

Yellow Light Perjury
by
Theodore A.P. Golden, M.D.

Yellow Light Perjury is about the power of the police state against a little nobody when the stakes are small. It is the Bloomfield Township Police Department abusing me when I ran a yellow light. It is about how Officer James Gallagher's small lie could corrupt so many above him. *Yellow Light Perjury* exposes leadership deficiencies that resulted in the tragic article [*Who Killed Officer Gary Davis?*](#), which led to Jeffrey Werner's resignation as the Chief of the Bloomfield Township Police Department.

What is worse, entering an intersection on a yellow light or the arresting police officer committing perjury in order to obtain a yellow light conviction?

What is the truth? What is a lie? Who will lie? Why? In the early 1980s I was the co-executor of my father's estate, and the local bank was the other co-executor. The bank was to do all of the work and give me copies of their work. I was given a copy of a canceled check that the bank wrote to pay an expense. Something was missing on the check. The date had been sloppily erased on the copy. I notified the bank that one of the bank employees whited out the date. The president of the bank was concerned and wanted to speak to me in person about the matter. He told me to bring the copy of the canceled check to a meeting with him. After I showed the bank president the altered copy he stated that no one at the bank would do such a thing, and therefore it did not happen. The copy was altered to prevent me from knowing that the bank was late in paying the expense. There is an old saying, "If you cannot trust your banker, who can you trust?"

In the 1990s my house was damaged by water. The kitchen floor had to be replaced. The new sub-flooring in the kitchen had two voids. I pointed the deficiencies out to the contractor hired by the USAA Insurance Company, and notified the insurance company when the contractor would not correct the job. USAA hired a civil engineer to inspect the work and write a report. The civil engineer was ordered to write that no deficiencies existed. The linoleum installed above the voids cracked as I predicted to the insurance company. When I complained to the insurance company about the cracks in the linoleum the head of the department at USAA told me that the report he ordered stated that the floor was properly installed. Therefore, I caused the cracks in the linoleum floor.

During the course of the above job a couple of upgrades were ordered from the contractor. The contractor was not paid for this work due to numerous deficiencies in the finished product. The contractor sued me, and the case went to mediation. The substandard work was clearly documented in photographs. At the start of mediation the three attorneys serving as mediators warmly greeted the attorney for the other side. They talked about their golf game. I knew I lost before I even started mediation. I paid the contractor the \$1,200. It would have been more expensive to hire an attorney and fight the case in court.

The Power of the State

The power of the state is awesome, especially concerning small abuses against helpless individuals. Diminutive crimes that do not cause a ripple in society. Crimes that cause an individual a small monetary loss and unmeasured emotional distress. Cunning calculated crimes without the fear of retribution. Crimes ignored by faceless dishonest bureaucrats, who often identify with the perpetrators. Bureaucratic co-conspirators by way of friendship, fraternity, profession, common ties, trade, patronizing, ideology, or bribe. Laws to protect can be ignored by the unscrupulous. Laws are lacking to safeguard and protect the individual from specific crimes. Small crimes that are too expensive to fight. The victims are given an endless run around and finally stop their pursuit of justice when they are financially and emotionally exhausted.

I have been down the path several times. I have been victimized by unscrupulous individuals who knew that they had nothing to fear from the disciplinary process for the reasons just stated. My most recent experience prior to the Yellow Light Perjury were crimes of attorney misconduct committed by the mediator and attorneys representing both parties in a divorce. Their violation of The Michigan Rules of Professional Conduct (MRPC) for their financial gain increased the conflict and prolonged the divorce process. These attorneys abused the legal system because they knew they would not be disciplined by The Michigan Attorney Grievance Commission, which is controlled by the Michigan Supreme Court. It is like the fox guarding the hen house. The Commission by law is appointed by the Supreme Court, and six of the nine members of the Commission must be attorneys, and the other three are lackeys for the system. Any disagreement with a decision of the Commission must be appealed to the Michigan Supreme Court. A long, expensive, and difficult process, which the Court always rejects. The awesome power of the state against the little individual. For more information concerning this matter please go to www.tagolden.com or www.michiganjustice.com.

This is what I was going to be up against as I approached the intersection of Square Lake Road and Telegraph Road on the night of August 26, 2004. Please, take heed. It could happen to you.

Please, act to protect your rights.

The Yellow Light Ambush

As I headed west on Square Lake Road I did not know that I was heading into an ambush rigged by Officer James Gallagher of the Bloomfield Township Police Department. He stated that he was ready and waiting in the parking lot at the corner of Square Lake Road and Telegraph to snarl drivers who entered the intersection when the traffic signal was yellow. The speed limit on Square Lake Road is 50 mph. I was approaching the intersection when the light turned yellow. In a split second I made a decision that due to my speed I might not be able to safely stop. Therefore, I proceeded without accelerating into the intersection while the light was yellow in order to make a right turn onto north bound Telegraph. I wanted to get into the left turn lanes of

north bound Telegraph in order to make an 180 degrees turn to head south on Telegraph. I slowed down in order to make a right turn onto north bound Telegraph. I went about 1/13 of a mile on north bound Telegraph and then made an 180 degrees turn in order to be heading south on Telegraph. After I passed the green light at Telegraph and Square Lake Road and possibly another green light I saw flashing red lights behind me. I realized that I was being signaled, and I drove until I reached a safe wide shoulder before pulling off the road.

The police officer's car had very bright lights that reflected off of the large side view mirror of my 1997 Chevrolet Astro Minivan. He shined a bright flashlight in my eyes. I did not see the officer during the entire time of the encounter with him. I did hear him very well.

He stated that he stopped me because I drove through a yellow light. I disagreed with him, and told him that the light was green. He then stated that it was not the green light that I just drove through, but a couple of lights previous to that one. He stated that the yellow light was at Telegraph and Square Lake Road, and I drove through it while I was driving west on Square Lake Road. He stated that no one else went through the yellow light after I went through it implying that I was guilty. I asked him what the law was concerning yellow lights. He stated that the law was that one must stop, no exceptions. I asked him if he was sure that was the law. He stated that was the law, and he was waiting at the intersection in order to stop anyone that did not stop on the yellow light. He would stop anyone that entered the intersection when the light was yellow. No exceptions. I told him that I did not think that was quite the law, but did not want to argue with him. I asked the officer if he had observed me speeding at any time. The answer was no. After the officer took my drivers license, I asked him if he was going to issue me a ticket for driving through a yellow light. He stated that he had not yet decided, and walked to his car. He quickly returned from his car and handed me a piece of paper. I could not read it due to the bright lights shining at me. I asked him if it was a ticket for driving through the yellow light. He stated "Yes". I gave a mild protest, and he said "Tell it to the judge". The last thing he said as he headed towards his car was "Drive carefully. I thought you had time to stop."

When I could finally read the ticket I saw that he wrote "**right turn on red**". Under column MCL Cite/PACC Code the numbers 257 and 611 were entered on the ticket.

The Written Law

"You are required to stop on a yellow light. If you cannot stop safely, do not speed up but drive cautiously through the intersection." What Every Driver Must Know, State of Michigan, Terri Lynn Land, Secretary of State.

The Court Imposter

I notified the 48th District Court that I planned to protest the citation. I was told that I would receive a notice in the mail. A postcard arrived and stated that a pre formal hearing would take place on Friday, October 22, 2004, at 3:00 P.M. I made arrangements to not be at work on the

afternoon of Oct. 22.

I arrived at the Court, and was told that the hearing would be in the basement. There were many people sitting in a row of chairs lined up against a wall. It appeared to be a first come first serve arrangement. I took my seat at the end of the line rather unhappy about the number of occupied chairs between my seat and the front of the line. A man from a room would signal the person in the front chair to come into his office. The person in the lead chair got up and entered the room. Then everyone sitting would stand up and advance one chair towards the front and sit down. This freed up chairs at the end of the line for others that followed. I was somewhat surprised at the speed at which the line moved. Up, shift, down, up, shift, down, etc., and I was signaled to enter the room.

Without introduction or name badge the man quickly asked my name. He stated that I had a good driving record in Bloomfield Township, the officer informed him that I should be given two points instead of three, and the offense would go unknown to my insurance company. I should just pay the fine of \$125. I stated that I did not make a right turn on red as the officer wrote on the ticket. The officer lied on the ticket. I did not wish to plead guilty to the plea bargain because I did not do what the officer had written. The gentlemen was in a big hurry, and did not want to discuss the matter further. He stated that he was not authorized to do anything further, the matter was beyond his control, and that I would be notified of a trial date.

I was latter informed that the man in the room was Thomas Ryan the prosecutor. A fact confirmed by Mr. Ryan when I told him that the man in the room did not have the decency to introduce himself. I complained to the Township Trustees that the man acted as a court impostor.

The Trial Notice

One week passed and another postcard arrived in the mail. "FORMAL HRG TUESDAY 12/06/05 01:30 PM" I checked the date against a calender. Yes, Tuesday, December 6, did occur in the year 2005. The court must be way behind I thought. I was actually relieved by the long delay, because I needed a break from the case. I could forget about the case for at least one year. I put the ticket on my refrigerator, and made myself a mental note to look at it in October, 2005. On December 2, 2004, I received a letter from Thomas Ryan with a "Stipulation and Order Adjourning Formal Hearing" scheduled for December 6, 2004, because Officer Gallagher had a training session scheduled for December 6, 2004. I was surprised that both Officer Gallagher and Mr. Ryan did not read the scheduling notices properly. I call Mr. Ryan's office the next day on Friday, December 3, 2004, to inform him of his error. He was not in the office and the secretary that I spoke to would not take a message even though I asked her several times. I would have to call back the next business day, which was Monday, December 6, 2004.

I called Mr. Ryan on the morning of December 6, 2004. I spoke to a different secretary, his personal one. He was not in the office, because he was at the 48th District Court. I told her that Mr. Ryan was in error concerning the scheduling of my case, and could she inform him. She took the message, and then stated that I should call the Court and inform Mr. Ryan myself. She

gave me a Court telephone number where I could reach Mr. Ryan. I told her to have Mr. Ryan call me in case I could not reach him. He never called me.

I immediately called the Court, and was informed that Mr. Ryan was at a hearing and unavailable. However, I could talk to Judge Diane D'Agostini's clerk about the problem.

The First Conviction Without Benefit of a Trial

The clerk informed me that Tuesday, 12/06/2005, was the date the trial was scheduled. However, because she had the file ready for the Judge D'Agostini, the trial would take place that afternoon on Monday, December 6, 2004, at 1:30 P.M. I informed the clerk that I could not make the trial because it was not scheduled, and I could not miss work on such a short notice. I protested that a trial could not be held without proper notification. She said the case was set to go at 1:30 P.M., whether I was present or not.

Judgement was entered on December 6, 2004, by Judge D'Agostini stating that I owed \$130.00.

When I spoke to another clerk in Judge D'Agostini's office on 12/07/2004, I was initially told that my case was on the Judge's docket for 12/06/2004, and then informed that it was not after I protested that my trial notice and all other notices and trial scheduling were computer generated, and would have the same date. I was told that I was found guilty and the fine would be \$130. However, I was given a break. I would not be charged any traffic points, and a record of the case would not be available to my insurance company if I paid the \$130 fine. I felt that the Judge's office knew that the conviction was not proper, but wanted to expedite the matter by sweetening the plea deal. I told the clerk that I would not pay because I was innocent of the charges against me.

Mr. Ryan never called me back, and I called him on December 7, 2004. He stated that I was found to be guilty. I would receive a notice from the Court stating the fine of \$130, and another notice stating that I would not be charged any points. He encouraged me to pay the fine. On December 8, 2004 I received the Judgement notice concerning the fine, but never received anything from the Court about the points.

I was the victim of inappropriate legal actions due to the activities of Judge D'Agostini, Thomas Ryan, the prosecutor, and clerks of the 48th District Court. Why could so many Court people act against me? Was it attitude, negligence, incompetence, greed for the fine, indifference, prejudice, bias, sloppy work habits, or inability to do what is right?

After receiving the Notice of Judgement against me I responded by writing Judge D'Agostini the following letter.

Theodore A. Golden, M.D.
1746 Bellwood Court
Bloomfield Hills, MI 48302

December 8, 2004

Judge Diane Dickow D'Agostini
48th District Court
P.O. Box 3200
Bloomfield Hills, MI 48302-3200

Re: Case No. 04BT86254
X-REF: 0415219

Dear Judge D'Agostini:

Today, I received a notice from your court that a judgement concerning the above case has been entered. I feel I am a victim of a miscarriage of justice. The above case was not on your docket for December 6, 2004 at 1:30 P.M. The police officer and Thomas J. Ryan, Esq., representing Bloomfield Township, were in error concerning the scheduling of the above case. I notified both Mr. Ryan's office and your substitute clerk on the morning of December 6, 2004, concerning the fact that Mr. Ryan was not properly informed concerning the time of the hearing. There are reasons why this miscarriage of justice occurred.

At this time I feel I have suffered enough from the officials of Bloomfield Township. I so move that the judgement against me be dismissed, and the case is closed with prejudice. I hope that Thomas Ryan, Esq. concurs with my motion.

Sincerely,

Theodore A. Golden, M.D.

cc Thomas Ryan, Esq.

I received another notice from the Court scheduling a trial for January 12, 2005.

Interview with James P. Harkins, the Court administrator.

On Wednesday, December 15, 2004, I went to the 48th District Court to complain about what the Court had done to me. Mr. Harkins introduced himself as the Court administrator. I asked him if he would send me an apology for what had happened. I never received one. I asked him to investigate the matter. He was very disinterested. I wanted to issue a subpoena to the Bloomfield Township Police Department for Officer Gallagher's records. Mr. Harkins was reluctant to give me subpoena forms, but finally acquiesced and gave me two. He then gave me some helpful advice. He told me that the Police Department would probably not honor a subpoena, and I should ask the chief of police if he would forward the requested records. A good idea. The police department was on the other side of the parking lot.

Interview with Chief of Police, Jeffrey Werner

I left the 48th District Court and walked directly to the offices of the Bloomfield Township Police Department. I told the secretary that I had an administrative problem concerning the police department. She was very nice and led me right into Chief Werner's office. Chief Werner is a nice looking man. He appeared distinguished and authoritative. This was the first time that I ever spoke to a Chief of Police. He certainly met my expectations, at least initially. It was obvious that he was going to protect the police officer and the Bloomfield Township Police Department. I asked him if he would release an officer's records to me if subpoenaed without revealing Officer Gallagher's name. I initially did not reveal Officer Gallagher's name because I thought the matter could still be handled in a discreet matter without Officer Gallagher suffering any repercussions. Chief Werner stated that he would not release an officer's records if subpoenaed. I asked Chief Werner what was the law concerning a yellow light. He emphatically stated that a driver must stop for every yellow light with no exceptions. I told him that a driver is allowed to go through a yellow light if the driver feels he cannot safely stop. The Chief agreed that I was right. I thought if the Chief did not know or interpret the law properly, why would Officer Gallagher. The Chief asked me who the officer was, and I said that it was Officer Gallagher. The Chief stated that Officer Gallagher was a good police officer with a good record. I explained the case to the Chief. I stated that Officer Gallagher was not honest when he

wrote “No turn on red”. Officer Gallagher overstated the charge. I told the Chief that Mr. Ryan made a plea bargain offer, but I refused because I was not guilty of what Officer Gallagher wrote on the citation. The Chief replied that Mr. Ryan made me a good offer, and I should have accepted it. I replied that Mr. Ryan should have withdrawn the charges against me because the officer lied. The Chief then replied that the prosecutor is not empowered to drop charges without the police officer's permission. He said that is the way it should be.

I then switched the subject a little. I told the Chief that I missed a half a day of work to go to the Pre Formal Hearing, and so did a lot of other people. I assumed that all of the people at the Pre Formal Hearing that day received the same proposition as I. They were all lined up at the pay window as I left the court. I asked the Chief why everyone should miss a half a day of work to get the plea deal. I told the Chief that the people would not lose a half of a day's income if the plea notice could be mailed instead of requiring an appearance in the court house before a prosecutor. The personal appearance served no purpose because the prosecutor did nothing and was “empowered to do nothing” if the accused did not accept the deal. The Chief responded that it would be too expensive to send a letter instead of a postcard. I thought what is less expensive, “Sending out form letters instead of postcards or paying a half day of attorney fees to Mr. Ryan”.

I again told the Chief that his officer over wrote the charge on the ticket, and I should not be charged with running a red light. The Chief stated that he would back his officer every time. He told me that I should state my case to the Judge as I stated it to him. He knew what the outcome would be. I realized at that moment that I lost. However, the Chief exposed his lacked leadership qualities, which ultimately led to his resignation. His first priority was allegiance to his officer rather than to the principles of his job as the Chief of Police.

The Chief was generous with his time. I stated that I basically came with a question concerning how he would respond to a subpoena for an officer's records and he had answered it.

As I left his office I knew that I should subpoena the Chief to appear at my trial instead of the officer's records. The Chief did not know the law, and Officer Gallagher was just following his leader.

A Call From Mr. Harkins the Court Administrator

On Thursday morning December 16, 2004, I received a telephone call from Mr. Harkins. He told me that if I had any complaints to make about how my case was handled that it should be done in front of Judge D'Agostini at the time of my trial. He was not going to do anything further. I asked him if he would send me a letter of apology and he reluctantly said that he would, but never did. I told him that I thought the main problem was attitude. At the end of the conversation I had a idea. I thought that I could enhance my complaint to the Judge if Mr. Harkins explained the miscarriage of justice while I questioned him under oath. I would put his name on my second subpoena.

Discovery?

The following letter was written to Mr. Ryan.

Theodore A. Golden, M.D.
1746 Bellwood Court
Bloomfield Hills, MI 48302

December 15, 2004

Thomas J. Ryan
2055 Orchard Lake Road
Sylvan Lake, MI 48320

Re: Case No. 04BT86254
X-REF: 0415219

Dear Mr. Ryan:

I received a notice from the 48th District Court that there will be a formal hearing concerning the above case on January 12, 2005, at 2:30 P.M. I feel that dismissing the charge against me with prejudice would be in the best interest for all parties. I feel that I am innocent of the charge against me as I explained to you during a telephone call on December 7, 2004. I was already wrongly convicted by the court on December 6, 2004, even though the above case was not on the judge's docket for December 6, 2004.

I hope that you will conclude the matter as I have suggested. However, for discovery I would like you to send me copies of all materials that you have concerning the above case as you said you would during our discussion on December 7, 2004, if you wish to proceed with the formal hearing.

Sincerely,

Theodore A. Golden, M.D.

cc Judge Diane D. D'Agostini

On December 23, 2004, Mr. Ryan did write a letter to the Bloomfield Township Police Department requesting the Police Officer's Notes concerning the case. "Will you kindly furnish the notes and I will forward the same to the defendant".

I never received any materials from Mr. Ryan or the Police Department in order to prepare for my defense at the trial.

Prior to a trial discovery is an important legal function to enable both sides to prepare for the case. During the trial I complained to Judge D'Agostini that I was deprived of this important function of the legal process even though I specifically requested it in the above letter that was also sent to the Judge. Judge D'Agostini replied that discovery was not a right that existed in her court. I am not an attorney and cannot give an authoritative opinion concerning this matter. One attorney who I consulted concerning this matter stated that if I had appealed the conviction the discovery issue would weigh heavily in the conviction being overturned.

So much for discovery, but more to come latter about evidence that the Bloomfield Township Police Department destroyed.

The Trial

Franz Kafka wrote a book titled The Trial. Am I to become the Josef K of Bloomfield Township. I hope not. After many futile and hopeless encounters Josef K was murdered by the state. Why me? Some have suggested to me that unknown forces were after me because of my activism on my web site www.tagolden.com. Or was the Township that desperate and greedy for the fine? To what lengths would the forces of evil prevail because the officer lied when he wrote "No turn on red". Why did Officer Gallagher write those words? Was it to expedite his case against me through the legal system for a quick profit for his employer? Was I suppose to accept the plea bargain as a good deal because of the overstated charge against me? How many people were corrupted by those words? Was Officer Gallagher, the man in uniform, the man with a badge, the man with zero tolerance at the yellow light, the man whose face I did not see, but whose words I clearly remember be responsible for all that was happening to me? Was Officer

Gallagher the leader? What about the Chief and the Prosecutor? I already knew about the Judge. She had already fraudulently convicted me once. Very sloppily done. I delayed my inevitable defeat, but they were determined to get me.

I knew that I lost the case the moment Mr. Ryan proposed his deal on October 22, 2004. My feelings were further confirmed on December 6, 2004, with the fraudulent conviction. I knew that they were giving me a powerful message when they sweetened the deal by going from two points to zero points. I was going through a shake down orchestrated by the state.

How much should a man spend to defend himself in a hopeless legal situation, especially when the monetary loss would not be large? Whether I won or lost my least expensive approach would be to defend myself. A poor decision from a legal point of view. A wise decision for the finances, and one who was fleeced by his family law attorney during a recent encounter with the legal system. I did a little legal research on defending oneself in court. I knew I would not be a match against the prosecutor Thomas Ryan and the biased judge. How does one put a little legal theory into action with no court room practice? That would be a substantial problem.

I thought that I did my pretrial work quite well. The prosecutor did say that he would honor the discovery process, and did write the above referenced letter. However, the prosecutor did not follow court rules. He abused the legal process by not giving me the required materials.

I prepared and served the two subpoenas. The skilled prosecutor rebutted quickly and filed a motion to have my two subpoenas quashed. I knew that he would prevail.

The Trial was scheduled for Wednesday, January 12, 2005, at 2:30 P.M. It started at about 4:00 that afternoon. I do not know what the Township paid its troops for waiting. During the wait I saw a young police officer, Officer Gallagher I presumed. I do not know if he knew who I was. I went up to him, introduced myself, and shook his hand.

The first item of business at the trial was the plaintiff's motion to quash my two subpoenas. The motion was quickly approved by the Judge.

I complained to the Judge that the previous miscarriage of justice committed against me was not proper. She stated that she knew nothing about it. I told her to check the court file that was in her hand. She stated that she did not see a copy of the judgement notice in the file. There was a pause, and the Judge stated that the recording device in the court was tired from the previous long trial. I wonder if some of my comments were not recorded or erased.

The charges against me were stated. Officer Gallagher was the first witness. He easily identified me. He stated that he was doing surveillance work the night of August 26, 2004, and was in the parking lot at the corner of Square Lake Road and Telegraph. He saw me approach the intersection traveling at 45 mph. I accelerated as I neared the intersection, and entered the intersection after the light had turned red. I made a right turn. He had me under constant watch from the time he first saw me until he pulled me over. On both sides of Square Lake Road,

which is divided at the Telegraph intersection, are signs which state, "No Turn On Red".

On cross examination the officer could remember nothing except what he stated when the prosecutor questioned him. He stated that he could not remember anything that he said to me during our encounter or anything else about the incident. I asked Officer Gallagher when he graduated from Ferris. "2001", he quickly said. I pointed out to Officer Gallagher that he could not have had me under constant observation from the time that he first saw me until he pulled me over because at one point he was heading north on Telegraph, and I was behind him heading south on Telegraph. He insisted that he had me under constant observation because of where he entered Telegraph from the parking lot. I stated during the trial, and further investigation since the trial reveals the officer lied about having me under constant observation. There is only one sign on the right side of the road that states, "No Turn On Red". Officer Gallagher had plenty of time to prepare his testimony. Why the misrepresentation? Was he trying to fortify the big lie? What about the most crucial statement of all. He approached the intersection at 45 mph and accelerated going into the intersection. I was driving an Astro Minivan. The van would have rolled over if I tried to make a right turn at that speed.

I stated to Judge D'Agostini that I entered the intersection when the light was yellow. I was stating my case to the Judge concerning the law, and how my actions conformed to the law, but was cut off by the prosecutor and the Judge. She stated that she knew the law and her job was to tell me the law. I stated that Officer Gallagher said to me several times that I entered the intersection when the light was yellow.

The Verdict

Judge D'Agostini summarized the positions of both parties in the case. She was paying attention, had a good memory, and I was impressed because I had not seen a judge do that before. She then stated that she would believe the officer's testimony because he had been in a better position to observe what happened. Perhaps, I was not paying attention and was distracted by a cell phone. At the time I felt how could she base her decision on facts that were not part of the of the testimony. Guilty as charged. The fine would be \$125 and two traffic points. Case dismissed.

The trial was over. I had a question and went up Judge D'Agostini. Would the conviction be reported to my insurance company? She stated that she did not know and did not care. **She then told me that she would have found me guilty even if the officer was lying. The truth was irrelevant.**

I left the court room and ran into Mr. Ryan. I told him that he convicted an innocent man. **He told me that it would be best if I forgot about it.** What did he mean? Was it a threat? Did he want to forget that he convicted an innocent man? Why were his only words, "Forget about it"?

Destroyed Evidence

The day after the trial I called the Bloomfield Township Police Department to complain about the perjury committed by Officer Gallagher at the trial. I spoke to a Captain Gaudard. He told me that police cars carry equipment to record encounters such as the one that I had with Officer Gallagher on the night of August 26, 2004. An audio and video recording had been made, but was subsequently destroyed in an economy move to re-cycle the storage media. I asked how the evidence could be destroyed, and I was told the word was re-cycled. The evidence is re-cycled after 60 days. How could this be? The case had not been resolved. Prior to the 60 day cut off time Mr. Ryan knew that the case was headed for trial. I am sure that Mr. Ryan knew that audio and video recordings were standard police procedures. I did not. My Ryan deprived me of my rights by letting the truth be destroyed. Officer Gallagher knew about the recordings. He let the evidence be destroyed. Chief Werner knew. I want to thank Captain Gaudard for revealing this important information to me. Was Captain Gaudard taunting me by revealing this information to me. What was his purpose?

Complaint At Township Board of Trustees Meeting on February 14, 2005

I decided that I should change my tactics. The Chief of Police is responsible to the elected officials of Bloomfield Township, which is the Board of Trustees. I was informed that they meet the second and fourth Mondays of the month at 8:00 P.M. I went to the meeting on February 14, 2005. The Board of Trustees spent a great deal of time discussing an issue that involved a developer whose proposed project was approved with a natural tile roof. Because of high cost and an unexpected delay in being able to obtain the proposed tiles, the developer installed synthetic tiles without having the substitute roofing materials approved by the township as required. The Township Supervisor David Payne was well spoken in leading the discussion and defining the issues. It appeared that the developer had put one over on the Township by not following proper procedure by first having the synthetic tiles approved by the Board before installing them. After a lengthy discussion, which clearly and in an exciting manner demonstrated democracy in action, the issue was defined as principle and precedent versus being pragmatic and getting on with the project so that the Township would receive property taxes. Mr. Payne had clearly separated the issue of the roof from the overall development that was at hand, and this issue was subjected to a separate vote. The role call vote was exciting as Mr. Payne's turn to cast his vote approached. Did Mr. Payne isolate the issue of the roof so that he could reject it, but approve the rest of the project? Mr. Payne enhanced the suspense and excitement when his turn came by not simply saying yes or no. He gave an explanation before casting his vote. The Board of Trustees approved the changes made by the developer to the roof by a margin of four to two. Mr. Payne voted with the majority.

At the end of the meeting citizens are allowed to address the Board. It was past 10:30 P.M., and no one was in the meeting room other than the developer, his associates, and the Board. I got up and spoke. I stated the facts in the case. It was not right for Officer Gallagher to commit perjury. It was not right for the Bloomfield Township Police Department to destroy evidence. Mr. Payne tried to deflect what I was saying by stating that the matter was a legal problem that should be handled by the Court. I pointed out that the actions of the officers of the Police Department and the City Attorney were in their area of jurisdiction and concern. Mr. Payne gave

me lip service by stating that he would look into the matter. There was no discussion. After I finished the developer and his associates who were waiting in the room to talk to Mr. Payne after the meeting came up and congratulated me, and gave me some words of encouragement. I was gratified to hear them, because I knew that I was doing the right thing. I was not going to give up.

Should David Payne run for the United States Senate?

A few days later David Payne called me. He told me that he was investigating the matter. I asked Mr. Payne how old he was. He got defensive, but finally stated that he was 54. I was impressed with how he handled himself at the above stated meeting. I told him that he should consider a run as the Republican candidate for the United States Senate. The leading Republican public official in Oakland county, Sheriff Michael Bouchard, had just announced that he would not run for the U.S. Senate because of an unspecified health problem. I told Mr. Payne the four million dollar settlement that was just announced concerning the case of two Oakland County Sheriff Deputies gunning down a mentally ill teenager in his basement with ten shots was bad for Sheriff Bouchard's political health. I told Mr. Payne that I hoped Sheriff Bouchard did not have severe health problems. Mr. Payne stated that he was not interested in running for the United States Senate, because he enjoyed his current job. I jokingly asked him if he wanted to listen to roofing problems for the rest of his life.

Edited Minutes of Bloomfield Township Board of Trustees Meeting

Minutes of the Township Meeting on February 14, 2005, were highly edited. They stated that I had a problem with the police department.

The minutes of the Township Board of Trustees meeting on February 28, 2005, stated, "Supervisor Payne informed the Board that he investigated the complaint brought to the Board's attention on February 14, 2005, by Dr. Theodore Golden, 1746 Bellwood Court. Payne is satisfied this issue was handled in the proper manner." The minutes indicate no discussion by the Board, and the end of the matter.

Mr. Payne Not Senatorial Material

Mr. Payne, "I withdraw my endorsement for you to run for the United States Senate". I still feel that Mr. Payne is a highly skilled administrator who made a serious error in judgement on how to handle the issue entrusted to him. Remember, Mayor Coleman Young of Detroit supported his Chief of Police, Chief Hart, until Chief Hart was sent to prison.

Letter from Jeffrey D. Werner, Chief of Police, dated February 16, 2005

I received a letter from Chief Werner in response to my letter to him stating that Officer Gallagher committed perjury at my trial. Chief Werner wrote that the court found me guilty based on the facts presented. As far as he was concerned that was the end of the matter. I feel that does not exonerate Officer Gallagher of committing perjury. Chief Werner did not properly investigate my complaint. Anyone doing a proper investigation would have read the transcript of the trial, discussed the matter further with me, and analyzed the facts in the case.

Complaint Against Judge D'Agostini

The following complaint was filed with the Judicial Tenure Commission against Judge D'Agostini.

Complaint Against Judge Diane Dickow D'Agostini

I received a notice, copy enclosed, that I was to appear before Judge D'Agostini for a formal hearing on Tuesday 12/06/2005. A couple of days prior to Monday, 12/06/04 I received the enclosed letter from the opposing side. On the morning of 12/06/2004 I called both the opposing attorney, and Judge D'Agostini to inform them that Mr. Ryan was in error concerning the time of the hearing. I spoke to Mr. Ryan's secretary, and a person who identified herself as a clerk in the Judge's office. The clerk informed me that Tuesday, 12/06/2005, was the date the trial was scheduled. However, because she had the file ready for the Judge D'Agostini, the trial would take place that afternoon on Monday, December 6, 2004, at 1:30 P.M. I informed the clerk that I could not make the trial because it was not scheduled, and protested that a trial could not be held without proper notification. She said the case was set to go at 1:30 P.M., whether I was present or not. A copy of the default judgement indicates that Judge D'Agostini approved.

When I spoke to another clerk in Judge D'Agostini's office on 12/07/2004, I was initially told that my case was on the Judge's docket for 12/06/2004, and then informed that it was not. I was then told that if I paid the \$130 fine I would not be charged any traffic points, and a record of the case would not be available to my insurance company. I was innocent of the charge.

On 01/12/2005 I spoke to Judge D'Agostini in her Court about the default judgement she issued against me. She stated that she knew nothing about it. I told her to check the court file which she had in her hand. She stated that she did not see a copy of the default judgement notice in the file.

The faulty Judgement caused me mental distress.

I am filing this complaint against Judge D'Agostini because she was responsible for issuing the faulty default judgement. She should explain why she found me in default on December 6,

2004, when my case was not scheduled on her docket. Was it an error or an attempt by the Judge to eliminate my case from her docket or a combination of things? It was inappropriate and sloppy work on the part of Judge D'Agostini. Is Judge D'Agostini fit to perform the duties entrusted to her by the public? This unwarranted activity on the part of Judge D'Agostini should be included in her record at the Judicial Tenure Commission in case the Commission receives additional complaints against Judge D'Agostini.

I would like Judge D'Agostini to read my compliant and respond to it.

Thank you.

Sincerely,

Theodore A. Golden, M.D.

Enclosures

Reply From the Judicial Tenure Commission

I received a short form letter from the Judicial Tenure Commission stating the complaint was closed.

Official Report Contained Lies

I was informed by the township clerk that there was a report written by Captain Gaudard to Chief Werner concerning my complaint. I requested a copy of the report which I was told was my right due to the Freedom of Information Act. After a delay of several weeks I called Chief Werner's office. He was out of town, and his secretary told me that the Chief and Captain Gaudard were working on the report. I was surprised when the report arrived that it was dated February 24, 2005. The Chief's cover letter explained that the delay in sending me the report was due to the fact that it could not be found.

Officer Gallagher testified in court under oath that he could recall nothing of the incident except that I accelerated at 45 mph. while going through the run light to make a right turn. In the report concerning the incident he told Captain Gaudard that I argued with him stating that I entered the intersection while the light was yellow. Officer Gallagher stated that he "explained that you must stop even at a yellow light if you are able to do so". This was not what he said at the time he stopped me. Furthermore, his court testimony and latter statements to Captain Gaudard are contradictory.

The two top officials of the Bloomfield Police Department would not investigate the perjury charge properly. They should have looked at the court testimony. They are part of the cover-up.

The Dark Side

I feel there is a little "dark side" in everyone. I spoke to Janet Roncelli, the Township Clerk, on May 4, 2005. She was satisfied with the report even after I told her it was a lie, and not properly done. "No turn on red" has now contaminated the Bloomfield Township Board of Trustees. This is not Watergate, but why such dishonesty. All of these fine people tainted by Officer Gallagher. Such power has the officer? He has brought forth the dark side in many fine people. How could Officer Gallagher expose the dark side of so many fine people? How could it happen? Why? Who is responsible? Officer Gallagher at the bottom or the Chief at the top? The prosecutor, the judge, the other officials of the court, or the elected officials of the township? Or should society as a whole be blamed? Make your decision. Pick only one individual, and then pick as many as you want. Chief Jeffrey Werner would be my pick if I only had one choice. You figure it out.

Other Disturbing News

I have done some investigating of the Bloomfield Township Police Department and Chief Werner. The Bloomfield Township Police were given a superior rating by a knowledgeable criminal attorney concerning how they treat their prisoners. I am disturbed concerning the time and money the Bloomfield Township Police under the direction of Chief Werner has spent investigating hoaxes about who killed Jimmy Hoffa. The first Bloomfield Township police officer to be killed in the line of duty in fell in May, 2004. Was there some deficiency within the Department that led the officer to turn into the path of the speeding car driven by a drunk driver? Was the deceased police officer properly supervised by his superiors?

Chief Werner Should Be Replaced

Based on my contact with Chief Werner, my recent experience with the Bloomfield Township Police Department, and recent news items concerning the Department, I feel that Chief Jeffrey Werner should be replaced.

Judge D'Agostini Should Not Be Re-elected If She Runs for Another Term

I do not know Judge D'Agostini future plans. Hopefully, she will not run for another term. I hope that she has strong opposition if she runs again. The lack of reliable information about the

performance of judges at the district court level is a serious detriment for the voter in judicial elections. Many incumbent judges do not face opposition, which is another serious problem. Most voters probably do not even know who is running in judicial elections. I have written about Judge D'Agostini actions in my case so that the public has more information concerning her.

Proposed Changes

Policies changes that I propose beyond replacing Chief Werner are as follows:

1. The Bloomfield Township Police Department must make audio and video recordings of police encounters with the citizens.
2. The Bloomfield Township Police Department should be required to keep copies of all video and audio recordings until the case is closed, and for a specified time beyond the closure of a case. The citizens of the township should be informed concerning the cost of my proposal.
3. It should be mandatory that anyone who is stopped by the police be given a written notice on the spot concerning audio and video recordings and their legal rights in obtaining a copy of the recordings. Involved parties should legally be able to obtain a copy with no hassle.
4. Citizens given traffic citations should be given a written notice explaining the usual legal process(es) that will be used to close the case.
5. Plea bargain deals should be mailed to the accused. This will save the citizens from losing valuable work time in order to make an appearance at a hearing when the same information can be transmitted by mail, and the payment can be made by mail or electronically. The Township will also save money on city attorney fees by eliminating the needless service of the city attorney presenting plea bargains to individuals receiving traffic citations. I estimate that the money saved on reducing city attorney expenses will more than offset the cost of sending out a computer produced form letter instead of a postcard. The cost of my proposal should be investigated. The money saved on city attorney fees could be applied towards the expense associated with storing audio and video recordings for a longer period of time.
6. Complaints against members of the police department should be investigated by persons outside of the police department if the complaining party feels that the police investigation was inadequate or improper. There should be a written policy concerning these type of police procedures that is readily available and enforceable.
7. The prosecutor for the Township should be obligated to provide proper discovery information and materials to the defendant. This right to receive benefit of discovery should be included in the legal notice that is given to the defendant at the time the defendant is given the citation. The case should be automatically disqualified if the prosecutor does not provide "discovery" to the defendant. This should be done because most traffic citations involve fines that are not an

enormous amount of money. The defendant should not be burdened by having to hire an attorney at many times the expense of the fine in order to obtain his legal rights to a fair court trial if he is defending himself.

8. The clerk that I spoke to on the morning of December 6, 2004, committed a serious malicious act against me. She knew that my case was not scheduled, and yet she permitted Judge D'Agostini to convict me and send me a conviction notice. She should have been disciplined, and I should have been informed about the outcome of my complaint against her. Mechanisms should be in place to assure the public that grievances against public employees are handled properly and with a fair outcome.

9. The Judicial Tenure Commission should be changed. At the present time the Judicial Tenure Commission is the same as the fox guarding the hen house. The Boards of the Judicial Tenure Commission and the Attorney Grievance Commission should be combined and elected by the public in a state wide election. Judge D'Agostini should have been sent my complaint and been required to respond to it. A Commission responsive to the public would serve the interests of the public in a fairer manner than the present system. The public would receive more ethical and honorable legal services from the legal system if my proposal is enacted either by legislative action or a constitutional amendment.

10. The prosecutor in my case should be honest about his role in my conviction. He should acknowledge that the police department did not honor his letter to them requesting materials they held about my case be forwarded to him for my use in preparing my defense against the trumped up charge. The police should have provided records concerning the audio and video recordings of the incident, and what happened to them. I should have known that crucial evidence was destroyed by the police department. The prosecutor also did not forward the information that he had as court rules require during the discovery process. **The prosecutor should petition the court to reverse my conviction because he and the police department abused the legal process.** There is precedent for me to ask the prosecutor to go back to court and petition to have my conviction reversed. This is exactly what happened when the federal prosecutor for the Detroit area recently asked the Federal Court to reverse the convictions of two foreigners convicted of terrorism due to his office's abuse of the legal process during the process of discovery.

How Do Other Communities Handle Unresponsive Public Officials?

An article in the May 3, 2005, [Detroit Free Press](#) stated that Shelby Township's Board of Trustees placed their Human Resources Director on unpaid leave in mid-April when he inadequately and inappropriately responded to a secretary's sexual harassment complaint against her boss, the township supervisor. The Treasurer of Shelby Township Paul Viar was quoted in the article as saying he doesn't think the Human Resources Director should keep his position because he failed to perform his duties. The Township Board hired an independent investigator who concurred that the Director did not handle the complaint appropriately. I applaud the

Shelby Township Board of Trustees for having the courage to do what is right. The case is still winding its way through the legal process.

Should Police Chief Werner have acted differently on December 15, 2004, after I complained to him about Officer Gallagher lying on the citation? How many times does someone complain to the chief of police about an over stated traffic citation? Should Chief Werner have investigated my charge at that time? Was it proper for Chief Werner to approve Captain Gaudard's report dated February 24, 2005, without a proper investigation?. I feel that Chief Wagner did not perform his duties properly and should receive the same treatment as the Shelby Township Human Resources Director.

What about Captain Gaudard? He took no action after I spoke to him on January 13, 2005, the day after my trial about Officer Gallagher committing perjury. His latter investigation of the matter was not thorough and satisfactory, and therefore his report was not accurate. Should he be disciplined?

What about the prosecutor Thomas Ryan? Did he investigate the case properly before prosecuting me? When I first met him and stated my innocence, he was not interested in listening to me. He gave me zero time. Did he exam all of the evidence? Did he notify the police department to save the audio and video recordings? Was he obligated to prosecute as Chief Werner emphatically stated? Could Prosecutor Ryan have prevented Judge D'Agostini from sending me the faulty conviction notice dated December 6, 2004? Did Prosecutor Ryan fairly follow all the court rules? Prosecutor Thomas Ryan should be disciplined because his work on my case fell below acceptable professional standards. What did he mean when he told me to "forget about it"?

Get Active

Please, support my causes because I am right in what I am doing. It could happen to you.

Addendum: After thinking about the deficiencies of leadership qualities that Chief Jeffrey Werner displayed to me I decided to investigate the tragic death of Officer Gary Davis. [***Who Killed Officer Gary Davis?***](#) is the resulting story. Chief Werner resigned shortly after the story was posted on www.tagolden.com.

[Return to www.tagolden.com](http://www.tagolden.com)