

ORIGINAL  
FILED

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JUL - 3 1993

CLERK, U.S. DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA  
DEPUTY CLERK

5 Counsel for Petitioner GLORIA KILLIAN

6

7 UNITED STATES DISTRICT COURT  
8 EASTERN DISTRICT OF CALIFORNIA  
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GLORIA KILLIAN

Case No. CIV S-97-2024 GEB GGH P

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Petitioner,

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v.

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SUSAN POOLE, Warden,  
15 California Institution for  
16 Women at Frontera,

NOTICE OF FILING OF AGREED UPON  
TRANSCRIPTION OF GARY MASSE'S  
HANDWRITTEN LETTERS;  
DECLARATION OF VIRGINIA FLACK;  
EXHIBIT

17

Respondent.

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19 At the June 25, 1998 hearing in this matter, the Court  
20 requested counsel to construct an agreed upon transcription of  
21 Gary Masse's three handwritten letters to District Attorney's  
22 office Investigator Tom Brown, copies of which were previously  
23 filed as Exhibits C1, C2, and D to the Petition for a Writ of  
24 Habeas Corpus. In response to the Court's request, Petitioner  
25 Gloria Killian files the attached transcription of Gary Masse's  
26 three handwritten letters.

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0936

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2 Exhibit D

Undecipherable Text Is Indicated By \*\*\*\*\*

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Thomas 4-21-86

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After talking to you on the phone  
it is my understanding that when I  
go for sentencing on June eighteenth I will  
receive a sentence of twenty five years to  
life for the murder of Mr. Davies and the  
attempted murder of Grace Davies. The  
Robbery, Burglary, auto theft will run cc  
with the murder. Mercy I know that I  
have some appeal action coming. But this is  
taking one hell of a chance and I aint that  
fuckin brave. There isnt any half time with  
a life sentence, six teen years eight month to  
the board and as far as the judges running  
the attempted murder, Robbery, Burglary, auto  
theft, cc with the murder, that dont mean  
shit because after you do the six teen years  
eight months the board will enhance you for  
the gun. Thats another two years right there  
and I dont want any part of this bullshit at  
all Mercy. Now the judge appointed me  
Mr. Gibbert as my attorney. The judge said  
that he knew Mr. Gibbert for a long time. He  
said that Mr. Gibbert was a District attorney  
for nine years Then he went into his own  
practice. The man has a lot of law school \*\*\*\*\*

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1 pg 2:  
2 and this is why the judge appointed him to  
3 represent me. So I dont get screw around. But  
4 for some reason you people wont let this man  
5 help me. You say that Mr Gibbert can not get  
6 involve in the legal matters of my case  
7 what kind of bull shit is that Mercy at the  
8 time I feel that I am getting screwed around  
9 bad .. as far as I am concerned there was a  
10 verbal agreement of no more then twelve years  
11 I been as up front and honest as I could be  
12 I gave you DeSantis and Killian. I did my  
13 part all the way to the end. I even lied my  
14 ass off on the stand for you people. I did not  
15 kill Mr. Davies or did I shoot his wife. and I  
16 believe if I had the chance I could prove that  
17 I wasnt even there when Steven went back and  
18 finish the old man off Now I know that if  
19 will look good for you people when it comes  
20 out in the paper, Gary Massee get twenty five  
21 years to life for his part. That would look really  
22 good. But until you can come down here and show  
23 me some sun light. I mean show me. If you  
24 cant do that, then I will fight you people. Ill  
25 give that fuckin press some thing to put in  
26 there paper and Ill bet I will get me a new  
27 trial - all Im asking for is what I have  
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1 pg. 3:  
2 coming and a nice place were I can  
3 go do the rest of my time. I would like  
4 either go to plasonton or Lexington Ky.  
5 and Im not going for a life sentence Thats  
6 bull shit please dont make me fight you  
7 people I want to get this over with so I  
8 can get down the road. Im tired of being  
9 in this whole my mind has been fuck up  
10 ever since I been over here. I keep getting  
11 these anxiety attacks and there kicking my  
12 ass bad. They wont give me any help over  
13 here. Tom because I am a safe keeper and  
14 dont belong to them. and thats bullshit. I  
15 wrote my attorney a letter asking him to  
16 call down here and find out why I cant  
17 receive the medical help I need. But the  
18 dirty sonofabitch writes back saying Since  
19 you are in the custody and under the  
20 control of the medical facilities at vacaville  
21 needed medical treatment is within their  
22 jurisdiction. I would assume that if  
23 you are in need of treatemnet They would  
24 provide the necessary treatment. However  
25 I am forwarding your letter to the office  
26 of the district attorney what kind of bull  
27 shit \*\*\*\*

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1 pg. 4:  
2 he cant do anything for me because you  
3 people wont let him I guess what I have to  
4 do is write the judge and let him know every  
5 thing that has happen from the very beginni  
6 until now. This way he will know a head  
7 of time before I go to court what the happs  
8 are. I hope this letter makes since to you, I  
9 dont blame you for any thing I really dont  
10 blame any body Im just fighting for  
11 what I have coming ... and right now I dont  
12 see any sun light mercy. well Tom Im  
13 going to close this letter for now. I hope to  
14 see you real soon you take care of your  
15 self and watch them stop signs

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Gary