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Superior Court of California
County of Mendocino

By: 
J. Lozano
Deputy Clerk

9 Attorneys for Plaintiffs EZEKIAL FLATTEN,
10 WILLIAM KNIGHT, CHRIS GURR and
11 ANN MARIE BORGES

12
13
14 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
15 **IN AND FOR THE COUNTY OF MENDOCINO**

16
17 EZEKIAL FLATTEN, WILLIAM KNIGHT,
18 CHRIS GURR and ANN MARIE BORGES,

Case No: 21CV00588

19 Plaintiffs,

COMPLAINT FOR DAMAGES

v.

20 BRUCE SMITH, STEVE WHITE and DOES
21 1-50, inclusive.

JURY TRIAL DEMANDED

22 Defendants.

1 INTRODUCTION

2 1. Although RICO (18 United States Code sections 1961 – 1968) is a federal
3 statutory scheme, it is well settled that state courts have concurrent jurisdiction with federal courts
4 over alleged violations of the civil provisions of RICO. *Cianci v Superior Court*, 40 Cal. 3d 903,
5 910-916 (1985). The elements of a civil RICO claim include (1) conduct that harms plaintiff's
6 business or property; (2) in connection with an enterprise that affects interstate commerce; and (3)
7 a pattern of racketeering activity. *Gervase v Superior Court*, 31 Cal. App. 4th 1218, 1228-1234
8 (1995)
9

10 2. RICO applies to both private and government entities generally and includes law
11 enforcement activities. *Diaz v Gates*, 420 F.3d 897 (9th Cir. 2005) (en banc); *U.S. v Thompson*,
12 685 F. 2d 993 (6th Cir. 1982) (en banc). It is one of few civil remedies available for citizens to
13 challenge government corruption. In this case, the government officials responsible for acting as
14 the checks and balances on corrupt police practices authorized, encouraged and/or condoned
15 those activities.
16

17 3. In Mendocino County certain corrupt law enforcement officers are above the law
18 because the Sheriff's Office and the District Attorney's Office have given officers the green light
19 to steal marijuana, guns and cash under color of law. At least some of the local judges have been
20 willfully blind to unlawful conduct by local law enforcement that is common knowledge among
21 many in the community. According to Wikipedia Mendocino County has a population of less
22 than 90,000 residents, and one-third of the local economy centers around marijuana.
23

24 4. In *Boyle v. United States*, 556 U.S. 938 (2009) the U.S. Supreme Court clarified
25 the broad range of organized, repeated criminal activities which could be caught in the net of the
26 Racketeer Influenced and Corrupt Organizations Act codified at 18 U.S.C §§ 1961-1968 and
27 popularly known as RICO. Petitioner Boyle was convicted of violating the RICO provision
28

1 forbidding “any person ... associated with any enterprise engaged in, or the activities of which
2 affect, interstate or foreign commerce, to conduct or participate, directly or indirectly, in the
3 conduct of such enterprise’s affairs through a pattern of racketeering activity,” 18 U.S.C.
4 §1962(c). 18 U.S.C. 1962(d) provides: “It shall be unlawful for any person to conspire to violate
5 any of the provisions of subsection. . .(c) of this section.”
6

7 5. The Complaint instanter alleges a long standing and continuing RICO conspiracy
8 involving law enforcement officers in Mendocino County and surrounding jurisdictions
9 conducting the affairs of an enterprise including the Mendocino County Sheriff’s Department and
10 the Mendocino County District Attorney’s Office through a pattern of racketeering activity
11 consisting of extortion to obtain marijuana, guns and cash from victims in possession of
12 marijuana (18 U.S.C. §1951) by unlawfully searching their residences, stopping, detaining
13 Plaintiffs and hundreds of other victims, committing robbery, obstruction of justice, (18 U.S.C.
14 §1512) money laundering (18 U.S.C. §1956), tax evasion (26 U.S.C. §7201), and structuring
15 currency transactions to evade the currency transaction reporting requirement (31 U.S.C. §5313).
16

17 6. The RICO statute begins with a list of predicate offenses constituting “racketeering
18 activity” in 18 U.S.C. 1961(1) and provides that a “pattern of racketeering activity’ requires at
19 least two acts of ‘racketeering activity,’ one of which occurred after [1970] and the last of which
20 occurred within ten years . . . after the commission of a prior act of racketeering activity.” 18
21 U.S.C. §1961(1) “racketeering activity” includes defendants’ and their co-conspirators’
22 obstruction of justice (18 U.S.C. §1512), extortion (18 U.S.C. §1951), money laundering (18
23 U.S.C. §1956) and tax evasion (26 U.S.C. §7201).
24

25 7. Petitioner Boyle challenged the definition of the “association-in-fact” enterprise in
26 18 U.S.C. §1961(4). Boyle and others participated in a series of bank thefts in New York, New
27 Jersey, Ohio and Wisconsin. The participants included a core group, along with others who were
28

1 recruited from time to time. Although the participants sometimes attempted bank vault burglaries
2 and bank robberies, the group usually targeted cash-laden night deposit boxes. The group was
3 loosely and informally organized. It did not appear to have had a leader or hierarchy; nor did it
4 appear that the participants ever formulated any long-term master plan or agreement. The *Boyle*
5 Court noted that “[c]ommon sense suggests that the existence of an association-in-fact is
6 oftentimes more readily proven by what it does, rather than by abstract analysis of its structure.”
7

8 The *Boyle* Court held that:

9 From the terms of RICO, it is apparent that an association-in-fact enterprise must
10 have at least three structural features: a purpose, relationship among those
11 associated with the enterprise, and longevity sufficient to permit these associates to
12 pursue the enterprise’s purposes.

12 8. As will be shown in detail below, defendants Bruce Smith and Steve White and
13 their co-conspirators Tom Allman – Sheriff of Mendocino County, Randy Johnson – Undersheriff
14 of Mendocino County, David Eyster – District Attorney of Mendocino County, and Rohnert Park
15 police officers Jacy Tatum and Joseph Huffaker conducted and conspired to conduct the affairs of
16 the Mendocino County District Attorney’s Office and Sheriff’s Office through a pattern of
17 racketeering activity including hundreds of acts of extortion, theft and robbery of marijuana, guns
18 and cash, obstruction of justice, money laundering and tax evasion. In the guise of enforcing the
19 law defendants and their co-conspirators extorted tons of marijuana, stole millions of dollars and
20 hundreds of guns and laundered the proceeds, committing tax evasion and structuring currency
21 transactions to evade detection. They obtained hundreds of search warrants and destroyed and
22 impounded some of the marijuana, cash and guns to maintain the façade that they were enforcing
23 the law to conceal their ongoing pattern of racketeering activity.
24
25

26 BACKGROUND

27 9. Mendocino, Trinity and Humboldt Counties have been known for more than half a
28 century as “the emerald triangle” for the production of cannabis. Thousands of tons of cannabis

