submission
By checking this box I certify that all information on this form is true and correct. I understand that the content of my complaint can be disclosed to the attorney. I <input checked="" type="checkbox"/> understand that I waive the attorney client privilege and any other applicable privilege between myself and the attorney to the extent necessary for the investigation and prosecution of the allegations. Signature: <u>Keith A. Wash</u> Date: <u>2/22/2023</u>

February 19, 2023

State Bar of California
Office of Chief Trial Counsel
Attn: George Cardona, Chief Trial Counsel
& Deputy Trial Counsel, Jaymin Vaghashia
Email: jaymin.vaghashia@calbar.ca.gov

Re: Complaint Against the National Lawyers Guild – San Francisco
Bay Area Chapter, Camilo Perez-Bustillo, Jody LeWitter,
Emily Rose John, and Lina Garcia Schmidt

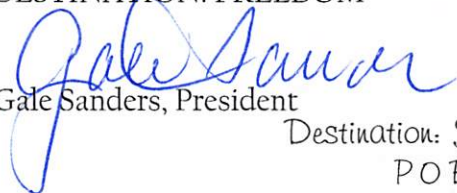
Dear Ms. Vaghashia and Mr. Cardona:

On behalf of our client, Keith H. Washington, we are submitting this letter and allegations that the National Lawyers Guild – San Francisco Bay Area Chapter and above-named employees (“NLG-SF”) are guilty of the violations stated below. Mr. Washington requests that the California State Bar initiate an investigation in order to determine whether a violation of the State Bar Act and/or Rules of Professional Conduct has occurred.

- A. The NLG-SF did conspire to bring harm or have Mr. Washington assaulted in jail or prison;
- B. The NLG-SF did intentionally mean to inflict emotional distress or mental anguish against Mr. Washington;
- C. The NLG-SF did intend to slander and defame Mr. Washington;
- D. The NLG-SF did violate the public’s trust by mis-use of attorney/client privileged mail and telephonic communications in order to plot to harm Mr. Washington; and
- E. The NLG-SF has sought to incite violence inside a local jail and/or correctional facility.

We are also submitting herein Mr. Washington’s State Bar Complaint on his behalf.

Sincerely,
DESTINATION: FREEDOM


Gale Sanders, President

Destination: Freedom
P O Box 63167

Colorado Springs, Colorado 80962-3167
(775) 335-7773

Website: www.destination-freedom.org

“Justice Delayed Is Justice Denied”
William E. Gladstone

Encls.

Advocates for Prisoner rights, rehabilitation
and criminal justice reform

NOTE FROM KEITH "MALIK" WASHINGTON:

Regarding the letter from the National Lawyers Guild – San Francisco Bay Chapter ("NLG") that was sent into the Santa Rita Jail, please note the following:

"I attempted suicide on May 24, 2022 at the Santa Rita Jail in Dublin, California. I took over 6,000 mg of a muscle relaxant.

"I was transported to Stanford medical Center, where I spent nearly a week in ICU. I returned to Santa Rita Jail on June 1, 2022. Unknown to me at the time, this is when NLG paralegal, Lina Garcia Schmidt, was encouraging a Santa Rita Jail inmate to distribute the NLG letter that labeled me a government informant, and urged all readers to "p[urge me without remorse" which was coded language encouraging others to assault or kill me!"

"In this time of Black-on-Black violence and hatred, it is mortifying to realize that the NLG would be attempting to promote violence rather than promoting healing.

"I was de-platformed and "canceled" by all those whom I thought loved and supported me. Wasn't that enough? Apparently not. The NLG attempted to push me over the edge – yet I survived.

"I will end by saying:

"When we have the ability to help our fellow human beings in their most critical and desperate moments, WE MUST! We were created to. It is who we are by design.

"Through all, I've been through I still have love in my heart."

Keith "Malik" Washington

Greater love has no one than this, that someone lay down his/her life for his friends.

-John 15:13

STATE BAR COMPLAINT AGAINST
NATIONAL LAWYERS GUILD – SAN FRANCISCO BAY AREA CHAPTER
AND CAMILO PEREZ-BUSTILLO, JODY LEWITTER,
EMILY ROSE JOHN, AND LINA GARCIA SCHMIDT

TO THE STATE BAR OF CALIFORNIA AND ALL INTERESTED PARTIES, I, KEITH H. WASHINGTON, AKA MALIK WASHINGTON (“Washington”), am filing this Complaint Against the National Lawyers Guild – San Francisco Bay Area Chapter and Camilo Perez-Bustillo, Jody LeWitter, Emily Rose John, and Lina Garcia Schmidt (“NLG-SF”)

Washington is currently housed at the Santa Rita jail in Dublin California. Please see the attached documents as they will aid the trial counsel in determining the breadth and scope of violations of the State Bar Act and/or Rules of Professional Conduct by NLG-SF. In order to provide context to the actual Complaint, Washington is compelled to provide some historical background information that will aid the State Bar in its investigation.

BACKGROUND

In November 2021, the San Francisco Bay View National Black Newspaper (“SF Bayview”) published an article entitled “Was the Bayview Infiltrated by a Rockstar Informant?” (www.sfbayview.com). The article was authored by Mr. Washington’s former fiancé, Tracy Nube Brown who, at the time, was the editor of the SF Bayview. It is noteworthy to mention that prior to Ms. Brown being the editor of the SF Bayview, Mr. Washington was the editor of this publication.

The article was written by Ms. Brown, which falsely portrayed Mr. Washington, giving readers the impression the FBI tasked Mr. Washington with infiltrating the SF Bayview in his capacity as editor-in-chief. Mr. Washington categorically denies this allegation and not only did this article destroy Mr. Washington’s career as a journalist, it thrust him into a deep and dark depressive state.

The SF Bayview published a second article in December 2021 authored by a Virginia prisoner named Kevin “Rashid” Johnson entitled, “On the Exposure of Keith ‘Malik’ Washington as a Rock Star Informant.” This article was also posted on the website, www.redvoice.news. This article written by Mr. Johnson appeared to up the ante and issue a verdict against Mr. Washington, actually encouraging the reader to do harm or possibly even kill Mr. Washington (see attached exhibit). The First Amendment of the United States Constitution protects the rights of Ms. Brown and Mr. Johnson to write and publish just about anything they want no matter how much harm it causes.

This State Bar complaint is focused directly on the actions of NLG-SF and the actions they took against Mr. Washington in order to intimidate, threaten, instill fear, and cause harm and/or injury to Mr. Washington. With that in mind, I advance to the date of March 21, 2022. On this day, Mr. Washington is transported and delivered to Santa Rita jail located in Dublin, California by the U.S. Marshall Service.

Santa Rita jail is operated by the Alameda County Sheriff's Office. Mr. Washington had been recently extradited from Las Vegas, Nevada per a federal bench warrant. Mr. Washington had previously been incarcerated at the Clark County Detention Center and then Nevada Southern Detention Center since November 20, 2021.

Upon his arrival at Santa Rita Jail, Mr. Washington was classified as a "high profile" inmate and housed in the restrictive housing alongside another "high profile" prisoner named William Epting aka Preacher or GT. At the time, Mr. Washington was unaware of who Mr. Epting was or the fact that Santa Rita Jail was currently under a Consent Decree imposed by a federal judge because of numerous suicides and the mistreatment/abuse of mentally ill prisoners housed at the jail. Like all prisoners who are processed into Santa Rita Jail, Mr. Washington was screened by the Mental Health Department. It was reported that Mr. Washington was suffering from Chronic Depression and Suicidal Ideation.

On May 24, 2022, Mr. Washington attempted suicide by taking 6,000 milligrams of Tegretol (also known as Carbamazepine), a drug prescribed to Mr. Washington in order to treat his seizure condition. Unknown to Mr. Washington at the time, fellow inmate William Epting had been in discussions with an employee or volunteer at the National Lawyers Guild Santa Rita Jail Hotline ("SRJ Hotline") about Mr. Washington's presence at Santa Rita Jail. Lina Garcia Schmidt (Hotline Coordinator at NLG-SF) received approval from the NLG-SF to send inmate William Epting a letter on NLG-SF letterhead which contained the two articles mentioned above written by Tracy Nube Brown and Kevin Rashid Johnson.

Lina Garcia Schmidt, acting in her capacity as an employee of NLG-SF, in concert with Santa Rita Jail encouraged Mr. Epting to share the contents of the NLG-SF letter which labeled and branded Mr. Washington as a government informant and "snitch" or "rat," in the words of Kevin Rashid Johnson.

In a prison or jail setting, such a distinction will foment violence against the targeted prisoner. Considering the long history of the NLG-SF providing legal aid and assistance to prisoners across the United States, I am positively sure that the San Francisco Bay Area branch knew of the danger they were subjecting Mr. Washington to.

In late October 2022, there were two inmate deaths at Santa Rita Jail. On or around October 27, 2022 a Hispanic prisoner, who also is a devout Muslim, was housed on the same housing unit as Mr. Washington. The prisoner informed Mr. Washington that there was a conspiracy to have him killed and provided Mr. Washington with the letter NLG-SF sent to inmate William Epting. However, what is remarkable is that the Hispanic prisoner pointed out that Alameda County Sheriff Deputies working in the restrictive housing unit aided Mr. Epting in making multiple copies of the defamatory and potentially dangerous NLG-SF letter (attached hereto). Upon learning of this information and document, Mr. Washington contacted the law firm of Rosen, Bien, Galvan, and Grunfeld LLP in San Francisco ("RBGG"). RBGG is the law firm which has been chosen to implement the Consent Decree which was the result of the Babu v. Ahern lawsuit, Case Number 5: 18-CV-07677.

Senior class counsel, Kara J. Janssen (E-mail: kjanssen@rbgg.com, 415-433-6830) contacted Mr. Washington's criminal defense attorney and Federal Public Defender, Gabriela

Bischoff (E-mail: gabriela_bischoff@fd.org, 415-517-2593). On November 3, 2022 RBGG sent paralegal Adam Dean to visit Mr. Washington in order to retrieve the questionable letter. However, ironically, Santa Rita Jail Sheriff Deputies refused to allow Mr. Washington to pass the document to Adam Dean. Retaliation against prisoners who engage in “protected conduct” like filing grievances or filing lawsuits is a regular occurrence at Santa Rita Jail.

In early to mid-December 2022, attorney Gabriela Bischof sent the letter in question to NLG-SF Board Member, Jody LeWinter and Executive Director, Camille Perez Bustillo. After a brief investigation, Mr. Washington’s attorney, Ms. Bischof, was instructed to contact Emily Rose John, the supervisor of the SRJ Hotline. It is relevant that I mentioned that NLG-SF got approved to set up a confidential legal hotline for prisoners housed at Santa Rita Jail during the height of the COVID-19 pandemic. The purpose of this hotline is to provide prisoners with a safe and secure outlet to report civil and human rights abuses which occur at Santa Rita Jail. The whole purpose of establishing this safe conduit was to protect inmates not plot to have them harmed.

In a shocking turn of events, during a phone call between attorney Gabriela Bischof and SRJ Hotline Supervisor, Emily Rose John, Ms. Rose John admitted that the letter in question was, in fact, sent to an inmate at Santa Rita Jail by an NLG-SF staff member, though she would not disclose the name of that employee. Whether or not there is full disclosure of either party by NLG-SF most certainly does not shield NLG-SF from this Complaint nor does it shield them from the actionable tort claim I will be filing.

I implore the California State Bar to initiate a fact-finding investigation immediately.

Keith “Malik” Washington

2
2

EXHIBIT A & A-1
Letter from National Lawyers Guild
and
Letter from Rosen, Bien, Galvan & Grunfeld re Not a Babu Case Matter

~~Exhibit C~~



National Lawyers Guild
c/o Santa Rita Jail Hotline
558 Capp Street
San Francisco, CA 94110

conversations we began about organizing for social change, as they were meaningful to me, and I believe they are important. I apologize that I was unavailable to continue them as some of these logistical questions were getting figured out.

*Regarding your second question, we have been having some conversations about the person you and I discussed. It's important to share this information with the community. Copied below are the two articles we talked about.

Once you get a chance to read this letter and the attached articles, feel free to write back and perhaps we can find a time to check in via phone.

Sincerely,

~~██████████~~
~~██████████~~

Santa Rita Jail Hotline: (510) 925-4060

558 Capp Street
San Francisco, CA
94110

*YAHYA, NOTIFY ALL MUSLIM BROTHERHOOD
MEMBERS ABOUT THIS SNITCH IN OUR
RANKS. AMIR AL-MUKHAYEN
* ON SIGHT !!!*

Was the Bay View infiltrated by a 'rock star' informant?

November 3, 2021

by Bay View Editor Nube Brown

As the editor of this beautiful newspaper and in all my short years as an activist in the Prisoner Human Rights Movement, having received hundreds of letters from prisoners, this letter you're about to read from Bradley Barton was one I never anticipated nor imagined. In his pursuit of legal aid to help prove the illegalities of his case, Bradley Barton, caged in Texas, met fellow prisoner Keith Washington – the Bay View's former editor with whom we have severed our ties. Bradley has since come forward with his account of what transpired between them.

Through uncharted territory, we now present what we received, unsolicited and unaltered, and leave all of you to make your own determinations and come to your own conclusions.

As Nube – woman and mother – I was stunned into disbelief and deeply disturbed by this information. I have difficulty finding the words for how I feel even now.

But words I did have to find, as Bradley was taking his own personal and emotional risks and deserved a response. We believed Bradley from the start and had every intention of publishing his letter as requested, but we also needed the letter he referred to that had been written by Keith

~~Exhibit C~~



National Lawyers Guild
c/o Santa Rita Jail Hotline
558 Capp Street
San Francisco, CA 94110

Washington (aka Malik Washington, Comrade Malik) to make it solid. Over two months and a series of letters and JPays back and forth, we built trust and understanding.

One of Bradley's major concerns was would I sweep this under the rug, use him to get revenge, not caring about his situation, or dismiss him for the sake of "defending my man" based on information Bradley had gleaned from an earlier edition of the Bay View. That was a reasonable concern for Bradley, but it cut to the core of my being. Below are a few of my unedited responses to Bradley's concern asked in various ways:

"At the time I was counting on the best in Keith. I was trusting that he would be the man he said he was. My son was taking his time to accept Keith, so when I had to tell him that not only did Keith relapse, but also in anger grabbed me by the throat and pushed me against the wall and put me in danger in other ways, it was the most painful thing I've ever had to share with my son, who I am very close with.

"Keith proved to be all the things my son had feared. If for only that reason, I would never, ever go back to Keith. You don't know me, and I don't know you, so here it is a matter of intuitive trust. I am not the kind of woman to 'defend her man' over my principals, my values and certainly not over the emotional and spiritual integrity of my son, EVER!"

"Understand that Keith is the person I fell in love with, introduced my family to and put everything on the line for. Imagine for just a moment how much I don't want this to be true – for me and everyone who will be affected by this.

"I deserve to be allowed to be a human being in this process. While Keith may have done what you have claimed – it's only your word at this point – he is still a human being. If he has done what you claim – proven by the document, then I will feel the pain of watching him suffer the consequences from which he will not be able to save himself."

"What you say Keith did to you is the most egregious of betrayals – lying for one's own gain and to the detriment of a son losing his father can never be justified, excused or understood. Bradley, I am a mother with an only son. The thought that I have let someone into my life who is capable of doing what you claim is an emotional calamity."

Bradley Barton's first letter to the Bay View

Dear Mrs. Ratcliff,

[The only words removed are those opening the letter with an inquiry about the health of Bay View publishers Willie and Mary Ratcliff.] I hate to add further burden or stress to you concerning my situation, but I just don't know where else to turn without blowing this up and hopefully addressing this situation that both has directly caused my unjust incarceration and [is] undermining the cause y'all have supported for so long and indeed have that individual help run.

Exhibit C



National Lawyers Guild
c/o Santa Rita Jail Hotline
558 Capp Street
San Francisco, CA 94110

So, here's the thing: I've been incarcerated since I was 19. I just turned 32. I'm locked up under an infamously unjust law in Texas called the law of parties; in California y'all know it as the felony murder rule, which y'all's Legislature recently amended.

It's alive and well in Texas, though. When I was 19, a "friend" of mine robbed and shot someone who ultimately died. I was wrongly convicted as being a getaway driver to that robbery. And under that law I was held criminally responsible and given a life sentence.

I got convicted in 2010 and sent to the Texas Department of Criminal Justice (TDCJ) in December of that year. My conviction was and is rife with all types of illegalities, chief among them were/are the two main witnesses' lies.

Due to this, I dove straight into learning the law so I could have the proper tools to fight. And very shortly after my conviction, before I went to TDCJ, the witnesses themselves reached out to me saying they were willing to come forward.

Armed with that, I sought out a writ writer, which are the inmates well versed in the law, and that's when I met this guy named Keith Washington who told me he's a writ writing Muslim out of Baltimore locked up for robbing banks with notes.

So, after posing like he would help, I told him about what all the state did at my trial: the lies, the absurd accusations they made after trial, that I planned to harm the DA on my case and about the witnesses coming forward.

Little did I know what he actually was doing and who he actually was. He was taking all that and twisting it – as if a confession – and he wrote that same DA's office seeking to "earn parole" by feeding them that crap of lies.

The DA's office was desperate to have something like that to undermine a future attack on the conviction. So, they took this extraordinary step of sending one of their investigators to the prison to meet Keith, where he further fed them his lies. Among them he told them I threatened my witnesses into recanting their testimony.

Keith's letter states – in his writing – that he has a history of informing for the FBI and Texas OIG.

I, of course, did not know this at the time. I did not learn this until four years later, when I thought I was successfully challenging my conviction. I was floored and flabbergasted when they sent me the letter Keith wrote the DA and the investigator's report, and they said it should be credible because Keith told them details "only someone intimately involved would know" and because he told them about the witnesses before I challenged the conviction and "sure enough, they have now recanted."

~~Exhibit C~~



National Lawyers Guild
c/o Santa Rita Jail Hotline
558 Capp Street
San Francisco, CA 94110

But on top of this, Keith's letter states – in his writing – that he has a history of informing for the FBI and Texas OIG. And if he customized lies like that against me, I can only imagine what has been done to others.

So, when I ran across y'all's paper and seen him and his role in it, I was deeply saddened and depressed. Especially because y'all's cause is one we really need in our community, and situations like this only cause the other side to point and laugh.

Nonetheless, his evil, false, treacherous actions have caused my son to be fatherless, my mom to lose her son and countless other harms. It is outrageous he is on the platform he's on with these types of skeletons in his closet.

So, please tell me what to do. I do not want to expose this dude and embarrass him and by extension y'all's paper and by extension undermining y'all's cause, mission and message. But it's like Judas becoming an Apostle; it's crazy.

I look forward to hearing from you. Thank you for your time. And if you prefer, I can have someone contact you; just let me know.

Sincerely, Bradley Barton

Keith Washington's letter to the Harris County D.A.'s Office

C - POB SANTA RITA "AKA MALIK"

[In addition to the typed and lightly edited copy of the letter presented here, the handwritten original letter is also presented. See below.]

At one time, in the realm of intelligence gathering, I was viewed as a "rock star."

23 January 2011

To: ADA [Assistant District Attorney] Marcy McCorvey, Harris County D.A. Office

At one time, in the realm of intelligence gathering, I was viewed as a "rock star." I was respected by many. Now I am a nobody.

I give the authorities info and they pay no attention.

I'm not fighting for recognition; I am more interested in gaining back my credibility.

Drugs and alcohol have ravaged my life.

INFORMANT'S LETTER

~~Exhibit C~~



National Lawyers Guild
c/o Santa Rita Jail Hotline
558 Capp Street
San Francisco, CA 94110

One of your colleagues helped me get a 20-year non-ag sentence. However, there is still a light that burns inside me which says, "Do the right thing even if no one is watching."

Bradley Barton is really a conniving, wicked young man. I'm impressed by his intellect but sickened by his hatred and disregard for human life.

My talks with him have led me to believe that he orchestrated the murder of Miguel Figueroa. Barton's father was released from TDC[J] in 2009, I believe. Barton's father has a "significant other" who is a former TDC[J] guard, and they schooled "KB" Bradley how to manipulate the system.

The white female former guard has also promised to hook the younger Barton up with corrupt TDC[J] officers that work at other facilities – cell phone, weed, tobacco to Barton.

Special agent Matt Taylor – FBI Houston. I trust this man with my life.

However, the only reason I wrote is to warn you that Bradley has told me once he reaches his unit of assignment, he intends on having some of his "home boys" or possibly his father reach out and "touch" you.

I am willing to talk to you or other law enforcement officers, but I request one of the following three people be present.

Special agent Matt Taylor – FBI Houston. I trust this man with my life.

Texas OIG agent Joshua D. Lyons. We have butted heads in the past, but I trust and respect him.

Harris County Detective Dave Farrel, sheriff – good honest man!

Do I have a lawyer? Of course, I do. Do I want him present – NO!!

The fewer people that know about me helping you the better. You go home every night; as for me, I have to contend with these sick people in TDC[J] and things are getting worse – and the budget cuts hurt security and safety! I do not want Barton to be placed in the position where he can hurt innocent people.

~~Exhibit C~~



National Lawyers Guild
c/o Santa Rita Jail Hotline
558 Capp Street
San Francisco, CA 94110

Barton v. Davis CIVIL ACTION NO. H-15-0587 (S.D. Tex. Aug. 10, 2017)

indicated [that] the State forced her or tried to force her to testify to anything other than the truth."⁶⁷

⁶⁶ Affidavit of Facts Concerning Najih Jackson [Doc. # 57-7], at 53.

⁶⁷ *Id.*

The trial transcript shows that Barton questioned Jackson at length about the veracity of her testimony, the pending criminal charges against

⁷² *Id.* at 9-17; see also Letter to ADA Marcy McCorvey from inmate Keith Washington [Doc. # 57-9], at 19-22 (attached as Ex. A to the Affidavit of Steven Januhowski).

After considering the entire record, the state habeas corpus court found that the facts articulated in the affidavits from McCorvey, Logan, Clopton, Januhowski, and Craft were "true and credible."⁷³ Based on this evidence, the state habeas corpus court further found that there was "no agreement

Barton-v.-Davis-Footnote-72-re-Keith-Washington-ltr-to-ADA-McCorvey-in-Exhibit-A-Detective-Steven-Januhowski-affidavit-081017-in-case-file-1400x478, This letter, handwritten by Keith Washington to Assistant District Attorney Marcy McCorvey, is mentioned in this footnote to a ruling denying Bradley Barton's writ of habeas corpus. The entire ruling is online, at <https://casetext.com/case/barton-v-davis-2>, but the exhibits are not included. Keith's letter, attached in the case file as an exhibit to the affidavit of Detective Steven Januhowski, should be available from the court clerk.

What do I want? I'd like to be re-activated as a source for OIG.

Agent Lyons took good care of me when I worked for him in the past – on top of that, I have a lot of skills to bring to the table.

Ms. McCorvey, I don't play games. If you send some people to interview me, I will co-operate. Just don't be loose with my identity. It can be dangerous behind these walls for an informant. Please utilize tact and discretion.

I realize your job is to lock people up; however, I am a good man who could use another chance. I'm ready to be a productive member of society.

I asked Barton how he got Cansler to sign that affidavit. Barton said: "Look, that nigga (Cansler) is a Blood like me. I told that nigga that if he didn't clean this shit up that I was going to send word to the Homeys (other Bloods) to smash him on sight at whatever unit his bitch ass lands at!" End of quote.

Apparently, Barton, shooter McClain and Cansler were all simultaneously at Byrd Unit recently. Barton used this time to pressure his co-defendants into recanting their statements and testimony against him.

~~Exhibit C~~



National Lawyers Guild
c/o Santa Rita Jail Hotline
558 Capp Street
San Francisco, CA 94110

Barton is actively preparing his appeal, and a big part of his strategy is to intimidate and discredit the state's witnesses. However, the most audacious plan he has is to have Assistant District Attorney Marcy McCorvey murdered.

Barton is not aware of my co-operation with law enforcement. I offer my help and co-operation to Harris County D.A. office and Harris County sheriff as well as Texas OIG. My main goal is to earn parole.

Barton is very intelligent and extremely manipulative and potentially dangerous in my opinion.

Once this guy Barton reaches a TDC[J] unit, he will usurp, exploit and manipulate the mail and other means of communication with the outside world to orchestrate his plan. And believe me this young killer has a plan – I take his threat against Ms. McCorvey very serious and so should you!

I can't make you folks listen to me. I can only pass the information – please listen! If your men decide to visit me, I will elaborate on Barton's plan(s).

I will continue to glean as much intel as I can from Barton so as to thwart any attempts at harming Ms. McCorvey.

Barton is not aware of my co-operation with law enforcement. I offer my help and co-operation to Harris County D.A. office and Harris County sheriff as well as Texas OIG. My main goal is to earn parole.

OIG Agent Joshua D. Lyons is someone I trust and respect; please have him arrange the meet.

However, I also would like to rebuild my relationship with the law enforcement community in Houston and redeem myself from my past.

[Signature] Keith Washington

Please pick up the phone and call Darrington Unit, OIG office, but they may have already contacted you. – A Friend

Important – 1 February 2011

I have collected extremely detailed info from Barton concerning his plan to have ADA McCorvey harmed. I anonymously forwarded this intel to the OIG office at Darrington Unit where I am now housed. Please note: OIG Agent Joshua D. Lyons is someone I trust and respect; please have him arrange the meet.

~~Exhibit C~~

10



National Lawyers Guild
c/o Santa Rita Jail Hotline
558 Capp Street
San Francisco, CA 94110

23 January 2011

To: ADA Murray McCarvey
Harris County D.A. Office

At one time in the realm of intelligence gathering I was viewed as a 'Rock star'. I was respected by many. Now I am a nobody. I give the authorities info and they pay no attention. I'm not fighting for recognition I am more interested in gaining back my credibility.

Drugs and Alcohol have ravaged my life.

One of your colleagues helped me get a 20 year sentence. However, there is still a light that burns inside me which says "Do the right thing even if a gun is watching". Bradley Burton is really a promising young man. I'm impressed by his intellect but sickened by his hatred and disregard for human life.

My talks with him have led me to believe that he orchestrated the murder of Miguel Figueroa.

Burton's Father was released from TDC in such I believe. Burton's Father has a significant other who is a former TDC guard and they have schooled "KB" Bradley how to manipulate the system. The white female former guard has also promised to hook the younger Burton up with corrupt TDC officers that work at other facilities. Cell phone, weed, tobacco to Burton.

However the only reason I write is to warn you that Bradley has told me once he reaches his unit of assignment, he intends on having some of his "Home boys" or possibly his father to reach out and "Touch" you.



over →



National Lawyers Guild
c/o Santa Rita Jail Hotline
558 Capp Street
San Francisco, CA 94110

I am willing to talk to you or other Law Enforcement Officers but I request one of the following 3 people be present.

- 1.) Special Agent Matt Taylor - F.B.I. Houston
I trust this man with my life.
- 2.) Texas O.I.G. agent Joshua D. Lyons
we have battled heads in the past but
I trust and respect him.
- 3.) Harris County Detective Dave Firre |
Sheriff - smart honest man!

Do I have a lawyer?

Of course I do - Do I want him present - NO!!

The fewer people that know about me helping you the better. You go home every night as for me, I have to contend with these sick people in TDC and things are getting worse - and the budget cuts hurt security and safety!

I do not want Burton to be placed in the position where he can hurt innocent people.

What do I want?

I'd like to be re-activated as a "Source" for O.I.G. Agent Lyons took ~~and~~ good care of me when I worked for him in the past - on top of that, I have a lot of skills to bring to the table.

Mrs. McCreary I don't play games if you send some people to interview me I will cooperate.

Just don't be loose with my identity - it can be dangerous behind these walls for an informant.

Please utilize fact and discretion.

I realize your job is to ^(2.) look people up however I am a good man who could use another chance. I'm ready to be a productive member = smart!

~~Exhibit 6~~

12



National Lawyers Guild
c/o Santa Rita Jail Hotline
558 Capp Street
San Francisco, CA 94110

I asked Barton how he got Cansler to sign that
AFF. Davit Barton said "Look that nigger (Cansler) is a
Blood like me I told that nigger that if he didn't
clean this shit up that I was going to send word
to the Homeys (other Bloods) to smash him on sight
at what ever unit his bitch ass lands at!! end of
route.

Apparently, Barton, McClain, and Cansler were all
simultaneously at Byrd Unit recently. Barton used this
time to pressure his codefendants into recanting their
statements and Testimony against him. Barton is actively
preparing his Appeal and a big part of his strategy
is to intimidate and isolate the state witnesses.

However, the most audacious plan he has is to have
Assistant District Attorney Marcy McCovey Murdered.
Barton is very intelligent and extremely manipulative
and potentially Dangerous in my opinion.

Once this guy Barton reaches a T.D.C. Unit he will
usurp, exploit, and manipulate the mail and other
means of communication with the outside world to
orchestrate "his plan" and believe me this young Killer
has a plan. - I take his threat against
Ms. McCovey very serious and so should you!
I can't make you Folks listen to me I can
only pass the information - Please listen!

(3)

over ->

~~Exhibit C~~

13



National Lawyers Guild
c/o Santa Rita Jail Hotline
558 Capp Street
San Francisco, CA 94110

If ~~the~~ men decide to ⁽⁷⁾ visit me I will elaborate on Barton's Plan(s).

I will continue to glean as much intel as I can from Barton so to thwart any attempts at harming Ms. McCorvey.

Barton is not aware of my cooperation with law enforcement. I offer my help and cooperation to Harris County D.A. office and Harris County Sheriff as well as

Texas C.I.G. My main goal is to earn Parole.

However, I also would like to rebuild my relationship with the Law Enforcement community in Houston and redeem myself from my past.

A handwritten signature in cursive script, appearing to read "Keith Walker".

Please pick up the phone and call Darrington Unit - C.I.G. office - but they may have already contacted you. - A Friend

Important - 1 Feb 2011

I have collected extremely detailed info from Barton concerning his plan to have ADA McCorvey - Harmed.

I Anonymously Forwarded this intel to the C.I.G. office at Darrington Unit - where I am now housed. Please Note C.I.G. At Justice D. Lynn is someone I trust and respect. Please have any message the meet.

~~Exhibit C~~



National Lawyers Guild
c/o Santa Rita Jail Hotline
558 Capp Street
San Francisco, CA 94110

Above is the scanned letter written by Keith Washington to Assistant District Attorney Marcy McCorvey. Near the end, he writes, "My main goal is to earn parole." The letter apparently accomplished its purpose when he was released on parole. Did it also lead to law enforcement's goal of sending an informant to disrupt and destroy the San Francisco Bay View National Black Newspaper?

Bay View Editor Nube Brown is a New Afrikan, abolitionist and Liberate the Caged Voices columnist. She hosts Prison Focus Radio on KPOO 89.5 San Francisco and KPOO.com every Thursday 11:00 to noon and also broadcasts Bay View TV Breaking News on Instagram @sfbayview every weekday morning from 9:00 to 10:00 a.m. Connect with her at nube@sfbayview.com.

Historic note on a previous COINTELPRO attack on the Bay View

by former Bay View editor Mary Ratcliff

The FBI knows – and fears – the Bay View newspaper. Remember the FBI's Black August scam targeting the Bay View? On the eve of Aug. 1, 2016, a local TV reporter called to "warn" the Bay View that the FBI had been told that the Bay View was calling for the murder of cops and prison guards during Black August.

He said the FBI had issued an all-points bulletin – just like the one J. Edgar Hoover----- issued in 1969 proclaiming the Black Panther Party "the greatest threat to internal security of the country."

I had to laugh when I saw the letter. The FBI's evidence? A drawing we'd published by Heshima Jinsai of his cellmate Abdul Shakur's cartoon-like tattoo of a gorilla eating a pig. The upshot? Not a single cop or guard was murdered that month, so the scam evaporated, but the FBI's COINTELPRO-style bulletin declared open season on the Bay View for prison wardens and police departments around the country. And the statewide broadcast of that story claiming the Bay View was calling for a bloodbath poisoned the minds of viewers across California.

Little did I know that the FBI might be mounting a second attack when I received a jubilant letter from Keith Washington a couple of years ago. He announced that to his surprise he'd been granted parole. He said he had to serve a short time in federal prison and could then head to San Francisco to become the new editor of the Bay View.

While I'd been begging, especially after reaching my 80s, for readers to help find a new editor I could pass the torch to, I'd pictured someone with newspaper experience. Keith had none. But he seemed to be a competent writer, and he had an extensive following among prison movement activists. Having no alternative, I accepted his offer, and he arrived a year ago, on Sept. 3, 2020, to a warm welcome as the new Bay View editor.

~~Exhibit E~~



National Lawyers Guild
c/o Santa Rita Jail Hotline
558 Capp Street
San Francisco, CA 94110

Like Nube, I was shocked to read Bradley Barton's letter and even more shocked by Keith's letter to the assistant D.A. Had I allowed a professional informant to take over the SF Bay View National Black Newspaper? Fortunately, by then, Keith had been long gone from the editor's seat, having quit last spring, saying he didn't like the job and wanted to make more money.

Even more fortunately, Nube agreed to fill the editor's seat as soon as Keith left, and I'm confident that with your generous help and support, she'll join Ida B. Wells in the Black journalist pantheon. Please keep your loving arms around her as she recovers from this personal and professional calamity.

Looking back, I have to wonder whether Keith, a self-confessed FBI informant, had been directed to infiltrate the Bay View. Was that plan hatched when he "earned" parole by selling out Bradley Barton?

Will the FBI, having failed in 2016 to destroy the Bay View and perhaps having tried once more in this round, try again? I'm asking readers to alert us if you see or sense something brewing. I'm proud that the mighty power of the FBI has met its match in the tiny staff of the Bay View, strengthened by you, our army of readers.

Thank you!

On the Exposure of Malik Washington as a Rock Star Informant - Kevin Rashid Johnson
<https://redvoice.news/on-the-exposure-of-keith-malik-washington-as-a-rock-star-informant-2021/>
December 28, 2021

During November 2021 the San Francisco Bay View (SFBV) newspaper published an article about Keith "Malik" Washington and a 2011 letter in his handwriting that described him as having been a "rock star" informant for the FBI and Texas officials who wanted to be reinstated, and appealed to the Texas Inspector General's office to use him as a snitch against another prisoner in exchange for being granted parole.

A number of reactions to this exposure followed, some seeking exoneration of Keith, others condemning him, and yet others asking for a formal hearing to determine if, indeed, the letter was written by him. Many others have been silent, not knowing how to react.

As someone who had an on-and-off political relationship with Keith, and whom he named on occasion as a personal friend and inspiration to his own work (when he represented himself as a revolutionary), I think that it is important that I weigh in on this situation, and address a number of related issues. Also, many people, including the editors and publishers of SFBV with whom I've worked for years, have asked me to offer my views on the entire affair.

~~Exhibit E~~



National Lawyers Guild
c/o Santa Rita Jail Hotline
558 Capp Street
San Francisco, CA 94110

Comrades need guidance on how to address this situation – a confirmed informant in our midst is not a matter to be indecisive, silent, or to vacillate about. It's an antagonistic contradiction (a contradiction between the people and the enemy, not one among the people) and must be addressed as such.

MY HISTORY WITH KEITH

My first contact and involvement with Keith came in 2013, shortly after I was interstate transferred to the Texas prison system. My first day there I had several physical altercations with the pigs at the reception unit, where they cut my dreadlocks off by force while I was belly-chained, handcuffed, and leg-shackled, then transferred me to solitary confinement at the Estelle Unit in response to my resistance to their assault. I wrote about the experience in an article that was published in the SFBV.

Keith sent me a message stating he was a member of the New Afrikan Black Panther Party (NABPP) and had just been transferred away from Estelle Unit (he said he believed it was to keep us separated). I had no role in his NABPP recruitment, contrary to a recent statement full of spin and fabrications ghostwritten by Tom "The Great White Hoax" Watts, but claiming to come from the Central Committee of the NABPP. (1) I will respond to that statement elsewhere.

Keith expressed that he'd seen various articles and art of mine in SFBV newspapers, and opened a dialogue with me on the basis of the one I wrote about my experience at the Texas Department of Criminal Justice's (sic!) reception center and Estelle Unit. (2) Over the next 8 years we exchanged letters probably 7 times. He said he wrote me many other times but I never saw any of those letters.

At that time he called himself Optimus Prime, a name I rebuked as a caricature from bourgeois culture unfitting a revolutionary and especially a Panther.

As I continued work I'd been doing since 2004 of writing exposés on prison abuses and was involved in various prisoner support projects, I observed that Keith began writing prison exposés and involving himself in work patterned after my own. His prolific writings began appearing in the SFBV as well, beginning in latter 2013.

Because almost no one on the inside was writing to expose prison abuse to the public, I fully endorsed this aspect of Keith's work. Also, because I know and personally experience the repression that comes with such exposures, I believed he was sincere, and endorsed him to the point that I drew a portrait of him wearing a 'Panther' shirt and recommended his promotion to a leadership position in the NABPP.

As time went on I observed that his politics were "all over the place." Tom Watts had independently recruited him during 2009 while I was held incommunicado by the pigs, the very year the "Fusion Center" of Virginia State Police issued a report calling me a "domestic terrorist

~~Exhibit C~~



National Lawyers Guild
c/o Santa Rita Jail Hotline
558 Capp Street
San Francisco, CA 94110

threat" because of my prison abuse articles, which they said proved effective at turning the public against law enforcement. (3)

Tom, in his recent ghostwritten statement, claims I had a hand in recruiting Keith in 2009, which was a lie and impossible, since everyone who worked with and around me knew 2009 was the year I was kept incommunicado, and Tom was the only outside person who corresponded with prisoners involved with and interested in the NABPP.

So during and following 2015, I called on Tom repeatedly to see to Keith's political education as a Party member. Tom never followed through on this (nor gave anyone else political education for that matter), although he acknowledged the need and promised over and over to do so. In fact, Tom opened the door for anyone to join the NABPP under the so-called Hasan Shakur enrollment, calling on 1,000 prisoners to join the NABPP after the pigs in Texas executed Hasan, our Minister of Human Rights, in 2006. Tom independently initiated the enrollment campaign in defiance of my critique that such open recruitment practices were an error made by the original Black Panther Party, that "allowed raw elements to join who were not trained and prepared to lead a revolutionary movement, and offered no protection against infiltration by disruptive elements and enemy agents who would undermine the Party's ability to operate a high level of ideological, political, and practical unity." I wrote this warning critique in my 2006 article, "On the Roles and Characteristics of the Panther Vanguard Party and its Mass Organizations." (4)

I was interstate transferred to Indiana in 2018, where prisoners have use of GTL tablets, which allow them to use the phone inside their cells throughout the day. This allowed me to communicate directly with outside people as I had not been able to do in other prison systems.

SFBV editor Mary Ratcliff and I talked often and she came to share and ask my advice on various matters related to the paper. I tried to help her locate someone to succeed her as editor, which on account of her advanced age and being a 'white' editor of a Black newspaper, she had been struggling to do for years. She confided in me that she was impressed with the prisoner support work of Amani Sawari, so I appealed to Amani, with whom I was in contact, and was able to interest her in taking on the position of SFBV editor, which ultimately didn't pan out.

Some time later Mary shared with me that Keith was expected to make parole from Texas and had a brief federal sentence to complete, following which it was planned he'd move to San Francisco and come on as SFBV editor.

As I was able to read more and more of Keith's writings and positions he was taking in defiance of the NABPP's political line and efforts by me and others to correct him on those positions. I noted a particular opportunism in his political work and a tendency to frequently name drop, flatter, and align himself with anyone with name recognition (from government officials, to clergy, to political activists, and so on), who tended to lend him support or offer him a platform to promote himself. I raised these concerns within the NABPP.

~~Exhibit C~~



National Lawyers Guild
c/o Santa Rita Jail Hotline
558 Capp Street
San Francisco, CA 94110

KEITH IS RELEASED FROM PRISON

On September 3, 2020 Keith was released from prison and moved to SF. We spoke by phone a few times.

Before long he showed himself less and less interested in prison support work, and prison issues at all, and more interested in making money. He increasingly came off as someone who used the prison movement as a platform to bring attention and resources to himself while inside, which he no longer needed now that he was out. Hence his growing distance from everything related to it.

I expressed my concern to him. His response was avow his commitment to support me. I reminded him several times that his responsibility was to the people and to everyone he left behind who looked up to him as an example and those involved in political work, and that how he conducted himself reflected on us all. Whenever I called he'd increasingly beg off claiming to be busy but would ask if I needed money. I'd decline.

I expressed my misgivings to Mary and doubts about his seriousness as a SFBV editor.

Then came negative reports from Mary and Nube Brown (Keith's prior partner and present editor of SFBV), about his abusive behavior and relapse into drug addiction. At this point he began totally avoiding my calls and ignoring third party messages that we needed to talk. He apparently recognized that I was attempting to contact him with questions and criticisms. Both Mary and Nube also expressed the belief that he was avoiding me and felt it was because I was the one person in his orbit who saw him as he truly was and would confront him directly with my critiques. Mary also told me that I had been spot on in my misgivings about Keith, and that every one of them had proven correct.

I first heard news of the exposé on Keith being an informant after it had already gone to print in the SFBV. I'd just been returned to the VA prison system from Ohio. I then spoke to Mary. She and Nube wanted to tell me about the entire situation sooner and ask my input on how to handle it, she said, but didn't out of consideration for struggles I was involved with in Ohio. I was disappointed but not surprised.

I then had a comrade go onto Keith's social media pages to see what if any responses he'd made to the exposé. There were none. I had a comment posted on his Facebook page asking if he indeed wrote that 2011 letter (and stating that I was awaiting a copy of it). He did not reply. A few days later his Facebook page was deactivated.

MY VERDICT ON KEITH WASHINGTON

There are two sides in this struggle, that of the people and that of the enemy. The accusations against Keith, if true, place him firmly in the camp of the enemy, as an enemy of the people. I have not seen nor heard anywhere where he has denied writing that 2011 letter asking to be an

~~Exhibit C~~



National Lawyers Guild
c/o Santa Rita Jail Hotline
558 Capp Street
San Francisco, CA 94110

informant in exchange for parole (which is clearly in his handwriting and speech), nor otherwise being a rat, although he has both the intelligence and many platforms to do so. In fact, he has avoided pointed inquiries made to him on this, including from myself.

Under the circumstances I believe the evidence against Keith to be overwhelming, having received and read numerous handwritten letters from him, and where he has avoided responding to the exposure of the 2011 letter, So I think it is binding that he is and was, in fact, a rat and should be disavowed, ostracized, and in all respects treated accordingly.

After the czar was overthrown in the 1917 Russian Revolution and the revolutionaries opened the files of the secret police and old state, they were surprised to find many trusted comrades were enemy agents and spies. It is impossible to weed out and prevent all infiltrators, but when uncovered they must be purged without remorse. This is my verdict on Keith.

WAS NUBE VENTING SPITE?

I don't believe Nube published the exposé on Keith seeking revenge because their relationship went bad, as I have heard some have accused her. Given the nature of the issue and the evidence, she had a duty to do so. In fact, as Nube experienced his abuse and deterioration into drug addiction she shared the situation with me (since Keith and I had been members of the same party and he represented me as a close friend), asking my advice on how and if to reveal his abuse and indiscretions toward her, his betrayal of the movement, and so on. She repeatedly expressed concern with doing what was most correct politically as well as for his well-being.

Nube loved Keith. She sought to strike a principled balance between the interests of the people and the struggle, and responding to Keith, and therefore sought advice from others she believed had more political experience. Hers was obviously a difficult position on account of the heartbreak she endured, going public with her personal suffering and relationship, and being the burden bearer of the foul news about Keith, who many looked up to and for whom she'd helped build a support base while he was in and out of prison. Keith also proved adept at playing on people's sympathies. In the end she correctly saw her duty to the people as trumping any sentiments for Keith.

It is troubling as ever that Black and Brown women are frequently the target of vilification and ridicule when they speak out against abuse and corruption. It is a typical dynamic in class society – villainizing the victim; but more often in Amerika – portraying women of color as nursing grudges, angry, dangerous. This tendency spans the white liberal and left milieu and must be called what it is, prejudices of the privileged. There is both a class and racial basis to it; and it must be identified and struggled against.

The responsibility for what has come to pass lies at Keith's feet alone. He created this web and he ended up in its tangle. Such are the just deserts of those who, as Comrade George put it, "would sell their soul for a mess of pottage."

~~Exhibit C~~



National Lawyers Guild
c/o Santa Rita Jail Hotline
558 Capp Street
San Francisco, CA 94110

Dare to Struggle Dare to Win!

All Power to the People!

Endnotes:

Tom's article published on social media is entitled, "The Snake Rears its Head: Ten Years We Had A "Rock Star Informant" in the NABPP: Exposing Keith "Malik" Washington"

Kevin "Rashid" Johnson, "The Texas Department of Cowboy Justice: A Lawless Law Enforcement," 2013; <http://rashidmod.com/?p=856>

This report can be read on the Prison Legal News website.

<http://rashidmod.com/?p=2779>; this article also appears in both my books, *Defying The Tomb* and *Panther Vision*

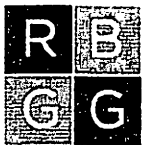
q. r. title
and subtitle
etc. etc.

page 1

title page
etc. etc.

~~EXHIBIT B~~

- Attach to State Bar Complaint



ROSEN BIEN
GALVAN & GRUNFELD LLP

P.O. Box 390
San Francisco, California 94104-0390
T: (415) 433-6830 • F: (415) 433-7104
www.rbgg.com
Adam Dean

December 7, 2022

CONFIDENTIAL – LEGAL MAIL

Keith Washington, UME239
Santa Rita County Jail
5325 Broder Boulevard
Dublin, CA 94568-3309

Re: *Babu, et al., v. County of Alameda, et al.*; 5:18-cv-07677
Our File No. 1378-03

Dear Mr. Washington:

This is in response to telephone calls on November 14, November 15, November 17, November 21, and December 1, 2022. This is also in response to your letter postmarked November 22 that we received on November 29. Lastly, this is in response to your letter filed in the US District Court for the Northern District of California dated November 17, 2022.

You reported that you are sick with COVID-19. We are sorry to hear this and hope you are recovering well. You also reported that it was difficult for you to receive testing to confirm your illness. We are concerned to hear this. Thank you for this information as it allows us to track the Jail's response to a recent increase in COVID-19 cases at the Jail.

You also reported a use of force incident in Housing Unit 2 on November 15, 2022. You wrote that a dozen deputies in tactical gear extracted people from their cells. Thank you for this information. We will request and review the documents for this incident.

* You also wrote regarding a letter sent to the Jail on the National Lawyers Guild's letterhead. At your direction we contacted your criminal attorney, Gabriela Bischof, and we understand she is addressing the issue on your behalf with the National Lawyers Guild. Please let us know if there are any further issues in the future.

CONFIDENTIAL – LEGAL MAIL

Keith Washington, UME239

December 7, 2022

Page 2

In your letter, you wrote about issues regarding access to religious meals at the Jail. We are sorry to hear this. But as we have previously responded, this issue is not covered by the *Babu* Consent Decree and we cannot assist you on this issue under the Consent Decree.

You also reported that you received access to clean linens. We are glad to hear this.

Take care.

Sincerely,

ROSEN BIEN
GALVAN & GRUNFELD LLP

/s/ Adam Dean

By: Adam Dean
Paralegal

AD:ad
Enclosures: SASE, writing paper

EXHIBIT B
Photo - Keith Washington



EXHIBIT C
Letter from Gabriela Bischoff

FEDERAL PUBLIC DEFENDER
NORTHERN DISTRICT OF CALIFORNIA
19TH FLOOR FEDERAL BUILDING - BOX 36106
450 GOLDEN GATE AVENUE
SAN FRANCISCO, CA 94102

JODI LINKER
Federal Public Defender
GABRIELA BISCHOF
Assistant Federal Public Defender

Telephone: (415) 436-7700
Fax: (415) 436-7706
Email: gabriela_bischof@fd.org

February 14, 2023

Dear Malik,

As we've discussed, on January 23, 2023, I spoke with EmilyRose Johns, who is on the Guild Executive Board, and connected to the Guild Santa Rita hotline, who has been investigating the letter sent to Santa Rita on National Lawyers Guild letterhead, that included articles and attachments outing you as an informant.

Ms. Johns confirmed that the letter was sent by a staff member in the NLG office to an inmate at Santa Rita Jail. She would not disclose which staff member sent the letter, or to which inmate it was sent. She noted that the letter appeared to have been copied because the handwriting on it does not match the handwriting of the inmate NLG sent the letter to.

Ms. Johns said that the NLG is taking action to address the situation in the form of changed policies and procedures, but would not say whether the employee has been terminated, whether any action has been taken against the employee specifically, and what specific policies and procedures were being changed and in what ways. She said she would contact me in one month to give me more information on the employee responsible and the policy changes being made.

Please reach out to me with any questions.

Sincerely,

/s

Gabriela Bischof
Assistant Federal Public Defender

EXHIBITS D & D-1

Article from Kevin Johnson – Exhibit D

Articles re William Epting, Inmate at Santa Rita Jail – Exhibit D-1

~~EXHIBIT B~~

3:22-CV-00002-CRD

Red Voice

ON THE EXPOSURE OF KEITH "MALIK" WASHINGTON AS A "ROCK STAR INFORMANT" (2021)

"It is impossible to weed out and prevent all infiltrators, but when uncovered they must be purged without remorse. This is my verdict on Keith."

Kevin Rashid Johnson
Dec 28, 2021 • 9 min read

Exhibit-B-1
3:22-cr-00002-CRB

CHAPTER FIFTY-NINE

Kevin Rashid Johnson's
Verdict

In November 1917, radical socialist Bolsheviks . . . seized power in Russia from a provisional government, establishing the world's first communist state. The imperial family was sent to live under house arrest in Siberia. In the late night or early morning hours of July 16-17, 1918, the imperial family (Czar Nicholas II, his wife Czarina Alexandria, their five children Olga, Tatiana, Maria, Anastasia, and Alexei) and four attendants were executed in Yekaterinburg, a city on the eastern side of the Ural Mountains.

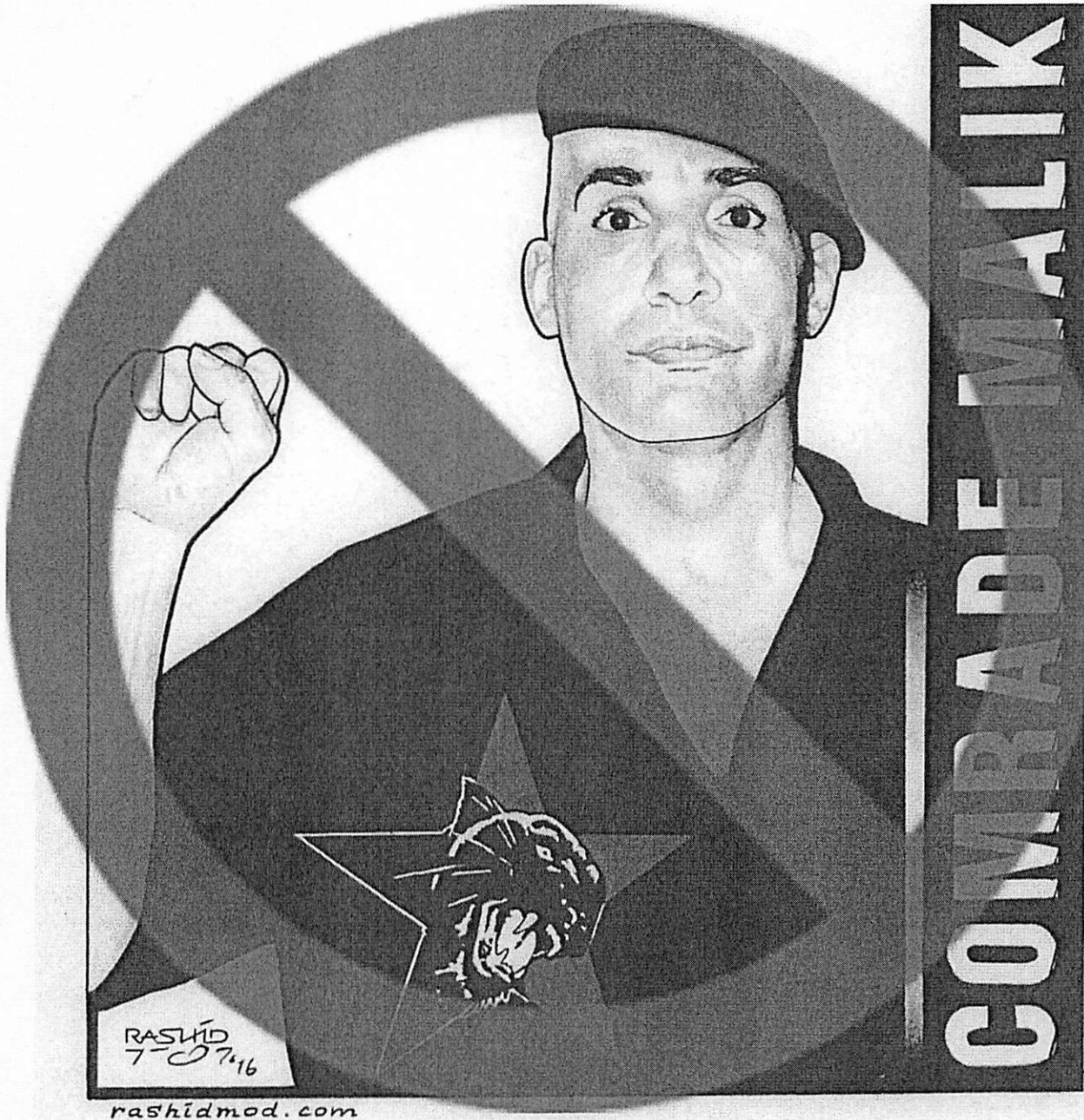
—History.com

KOSHER HALAL DIET
#20
IN FLOPPY

#20
KOSHER HALAL DIET

Byelovvyezh Hunting Lodge
Spala, Poland
1912

He appeared before her as he always did—long, filthy black hair, beard tangled and crusted with dried bits of food, his black robes slovenly.



By Kevin "Rashid" Johnson

During November 2021 the San Francisco Bay View (SFBV) newspaper published an article about Keith "Malik" Washington and a 2011 letter in his handwriting that described him as having been a "rock star" informant for the FBI and Texas officials who wanted to be reinstated, and appealed to the Texas Inspector General's office to use him as a snitch against another prisoner in exchange for being granted parole.

A number of reactions to this exposure followed, some seeking exoneration of Keith, others condemning him, and yet others asking for a formal hearing to determine if, indeed, the letter was written by him. Many others have been silent, not knowing how to react.

As someone who had an on-and-off political relationship with Keith, and whom he named on occasion as a personal friend and inspiration to his own work (when he represented himself as a revolutionary), I think that it is important that I weigh in on this situation, and address a number of related issues. Also, many people, including the editors and publishers of SFBV with whom I've worked for years, have asked me to offer my views on the entire affair.

Comrades need guidance on how to address this situation – a confirmed informant in our midst is not a matter to be indecisive, silent, or to vacillate about. It's an antagonistic contradiction (a contradiction between the people and the enemy, not one among the people) and must be addressed as such.

MY HISTORY WITH KEITH

My first contact and involvement with Keith came in 2013, shortly after I was interstate transferred to the Texas prison system. My first day there I had several physical altercations with the pigs at the reception unit, where they cut my dreadlocks off by force while I was belly-chained, handcuffed, and leg-shackled, then transferred me to solitary confinement at the Estelle Unit in response to my resistance to their assault. I wrote about the experience in an article that was published in the SFBV.

Keith sent me a message stating he was a member of the New Afrikan Black Panther Party (NABPP) and had just been transferred away from Estelle Unit (he said he believed it was to keep us separated). I had no role in his NABPP recruitment, contrary to a recent statement full of spin and fabrications ghostwritten by Tom "The Great White Hoax" Watts, but claiming to come from the Central Committee of the NABPP. (1) I will respond to that statement elsewhere.

Keith expressed that he'd seen various articles and art of mine in SFBV newspapers, and opened a dialogue with me on the basis of the one I wrote about my experience at the Texas Department of Criminal Justice's (sic!) reception center and Estelle Unit. (2) Over

the next 8 years we exchanged letters probably 7 times. He said he wrote me many other times but I never saw any of those letters.

At that time he called himself Optimus Prime, a name I rebuked as a caricature from bourgeois culture unfitting a revolutionary and especially a Panther.

As I continued work I'd been doing since 2004 of writing exposés on prison abuses and was involved in various prisoner support projects, I observed that Keith began writing prison exposés and involving himself in work patterned after my own. His prolific writings began appearing in the SFBV as well, beginning in latter 2013.

Because almost no one on the inside was writing to expose prison abuse to the public, I fully endorsed this aspect of Keith's work. Also, because I know and personally experience the repression that comes with such exposures, I believed he was sincere, and endorsed him to the point that I drew a portrait of him wearing a 'Panther' shirt and recommended his promotion to a leadership position in the NABPP.

As time went on I observed that his politics were "all over the place." Tom Watts had independently recruited him during 2009 while I was held incommunicado by the pigs, the very year the "Fusion Center" of Virginia State Police issued a report calling me a "domestic terrorist threat" because of my prison abuse articles, which they said proved effective at turning the public against law enforcement. (3)

Tom, in his recent ghostwritten statement, claims I had a hand in recruiting Keith in 2009, which was a lie and impossible, since everyone who worked with and around me knew 2009 was the year I was kept incommunicado, and Tom was the only outside person who corresponded with prisoners involved with and interested in the NABPP.

So during and following 2015, I called on Tom repeatedly to see to Keith's political education as a Party member. Tom never followed through on this (nor gave anyone else political education for that matter), although he acknowledged the need and promised over and over to do so. In fact, Tom opened the door for anyone to join the NABPP under the so-called Hasan Shakur enrollment, calling on 1,000 prisoners to join the NABPP after the pigs in Texas executed Hasan, our Minister of Human Rights, in 2006. Tom independently initiated the enrollment campaign in defiance of my critique that such open

recruitment practices were an error made by the original Black Panther Party, that "allowed raw elements to join who were not trained and prepared to lead a revolutionary movement, and offered no protection against infiltration by disruptive elements and enemy agents who would undermine the Party's ability to operate a high level of ideological, political, and practical unity." I wrote this warning critique in my 2006 article, "On the Roles and Characteristics of the Panther Vanguard Party and its Mass Organizations." (4)

I was interstate transferred to Indiana in 2018, where prisoners have use of GTL tablets, which allow them to use the phone inside their cells throughout the day. This allowed me to communicate directly with outside people as I had not been able to do in other prison systems.

SFBV editor Mary Ratcliff and I talked often and she came to share and ask my advice on various matters related to the paper. I tried to help her locate someone to succeed her as editor, which on account of her advanced age and being a 'white' editor of a Black newspaper, she had been struggling to do for years. She confided in me that she was impressed with the prisoner support work of Amani Sawari, so I appealed to Amani, with whom I was in contact, and was able to interest her in taking on the position of SFBV editor, which ultimately didn't pan out.

Some time later Mary shared with me that Keith was expected to make parole from Texas and had a brief federal sentence to complete, following which it was planned he'd move to San Francisco and come on as SFBV editor.

As I was able to read more and more of Keith's writings and positions he was taking in defiance of the NABPP's political line and efforts by me and others to correct him on those positions. I noted a particular opportunism in his political work and a tendency to frequently name drop, flatter, and align himself with anyone with name recognition (from government officials, to clergy, to political activists, and so on), who tended to lend him support or offer him a platform to promote himself. I raised these concerns within the NABPP.

KEITH IS RELEASED FROM PRISON

On September 2, 2020 Keith was released from prison and moved to SF. We spoke by

phone a few times.

Before long he showed himself less and less interested in prison support work, and prison issues at all, and more interested in making money. He increasingly came off as someone who used the prison movement as a platform to bring attention and resources to himself while inside, which he no longer needed now that he was out. Hence his growing distance from everything related to it.

I expressed my concern to him. His response was avow his commitment to support me. I reminded him several times that his responsibility was to the people and to everyone he left behind who looked up to him as an example and those involved in political work, and that how he conducted himself reflected on us all. Whenever I called he'd increasingly beg off claiming to be busy but would ask if I needed money. I'd decline.

I expressed my misgivings to Mary and doubts about his seriousness as a SFBV editor.

Then came negative reports from Mary and Nube Brown (Keith's prior partner and present editor of SFBV), about his abusive behavior and relapse into drug addiction. At this point he began totally avoiding my calls and ignoring third party messages that we needed to talk. He apparently recognized that I was attempting to contact him with questions and criticisms. Both Mary and Nube also expressed the belief that he was avoiding me and felt it was because I was the one person in his orbit who saw him as he truly was and would confront him directly with my critiques. Mary also told me that I had been spot on in my misgivings about Keith, and that every one of them had proven correct.

I first heard news of the exposé on Keith being an informant after it had already gone to print in the SFBV. I'd just been returned to the VA prison system from Ohio. I then spoke to Mary. She and Nube wanted to tell me about the entire situation sooner and ask my input on how to handle it, she said, but didn't out of consideration for struggles I was involved with in Ohio. I was disappointed but not surprised.

I then had a comrade go onto Keith's social media pages to see what if any responses he'd made to the exposé. There were none. I had a comment posted on his Facebook page asking if he indeed wrote that 2011 letter (and stating that I was awaiting a copy of it). He

did not reply. A few days later his Facebook page was deactivated.

MY VERDICT ON KEITH WASHINGTON

There are two sides in this struggle, that of the people and that of the enemy. The accusations against Keith, if true, place him firmly in the camp of the enemy, as an enemy of the people. I have not seen nor heard anywhere where he has denied writing that 2011 letter asking to be an informant in exchange for parole (which is clearly in his handwriting and speech), nor otherwise being a rat, although he has both the intelligence and many platforms to do so. In fact, he has avoided pointed inquiries made to him on this, including from myself.

Under the circumstances I believe the evidence against Keith to be overwhelming, having received and read numerous handwritten letters from him, and where he has avoided responding to the exposure of the 2011 letter. So I think it is binding that he is and was, in fact, a rat and should be disavowed, ostracized, and in all respects treated accordingly.

After the czar was overthrown in the 1917 Russian Revolution and the revolutionaries opened the files of the secret police and old state, they were surprised to find many trusted comrades were enemy agents and spies. It is impossible to weed out and prevent all infiltrators, but when uncovered they must be purged without remorse. This is my verdict on Keith. - see Exhibit B-1

WAS NUBE VENTING SPITE?

I don't believe Nube published the exposé on Keith seeking revenge because their relationship went bad, as I have heard some have accused her. Given the nature of the issue and the evidence, she had a duty to do so. In fact, as Nube experienced his abuse and deterioration into drug addiction she shared the situation with me (since Keith and I had been members of the same party and he represented me as a close friend), asking my advice on how and if to reveal his abuse and indiscretions toward her, his betrayal of the movement, and so on. She repeatedly expressed concern with doing what was most correct politically as well as for his well-being.

Nube loved Keith. She sought to strike a principled balance between the interests of the people and the struggle, and responding to Keith, and therefore sought advice from others

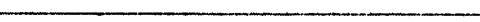
she believed had more political experience. Hers was obviously a difficult position on account of the heartbreak she endured, going public with her personal suffering and relationship, and being the burden bearer of the foul news about Keith, who many looked up to and for whom she'd helped build a support base while he was in and out of prison. Keith also proved adept at playing on people's sympathies. In the end she correctly saw her duty to the people as trumping any sentiments for Keith.

It is troubling as ever that Black and Brown women are frequently the target of vilification and ridicule when they speak out against abuse and corruption. It is a typical dynamic in class society – villainizing the victim; but more often in Amerika – portraying women of color as nursing grudges, angry, dangerous. This tendency spans the white liberal and left milieu and must be called what it is, prejudices of the privileged. There is both a class and racial basis to it; and it must be identified and struggled against.

The responsibility for what has come to pass lies at Keith's feet alone. He created this web and he ended up in its tangle. Such are the just deserts of those who, as Comrade George put it, "would sell their soul for a mess of pottage."

Dare to Struggle Dare to Win!

All Power to the People!



Endnotes:

1. Tom's article published on social media is entitled, "The Snake Rears its Head: Ten Years We Had A "Rock Star Informant" in the NABPP: Exposing Keith "Malik" Washington"
2. Kevin "Rashid" Johnson, "The Texas Department of Cowboy Justice: A Lawless Law Enforcement," 2013; <http://rashidmod.com/?p=856>
3. This report can be read on the Prison Legal News website.
4. <http://rashidmod.com/?p=2779>; this article also appears in both my books, *Defining the South and South America*

Sign up for more like this.

Enter your email

Subscribe



Criticism & Self-Criticism Within The Revolutionary Intercommunal Black Panther Party (RIBPP): Why And How We Practice It (May 2022)

"Opening ourselves up to criticism will ultimately win the trust and confidence of the people. The trust and confidence of the people will be necessary to build relationships and carry out the tasks we will take on while working towards a socialist and ultimately communist future."

Shupavu wa Kirima

Jun 6, 2022 • 4 min read

Ex-deputies to stand trial for alleged assaults on inmates at Santa Rita Jail

Uploaded: Mon, Apr 22, 2019, 11:17 pm 0
Time to read: about 2 minutes

A judge last week ordered two former Alameda County sheriff's deputies to stand trial on multiple felony charges alleging that they directed inmates at the Santa Rita Jail in Dublin to spray feces and urine on other inmates that the deputies didn't like.

At the end of a four-day preliminary hearing for Justin Linn, 25, of Tracy, and Erik McDermott, 28, of Concord, Alameda County Superior Court Judge Morris Jacobson also ruled that prosecutors produced sufficient evidence to have them stand trial on one felony count of dissuading a witness for allegedly trying to intimidate an inmate who blew the whistle on them.

"There is pervasive evidence that they (Linn and McDermott) worked together for the common purpose of intimidating witnesses by gassing," referring to the practice of spray people with feces and urine, Jacobson said.

Jacobson said evidence at the hearing indicated Linn and McDermott coerced William Epting, 51, who has two voluntary manslaughter convictions and now faces a murder charge for a fatal shooting in Oakland two years ago, and convicted child molester James Duckett, 35, to gas five inmates the deputies didn't like.

Duckett was sentenced to 261 years to life in prison last year for sexually assaulting his stepdaughter when she was only 9 years old, and an adult woman in incidents in San Leandro and Oakland in 2012 and 2013.

The dissuading a witness allegation is based on testimony by current inmate Shane Woodcock, who worked as a cleaner at the jail, that Linn and

McDermott asked him to tell inmate Ruben Febo's fellow gang members that Febo was a snitch after Febo sent a letter to authorities about the alleged wrongdoing by the two deputies.

One of the alleged victims is former inmate Fernando Soria, 48, who testified that McDermott and Linn opened his cell door and allowed Epting to gas him.

Woodcock said McDermott and Linn facilitated "numerous" gassing attacks by Epting on Soria and other inmates.

Woodcock said McDermott and Linn nicknamed Epting "The Preacher" and described the gassing attacks as "spreading the gospel" and "crappuccinos."

He also said McDermott and Linn gave Epting special treatment by frequently allowing him out of his cell, giving him extra food and giving him supplies for gassing, such as plastic gloves, bags and gray bins.

Linn and McDermott, who no longer work for the department, are scheduled to return to court on April 29 to have their trial date set. They're both free on \$320,000 bail.

Co-defendants Sarah Krause, 27, and Stephen Sarcos, 32, also are charged in the case but face less serious allegations. At the end of their preliminary hearing last October, Jacobson ordered them to stand trial on a single felony assault charge.

<https://www.pleasantonweekly.com/news/2019/04/22/ex-deputies-to-stand-trial-for-alleged-assaults-on-inmates-at-santa-rita-jail>

Convicted Killer Refuses To Testify At Hearing For Two Ex-Deputies

April 10, 2019

OAKLAND (BCN)

A convicted two-time killer who allegedly was directed by two Alameda County sheriff's deputies to spray feces and urine on a fellow inmate at the Santa Rita Jail in Dublin in 2016 refused to testify at their preliminary hearing on Wednesday.

William Epting, 51, invoked his Fifth Amendment right not to incriminate himself when he was called to the witness stand in the preliminary hearing for Justin Linn, 25, of Tracy, and Erik McDermott, 28, of Concord, who are charged with felony assault by a public officer, dissuading a witness by force or threat and conspiracy to obstruct justice.

The charges stem from alleged attacks on multiple inmates at Santa Rita in 2016.

Epting, who was shackled and dressed in a red jail uniform, refused to testify even after Alameda County Superior Court Judge Morris Jacobson told him he was being granted "use immunity" that would prevent having his testimony used against him.

Jacobson said Epting appeared to be in contempt of court because he doesn't have the power to invoke his Fifth Amendment right when he doesn't face any legal jeopardy for testifying.

But Jacobson put Epting's matter over until Monday to see if he changes his mind about testifying.

Epting was convicted of voluntary manslaughter in both 1990 and 1991 for killing two people and currently is charged with murder with special circumstances for allegedly fatally shooting 51-year-old Edgar Trammel in the 2700 block of 75th Avenue in Oakland at about 11:30 a.m. on July 22, 2017.

He faces a preliminary hearing in that case on May 15.

Former inmate Fernando Soria, 48, testified on Tuesday that McDermott and Linn opened his cell door and allowed Epting to spray him with feces and urine, a practice known as "gassing."

Current inmate Shane Woodcock testified on Tuesday and Wednesday that McDermott and Linn facilitated "numerous" gassing attacks by Epting on Soria and other inmates.

Woodcock, who worked as a cleaner at the jail, said McDermott and Linn jokingly called Epting "The Preacher" and described the gassing attacks as "spreading the gospel" and "crappuccinos."

He also said McDermott and Linn gave Epting special treatment by frequently allowing him out of his cell, giving him extra food and giving him supplies for gassing, such as plastic gloves, bags and gray bins.

Woodcock said the treatment Epting received was unusual and McDermott and Linn described him as "our boy."

Woodcock testified that after inmate Ruben Febo sent a letter to authorities about alleged wrongdoing by McDermott and Linn the two deputies asked him to tell Febo's fellow gang members that Febo was a snitch but Woodcock said he refused to do so.

After Epting left court today prosecutor Tim Wagstaffe told Jacobson he wanted to put on the record that when Epting left the witness stand he appeared to say, "Tell Soria I'm sorry but they made me do it," and apparent reference to McDermott and Linn.

The hearing for McDermott and Linn, who no longer work for the sheriff's office, will resume on Thursday and is expected to last at least until next Monday.

At the end of the hearing Jacobson will decide if prosecutors produced sufficient evidence against McDermott and Linn to have them stand trial.

At the end of a short preliminary hearing last October for co-defendants Sarah Krause, 27, and Stephen Sarcos, 32, who face less serious allegations, Jacobson ordered them to stand trial on a single felony assault charge.

<https://www.sfgate.com/news/bayarea/article/Convicted-Killer-Refuses-To-Testify-At-Hearing-13758059.php>

Copyright © 2019 by Bay City News, Inc. Republication, Rebroadcast or any other Reuse without the express written consent of Bay City News, Inc. is prohibited.

‘They made me do it’: Ex-Alameda County deputies to stand trial for inmate feces-throwing

Justin Linn and Erik McDermott held to felony charges



Alameda County Sheriff’s Deputy Justin Linn, center, walks out of a court room at the East County Hall of Justice on Tuesday, Sept. 5, 2017, in Dublin, Calif. The Alameda County District Attorney’s Office has filed felony charges against four Alameda County Sheriff’s Deputies who worked at the the Santa Rita Jail in Dublin. (Aric Crabb/Bay Area News Group)

By [ANGELA RUGGIERO](#) |

PUBLISHED: April 16, 2019 at 2:23 p.m. | UPDATED: April 16, 2019 at 4:46 p.m.

OAKLAND — Two Alameda County sheriff’s deputies accused of ordering inmates to spray human waste on other inmates will be tried on felony charges, a judge ordered on Monday.

Former deputies Justin Linn and Erik McDermott face several charges each of assault under the color of authority and witness intimidation that stem from 2016 allegations at the Santa Rita County Jail in Dublin.

Alameda County Superior Court Judge Morris Jacobson also held both defendants on the charge of having allegedly choked an inmate to unconsciousness — previously only McDermott had been charged.

The deputies are alleged to refer to the throwing of feces and urine as “spreading the gospel,” or nicknamed them “crappuccinos,” one inmate testified. The term for the waste-throwing is commonly called “gassing” in the county jail.

Judge Jacobson said that he listened carefully to what the witnesses described as a pattern of behavior between Linn and McDermott.

“[Linn and McDermott were] acting in concert together with a common goal in abusing these inmates while on duty,” the judge said.

Last week, a victim inmate testified to the details of when he was awakened by McDermott and Linn in his cell. He remembers being choked from behind, and passing out, McDermott’s face in front of him. Her said he remembered hearing Linn’s voice from behind him, saying something along the lines of “I got you little b****.”

Taking a big pause and getting emotional on the witness stand, he told prosecutor Tim Wagstaffe that when he woke up later, he saw that there was blood on his underwear. He found that he was bleeding from his buttocks area — indicating a potential sexual assault.

“I just know it was wrong,” the man said.

The Alameda County District Attorney's Office has not filed any sexual assault-related charges against the deputies, nor did Judge Jacobson add any in relation to the statement.

One of the inmates who the deputies allegedly used to facilitate the attacks against other inmates who were giving them problems, or were being combative, was [William Epting](#), known as "Preacher." Epting is currently in jail awaiting trial on murder charges.

As he was leaving the courtroom last week, he said to no one in particular, "Tell Soria I'm sorry. They made me do it."

He testified Monday that he was ordered by the deputies to "gas" [Fernando Soria](#) about three times. Soria, who at times said he was confused by the attorney's questions on the witness stand, estimated it was up to eight times that he was gassed.

Soria testified that "Preacher" gassed him by using a shampoo bottle filled with fecal and urine matter, and threw it on him through a cubby portal of his cell door — a slot typically used to give inmates their food.

Although Judge Jacobson did drop some charges against the two former deputies, including conspiracy to obstruct justice, the judge added additional counts of felony assault under the color of authority for victim Soria, inmate [Robert Brown](#) and another inmate, Ruben Febo.

Febo is said to have sent a letter to authorities that started the investigation into the actions of the deputies. In a letter he sent to this news organization in 2017, he detailed the allegations and general culture of the jail.

"These specific deputies ... aren't guilty of creating this practice, rather guilty of being a part of a frat house style loosely ran organization of criminal cops in this jail who target the mental inmates or weird inmates for fun and thrills," Febo wrote.

Another inmate and key witness, Shane Woodcock, testified that after word got around about Febo's letter, he was told by the defendants to spread the word that Febo was a snitch, which he refused to do.

Febo said in his letter that he was constantly in fear for his safety, health and property.

The two defendants are expected to appear in court at the end of the month for an arraignment on their charges.

<https://www.timesheraldonline.com/2019/04/16/they-made-me-do-it-ex-alameda-county-deputies-to-stand-trial-for-inmate-feces-throwing/>