CALIFORNIA'S DIRTY LITTLE SECRET (TWO)

ANALYSIS OF THE CAPITAL APPELLATE PROCESS AND POLICY 3 IMPACT ON APPEALS

To fully appreciate the impact that the promulgation of Policy 3 had on capital appeals, it is essential to understand the correct appellate procedure, and why Policy 3 was necessary to undermine it.

In 1976 the United States Supreme Court (USSC) reinstated capital punishment. California was one of many states that decided to reinstate the death penalty. However, the USSC introduced many new statutes, processes, and procedures, to insure that states carried out the death penalty with an even hand. Remember, it had been abolished because it was administered arbitrarily. There was just one problem with the new death penalty and all of its new rules. It did not come with federal funding to educate lawyers and judges. Therefore, everyone who was involved in death penalty cases in California was really flying by the seat of their pants. In fact, they were violating many of the new rules without ever realizing it.

For the first ten years, 1976 to 1986, nearly 100 people had received the death penalty. The California Supreme Court, lead by chief justice, Rose Elizabeth Bird, (The Bird Court) reversed 92.8% of all capital cases they reviewed. 100 people, 92 got reversals. This was a very sore spot for then Governor, Ronald Reagan. While Reagan went on to become the President, George Deukmejian was elected Governor. Deukmejian had helped draft the new laws reinstating the death penalty. No one understood them better. His colleague, Dan Lungren was elected as California state Attorney General. Lungren had worked as a prosecutor in San Bernandino County prosecuting death penalty cases. This meant that the two top state executive branches were now held by pro-death penalty politicians. They saw the Bird court as a roadblock to their pro-death penalty agenda.

Governor Deukmajian began issuing public threats to the Bird court. "Affirm capital cases and execute these heinous killers or we will remove you and replace you with common-sense judges who will." Bird responded by telling the Governor to train his prosecutors and judges to comply with the new laws, and she would affirm cases. This infuriated both the Governor and Dan Lungren, who continued to lose the convictions and death sentences they had obtained at the trial level. The Governor had a choice to make, re-train all of his police, prosecutors, and judges to comply with the new death penalty laws they were violating, or get rid of the Bird court. He chose the latter.

During the retention election of 1986, Bird, Renoso, and Joseph Grodin were not retained. The Governor quickly filled these vacancies with pro-death penalty justices lead by Henry Malcolm Lucus. (The Lucus court) Within two years the new court had affirmed 100% of all capital cases they reviewed. The same constitutional errors that were occurring during the reign of the Bird court were still occurring, only now the Lucus court found them to be "harmless errors." This was achieved in two stages. First, policy 3 required all capital appellate attorneys to limit their representation to Direct Appeal only. Habeas corpus was effectively suspended. Secondly, after the lengthy records certification process, all habeas corpus petitions were untimely, and therefore defaulted. Under the harmless error rule, any petition for a writ of habeas corpus was put through the harmless error analysis. Which states, "But for the constitutional error, the results at trial would have been different." Or stated another way, did the constitutional error contribute to the verdict? This was a burden that no appellant could overcome.

Under the new policies, all direct appeals were filed first, and decided first. In every case (100%) of the time, the CSC found that "The evidence presented against the defendant at trial was overwhelming." Whether it was or not didn't much matter. What mattered was that if the evidence was overwhelming, no matter how serious the constitutional violation, it could not have contributed to the verdict. How could the CSC find that the evidence presented at trial was overwhelming in 100% of all capital cases? This is where the cooperation of the attorney for direct appeal is crucial in assisting the CSC in securing your conviction on appeal.

The first order of business for an appellate attorney for direct appeal is to prepare and certify the trial court record. During the reading of the record the attorney must identify all "Potentially Meritorious Habeas Corpus issues," and "preserve," them until habeas corpus counsel is appointed later. However, these are serious constitutional errors that if presented to the court themselves, would result in a reversal of the judgement against you. But the attorney is told to "preserve them." This is to create an untimely default, and to create damage to any hopes you have of securing new witnesses, testing new evidence, and challenging your trial attorney's performance. But more importantly, these issues that could potentially result in a meritorious challenge to the judgement against you, are taken back to the trial court where they are "settled," in a series of "Stipulated Agreements." This is how it works. Let's say the police did not secure a search warrant before they entered your home and found evidence. The trial court judge should have granted the suppression motion and excluded this evidence, but did not. The evidence was used and you were convicted. On a petition for habeas corpus you can challenge the judges ruling as an abuse of judicial discretion. The federal court would have no choice but to reverse the judgement and grant a motion for a new trial. However, your direct appeal attorney returned that suppression hearing transcript back to the trial court and the trial court ordered the lead detective to submit a declaration stating that he legally acquired all search warrants in the case and that if any are missing, it is merely a filing error and the issue is then settled through stipulated agreements. This issue will never make it into your habeas corpus appeal.

As you read on it is critical that you understand that there are three types of habeas corpus. One, produce the body. This is filed in a court to transfer a living person from one jurisdiction to another to give testimony. Two. This is a habeas corpus/executive clemency petition. This is used to plead for mercy. Three, is a collateral challenge to the judgement. This is a post-trial investigation process where all pre-trial, trial, and post-trial information is combined to challenge the constitutionality of your judgement and/or the legality of your incarceration. This collateral challenge/habeas corpus was taken away from us and replaced with executive clemency/habeas corpus. This is why 100% of all habeas corpus petitions filed are denied in regards to the conviction. However, 5% are granted for penalty phase re-trial only. If you read your habeas corpus petition carefully, you will discover that your attorney argued that the constitutional violations entitle you to a reversal of your sentence, not your judgement. And if there is an argument that your conviction should be reversed, it is unsupported by any post-trial investigation and/or newly discovered evidence. It is based instead, on the record that supports the judgement.

Now, let's begin to examine the actual policies and how they impact all death penalty appeals...

See Page 2 of the attached policies. The underlined portion... "monitor and regulate expenditure of public funds paid to counsel who seek to investigate and file habeas corpus petitions." This is the court that will decide the case, first deciding whether or not to provide funding for the investigation and filing of the petition for habeas corpus. The CSC should not play any role in the investigation.

1-1. Appellate counsel, (Direct Appeal only) is to create "A detailed list of potentially meritorious habeas corpus issues that have come to appellate counsel's attention... Appellate counsel shall preserve evidence that comes to the attention of appellate counsel if that evidence appears relevant to a potential habeas corpus investigation. If separate "post-conviction" habeas corpus/executive clemency counsel (hereafter "habeas corpus" counsel) is appointed, appellate counsel shall deliver to habeas corpus counsel copies of the list of potentially meritorious habeas corpus issues." Therefore, appellate counsel, who is responsible for reading the entire trial court record, is told to make a list of all habeas corpus claims and preserve them. There is no such thing as preserving a habeas corpus claim. This is demonstrated by the Policies later instruction found at page 3, 1-1.2. "filed within a reasonable time after petitioner or counsel (a) knew, or should have known, of the facts supporting the claim and (b) became aware, or should have become aware, of the legal basis for the claim." It is clear from the Policies that the CSC is using appellate counsel to delay and deny the constitutional challenges to the judgement against you.

To reinforce this policy's denial of habeas corpus, the CSC further instructs... Page 5. 2-1. "Appellate counsel's appointment is for the following: (i) pleadings and proceedings related to preparation and certification of the appellate record; (ii) representation in the direct appeal before the California Supreme Court; (iii) preparation and filing of a petition for a writ of certiorari..." This specifically directs appellate counsel to limit his representation to these three tasks.

The exclusion of habeas corpus representation at this critical stage is illegal. California constitution, and the United States constitution, both state: "Habeas corpus MAY NOT BE SUSPENDED unless when in cases of rebellion or invasion the public safety may require it." Lets examine how this suspension of habeas corpus actually works. First, appellate counsel is instructed to read and prepare the trial court record for certification. Any habeas corpus issues are to be preserved. This records correction process can take years. 3 to 8 years to be exact. Only after the certification, and filing of the direct appeal will counsel for executive clemency/habeas corpus be appointed. That delay is now 17.3 years or more. Consider the impact of the loss of habeas corpus. This is what the United States Supreme Court has said about the writ of habeas corpus. Harris v. Nelson 394 U.S. 286 "The writ of habeas corpus is the fundamental instrument for safeguarding individual freedoms against arbitrary and lawless state actions. Its pre-eminent role is recognized by the admonition in the constitution that (the writ of habeas corpus shall not be suspended), U.S. Const. Art. 1 Sec. 9 Cl. 2. The scope and the flexibility of the writ and its capacity to reach all manner of illegal detention - its ability to cut through barriers of form and procedural mazes - has been emphasized and jealously guarded by courts and law makers. The very nature of the writ demands that it be administered with the initiative and flexibility essential to ensure that miscarriages of justice within its reach are surfaced and corrected."

A key part of that admonition is, "cut through barriers of form and procedural mazes." Such as lengthy records corrections. Direct Appeals. But even more impressive is the writs ability to reach all manner of illegal detention. If your constitutional rights were violated at trial, this writ will guarantee that the violation will be corrected immediately. Stated another way, if the California Supreme Court sought to speed up the process of appeals and executions, they would appoint counsel for habeas corpus first. In fact, consider this... All capital appellate attorneys are qualified to address any appellate issues. They cannot graduate law school if they cannot represent a client on a writ of habeas corpus. The same attorney who represents you on direct appeal only, represents three other clients on habeas corpus review. For the CSC to appoint counsel for direct appeal only, is a deliberate and intentional violation of the law. It interferes with your fundamental right to effective assistance of counsel, and expedited review of your attack upon the judgement. It creates a detrimental and damaging conflict of interest. If counsel will only be paid if he or she performs these specific functions, and is ordered by the policies not to perform the most effective functions, that is the very definition of a conflict of interest. See page 5. "Absent prior authorization of this court, this court will not compensate counsel for the filing of any other motion, petition, or pleading in any other California or federal court or court of another state." If a petition for habeas corpus will expedite your freedom, and counsel is told to preserve those issues, and he will not be paid for filing that petition, then why would counsel file it on your behalf, in violation of the policies that got him appointed?

This fundamental interference with your rights grows even more sinister as we examine more of the CSC Policies. The first order of business for the appellate counsel is to prepare the trial court record for certification. Without the benefit of any other type of challenge to the record, such as habeas corpus to expand the record, or motion to vacate the judgement because of a defective record, counsel is left with one option... He or she must accept the record no matter what errors it contains. For example... Missing search warrants. Affidavits. Declarations. Testimony. Side bars. In Chamber conferences. Jury instructions. Ect, ect. These type of errors form the primary attack upon any judgement entered against you by the jury. The federal courts have stated that the defendant is entitled to a "complete and accurate trial court record that reflects the actual process and procedures utilized to secure the judgement." The defendant is entitled to this complete and accurate record for two very important reasons. 1. Counsel did not attend the trial. If counsel is to effectively use all of the tools in his appellate arsenal to effectively represent his client, he must have a complete and accurate record to identify all of the errors that occurred at trial. 2. The appeal is an argument between the state and the defendant about what did or did not happen at trial. In order for the appellate court to decide who is right and who is wrong, they must have a complete and accurate trial court record to determine what actually happened. Without a complete and accurate trial court record, counsel cannot be effective and the reviewing court cannot be fair.

Why would the state, who claims to want to speed up appeals and execute you, eliminate your right to habeas corpus/expedited review, and replace it with a lengthy record corrections process? It's really very simple. Fraud. Do you remember all of errors (92.8%) that the Bird court was reversing? Those errors never stopped.

If the Bird court were deciding our cases today, 92.8% of our cases would be reversed. Habeas corpus would play a "pre-eminent role" in those reversals. Without that appellate tool, counsel for direct appeal enters into "stipulated agreements" to "settle" the appellate record as complete and accurate even though it contains constitutional defects, and is incomplete and inaccurate. Now, that trial court record supports the judgement against you! Contemplate that for a moment. Constitutional errors, no habeas corpus to attack them. Defective trial court record, no motion to vacate to challenge the judgement. The record now locks you into the judgement. This allows the CSC to affirm our convictions 100% of the time. Over the past 35 years the CSC has maintained a 100% affirmance rate in all direct appeals.

Then direct appeal counsel commits a second fraud. The writ of certiorari. This is a federal appeal to the United States Supreme Court. This writ is used to complain to the Supreme Court that the state has violated your guaranteed constitutional rights. This is tantamount to putting the cart before the horse. The appropriate manner for challenging the constitutionality of the judgement/conviction against you, is a petition for habeas corpus. Appellate counsel is ordered to file your Direct Appeal first. The CSC affirms your direct appeal, 100% of the time. Then, appellate counsel is ordered to file a writ of certiorari to the United States Supreme Court, and none of your constitutional challenges have ever been raised in the state court. The writ of certiorari should only be filed after the state has denied your petition of habeas corpus challenging the constitutionality of your conviction. By filing it before the petition of habeas corpus, the state is effectively hiding those constitutional violations from the federal courts. This is fraud. The United States Supreme Court denies 100% of all writs of certiorari's presented by condemned inmates in California.

This type of fraud would be corrected by the federal courts but for the fact that appellate counsel has assisted the CSC in hiding the constitutional errors. This is accomplished in several ways. 1. During records corrections. See page 3. "The duty to investigate is limited to investigating potentially meritorious grounds for relief that come to counsel's attention in the course of reviewing appellate counsel's list of potentially meritorious habeas corpus issues." Remember that preserved list? As the record is corrected any habeas corpus issues that might reasonably challenge the judgement are settled. See page 2, "Counsel shall update the issues list and transcript notes as warranted." By the time this list reaches counsel for "executive clemency/habeas corpus counsel," the only issues remaining are those intended to challenge the death sentence, not the judgement/conviction. 2. The CSC, in 100% of all capital decisions, finds that the "evidence presented against the defendant at trial was overwhelming." And that any constitutional violations are harmless. The federal courts must defer to the correctness of this finding if the finding is supported by the trial court record. 3. By filing the writ of certiorari first, the federal court has already reviewed the judgement for constitutional violations and denied the writ.

The final and most damaging way the CSC and appointed habeas counsel damage your rights is funding. See page 3. "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."

This means that executive clemency counsel cannot use any of the funds provided by the CSC to investigate and present a collateral attack upon the judgement/conviction. Remember, counsel is limited by the list given to him by appellate counsel. So, any post-trial investigation into new witnesses, ineffective assistance of trial counsel, recantation of witness testimony, new sciences, DNA, ect, ect, will not happen. You are locked in by the record, and the affirmance of the direct appeal. How can the CSC guarantee that habeas corpus counsel will comply with these policies? See page 8. 2-3. "Counsel shall file with this court a "Confidential request for authorization to incur expenses to investigate potential habeas corpus issues. Showing good cause why the request was not filed on or before the date the appellant's brief on appeal was filed." 2-4. The confidential request for authorization to incur expenses shall set out: The issues to be explored. Specific facts that suggest there may be an issue of possible merit; An itemized list of the expenses requested for each issue of the proposed habeas corpus petition." Remember, the CSC has already limited counsel to the list. And has not authorized the use of public funds for an investigation outside that list. So, why are they demanding that counsel submit a list of all issues? This is the CSC way of monitoring counsel's compliance with the policies. This is an ethical violation which is very serious. A breach of attorney/client privilege. Divulging to the CSC confidential work product. Issues that should only be known to the client and his attorney. By denying these requests for funding, the CSC can guarantee that none of these issues will ever make it into a writ, brief, petition, or motion filed on the client's behalf. All of your federal rights as a United States citizen have effectively been striped away and hidden from the federal courts by a conspiracy between the attorney appointed to your case and the CSC.

Perhaps this is why over the past 35 years the CSC has denied 100% of all petitions for habeas corpus, and has granted 5% of those petitions for penalty phase only. For many years state appointed counsel has argued that the system is broken, and that "we have good issues for federal court." There was a time when that was true. 73% of all state capital cases were being reversed because the state court had failed to apply the correct standard of review. However, that is no longer the case. To correct this, the state created more delays. For example, if some unavoidable issue is raised and it entitles you to relief in state court, the CSC will order an evidence hearing. The sole purpose is to create years of delays, and to create a new record of that issue. Once the CSC denies that claim, the federal court must defer, because you have already had a hearing on the claim. The second is exhaustion requirement. You were denied any collateral challenge/habeas corpus investigation and presentation of claims in state court. When you reach the federal court they will grant your new attorney funds to investigate. Naturally he will find issues. These issues must be sent back to the state court to give them an opportunity to correct their mistakes, before the federal court will rule on the claim. The average delays in the state court process is now 34 years. When the evidence hearings, penalty phase re-trials, and exhustion claims are factored in, the delays in state court can be up to 45 years.

The question that must be asked is, what purpose is served by all of these delays? The damage to your ability to challenge the constitutionality of the judgement against you, has already been demonstrated. But, there is more... It is about maintaining jurisdiction to hide their massive fraudulent financial criminal enterprise.

Over the past 35 years, since the promulgation of Policy 3, the delays have gotten longer and longer as more and more people throughout the state are sentenced to death. Nearly 800 now. According to Arthur L. Alarcon, and professor, Paula Mitchell, "A Roadmap to Mend or End the California's Legislature's Multi-Billion Dollar Debacle," (2011) the state of California has received 3.4 Billion dollars from the federal government to support its dysfunctional capital appellate process. This is massive financial fraud. Billions of dollars from tax payers around the nation siphoned off from the federal treasury to pay for lawyers, prosecutors, judges, clerks, and all other functions required to support a death penalty that takes five times longer than any other state. Now, turn to the attachment: "Unconstitutional Policies of the California Supreme Court, and read it carefully...

The implication is clear. The CSC had no authority to alter, amend, or repeal law. They created these illegal policies that eliminated your right to challenge your incarceration. Trapped, they now fabricate a record to lock you into a judgement that was acquired in violation of your rights at trial. Then created a system of appeals to falsely imprison you here for the rest of your life, while they maintain jurisdiction over your appeals for as long as possible, milking every dime out of the federal government for your involuntary servitude. This is a multi-billion dollar fraudulent criminal enterprise created by California state government officials, under color of law. It is the duty of the California State attorney general, as the chief executive of the judicial branch, to enforce all laws. But the attorney general benefits from this criminal enterprise in many ways. 1. All of the city, county, and state prosecutors are allowed to violate the law and obtain convictions they know will be upheld by the CSC. No accountability. 2. The attorney general, top cop, chief executive, receives the bulk of this illicit cash. More police, prosecutors, courts, judges, and the latest in technology and equipment for law enforcement around the state.

The Governor benefits as well. Public safety is maintained because nobody is ever released from prison. During the past 35 years 15 people have managed to actually go home after decades of delays and after receiving LWOP first. The governor receives all of the increased funding before he allocates the funds to the judicial branches. The governor can use the money to balance the state's budget.

This system, of affirming the judgement and only hearing claims that involve the penalty, or sentencing phase, is nothing new. It is called "Star Chamber." It was abolished by the British in 1620. Lawyers for the condemned were permitted to argue to the courts to spare the life of the condemned person, but they could not argue about their guilt. If the lawyer attempted to argue about the innocence of their client, the lawyer was likely to lose an ear, or a finger. Perhaps no California lawyer would lose an ear or finger, but they would certainly be disbarred or never appointed to another capital case.

At this point it is important to talk about the legal impact that Policy 3 has had on your actual case. This will be a very difficult lesson, but one you must attempt to understand if you are to ever regain your sanity and your freedom. The first reality you must accept is the fact that nothing that occurred in your trial is relevant to your freedom. The entire time you have spent here you have chosen to believe that the issues discussed by your attorney will effectively challenge the judgement against you and result in your freedom.

This is a myth based upon a lie. There are no issues in your case that are special. All issues presented to the CSC for adjudication were approved by them for presentation and denial. The fact is, all capital cases are exactly the same. Perfunctory. They are all designed to fail 100% of the time. Consider this fact... The purpose of an appeal is to determine whether or not you received a fair trial. The appeals process approved by the legislature, law makers, is a constitutionally proven process that is designed to make a fair assessment. The process created by the CSC, is designed to do just the opposite. The fairness of your trial cannot be determined by an unfair appellate process. Therefore, none of the claims, facts, issues, information provided to the CSC in your appeals will be fairly decided. The outcome is pre-determined by the process. 100% of all capital cases are denied. Thus, all of your claims are irrelevant. However, there is some good news.

Many crimes were committed to reach this point in your case. 18 U.S.C. § 1512 makes it a criminal offense to alter, destroy, or conceal official court documents to influence the outcome of a criminal proceeding." Your records corrections transcript will demonstrate that the record created years after your trial does not accurately reflects the events that occurred at your trial. 18 U.S.C. §§ 241 & 242, makes it a conspiracy for two or more persons to deprive a United States citizens of their Guaranteed Constitutional Rights under color of authority." The trial judge had a duty under Penal Code section 190.7 and 190.9 to maintain and preserve the trial court record. In fact, "in all capital cases the judge is required to put all matters on the record." This is to insure that the trial judge's decisions can be reviewed by the federal courts for fairness. Your appellate attorney has a duty to secure a complete and accurate record which will allow him or her to perform effectively on your behalf. When the trial judge, and appellate attorney came together after the trial to create a record "outside the trial court process and procedures," that violates their duties, and your rights, they violated 241 and 242. That is a criminal offense which nullifies the certification of the trial court record. This means there is no valid judgement against you. Think of it like this... You are a United States citizen, and a California resident. Your rights travel with you in all fifty states. When the state arrests, tries, convicts, and sentences you, they take away certain rights. Privacy, liberty, ect, ect. The federal government requires that the states prove to them that the state afforded you all of your rights under the United States Constitution. The trial court record is the state's security. They present the record to the federal courts as proof that they treated you fairly as an American citizen. Once they altered, destroyed parts, and concealed parts, of that trial court record, they damaged the integrity of their security. It is vital that you understand that your case cannot go any further until you have examined your records correction transcripts and the motions filed by appellate counsel to settle the record. These transcripts will expose the federal constitutional violations that have been concealed, as well as the constitutional violations that occurred at your trial. This will provide the necessary grounds to challenge the foundation of the certification process, based upon the illegal appellate process, and illegal acts of appellate counsel and the trial judge.

Keep in mind that all capital appellate attorneys are involved in this illegal process. They have a lot to lose. And because the CSC created these illegal policies without authority, they exceeded their jurisdiction. When a court exceeds its jurisdiction, it acts without authority.

It also means that the CSC judges themselves do not have immunity. This is a high stakes challenge to their very lucrative criminal enterprise. They will not go down without a fight. This was demonstrated when the Innocence Project attempted to take on several capital cases. CAP took them to court and won an injunction that prohibits any outside attorneys from approaching condemned inmates without the capital attorney's permission.

There are some fundamental facts that you must come to accept. All of the issues, direct appeal, habeas corpus, aren't worth the paper they are written on. All capital attorneys know that their writs and appeals will be denied. They have worked with the CSC to produce perfunctory appeals, that never stood any chance of success. Once you have accepted that fact, you must also accept the fact that nothing that happened at your trial is irrelevant. The direct appeal was created from a fabricated trial court record that supports the judgement against you. You have never had a post-trial habeas corpus investigation and timely presentation of your constitutional claims. The adjudication was predetermined prior to the appeals being filed. However, there is hope for those who have the tenacity to fight.

There are two ways you can attack the process. 1. A federal habeas corpus petition claiming that you were denied a fair and adequate appellate review in the state court because of the policies. Your records corrections transcripts will give you the foundation to make the claim that many of your legitimate constitutional challenges were settled and never made it into a habeas corpus petition. 2. Title 42 U.S.C. § 1983 civil rights complaint. There is a $350.00 filing fee for this. The civil rights complaint cannot be used to challenge the judgement/conviction, or any of the trial court violations. It is limited to attacking only the process itself. Avoid any mention of your issues. And as for relief, ask for monetary damages for the loss of your liberty. How you chose to attack this process is really up to you. Now that you are aware of this illegal appellate process, it is your responsibility to create a record that you have asserted your rights. This mean you must question your appointed attorney about the process. Make copies of the letters you send him and his replies. File writs and motions with the CSC for discovery, asking for records. File a motion for a conflict of interest with appointed counsel if they refused to attack the process on your behalf. File anything and everything you can possibly think of to the CSC. They will not file any of it. All condemned inmates are barred from pro se pleadings. This too, is illegal. But you cannot simply assert this, you must attempt to file and let the CSC reject your pleadings and return them to you. Make a schedule, and create a docket sheet. Create a record of dates, pleadings, motions, letters, and anything you do regarding your attack on the process. This will be especially helpful when you reach federal court. You can then demonstrate to the court that you have exhausted all avenues in the state court and have been denied access.

Over the past six years some of us have filed multiple challenges to this process. Thus far all of our efforts have run into a brick wall. No one is interested in releasing 800 convicted killers back onto the streets of California. However, never forget that the state cannot demonstrate that you are guilty of anything. California state agents acting under color of law, destroyed the legislatively approved appellate process, and replaced it with one that was illegal and designed to defeat you.

Therefore, the appellate process that is supposed to determine whether you received a fair trial or not, is itself, unfair. In fact, the trial court process and procedures were so unfair that the CSC found it necessary to illegally alter the appellate process to maintain their illegally obtained judgement.

We have suffered under this form of slavery for far too long. It is time to fight back. Chip away at them. Crack them wide open and expose their crimes. Make this process known to the public. Assert your innocence. Demand the records. No one is going to do this for you. Secretly those responsible for this illegal process are hoping that the voters or the United States Supreme Court overturn capital punishment. It would erase their policies and send us in all directions to various prisons. No matter where you go, once the death penalty is overturned, and you are given an opportunity to file pro se motions and writs, attack, attack, attack this process and that record. And if they attempt to re-try the case, attack the process for its delays and damage to your defense, and that illegally certified record. If they were willing to fabricate a record to maintain that judgement for decades, they cannot be trusted to produce a complete and accurate record upon which to base another trial.

Talk to other people. Share knowledge and information. Assist one another in the writing and filing of motions and pleadings. Educate yourself and others about this process and how it has been used to eradicate your rights, and destroy your ability to challenge the judgement against you. It will not be easy and it will not be fun. It took a civil war, a revolution to free the slaves the last time we found ourselves in this position. You will have to fight. This is a war for your life and your freedom. Never forget the cliche, "They cannot violate the law to enforce the law." Seek your battle ground and regain your freedom by any means necessary.

For all of you who have exhausted all of your state and federal appeals, this attack on the process opens up a whole new avenue of appeals for you. Demonstrate that the entire state appellate process was a sham designed to eliminate your collateral challenge/habeas corpus review, and that you have never truly had a post-trial review of your superior court trial, and you too, can obtain relief.

"The Impact and Analysis of Policy 3."

This article identifies the specific ways in which the California Supreme Court's illegally promulgated policies work. The ways in which the policies eliminate collateral challenge/habeas corpus from the appellate process, and how these policies interfere with defense counsel's effective assistance. Finally these policies discuss the way in which the policies create delays, and defraud the federal government out of billions of dollars as a result of these delays.