DECLARATION RE: THIS PROVABLY WRONGFUL CONVICTION

I Michael Goodwin swear that the following is of my own personal knowledge, except for the very few items which are qualified/equivocated, & if required, I could & would testify truthfully thereto under oath.

1. I am completely innocent of any involvement in the Thompson murders, & can prove that with evidence that the prosecution hid for trial that we have now identified.

2. Evidence proves multiple crimes by prosecutors & investigators, including violations of Penal Codes § 115, 118, 118a, 125, 127, 132, 133, 134 & 135 in a massive, & provable Penal Code § 182 (1) thru (5) FELONY CONSPIRACY TO OBSTRUCT JUSTICE & FALSELY CONVICT by prosecutors Alan Jackson, the runner-up for the Los Angeles District Attorney position in 2012, Patrick Dixon, the head of Major Crimes for the L.A.D.A. at the time of my trial, lead investigator Mark Lillienfeld, for whom evidence proves over 100 material perjuries, the Orange County D.A. himself, Anthony Rackauckas Jr., Senior Asst. D.A. David Brent & others.

3. I specifically also swear, & I stress this, that if I can't prove my allegations in #2 above, that I will forfeit all my future challenges to my conviction and/or sentence, habeas corpus petitions, motions for new trial, anything, & accept my situation.

4. The very few statements herein, if any, that are qualified/equivocated, such as being attributed to others, I make under understanding & belief, in other words I have good reason to believe them. I have spent thousands of hours on my case facts & scrutinizing the evidence. I have legitimate justification for this.

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5. I was prosecuted/convicted on A) the very same actual evidence which the authorities had beginning just 11 months after the murders, B) on which the Los Angeles District Attorney (L.A.D.A.) had repeatedly rejected the prosecution for lack of evidence, & C) exculpatory evidence to counter each of the allegations which tend to support guilt is suppressed. Other evidence we have proves that the government has this evidence, & knows they have it.

6. I have a very top level L.A.S.D. report from nine months after the murders, @ bps (bates pages in discovery) 025383-025388, after 600 interviews were stated to have been taken, of which 450± are suppressed, which essentially clears me on THE VERY SAME REAL EVIDENCE ON WHICH I WAS LATER CONVICTED.

7. Critically, this official report, another official report, & numerous pieces of powerful evidence clear me of making any death threats. "Threats" were an initial focus of the investigation since the victims' sister, powerful local politician Colleen Campbell, pushed, hearsay, 2nd hand, that she believed there were threats. Everyone close to me confirmed I never threatened Thompson.

8. There was NO EVIDENCE of death threats produced for the 1st nine years of the investigation, despite the early focus.

9. Later, after a one million dollar reward was posted by Ms. Campbell, & a provably very corrupt investigator, Det. Mark Lillienfeld, see #40 below, took over the case, fifteen witnesses "recalled" threats, some which could by a stretch called a death threat. Threats materially contributed to my conviction.

10. Many of those witnesses' earlier statements contradict the later "recall" of threats, & 100% confirmed witness statements are suppressed, for every one of these witnesses, some over a dozen.

11. 13½ years after the murders, just three days after I had opened multi-million dollar civil fraud litigation against the company Colleen Campbell had run for seven years, I was charged with the murders:

- Out of jurisdiction in Orange County for the Los Angeles murders.
- By Campbell's close personal friend, ex-personal attorney, ex-business associate & close political affiliate Anthony Rackauckas Jr., now & then the O.C.D.A. Rackauckas has often been noted for misconduct.
- On the very same evidence that the government had since just after the crimes, & on which the L.A.D.A., the proper jurisdiction, had repeatedly refused to charge. and,
- With the lead piece of evidence, "That a 9MM pistol Goodwin owned was a probable murder weapon," that evidence the O.C.D.A. initially suppressed proves Rackauckas knew was bogus. His initials are on the ballistics proving the pistol could not possibly be the murder weapon.

12. The Fourth District Appeal Court dismissed the Orange County holding order when they learned of the bogus pistol claim, stating that "Orange County had no jurisdiction to charge to start with," (accurately paraphrased.)

13. The day I was being relased from the notorious Orange County jail, where i'd spent about 2½ years, I was charged in L.A. on even less evidence (no pistol allegation) than the L.A.D.A. had repeatedly rejected the prosecution for, per Grand Jury testimony.

14. When I was initially arrested, officers seized 118 boxes of clearly "Attorney-Client Priviledged Confidential" files that

were in the third bedroom of my home, well marked on the door with a large sign that said Attorney-Client Priviledged documents. Many of the documents were on Attorney letterhead. The others had been prepared by me for my Attorney in anticipation of possible upcoming charges, and/or re: the past Bankruptcy & Thompson litigation that became central to the murder trial.

Because of numerous things that had happened, interviews with friends, input from my attorney, Alan Stokke in Orange County, etc; I expected a possible arrest & wanted to be prepared by having my defenses organized. I even had an alphabetical index & map so if/when my Attorneys asked me for anything I could easily & quickly point them to it.

15. Investigators eventually returned just 114 of the 118 boxes that were taken (evidence available for all of my claims), & they were returned in a disasterously jumbled fashion, obviously intentional. The carnage is so bad that 13 years later I still don't have access to the vast amounts of exculpatory evidence in these originally meticulously organized files.

It appears to me that People v. RUTHFORD (1975) 14 Cal 3d 399, 406-407 rules that when the govt. causes exculpatory evidence to become unavailable to the defense that is a BRADY violation, but that is just my layman's opinion.

16. We do have photos, although they may be hard to locate, of the jumbled mess the investigators returned.

17. When the L.A. prosecutors eventually got & read this ACP evidence they materially changed their case theory/approach from the O.C. case that was formulated before prosecutors read the ACP (Attorney-Client-Priviledged) illegally seized evidence.

18. We can demonstrate that investigators seized many documents that grossly exceeded what was authorized in the search warrant, in addition to the Attorney-Client violations, from more than one material perspective.

19. I can provide you with a typed "tracking" of the changes to the case theory/approach by the L.A.D.A. after they read the ACP documents. The de facto lead prosecutor, Alan Jackson, admitted to reading these documents, but clearly lied in a sworn declaration that he would use none of the information he gained in his case.

20. On the February, 2001 wiretap, obtained via an affadavit in which evidence proves over 30 material perjuries, plus omission of dozens of pieces of evidence critical to a true understanding, investigators recorded & typed transcripts for ACP telphone calls between my Attorney & me.

21. Investigators also "enlisted" my lawyer's legal runner, a past convicted sex-offender who had not registered, to spy on defense ACP meetings between my Attorney & me, & to give regular reports to investigators, in discovery, IFNs[1] suppressed.

22. Based on the above, & more intrusions to the ACP, the Judge appointed a special master, George Bird, to investigate & recommend on the defense motion for recusal of the L.A.D.A. Mr. Bird, after several months, recommended stongly for recusal. The Judge "asked" the prosecutors to recuse themselves, but refused to recuse them.

23. Instead the Judge (clearly biased; I have a thorough & well evidenced study on that) ruled that none of what the D.A. had learned from the ACP files could be used at trial.

1/30/14 1)Investigator Field Notes.

24. Notwithstanding the Judge's ruling that none of the information gained from reading the ACP files could be used in the D.A. case, & the DDA's (Deputy District Attorney) sworn declaration not to use this information, critical portions of the information that they gained became the nexus of the murder case motive allegation. Evidence we now have proves no motive[1].

25. And, focused on this prohibited information, prosecutors made 14 allegations of false & uncharged crimes. The Jury foreman, in a post-trial sworn declaration, 8 CT 2082, was emphatic that these materially contributed to my conviction.

26. The Judge, at 10 RT 4049, queried the DDA on this evidence he was using, asking if it wasn't prohibited per her order. The DDA lied to the Judge that no that is not what she had prohibited. My attorney did not speak up.

27. Based on my thousands of hours scrutinizing my case facts & the evidence, & reading the law, it is my respectful opinion that there are dozens of areas of material ineffective assistance of counsel in my case. I have many of those listed & documented. I am finallizing a report/evidence on all of those.

28. There is a material intrusion into the ACP relationship that has yet been mentioned here, was not addressed in any of the proceedings, & clearly prohibited a fair trial.

That is that investigators seized & read about 400,000 pages of files from my home legal office, 9/27/02 hearing, page 33, but only about 30,000 pages of those were put into discovery & "fought" over in the recusal proceedings. Thus the investigators/prosecutors had the information from the balance, but no accountability on it.

1) The motive was that I killed Thompson rather than pay a $794,000 judgment. Amongst other things, I had deposited a non-refundable $823,000 into a trust account from which he was to be paid. This was not brought out at trial.

29. As noted earlier, the Judge appeared to be biased, "The probability of bias (as shown by her actions/inactions) was too strong to be Constitutionally tolerable," (citations). I've listed & evidenced 24 areas of apparent bias, and/or outright misconduct, and/or gross incompetence. A summary of those is the last page here.

I can provide my entire writing to you on that if requested.

30. Although I feel, as apparently does my Appeal Attorney, Gail Harper, 415-291-8469, based on how she argued in the Appeal, that Judge Schwartz's failure to recuse the L.A.D.A. was perhaps her most serious failing, I feel that right behind that is her failure to correctly give six different Jury instructions.

31. I feel the most prejudicial of those, as is also confirmed by the Jury foreman in his post-trial sworn declaration mentioned earlier, was that the Judge in essence gave a "directed verdict" that allowed the D.A. to convict without proving all of the elements of the crime beyond a reasonable doubt.

Here the Judge gave a conspiracy Jury instruction when there A) was absolutely no evidence I was connected to a conspiracy and/or the killers, & B) there was no conspiracy charge.

32. Judge Schwartz also left the required & critical word out of a "fled as conciousness of guilt" instruction, "immediately". I left California five months after the murders, after meeting with investigators, I hired an Attorney to monitor the investigation, & for most of the year following the murders evidence proves I lived fully visible in Florida. Because much of that evidence was suppressed, but we can prove the D.A. has it, that did not come out at trial.

33. The Judge failed to sua sponte give four needed instructions.

EVIDENCE CONCLUSIVELY PROVES THE FOLLOWING

34. The live line up, that heavily contributed to the conviction, even though it was stipulated I was not the actual killer, or at the crime scene, was hopelessly suggestive/tainted. The eyewitnesses even testified that only two of the six "suspects" in any way resembled the suspect they saw near the crime scene about a week before the murders, allegedly "scouting the escape route"

More importantly, I was the only one of the two in the live line up that were in the correct age and race that A) had a pock marked complexion, the #1 physical description characteristic initially given by the witness, & B) I was also the only one of the two who had the correct body build, height & weight.

35. As briefly noted earlier, & it was clear contributed heavily to my conviction, the DDAs alleged I had fled shortly following the murders, & hidden out until I was found in Guatemala three years later when the boat on which I was living was repossessed. This was used to get the "Fled" Jury instruction.

Suppressed evidence conclusively proves that A) I never fled, but was available all of the time to authorities, including that I met with them before I went to Florida to live on the boat, B) that even when my wife & I were out of the country cruising on the sailboat for a few months at a time, our Attorney monitored the investigation, assuring the investigators that if I became a suspect I would immediately turn myself in. We regularly spoke with the Attorney. We always re-entered the U.S. via normal customs-immigration.

Further, evidence proves the boat wasn't seized in Guatemala, but that I voluntarily returned to the U.S. on her & was here for nine highly visible years before I was charged, including on TV.

PROSECUTOR MISCONDUCT, INCLUDING FELONIES, PERMEATED THE CASE

36. 70+ instances of material false testimony by 14 witnesses, including that many which qualify as knowing perjury. These cut across/involve all of the allegations supporting guilt.

37. Over sixty of those false testimonies are by the four D.A. expert witnesses & two of the D.A. investigators.

38. 35 of those false testimonies/perjuries were by Attorney Dolores Cordell, a D.A. expert & the Attorney by the victims' sister. She was acknowledged by the D.A. at 19 RT 6939 & bp 032369, As "The #1 source of case information. She laid out the $ case".[1]

39. Over 15 instances of blatant false statements to the Judge in offers-of-proof by the prosecutors. HOLLOWAY V. ARKANSAS (1978) 98 S. Ct. 1173, 1174, 1179 & law pages 19+ rule these as perjuries. statements. Thus Penal Code § 118 and/or 125 makes them perjuries.

40. Over 100 (yes one hundred+) different false statements/ perjuries in live testimony and/or sworn affadavits, by the lead investigator, told a total of over 180 different times in various sworn locations. At least 80 of these are material, perhaps more.[2]

I RECOGNIZE THAT THE ABOVE CLAIMS ARE DIFFICULT TO FATHOM. I SWEAR THAT THEY ARE TRUE & THAT EVIDENCE PROVES THEM. TEST ME.

41. About thirty provably false closing arguments, the vast majority of which had no support on-the-record in evidence.

42. Also, coincidentally about thirty false opening statements that also had no support on-the-record in evidence.

43. Absolutely provable FORGERY of a key piece of evidence.

44. Destruction of several pieces of materially exculpatory evidence, provable by the remnants thereof.

1) Cordell also testified falsely/perjuriously to the Grand Jury 20+ times.
2) 80 different Lillienfeld perjuries, told 150 times are already briefed.

45. As difficult as all of this may be to believe, it gets worse for the government. I've detailed over 250 pieces of material beneficial evidence that A) are not repetitive with any evidence we have, & B) can only be obtained from the government.

46. The majority of this evidence was identified from a very precisely detailed, Attorney prepared inventory, 330+ pages long, of about 3000 documents, over 10,000 pages in the government evidence locker on my case, all of which is suppressed.

This inventory was prepared about 15 years ago in another case & was produced for us after trial by the Attorney who prepared it.

47. We have made more than 13 pre-trial BRADY/discovery requests, plus about six post-trial. Nonetheless, this exculpatory evidence, & other beneficial evidence we have requested, see below, is still being suppressed.

48. There are hundreds of pages of Title 18 § 3500 JENCKS materials, primarily by D.A. experts, that have not been produced. They were required to be produced when they testified.

Many of these pages will be instrumental in more quickly & clearly proving the false testimonies/knowing perjuries since I know they will contradict, materially, much key testimony.

49. I've precisely identified evidence proving 311+ one hundred percent confirmed interviews with trial witnesses for which the statements/police reports are suppressed.

Penal Code § 1054.1(f) & substantial uncontradicted authority rules that these statements must be produced. I know many will include beneficial & impeachment evidence.

50. Evidence proves hundreds of additional suppressed witness statements, many exculpatory, including on other suspects.

51. Evidence we have proves 100% confirmed interviews with every one of the non-law enforcement trial & preliminary hearing witnesses for which the statements are suppressed.

52. Based upon statements we have for each of the witnesses in item #51 above, 24 of these 31 witnesses had material changes in the "stories" they told before & after they were interviewed by Det. Lillienfeld. In most there were material conflicts which changed either neutral statements, or mildly exculpatory statements to statements that were materially inculpatory.

53. For two of the most prejudicial witnesses, Dolores Cordell, see #38 2 pages prior, & Ron/Tonyia Stevens, the eyewitness ID witnesses, there were 30+ & 16 statements that were suppressed, respectively. The 16 are Ron/Tonyia combined.

For all three of these witnesses, their statements that we do have prove material changes from extremely exculpatory statements/recall to extremely inculpatory statements/recall.

54. One key witness testified to the Grand Jury & gave us a sworn declaration that Det. Lillienfeld had threatened her to provide false evidence when all she had was exculpatory evidence. She stated that he also offered her a thinly veiled bribe from the one million dollar reward posted by Colleen Campbell.

55. The prosecutors materially misstated the law 8 times.

56. The prosecutors often materially misstated witness testimony, always making it more inculpatory.

57. The prosecutors put into trial exhibits evidence which had been materially modified, made more inculpatory, than it was in its original form, e.g. trial exhibit 51, the suspect sketches.

58. Both Mr. & Ms. Thompson were killed by the same white shooter, as is proven by a 911 call transcript from the most reliable eyewitness to the shooting, bp 000188, & ballistics evidence testified to at 16 RT 6063:23 by the D.A. ballistics expert. No evidence in any way tends to dispute this.

Every one of the five crime scene eyewitnesses testified ONLY to a white guy on the crime scene, or a white shooter.

Every one of these white suspect/shooter physical descriptions matched, including long stringy blonde hair.

Not one crime scene eyewitness reported a black suspect or shooter, nor did they report seeing bicycles.

59. Yet the prosecutors argued that the killers were two black males who escaped on bicycles. They supported this with trial exhibit 51, the suspect composites, of black bicyclists reported miles away by two witnesses who were not at the time they saw these riders aware of the murders.

These black riders were on an official county bike path which evidence proves at least six pairs of black bicyclists were seen on the morning of the murders, before & after the murders.

The only possible "link" was that different black riders, based on physical descriptions given by witnesses in sworn testimony, were seen near the murder scene that morning, also on the county bike path that runs all around & through the area.[1]

Nothing to establish that the killers were white, and/or to impeach that the killers were black came out at trial.

60. Prosecutors alleged 14 uncharged & provably untrue financial crimes, & two uncharged terriorist threat crimes.

1) Evidence proves that the county bike path is frequented by black bicyclists.

61. Det. Lillienfeld filed at least 8 provable, grossly false police reports. These are Penal Code § 132 & 134 Felonies[1].

62. The prosecutors lied to and misled the Judge about the state of evidence/facts related to other suspects, causing the Judge to prohibit any introduction of "third party culpability".

This was notwithstanding that A) at least two of the other suspects had more evidence connection them to the crime than was fabricated to attempt to connect me* & B) there was compelling evidence that the murders were a result of a theft of $250,000 in gold coins. *(For example there were confessions, IDs, etc;)

- That Thompson confirmed to several witnesses he had bought & taken possession just before the murders. and,
- Were not found following the murders.
- There were pry marks on a house window & the safe was damaged.
- A witness testified, in relation to another gold purchase, not related to this one, that gold coins were delivered at the time in shopping bag sized white canvas bags, &
- Every witness who saw alleged suspects fleeing the crime scene reported that they had bags like this with them, plus,
- A bag like this, empty, was photographed in the Thompson van in which Trudy, the wife, was initially shot. and,
- Two key witnesses initially reported that they felt it was a robbery.

Nonetheless the Judge would not allow any mention of the possible gold theft to be introduced to the Jury.

As has been noted before, citations to the evidence, including transcript testimony pages,is available to you for all of my claims. I have these meticulously organized & alphabetical indexed.

1) As are 100+ other provable, material Lillienfeld crimes.

63. I recognize that motive is not a required element of the crime. Yet here the Judge & prosecutors repeatedly stressed that the motive was the case, "That I killed Thompson to avoid having to pay him a $794,000 judgment", e.g. 10 RT 4053 by the Judge, similar by the Judge at 18 RT 6751, accurately paraphrased, & about two dozen times by the prosecutors. This permeated the case.

Evidence not introduced at trial proves that I did all that I was permitted by law to do to insure Thompson's payment if/when I lost the final appeal. It was a Federal crime for me to pay him.[1]

You see, I was in Bankruptcy (BK) for 16 months before the murders, with Bankruptcy trustees installed to manage the finances, at the behest of the Thompson Attorneys.

FEDERAL LAW PROHIBITED ME FROM PAYING THOMPSON DIRECT![1]

Yet I had caused to be deposited all of the funds I could find, over $823,000, 11 RT 4246, into the Bankruptcy trust account from which Thompson was to be paid his $794,000 judgment, 3 months before the murders.

This was not explained to the Jury, & my writings to the bankruptcy trustee to please pay Thompson were not introduced.

Further, evidence wasn't given to the Jury in a form that they could understand the complexity of it[1] that I had offered over $5,000,000 in good assets as a "personal surety" from friends & family, prior to filing Bankruptcy, to avoid Bankruptcy, to assure the Thompson payment if/when he won the final Appeal.

In addition, not introduced to the Jury at all since the evidence was suppressed, was that I repeatedly offered 100% payment plans in the Bankruptcy including guarantees from outside assets.

1) The Judge should have sua sponte given these instructions but did not.

64. Although required by law to be produced, I believe, U.S. v. NOBLES (1975) 422 U.S. 225, 239-241*, thousands of pages of evidence that the experts testified to reading & using to develop the opinions to which they testified were not produced in discovery despite our 13 discovery/BRADY requests pre-trial.

These will include dozens if not over 100 pages of materially exculpatory and/or impeachment evidence.*(& other law)

65. Investigators/prosecutors provided provable false information, material, for 32 prejudicial & false statements that was disseminated in print & electronic media. I submit that this poisoned the Jury pool. It should be noted that the victims' sister, a publicity specialist, stated twice in the press that the publicity on the case was saturated. And, most of it was false.

66. Re: the many perjuries by lay witnesses, experts, the lead investigator, & the prosecutors themselves (alternatively some of them may be qualified as false testimony only[1]) evidence/facts that the prosecutors had in hand prove that they knew they were suborning perjury, a Penal Code § 127 felony by the prosecutor in addition to the Penal Code § 118 or 125 felony perjury by the witness.

The law clearly charges the prosecutors with knowledge of not only all evidence that they had in hand, but also all information, e.g. in re BROWN (1998) 17 Cal 4th 873, 879, & many other cases.

67. Plus, as to misapplication of the facts to the law and/or vice versa, such as the often repeated yet bogus motive argument that "Goodwin should have paid Thompson, but killed him to avoid having to pay", prosecutors are required to know the law.[2] See WILLIAMS V. TAYLOR (2000) 529 U.S. 362, 393, 395, 120 S. Ct. 1495.

1) False testimony, even if not known to the prosecution requires reversal, Penal Code 1473 (b)(1), in re; HALL (1981) 30 Cal 3d 408, 424, 179 Cal Rptr 223.
2) E.g. that they lied about the motive since it was illegal for me to pay direct.

68. The instances of trial misconduct, errors & actual crimes are in addition to several other areas noted below.

- Those 17 issues plead in our Direct Appeal which can be seen at friendsofmichaelgoodwin.blogspot.com/. A very few of those issues are recapitulated here, & if so, only if there is additional information to provide that isn't plead in the AOB.
- The list of Judge errors here at the final page, 24 of them which prove that "The probability of bias is too great to be Constitutionally tolerable," [citations] & thus which requires per se reversal. The Judge "joined the accusation process."

  Request if you wish our 38 page pleading on this which includes the compelling exhibits/evidence.
- There are a myriad of other errors, that although important/most probably material, they seem to be secondary to the crimes, errors & misconduct detailed herein that we can prove. Examples of those are:

  a) GRIFFIN error, blatantly prejudicial, & provably false.

  b) I wasn't permitted to go to the Jury view, over objection, & in violation of a preexisting on the record agreement.

  c) The Judge took the Jury to the crime scene on the disputed alleged "escape route" for the killers & avoided the alternate route that would have been exculpatory for me.

  Evidence we now have conclusively proves that the killers did not use the "escape route" the Judge followed.

  This last error, (c), is extremely material.[1]

- The legions of ineffective assistance of counsel I have plotted.

1) Evidence/argument proving impossibility prepared & available to you.

69. The Attorney General made about a dozen material misstatements (lies actually) re: witness testimony & other evidence in their Appeal response. Many are blatant.

70. Re: the false statements/instances of false testimony as defined by the law, by the prosecutors in items #39, 41 & 42 at page 9, plus #62 at page 13, on information & belief, supported by the law herein at pages 19-22 I firmly believe that the prosecutors are guilty of dozens of instances of knowing perjury which calls for their criminal prosecution for these, plus,

This conviction be reversed pursuant to extensive authority including JACKSON V. BROWN (2008) 513 F.3d 1057, 1075-1076:

> "If any member of the prosecution team is aware that false testimony is being presented for the prosecution, reversal is virtually automatic."
> (two passages there correctly juxtaposed/paraphrased)

Since the prosecutors & lead investigator knew that they themselves were testifying falsely, this law is fulfilled.

The law rules that the individual prosecutor is charged with knowledge of all information accumulated in the case investigation. The information/evidence proving their lies is for the most part in discovery. More of it can be proven to exist in their suppressed files.

71. It was stressed to me by my trial Attorney, Elena Saris, 213-947-2929, that she had researched it & that I was the only person in the history of the United States who had been convicted of hiring killers, while not being at the crime scene him or herself, when the killers were not identified or caught.

Recall that even the correct race of the killers is disputed.

My Attorney also confirmed that this was printed in the media. I have no way to verify these representations.

72. My Appeal Attorney plead in the Appeal that she believed that the misconduct in this case, just that which is on-the-record & in the Appeal, thus not including the crimes/misconduct herein, rose to the level of violation of the ROCHIN DOCTRINE, ROCHIN V. CALIFORNIA (1952) 342 U.S. 165, AOB pages 58, 82, 397-399.

73. I repeat, & stress that I swear to this under penalty of perjury, that I have all the evidence to prove my allegations in hand or identified as to "where they live" in the government possession, including evidence proving that the government has these files/records.

74. Even though the case is complex & voluminous, & there is extensive additional exculpatory evidence that I hope we will pursue, I honestly feel that if necessary I already have the evidence in hand needed to reverse the conviction. Examples of this is that I have evidence in hand of over 40 of the material instances of false testimony/perjury at trial, extensive material exculpatory evidence to counter most allegations of guilt that wasn't introduced at trial, proof of gross ineffectiveness, etc;

75. I was convicted on the white collar crime under Title 18 § 1014 of failure to disclose prior loans to a subsequent bank. I was convicted because the written disclosures had been removed from the banking files. I located the removed evidence in the murder files. The bank Attorney even wrote confirming the disclosure.

The O.C.D.A. also spearheaded this prosecution/conviction.

I declare under penalty of perjury under the laws of California that the above is true & correct, as are all my representations in any enclosed documents. Executed this____day of _____in _____County, California.

_____
Michael F. Goodwin

1/30/14

PROSECUTORS TESTIFIED MATERIALLY FALSELY 64 TIMES IN GOODWIN'S TRIAL

Petitioner recognizes the authority that gives prosecutors "Wide latitude in permitted argument." Those instances are not the issues here. These are false statements & false arguments VIOLATING THE PROSECUTORS' OATHS, that evidence conclusively proves the prosecutors knew they were falsely representing. Lies is shorter, although less politic, so petitioner will correctly reference these as lies.

Speaking of "politic," what can be less correct than an innocent man being in prison exclusively because of the DDAs' (Deputy District Attorneys) lies?

The law, both statutory & authority, rules that these lies by the DDAs are felony perjuries.[1]

> "An attorney addressing the Court on a matter before the Court, as an officer of the Court, advises virtually under oath."
> HOLLOWAY V. ARKANSAS (1978) 98 S. Ct. 1173, 1174, 1179
> People v. MROCZKO (1983) 35 Cal 3d 86, 112
> People v. MIRENDA (2009) 174 Cal App 4th 1313, 1332.

The rulings that the lies by the DDAs were criminal acts, instances of felony perjury violating Penal Codes § 118 and/or 125 does not stop there. There are also two statutory definitions of these as felony perjuries for which the DDAs should serve prison time.[1]

Here we only focus on the law proving that the law itself rules that the DDAs' 64 false statements were classified as under oath, & therefore when they are false they are felony perjury.

In separate sections we will quote the law & facts which prove how prejudicial this was to petitioner, & why they require reversal of the conviction, we submit dismissal with prejudice under the ROCHIN DOCTRINE for extreme prosecutorial misconduct.

1) That is if "Someone polices the police", from Junius Juvenal, 2000 years ago, cited in SEC. & LAW ENFORCEMENT V. CAREY (2d Cir. 1984) 737 F2d 187, 192.

Case authority also takes a stern view of these prosecutors misleading the Judge and/or Jury with deceitful arguments and/or statements.

People v. URIBE (2011) 199 Cal App 4th 836, 884, 132 Cal Rptr 3d 102, 143, headnotes 36-41 rules:

> "Attorneys may not...mislead the Judge or any judicial officer by an artifice or false statement of fact or law." (Business & Professions Code § 6068, subd. (d). "An attorney ' "... owes the duty of good faith & honorable dealing to the judicial tribunals before whom he practices his profession. He is an officer of the Court - - a minister in the temple of justice. His high vocation is to correctly inform the Court upon the law & the facts of the case, & to aid it in doing justice & arriving at correct conclusions.
>
> He violates his oath of office when he resorts to deception or permits his client to do so. [citation] (emphasis added)
>
> Courts expect even higher ethical standards from prosecutors.[citations] This is "...because of the unique function he or she performs in representing the interests, & exercising the [199 CA 4th 885] sovereign power of the state.

Note above that this case specifically rules that an attorney/prosecutor violates his oath of office when he resorts to deception in front of the Court.

This clearly means that a prosecutor, when they lie to the Court on a material matter is guilty of felony perjury. See section 3108 from Article 20 of the California Constitution, the middle of the page following this. In addition see,

> "The untainted administration of justice is certainly one of the most cherished of our institutions. Its observance is one of our proudest boasts... Therefore, fastidious regard for the honor of the administration of justice requires the Court to make certain that the doing of justice be made so manifest that only irrational or perverse claims of its disregard can be asserted."
> MESAROSH V. U.S. (1956) 352 U.S. 1, 14, 77 S. Ct. 1, 8, hn 6.

The prosecutors also violated Federal perjury statutes Title 18 § 1622 & 1623, in addition to committing associated Federal crimes.

The oath the DDAs took as required by the California Constitution also makes a false statement perjury[1], Government Code 3108. Every official of the California Government is required to take the following oath. This includes DDAs & D.A./Sheriff's investigators.

> "I_____do solemnly swear (or affirm) that I will support & defend the Constitution of the United States, & the Constitution of the State of California against all enemies, foreign & domestic; that I will bear true faith & allegiance to the Constitution of the United states & the Constution of the State of California; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well & faithfully discharge the duties upon which I am about to enter."

That is from Article 20, section 3 of the California Constitution which puts the DDAs subject to Government Code 3108 which states:

> "Every person who, while taking & subscribing to the oath or affirmation required by this chapter, states as true any material material matter which he or she knows to be false, is guilty of perjury, & is punishable by imprisonment in the State prison for 2, 3, or 4 years."

The Penal Code also makes making false statements perjury. Read closely please. This is Penal Code § 118.

> "Any person who, having taken an oath that they will testify, declare, depose or certify truly before any competent tribunal, officer, or person, in any of the cases in which the oath, may by law of the State of California be administered, willfully & contrary to the oath, states as true any material matter which he or she knows to be false...is guilty of perjury."

Penal Code § 125 makes it a felony perjury if a DDA (or anyone else who is under oath) testifies to something being true which is not true whether they knew it was not true or not.

> "An unqualified statement of that which one does not know to be true is equivalent to a statement of that which one knows to be false."

As to <u>knowing</u> that they were speaking falsely, the law rules they knew.

> "The individual prosecutor is presumed to have knowledge of all information accumulated in the government's case investigation."
>
> In re BROWN (1998) 17 Cal 4th 873,879

1) In the performance of their duties.

There is extensive additional authority "Charging prosecutors with knowledge of the information in their files", & obligating them to investigate discrepancies before they present alleged "facts". This law includes but is not limited to.

- KYLES V. WHITLEY (1995) 514 U.S. 419, 438
- ODLE V. CALDERON (ND Cal. 1999) 65 F. Supp 2d 1065, 1070-1072
- BARNETT V. Spr. Ct. (2010) 50 Cal 4th 890, 902
- In re STEELE (2004) 32 Cal 4th 682, 696-697, headnotes 10-11

Evidence proves the prosecutors had evidence in their files prior to them telling the lies in the Goodwin proceedings that proved that the statements they would be making were false.

The law that required them to investigate these discrepancies is NORTHERN MARIANNA ISLANDS V. BOWIE (9th Cir. 2001) 243 F.3d 1109, 1114.

The lies by prosecutors also violated Sections 6068 (d) & (g) of the business & professions code. Although those are not criminal violations, they should get them disbarred. When combined with the violations of "Moral Turpitude" by the perjuries, there is no doubt that these prosecutors should be disbarred.

Again however, for here we are primarily focused on showing that the law establishes that false statements in the Goodwin legal proceedings by prosecutors qualify as perjury.

And, although we focus elsewhere on why these perjuries require reversal or dismissal, we here cite key authority.

> "If any member of the prosecution team is aware that false testimony is being presented, reversal is virtually automatic." (accurately paraphrased from two passages at 1075-1076)
>
> JACKSON V. BROWN (9th Cir. 2008) 513 F.3d 1057, 1075-1076.

Reversal is required. Prosecutors/investigators knew they were lying.

LIST OF ISSUES SHOWING JUDGE SCHWARTZ BIAS