

# "'True Justice Must Be Done In The Light': A Personal Ordeal"

## Introduction

[Judge] Fletcher... observed that the **state's attorney general** had fought "tooth & nail" more than a decade ago to prevent a court from seeing a transcript that **REVEALED THE FALSE EVIDENCE**. (Dolan, Maurca, "U.S. judges see 'epidemic' of prosecutorial misconduct in state," L.A. Times, 1/31/15)

The above article reports on a 9th circuit hearing of a Long Beach, CA, case, in which, the Atty. General's office tried to persuade the judicial panel to uphold murder convictions attained by way of '**false evidence.**' The '**epidemic**' referred to is the constant wave of cases coming before the federal courts that have the Atty. General's Office defending a "**conviction [OBTAINED] by lying prosecutors.**" (Dolan, quoting Judge Kozinski)

While we were preparing for my own federal appeal (the next appeal after being denied in state court), we received evidence that put **this** case in its **TRUE LIGHT**. Star witness Regina Mills came forward, & Eric Snowden style, revealed that the prosecution **FORCED HER TO TESTIFY FALSELY**, by threatening her, & her kids!!! (Detailed in this piece)

As a result of the **REAMING** it received, in the above-reported hearing, it seems that the A.G. Office has ditch the old deceitful tactic, of denying/hiding false evidence. Instead, in my case, they are basically **CONCEDING** to the prosecutorial misconduct & perjury, only to, **scrupulously argue** before the state court that their **wrongful conviction** should be upheld by **MISREPRESENTING Constitutional Law**.

As for the misconduct, their argument is:

To constitute a violation of the federal Constitution, prosecutorial misconduct must so infect[] the trial with unfairness as to make the resulting conviction a denial of due process. [Citations.] Conduct by a prosecutor that does not render a criminal trial fundamentally unfair is prosecutorial misconduct under state law only if it involves the use of deceptive or reprehensible methods to attempt to persuade either

the court or the jury.

(Attorney General, Informal Response To Petition For Writ Of Habeas Corpus, p.14, 5/21/15)

Their view of this evidence is clearly in contradiction to the presiding federal judge's, in which he stated:

Witness intimidation, whether BY GOVERNMENT ACTORS [i.e., prosecutors] or others, SERIOUSLY COMPROMISES the FAIR ADMINISTRATION of the criminal justice system & ALONE COULD TAINT AN ENTIRE CRIMINAL PROCEEDING.

(U.S. Dist. Judge Percy Anderson, Order on Exhaustion, p.3, 7/7/14)

As for the perjured testimony, this essay tackles the fallacy of their argument(s), step-by-step, corroborated by PUBLICLY AVAILABLE DOCUMENTS!!!

However, just as Judge Kozinski stated in the above-mentioned article, "prosecutors... are going to keep doing it [trying to preserve faulty convictions] because they have state judges who are willing to look the other way." (Dolan, 2015)

In order to protect myself, & hopefully others, I have no choice but to, also, take a page from Snowden's book, & reveal to the public the dirty tricks that are being pulled behind closed doors, while Lady Liberty is completely blindfolded. What follows is proof that the Attorney General's assertion to the State Court, that this conviction should stand, is as dishonest as the conviction they are trying to keep!!!

As the article reported, this is not a rare occurrence, but an ongoing EPIDEMIC! We must always be conscious of the fact that the very same forces assassinating us in the streets, without a trial, are also the same ones assassinating us in kangaroo courts! This EPIDEMIC is also INSTRUMENTAL in what Michelle Alexander aptly termed: The Mass Incarceration in the Age of Colorblindness.

Therefore, as the great poet Biggie said, "I GOT A STORY TO TELL!!!"

[Legend: tr.: transcript;      exh.: appellate exhibit; Bates#: appellate#]

**"True Justice Must Be Done In The Light': A Personal Ordeal"**

Harris was tied to the murder through the TESTIMONY of REGINA MILLS... who testified for the prosecution under a grant of IMMUNITY.... Mills said Harris TOLD HER he had been involved in a robbery & he THOUGHT he SHOT a pregnant woman. (Kenneth Ofgang, Staff Writer, "S.C. Upholds Death Sentence in Murder of Pregnant Woman," 8/30/05)

Now, in 2015, after this crucial witness, Regina Mills, has recanted her testimony, swearing that the prosecution coerced her INTO TESTIFYING FALSELY, the CA Attorney General is attempting to persuade the CA Supreme Court, that her testimony "is INCONSEQUENTIAL TO PETITIONER'S GUILT & UNPERSUASIVE." Therefore, "NOT ENTITLED TO RELIEF," & the subsequent appeal should be denied.

Amazingly, this high-disregard to the Constitutional Right to a Fair Trial, by an institution whose duty it is to uphold the law, was made after itemizing ALL the falsities Mills admitted to, such as:

1. she was NOT afraid of petitioner
2. she was coerced into testifying falsely because prosecution told her she would go to jail for several years & her children would be taken away
3. that petitioner had jewelry
4. that she saw tickets to Atlanta
5. petitioner got treatment for his leg
6. petitioner MADE ADMISSIONS about the crime
7. petitioner wore eye makeup; PLUS,
8. she was SECRETLY paid \$4,000 in EXCHANGE for THIS PERJURY. (A.G.'s "Informal Response to Petitioner For Writ of Habeas Corpus," 5/21/15, pp.14-5)

The A.G.'s preposterous claim that Mills' TESTIMONY WAS NOT MATERIAL to their conviction is clearly in opposition to the canons the high Courts use to determine this issue:

- Sanders v. Sullivan, 863 F.2d 218, 224 (2d Cir.1988) (reversing the denial of habeas relief & holding that the petitioner's due process rights were violated when the petitioner in that case was

convicted based on the material testimony of a witness who recanted) (Maxwell v. Roe, 628 F.3d 486, 507 [9th Cir.2010])

- testimony is significant not just for the paucity of other evidence, but also because of the CONTENT of... TESTIMONY. As this court & THE SUPREME COURT has noted, the IMPORTANCE of "'the defendant's OWN CONFESSION is probably the MOST PROBATIVE & DAMAGING EVIDENCE that can be admitted against him.'" (Maxwell, @ 508)

The following is KEY:

In Killian, the [witness] made "virtually the WHOLE CASE for the government," & the prosecution EMPHASIZED the [witness'] TESTIMONY during CLOSING ARGUMENTS.... Because the [witness] was the "MAKE-OR-BREAK WITNESS" for the state, we conclude that there was a "REASONABLE PROBABILITY THAT WITHOUT ALL THE PERJURY THE RESULT OF THE PROCEEDING WOULD HAVE BEEN DIFFERENT." (Maxwell, @ pp.507-8)

From here, we can check if the 2 determinatives, in Killian, exist in this case. As for the 1st, whether the witness provided the "WHOLE CASE," all we have to do is examine the prosecution's VERY OWN WORDS to resolve this point. (NOTE: For the following statement NOT TO BE their TRUE opinion, would COMPORT WITH "the USE of deceptive... methods to attempt to PERSUADE... THE COURT." [see pp.i-ii]):

And, in a nutshell, in THE PROSECUTION'S OPINION, she GAVE US THE WHOLE CASE against Maurice Harris. She basically told us [Harris] ADMITTED to her that he had pulled a robbery & he said the woman got shot but it was accidental. He said that he got shot in the right leg & then he had the BULLET REMOVED by an inhouse doctor in Korea Town. (ADA William Gravin, Sealed Hearing, 4/3/96)

Now, the 2nd determinative, whether the prosecution EMPHASIZED these FALSITIES during its closing arguments:

- Regina Mills TESTIFIED the defendant .. THREATENED her... & he

THREATENED to kill her.... He's angry... he THREATENS to kill Regina Mills.... (tr. 2532)

-The THREATS had an effect on her.... Why?... She was AFRAID his homeboys would come over & shoot the place up & kill her. (tr.2532)

- [in an effort to REDEEM her credibility, after one of their LIES were exposed in court:] As we examined the defendant's foot in court, we DIDN'T SEE a little circle thing that she [Mills] referred to. But the fact that we didn't see that in NO WAY distracts from her CREDIBILITY or her RELIABILITY. ¶ The defendant is doing exactly what Regina Mills SAID HE DID. And he's using a DSIGUISE....¶ that MASCARA was also applied to his eyelashes....¶ And Regina Mills TOLD US, the defendant knew that the cops were looking for him, that's why HE WAS AFRAID. [as opposed to being in a bad drug deal] ¶¶ She TOLD US she briefly saw some JEWELRY....

And she TOLD US that she saw... TICKETS to ATLANTA, GA. Was she TELLING THE TRUTH about that or not? (tr.2538-40)

Also, the prosecution mentioned to the jury that part of the cornerstones to their case were GUNSHOT WOUND & BALLISTIC EVIDENCE (tr.2617); & that "ALL THE EVIDENCE BLENDS & COLORS & AFFECTS EVERY OTHER PIECE OF EVIDENCE." (tr.2617) The following is the EMPHASIZING of Mills' import to these cornerstones:

Where is the [missing] BULLET?... He also ADMITTED to Regina Mills that he went to a safehouse or somebody in Koreatown & had the BULLET REMOVED for \$400.

Where is the BULLET? It was in his leg. The BULLET HAD TO BE REMOVED. (tr.2618)

Additionally, the prosecution EMPHASIZED the VERACITY of Mills' testimony to the jury:

When she does talk, you KNOW SHE'S TELLING THE TRUTH.... & you know it because SHE HAS NO MOTIVE TO LIE. [We now know the motive were the THREATS to take her kids] (tr.2541)

Besides the "CONFESSIOIN," most instrumental to their conviction was the supposedly "TRUTH" that Mills gave them a 2nd suspect, to fit the crime, thus, further evidence of guilt:

& the THREATS to Regina Mills don't stop there. She said her cousin KEVIN came over picked up the bag, & TOLD HER, 'Don't talk to the police.' (tr.2532)

She TALKS to the wife of cousin KEVIN, she TALKS to cousin KEVIN, & then she TALKS to the DEFENDANT. And what does HE TELL HER?... he was INVOLVED in a robbery.... & that the pregnant woman was shot, HE SAID HE SHOT HER. (tr.2539)

To fully grasp the significance of introducing this FICTITIOUS character into evidence, we must, again, go back to the above-mentioned sealed, 4/3/96, hearing between the prosecution & the judge:

The prosecution has a suspicion, A STRONG SUSPICION, that KEVIN is the other individual INVOLVED.... & KEVIN is still at large. (ADA Gravlin, tr.141)

AFTER the trial i filed a motion accusing the prosecution of allowing Mills to withhold information on this fictitious accomplice, & suborning perjury. Their response proves that Mills was used to create an accomplice:

Regina Mill's description of KEVIN's activities in this case together with witness's testimony that 2 men ran from the crime scene after the shots were heard, makes KEVIN AN OBVIOUS SUSPECT. It is SELF-EVIDENCE he is SUSPECTED of being the 2nd suspect.

.... The defense can draw its own conclusion from Regina Mill's REFUSAL TO IDENTIFY "KEVIN." [We now know why!!!] The prosecution's legal INTERPRETATION of her silence is PRIVILEGED ATTORNEY WORK PRODUCT. [No doubt, they KNEW IT WAS PERJURIOUS!!!] (Opposition to New Trial Motion, p.4, 12/12/96)

The defense could have impeached Mills by arguing that she was guilty of being an accessory after the fact by failing to

IDENTIFY KEVIN. [No we couldn't, because they labelled him a suspect in a SEALED HEARING, above]

The "government" did not "allow" Mills to withhold evidence on KEVIN, but was POWERLESS to COMPEL her to provide information during interviews. [Remember they gave her immunity, see closing, below] (Opposition, p.5)

With ALL the above false testimony revealed, the DEVIOUS NATURE of this prosecution can be seen in their following statements OPPOSING my MOTION for NEW TRIAL based on PERJURY:

Defendant Harris's ASSERTION that the prosecution did NOT INVESTIGATE KEVIN because it KNEW HE DIDN'T EXIST, & thus the prosecution KNEW MILLS TESTIMONY regarding KEVIN WAS PERJURY, IS RUDDERLESS SPECULATION.

¶ In a separate pleading, defendant Harris states that CONDITIONAL IMMUNITY AGREEMENTS are IMPROPER.... The prosecution ALLOWED Regina Mills to withhold information on KEVIN. The prosecution gave Mills IMMUNITY on the CONDITION she TESTIFY the WAY the PROSECUTION & POLICE DEPARTMENT WANTED HER TO TESTIFY. [EXACTLY what Mills has come forward to admit!] (Opposition, p.6)

This begs the question, "If her immunity wasn't CONDITIONED in such a manner, WHY wouldn't they make it a PART OF HER IMMUNITY DEAL for her to IDENTIFY this SUSPECT, that ONLY SHE KNOWS, & whom they would TELL THE JURY may have even DONE the SHOOTINGS?" (tr.2573) After all, they told the jury this regarding the immunity deal:

The prosecution gave Regina Mills immunity. WHY?... ¶ Immunity was FOR THE PROSECUTION'S BENEFIT. (tr.2535-6)

The immunity is FOR THE PROSECUTION'S BENEFIT, NOT FOR HERS. (tr.2537)

When I was given the rare opportunity, after trial, to examine ADA Todd Rubenstein (who happens to be the one Mills' swore threatened her) regarding giving her immunity, without the identification of this "KEVIN,"

something came to light that supports Mills claim that all she did was testify according to the script provided by the prosecution:

[After ADA Rubenstein PERJURES HIMSELF - by testifying Mills gave them the name "Kevin" during their 4/12/96 interview - I confront him with the truth:]

Q. I have the whole transcript from this interview.... there is ONLY ONE TIME that you asked her the question of who her cousin is.

I can read it.

It says:

"Rubenstein: Which cousin is that?"

& she doesn't give an answer. & then you ask her "FIRST NAME." & she says "I CAN'T GIVE YOU ALL HIS NAME.

So SHE DIDN'T GIVE YOU NO NAME AT ALL.

ADA. Okay

Q. Right after this, you give her immunity.

Right?

This is April 12. You give her immunity<sup>1</sup> on May 24th or 23rd.

The court: Do those dates sound correct?

ADA: They sound correct, yes. (tr.3351-2)

See, it was so SLICK, one would miss it! If on April 12, 1996, Mills still hasn't provided the prosecution with "NO NAME AT ALL," now in the world when they were in a private hearing with the judge on April 3, 1996, they had the name of "KEVIN?" (See above 4/3/96 hearing)

Discovering that Mills did not give them this name caused me to desire to find WHY this particular name, WHEN did it 1st appear, & HOW did it get to become Mills' "cousin." By doing so, the FRAME-UP BECOMES VERY CLEAR:

3/18/96: Gardena Police Dept. receives from Chicago an Investigative report containing the name KEVIN, stating he's one of the guys admitting to Canto's murder.

3/19/96: The prosecution tells Det. Davila about Mills for the 1st time. (exh.89, 3483)



3/21/96: "KEVIN" appears for the 1st time, in a report, coming from Mills. (Discovery #522-3)

Also, the Detective's notes from this date states:

- they made promises THEN not to prosecute her, & to give her living expenses
- that he was told by the prosecutors "to TURN Mills"
- & " 'KEVIN' MAYBE THE ONLY REAL [ALLS] OUT HERE

(exh.89, 3484)

4/3/96: The infamous SEALED HEARING where they LABEL this KEVIN a SUSPECT, & MY FRIEND.

So, Mills is absolutely correct, the prosecution put all this into her mouth, as a bigger CONSPIRACY to tie me to some guys I never met, & CANTO's death in Chicago, &/or, them to this case!<sup>2</sup>

As for prejudice, one of the jurors admitted that the interjection of this 2nd suspect factored in on deciding the verdict:

I had my DOUBTS about the EXTENT of Mr. Harris's GUILT.... but BECAUSE the witnesses indicated 2 MEN were INVOLVED, I was NOT SURE what Mr. Harris HAD DONE or to what extent he was involved. It BOTHERED ME ENOUGH to not want to vote guilty on all counts. (Juror, Bates #5343)

In light of their current stance in this case, it was very striking to read what a Deputy A.G. told a Grand Jury in 1988, concerning similar false testimony:

First of all, [the witness] was a People's witness.... He was testifying in a murder case, & he testified that the defendant indirectly ADMITTED to the crime. Clearly, THAT'S A MATERIAL MATTER.... We expect that persons are going to come in & tell the truth.... That just plain didn't happen in the Sanders case. [The witness] was a person who lied about his credibility, & it was a SERIOUS RISK TO THE JUDICIAL SYSTEM. (Maxwell, @ 503)

On that note, for the government to now CLAIM Mills was IMMATERIAL to

their conviction would be declaring that the prosecution submitted a **FALSE AFFIDAVIT**, to the court, in order to obtain her **IMMUNITY**:

I, [D.D.A.] E. William Gravlin **DECLARE** that:  
Regina Mills is a necessary witness for the People & the  
**TESTIMONY** of the witness IS MATERIAL, COMPETENT & RELEVANT....

Evidently, the Attorney General's Office no longer believe that our judicial system needs to be undergirded by **TRUTH**.

1. During this interview Mills is found to be repeatedly telling them the victim was shot **IN A SHOOT-OUT**, in which she was struck while **IN A CAR, OUTSIDE**, therefore, the prosecution knew, **BEFORE** giving her immunity, she **KNEW NOTHING OF THIS CASE**.

When I confronted Det. Davila, the other prosecution member present during this interview, about this untruth, like his partner, D.D.A. Rubenstein, he commits perjury to cover this up. (tr.3375-7) Besides the interview transcripts confirming he lied on the stand, his **OWN** personal notes, turned over **AFTER TRIAL**, contradicts his testimony:

[Harris] **TOLD HER** got into a drug **SHOT OUT**, shot a woman in Canto's **VAN**.

[Harris] **DID NOT SAY HAD SHOT ALICIA**. (exh. 89, 3500)

Ultimately, his notes also reveal the **SMOKING GUN, AFFIRMING** Mills' declaration that they **FED** her what to say:

Regina told them Harris told her shot Alicia by **ACCIDENT** during **GUN BATTLE WITH CANTO**.

[We] **TOLD HER WHAT REALLY HAPPENED**. (exn.89, 3491)

2. Evidence of this can also be found in a fax the prosecution sent to the **"CHICAGO KEVIN'S"** attorneys:

The fax read in part: 'In the People v. Harris, the defense indicated in their opening statement that the defendant will testify & blame the 1994 L.A. crime on ["KEVIN" & his co-defendant]. He will testify that in arriving at the scene, he saw the 2 exiting the house, the crime already completed. They finish in Chicago in 1995 **WHAT THEY STARTED IN 94**. (People v. Harris, 37 Cal.4th 310, 343)

This lie was so blatant, that the CA Supreme Court felt obliged to correct it:

Actually, defense counsel had stated **ONLY**, "Mr. Harris will describe for you when he arrived [at Canto's house] he was confronted by 2 men." Defendant later testified **HE COULD NOT IDENTIFY THE MEN**. (Supra)