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William J. Genego, State Bar No. 103224  
Virginia F. Flack, State Bar No. 187083  
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ORIGINAL  
FILED

JUL - 3 1998

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

Counsel for Petitioner GLORIA KILLIAN

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

GLORIA KILLIAN  
  
Petitioner,  
  
v.  
  
SUSAN POOLE, Warden,  
California Institution for  
Women at Frontera,  
  
Respondent.

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

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

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

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Exhibit D

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

Thomas 4-21-86

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 \*\*\*\*

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 Masse 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  
28

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 \*\*\*\*  
28

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

Gary

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