



# Judicial Watch

*Because no one is above the law.*

August 27, 2001

James Brazelton  
District Attorney  
1100 "I" Street, Room 200  
PO Box 442  
Modesto, California 95353

RE: Investigation into Obstruction of Justice and Subornation of Perjury by  
Congressman Gary A. Condit, Mike Lynch and Don Thornton

Dear District Attorney Brazelton:

Judicial Watch has today submitted a request to the Stanislaus County Grand Jury to conduct an investigation into obstruction of justice and subornation of perjury by Congressman Gary A. Condit, Mike Lynch and Don Thornton.

We likewise are submitting the same package to you with the same request of conducting such an investigation.

I have thirty-two (32) years of experience as a Los Angeles County Prosecutor and would be available for consultation or contact with the witnesses.

Sincerely,

JUDICIAL WATCH, INC.

Sterling E. Norris, Esq.  
Director, Judicial Monitoring Project

SEN/csr

Enclosure

# GRAND JURY

P.O. BOX 3387 MODESTO, CALIFORNIA 95353



COUNTY OF STANISLAUS

## GRAND JURY CITIZEN COMPLAINT FORM

(See back for preparation instructions)

TO: Stanislaus County Grand Jury  
P.O. Box 3387  
Modesto, CA 95353

(Date)

(FOR GRAND JURY USE ONLY)

### THIS COMPLAINT IS AGAINST:

GARY A. CONDIT and *	(NAME TITLE)
U.S. Congressman	(ORGANIZATION)
920 16th Street	(ADDRESS)
Modesto, CA 95354	(CITY)
209-527-1914	(PHONE)

\* MIKE LYNCH and DON THORNTON (addresses unknown)

### MY COMPLAINT AGAINST THE ABOVE IS:

It is our belief that Gary A. Condit, Michael Lynch, and Don Thornton conspired in the State of California to obstruct and pervert justice in violation of §182(a)(5) of the California Penal Code by attempting to persuade and have Anne Marie Smith sign a false affidavit in order to prevent the investigation in the disappearance of Chandra Levy from having knowledge of the information of Anne Marie Smith. It is our further belief that they likewise conspired under §182(a)(1) of the Penal Code to violate Penal Code §127, Subornation of Perjury. Attached as Attachment A are the Declarations of Anne Marie Smith and Jim Robinson, Esq. and a statement of the law as well as a sample Indictment.

(USE EXTRA SHEETS IF NECESSARY)

### COMPLAINANT CONTACTS:

WHAT OTHER PERSONS OR AGENCIES HAVE YOU CONTACTED ABOUT THIS PROBLEM?

None.

### COMPLAINANT

JUDICIAL WATCH, INC.	(NAME)
2540 Huntington Drive, Suite 201	(ADDRESS)
San Marino, CA 91108-2601	(CITY, STATE, ZIP CODE)
626-287-4540	(TELEPHONE NUMBER)

The information in this form is true, correct and complete to the best of my knowledge.

(SIGNATURE) STERLING E. NORRIS, ESQ.

**ALL COMMUNICATIONS TO THE GRAND JURY ARE CONFIDENTIAL.**

I. The Grand Jury Citizen Complaint Form should be prepared after all attempts to correct a situation have been explored and were unsuccessful.

II. Instructions for preparing the Citizen Complaint Form:

**1. This Complaint is Against:**

- a. Include the name and address of the individual or organization the complaint is against. Ensure correct spelling of the names(s).
- b. If the complaint is against an individual in an organization, include the individual's title or position in the organization.
- c. Provide the street address (not simply a P.O. Box), city, state and zip code.
- d. The telephone number of the organization or individual cited should be included on the last line of this block.

**2. My Complaint Against the Above is:**

- a. Describe the problem in your own words.
- b. Be as concise as possible, providing dates, times and names of individuals involved.
- c. Cite specific instances as opposed to broad statements.
- d. Attach any available photographs, correspondence or documentation which support the complaint.
- e. If more room is required, attach extra sheets, and include their number on the last line of the first sheet (i.e. 3 additional sheets attached).

**3. Complainant (YOUR CONFIDENTIALITY WILL BE RIGOROUSLY PROTECTED):**

- a. Include your name, street address, city, state, zip code and telephone number (area code also).
- b. Mail this complaint form to the address shown on the front.
- c. Please sign this complaint. (You may file an anonymous complaint if you desire; however, it is highly unlikely that the Grand Jury will investigate its allegations.)

III. The Grand Jury will respond to your complaint and advise you whether or not an investigation will be undertaken.

IV. The Grand Jury may contact you during the conduct of an investigation.

**ACTION REQUESTED:**

DESCRIBE THE ACTION YOU WISH THE GRAND JURY TO TAKE.

To indict the named individuals (Gary A. Condit, Mike Lynch, and Don Thornton) on the charges of Criminal Conspiracy under California Penal Code Sections 182(a)(1) and 182(a)(5), a Felony; and Subornation of Perjury under California Penal Code Section 127, a Felony.

Judicial Watch has Sterling E. Norris, Esq., a retired Los Angeles County Deputy District Attorney who, in a career spanning 32 years, has successfully prosecuted many high-profile cases and is prepared to offer his services.

## STATEMENT OF THE LAW

Section 5 of § 182 of the California Penal Code makes it a crime for two or more people to pervert or obstruct justice.

Judicial Watch believes that from the attached Declarations of Anne Marie Smith and Jim Robinson, Esq. that Condit, Thornton, and Lynch conspired to pervert and obstruct justice by attempting to persuade Anne Marie Smith to lie about her relationship with Condit. That relationship would be relevant and material to the on-going investigation involving Chandra Levy. The secretive affair and the same telephone number to contact Condit are all aspects of the investigation.

### **§ 182. Criminal conspiracy; Acts constituting; Punishment; Venue**

(a) If two or more persons conspire:

1. To commit any crime.
2. Falsely and maliciously to indict another for any crime, or to procure another to be charged or arrested for any crime.
3. Falsely to move or maintain any suit, action or proceeding.
4. To cheat and defraud any person of any property, by any means which are in themselves criminal, or to obtain money or property by false pretenses or by false promises with fraudulent intent not to perform such promises.
5. To commit any act injurious to the public health, to public morals, or to pervert or obstruct justice, or the due administration of the laws.
6. To commit any crime against the person of the President or Vice President of the United States, the governor of any state or territory, any United States justice or judge, or the secretary of any of the executive departments of the United States.

### **§ 127. Subornation of perjury.**

Every person who willfully procures another person to commit perjury is guilty of subornation of perjury, and is punishable in the same manner as he would be if personally guilty of the perjury so procured.

Enacted 1872.

# SAMPLE INDICTMENT

## SUPERIOR COURT OF THE STATE OF CALIFORNIA FOR THE COUNTY OF STANISLAUS

The People of the State of California,  
Plaintiff,

v.

1. GARY A. CONDIT
2. MIKE LYNCH
3. DON THORNTON

CASE NO. \_\_\_\_\_

INDICTMENT

### COUNT 1

The said **GARY A. CONDIT, MIKE LYNCH, and DON THORNTON** are accused by the Grand Jury of the County of Stanislaus, State of California, by this Indictment, of the crime of **CONSPIRACY TO COMMIT A CRIME**, in violation of **PENAL CODE SECTIONS 182(a)(1) and 182(a)(5)**, a Felony, and of the crime of **SUBORNATION OF PERJURY**, in violation of **PENAL CODE SECTION 127**, a Felony, committed prior to the finding of this Indictment, and as follows:

On and between June 14, 2001 and July 1, 2001, in the County of Stanislaus, the said **GARY A. CONDIT, MIKE LYNCH and DON THORNTON** did unlawfully conspire together and with another person and persons to commit the crime of subornation of perjury, in violation of Penal Code Section 127, a Felony and obstruction of justice and in violation of Penal Code Sections 182(a)(1) and 182(a)(5), a Felony; that pursuant to and for the purpose of carrying out the objectives and

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### A TRUE BILL

\_\_\_\_\_  
Foreperson of the Grand Jury

Presented by the Foreperson of the Grand Jury in the Presence of the Grand Jury, in open Superior Court of the State of California, within and for the County of Stanislaus, and filed as a record in said Court this \_\_\_\_\_ Day of \_\_\_\_\_, 2001.

\_\_\_\_\_, Executive Officer/Clerk

Bail Recommended

By \_\_\_\_\_  
Deputy

\$ \_\_\_\_\_

JAMES BRAZELTON, District Attorney

Bail

By \_\_\_\_\_  
Deputy

\$ \_\_\_\_\_

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SAMPLE INDICTMENT

purposes of the aforesaid conspiracy and suborning of perjury, the said **defendants** committed or caused to be committed the following overt act and acts at and in the County of Stanislaus and allied counties:

**OVERT ACTS**

**Overt Act 1**

On or about June 13, 2001, Mike Lynch, from Modesto, called Anne Marie Smith in San Francisco to contact Don Thornton.

**Overt Act 2**

On or about June 13, 2001, Don Thornton had a phone conversation with Anne Marie Smith.

**Overt Act 3**

On or about June 14, 2001, Don Thornton told Jim Robinson that he was preparing an affidavit for Anne Marie Smith to sign.

**Overt Act 4**

On or about June 15, 2001, Don Thornton sent the affidavit via e-mail to Jim Robinson.

**Overt Act 5**

On or about June 15, 2001, Don Thornton had a conversation with Jim Robinson

**Overt Act 6**

After June 15, 2001, Gary A. Condit called Anne Marie Smith to find out why Jim Robinson would not let her sign the affidavit.

**Overt Act 7**

After June 15, 2001, Gary A. Condit, in the office of Joseph Cotchett, Esq., called Anne Marie Smith to sign the affidavit

**Overt Act 8**

After June 15, 2001, Gary A. Condit called Anne Marie Smith to sign the affidavit.