

WAIVER

SUPREME COURT OF THE UNITED STATES

Supreme Court Case No. _____
County of Gage, et al. v. James Dean, et al.

(Petitioner) (Respondent)

I DO NOT INTEND TO FILE A RESPONSE to the petition for a writ of certiorari unless one is requested by the Court.

Please check the appropriate boxes:

- Please enter my appearance as Counsel of Record for all respondents.
- There are multiple respondents, and I do not represent all respondents. Please enter my appearance as Counsel of Record for the following respondent(s):

Lois White, Personal Representative for the Estate of Joseph White,

Thomas Winslow, Ada JoAnn Taylor, and Kathleen Gonzalez

- I am a member of the Bar of the Supreme Court of the United States.
- I am not presently a member of the Bar of this Court. Should a response be requested, the response will be filed by a Bar member.

Signature _____

Date: _____

Robert F. Bartle

(Type or print) Name _____

Mr. Ms. Mrs. Miss

Firm Bartle & Geier Law Firm

Address 1141 H Street

City & State Lincoln, NE

Zip 68508

Phone 402 476 2847

Email rfbartle@bartlegeierlaw.com

A COPY OF THIS FORM MUST BE SENT TO PETITIONER'S COUNSEL OR TO PETITIONER IF *PRO SE*. PLEASE INDICATE BELOW THE NAME(S) OF THE RECIPIENT(S) OF A COPY OF THIS FORM. NO ADDITIONAL CERTIFICATE OF SERVICE IS REQUIRED.

CC: Jennifer Tomka, Patrick O'Brien, Melanie Whittamore-Mantzios, Elizabeth Cano

Bartle & Geier

November 16, 2018

Honorable Scott S. Harris
Clerk
Supreme Court of the United States
Washington, D.C. 20543

Re: County of Gage, Nebraska, et al. v. James Dean, et al.

Dear Mr. Harris:

Accompanying this letter are waivers from counsel representing all of the respondents in the above-referenced matter. We conclude that the petitioners' petition for a writ of certiorari is so deficient that a response is not warranted.

In 2016, a jury determined that two of the individual petitioners intentionally fabricated false evidence, and then used that known false evidence to secure convictions of the respondents – six innocent individuals. In addition, the jury determined that the same two petitioners conducted a reckless investigation, unconcerned whether the information they were compiling and evidence they were fabricating was true. This intentional fabrication of evidence and the conduct of the reckless investigation was directed, or authorized, or ratified by the Gage County Sheriff, one of the petitioners, who as a matter of Nebraska law was the law enforcement policymaker for Gage County. The use of this fabricated evidence caused six innocent individuals to be convicted of a horrific murder and rape. Collectively the respondents lost seventy-five plus years of their lives because the individual petitioners intentionally decided to fabricate evidence, and use that false evidence to cause the respondents' convictions.

These same petitioners have petitioned the Court for a writ of certiorari before. See, *Gage County, Nebraska, et al. v. James Dean, et al.*, No. 15-1278, cert. denied June 20, 2016. The issues presented in that rejected petition have been presented again in the petitioners' new petition. Those issues have not become better with time. There is no split of authority as the petitioners contend regarding whether law enforcement officers can constitutionally fabricate false evidence to frame innocent individuals. The petitioners ask the Court to correct errors they claim the Eighth Circuit Court of Appeals made. But the errors the petitioners claim exist are illusions conjured up by the petitioners' gross misrepresentation of the Eighth Circuit Court of Appeals decision affirming the jury's verdict.

David M. Geier • Robert F. Bartle • Jeffrey D. Patterson
Patrick W. Healey (1931-2000)
1141 H Street, P.O. Box 83104, Lincoln, Nebraska 68501-3104
402-476-2847 • 1-800-755-7733 • FAX 402-476-2853

Because the petitioners' petition clearly does not warrant a grant of certiorari, the respondents do not intend to respond unless requested by the Court to do so. The respondents respectfully request that you immediately circulate copies of the petition for a writ of certiorari and this letter to the Court so that the Court may deny the petitioners' petition before the new year.

Sincerely,

/s/Robert F. Bartle
Attorney for Lois White, Thomas Winslow,
Ada JoAnn Taylor, and Kathleen Gonzalez.

/s/Herbert J. Friedman
Attorney for James Dean

/s/Maren Lynn Chaloupka
Attorney for Debra Shelden

Cc. Jennifer Tomka
Patrick O'Brien
Melanie Whittamore-Mantzios
Elizabeth Cano