

## CALIFORNIA'S DIRTY LITTLE SECRET

~~RE: Involuntary Servitude~~

Dear Attorney, [REDACTED]

I am writing to you out of sheer desperation. There are eight of us on California's Death Row that discovered how the California Supreme Court (CSC), with the tacit approval of the state attorney general, and Governor, promulgated illegal/unconstitutional policies 36 years ago, that has created an appellate process called, "Star Chamber." During the past six years we have attacked this process with state and federal habeas corpus, and Title 42 U.S.C. § 1983, all to no avail. What we have learned is that the federal courts have worked to shield the CSC from prosecution, and have supported this illegal process. Please be patient as I explain...

One glance at "Policies Regarding Cases Arising from Judgements of Death," and you will understand what the CSC has done. Between 1974 and 1986, the state attorney general faced a 92.8 % reversal rate of their capital convictions. When George Deukmejian became Governor he issued threats to the "Bird court." Affirm capital cases or be removed. She and her colleagues refused. During the retention election of 1986, Bird and her "liberal" colleagues were removed, and replaced with judges willing to affirm capital cases regardless of the very serious and egregious nature of the constitutional violations. That trend continues today with a 100 % affirmance rate for the past 36 years.

The CSC took over appointments and compensation of attorneys. Counsel appointed for direct appeal only is required to "prepare and certify a trial court record." The delay in appointment is 3 to 8 years. The records correction is 2-6 years. During this period habeas corpus is suspended. And never reinstated... Counsel for Direct Appeal reads the trial court record, identifies the "potential Meritorious Habeas Corpus Issues," and is ordered to "preserve them" until counsel for "executive clemency/habeas corpus is appointed," (if warranted)." Counsel takes these claims (constitutional defects) back to the trial court where the trial court judge and counsel enter into "stipulated agreements" to "Settle" these claims, in order to certify a record that is "complete and accurate."



These constitutional violations are either defaulted, or they never make it into the appellate petitions. I have per se reversible conflicts of interest that never made it into my appeals. 71 side bars. 31 chamber conferences between defense, prosecutor, and trial court, "unreported." Two out-of-court demonstrations by the prosecutor, for the jury, "unreported." Some of us have been able to acquire the actual records corrections transcripts, and motions filed by appellate counsel to settle the record. One example, no search warrants, no arrest warrants. Suppression hearing pre-trial denied. Record correction hearing, evidence admitted no warrants, trial judge orders lead detective to submit declaration that all warrants were obtained legally. Despite record in Pomona court of no warrants ever issued. All exhibits, all power-point demonstrations, missing. Record certified as accurate and complete, and counsel is now planning to proceed with appeal...

Policy 3 goes on to require counsel to submit a "confidential request to incur expenses," which includes: Issues to be explored. 2. Potential meritorious issues to be explored. 3. An itemized list of all issues of possible merit. Hence, the CSC decides what claims will and will not be funded, and/or included in the appellant brief prior to adjudication of the appeal. Counsel for direct appeal will not be compensated for the filing of any other pleading, motion, or briefs other than those approved by the court. This means counsel cannot challenge (vacate) the judgement for defective record. Cannot expand the record, habeas corpus. Cannot challenge the record post-conviction. In fact, Policy 3, states: "The duty to investigate does not impose on counsel an obligation to conduct, nor does it authorize the expenditure of public funds, for an unfocused investigation having as its object uncovering all possible factual bases for a collateral attack on the judgement."

Let me be perfectly clear... Counsel is appointed to fabricate a record to support the judgement. Direct appeals are denied 100% of the time. Habeas corpus counsel, appointed 17.3 years later, is "limited" to Direct Appeal counsel's "list" of issues that have been preserved. 5% of habeas corpus petitions are granted for penalty phase only. Once convicted there is absolutely zero chance the judgement will ever be reversed. The average delays in state court to conclude the appeal is 34 years. This is "Star Chamber."

The federal court must "defer to the correctness of the state court record in determining the facts used by the state court to adjudicate the appeal." Thus, most cases are sent back for exhaustion of claims involving newly discovered evidence. That delay in my case has been 15 years...

Here is the rub, Policy 3 was promulgated on June 6, 1989 by the CSC who acted without jurisdiction. No legislators, no voters, no judicial council. They violated separation of powers and created an illegal/unconstitutional appellate process in order to affirm cases to protect their positions on the bench. The consequences of which was every single constitutional and civil right the condemned person is entitled to.



This process has been allowed to prosper for 36 years. Judges who once sat on capital cases in superior courts, have been promoted to the California federal district courts where they now protect the process, and their own involvement in it.

California's capital scheme cost tax payers four times more than the next highest state. The California Department of Corrections & Rehabilitations receives 34K per inmate. 90K per each condemned prisoner. They have obstructed our efforts at every turn.

The state of California has collected 3.4 trillion dollars in federal subsidies over the past 36 years for their illegal capital scheme. It is all reliant upon the involuntary servitude, violations of their treaty to enter the union of the United States, and their promise to administer the laws and constitutions equitably to each United States citizen.

We have gathered undisputable evidence that implicates them all. We desperately need an attorney to come here and assist us. In the CSC we have attorney's forced upon us and all access is blocked to us. In federal courts our pleadings have been called frivolous or without merit, or "all documents rejected."

We are all indigent condemned prisoners. Some guilty, some like myself, not so much. But we are all Americans who deserve a fair and adequate opportunity to our day in court.

We are all willing to pay you with money obtained from civil damages collected from law suits we have filed. And we could gather many more signatures if you wanted to file a class action law suit over this "pattern of practice," of the state.

Our current pleadings are before congress. We are asking that California be placed into receivership and the criminal assault upon our liberties be corrected. We are not altogether hopeful...

Please help us. Thank you for your patience. God bless.

Sincerely,

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