Michael F. Goodwin, F69095, in pro-per
3C05-106L
P.O. Box 3471, Corcoran, CA. 93212

Filed ex-parte & sealed[2]
Evidentiary hearing &
Appointment of Counsel
Respectfully requested.
This isn't my Habeas.

THE SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF LOS ANGELES

MICHAEL F. GOODWIN
Petitioner,
vs.
Honorable Judge Teri Schwartz
Los Angeles County Superior Court
Pasadena Courthouse, Dept. NEE
Real Party in Interest
The People of California, via
their attorney, Kamala Harris,
Attorney General for the State
of California

No._____

Spr. Ct. No. GA052683
Appeal No. B197574

NOTICE OF "CONSTITUTIONALLY[1] INTOLERABLE" BIAS BY JUDGE SCHWARTZ, AND/OR INCOMPETENCE, AND/OR MISCONDUCT, LEADING TO AN UNLAWFUL CONVICTION. REQUEST FOR INVESTIGATION INTO THIS & THE ILLEGAL POLITICAL INFLUENCE[3] THAT APPEARS TO HAVE CAUSED THIS. REQUEST FOR OTHER RELIEF THAT IS DEEMED APPROPRIATE, INCLUDING A DISCOVERY ORDER.

Comes now petitioner respectfully alleging 24 different areas which prove, provide at least prima facie evidence of, or indicate "Constitutionally intolerable appearance* of bias"[1] by Judge Schwartz in the trial of petitioner, Michael Goodwin, in late 2006, for the murder-for-hire killings of race car great Mickey Thompson & his wife Trudy on 3/16/88 in Bradbury, California.* (actually a probability)

This trial, directly as a result of Judge's Schwartz' bias, incompetence and/or misconduct, & only because of it, resulted in a wrongful conviction of petitioner, Michael Goodwin, on January 4, 2007, & a double life sentence, no chance of parole, on 3/1/07.

The law demands that Judge Schwartz be disqualified,& reversal.

1) People v. FREEMAN (2010) 47 Cal 4th 993, 996, citing 129 S. Ct. 2252, 2267.
2) Notice of this filing is being sent to the Attorney General.
3) For examples from our AOB see exhibit 6.

Judge Schwartz' bias/incompetence/misconduct (hereafter bias) enabled, facilitated the DDAs' (Deputy District Attorneys') extreme misconduct in this case, particularly re: fabrication of a motive when the law proves that none existed.

Judge Schwartz' bias made the provably phony case possible, & she exacerbated the problem by completely failing in her sua sponte responsibilities to give several different Jury instructions re: the laws applying to the unique motive circumstances of this case because petitioner/defendant was in Bankruptcy.

In exhibit one we see Judge Schwartz ruling/opining that "The case was that defendant decided to cause harm to the victim(s) rather than pay a judgment debt;"[1] 10 RT 4053, wrongly prejudicial.

Yes, since defendant had been in Bankruptcy (BK) for 16 months prior to the murders, & Bankruptcy trustees were installed & were exclusively responsible for paying the debt, including the Thompson judgment debt, it would have been a Federal crime for petitioner to pay Thompson. This is hornbook BK law, but Judge Schwartz failed in her sua sponte duty to instruct the Jury on this.

Exhibit four (4) explains in more detail how this bogus motive evolved, & how it was only made possible because of Judge Schwartz' bias, exibited in part by her failing to give the required Jury instructions on this issue. Exh. 5 details how bogus the motive was.

Judge Schwartz also failed to include a required word in yet another Jury instruction, & a required crucial passage in another.

The Points & Authorities here detail 24 areas in which the bias by Judge Schwartz is either proven, prima facie evidence of it is presented, and/or powerful indications of it is demonstrated.

Exhibit six lists a very few of the many unlawful influences

1) Accurately paraphrased.

brought to bear in the case by a well connected politician, the victims' sister, anti-inmates' rights maven, Colleen Campbell.

Exh. 6 is from our AOB, written by my State appointed Appeal attorney, & again, is but a small part of the illegal political influence which permeates the case. That is because most of it has been discovered post-conviction, & is thus not on-the-record.

For example, evidence discovered since trial, and/or newly discovered evidence not presented at trial,[1] proves the following, sworn to in the accompanying declaration by petitioner:

1. Over 15 outright perjuries in offers-of-proof by the DDAs.
2. Over 130 material perjuries in live testimony and/or sworn affadavits and/or falsified police reports by the lead Detective.
3. Over 70 other material trial and/or preliminary hearing perjuries, 60+ of which are by 4 D.A. experts/other investigators.
4. 80+ closing arguments/opening statements without evidentiary support on-the-record, 70+ of which are proven as false.
5. Evidence <u>forgery</u>, fabrication & <u>destruction of materially exculpatory evidence</u>; over a dozen instances of these crimes.[2]
6. 311+ witness statements for trial witnesses, 100% confirmed but suppressed. There are also 200+ other suppressed statements.
7. 250+ (yes over two hundred & fifty) suppressed pieces of exculpatory evidence, each of which qualifies as a BRADY violation.
8. Judge bias, as detailed herein, that facilitated all this.

This Court has jurisdiction per "Supervisory Powers" & <u>EXTRINSIC FRAUD ON THE COURT, THE PEOPLE OF THE STATE OF CALIFORNIA, & THE DEFENDANT</u>, per the following law, grounded in "equitable relief."

> "A final Judgment may be set aside by a Court if it has been established that extrinsic factors have prevented one party from presenting his or her case."
> OLIVERA V. GRACE (1942) 19 Cal 2d 570, 575.

1) GRIFFIN V. JOHNSON (9th Cir 2003) 350 F3d 956. 2) By investigators/prosecutors.

The law below & on the next pages show that this Court has Supervisory powers & equitable relief jurisdiction in this case.

That is proven since in exhibit one the Judge in essence made the State's case for them, by focusing on a non-existant motive, as is proven by Bankruptcy law, & even though motive is not a required element of the crime. At 1 CT 213 she heard the correct law stated:[1]

Here the case, AS THE JUDGE STATED IN EXHIBIT ONE, WAS MOTIVE.

However, as is conclusively proven in exhibit five, NOT ONLY DID NO MOTIVE EXIST, BUT DOZENS OF D.D.A. ARGUMENTS/STATEMENTS ABOUT THE NONEXISTANT MOTIVE WERE KNOWING LIES BY THE D.D.A.s.

As we see in exhibit one, & throughout the points & authorities, "Judge Schwartz acted as part of the accusatory process." That clearly requires her disqualification per Supreme Court precedent:

> "United States Supreme Court precedent requires disqualifcation ...if the Judge acts as part of the accusatory process."
> SIVAK V. HARDISON (9th Cir. 2011) 658 F.3d 898, 924.

Law goes on & on requir-ing Judge Schwartz's disqualification.

> Code of Civil Procedure § 170(a)(6)(A)(iii), old § (a)(b)(c), requires disqualification if "For any reason [¶]...[¶] [a] person aware of the facts might reasonably entertain a doubt that the Judge would be able to be impartial."
> People v. COWAN (2010) 50 Cal 4th 401, 453, 113 CR 3d 850, 899.

We need focus on the facts that not only did Judge Schwartz join in the accusatory process, violating United States Supreme Court law, above, but she enabled, made possible, the bogus prosecution motive case, which was the majority of the case, by grossly failing in her sua sponte duty to give the required Jury instructions that would have proven the prosecution case bogus as to the nonexistant motive.

Thus the prosecution was only able to present their phony motive case because of failings by Judge Schwartz, but because they were improperly able to present it, she joined them in the FRAUD!.

1) There D.A. Bankruptcy expert Jeffrey Coyne exlained that the trustee, not Goodwin, had to arrange for payment. But Goodwin was convicted for not paying.

As we see on the next page for the law, & exhibits 2-3-4-5-6 for the facts (plus extensive other factual evidence[1]) this case was entirely an EXTRINSIC FRAUD ON THE PEOPLE OF THE STATE OF CALIFORNIA. EXTRINSIC FRAUD is defined at the top of the next page.

These frauds included over 150 provable felony crimes by law enforcement agents, e.g. the over 130 perjuries by lead detective Lillienfeld;[2] 15+ perjuries by prosecutors in offers-of-proof, evidence forgery & destruction of exculpatory evidence, etc; These crimes by law enforcement necessarily invoke "Supervisory Powers."

> "When law enforcement violate the law (to obtain a conviction appears to be the intent) Supervisory Powers come into effect." U.S. v. RAMIREZ (9th Cir. 1983) 710 F.2d 535, 541.
>
> "There are only three (3) legitimate bases for exercise of Supervisory Power:
> 1) To implement a remedy for the violation of a statutory or Constitutional right. (This is necessary in this case)
> 2) To preserve Judicial Integrity by insuring that a conviction rests on appropriate considerations validly before a Jury. (This is necessary in this case.)
> 3) To deter future illegal conduct. (Judging by the extent of prosecutorial/investigatory/Judicial wrongdoing in this case, this is a necessary deterrent.)
> U.S. V. SIMPSON (9th Cir. 1991) 927 F.2d 1088, , hn 1-2-3[3]

RUTHERFORD V. OWENS-ILLINOIS (1997) 16 Cal 4th 953, 967 rules:

> "It is beyond dispute that "Courts have inherent power...to adopt any suitable means of practice, both in ordinary actions & special proceedings, if that procedure is not specified by statute or by rules adopted by the Judicial Council [citation]. (CITIZENS UTILITIES CO. V. SPR. CT. (1963) 59 Cal 2D 805, 812-813, 31 CR 316, 382 P2d 356, fn omitted).
>
> That inherent power entitles trial Courts to exercise reasonable control over all proceedings connected with pending litigation...in order to insure the orderly administration of Justice; (See HAYS v. SPR. Ct.(1940) 16 Cal 2d 260, 264-265, 105 P. 2d 975). Courts are not powerless to formulate rules of procedure where Justice demands it." (ADAMSON V. Spr. Ct. (1980) 113 Cal App 3d 505, 509, 169 CR 866, citing ADDISON V. STATE of CALIFORNIA (1978) 21 Cal 3d 313, 318-319, 146 CR 224.
>
> The legislature has also recognized the authority of Courts to manage their proceedings & to adopt suitable methods of practice." (See Code of Civil Procedure §§ 128 (a)(5) & (8).

1) Far more evidence of the prosecution frauds & crimes is available.
2) Our initial calculation showed 122 perjuries. We are now up to over 130 for him.
3) Citing U.S. v. HASTINGS (1983) 461 U.S. 499, 505, 103 S. Ct. 1974, 1978.

EXTRINSIC FRAUD is defined by BARRON'S LAW DICTIONARY as:

> "Fraud that prevents a party from knowing about his rights or defenses, or from having a fair opportunity of presenting them at trial, or from fully litigating at the the trial all the rights or defenses that he was entitled to assert."

Here 1) petitioner was prevented from knowing of his defenses by the suppressed evidence, a combination of over 500 BRADY violations & not produced witness statements for 100% confirmed interviews with trial witnesses[1] & 2) petitioner was prevented from presenting what defenses he was aware of by Judge Schwartz' bias/misconduct/errors.

> "One who has been prevented by extrinsic factors from presenting his case to the Court may bring an independant action in equity to secure relief from the judgment entered against him" (OLIVERA @576) "Where the Court that rendered that judgment possesses a general jurisdiction in law & in equity, the jurisdiction in equity may be invoked by means of a motion addressed to that Court." (emphasis added)[2]

> "In addition to their inherent equitable powers derived from the historic power of equity Courts, all Courts have inherent supervisory or administrative powers which enable them to carry out their duties, & which exist apart from any statutory authority [citations]." (emphasis added)
> RUTHERFORD V. OWENS-ILLINOIS (1997) 16 Cal 4th 953, 967, also In re: RENO (2012) 55 cal 4th 428, 522, 146 Cal Rptr 3d 297, 381.

Here another Court besides Judge Schwartz needs to address her bias, per Penal Code § 859(c), FULLER V. SPR. CT. (2004) 125 Cal App 4th 623, 23 Cal Rptr 3d 204, because I challenge her rulings.

Please treat this pleading liberally, per HEBBE V. PHLER (sp) (9th Cir 2010) 627 F3d 338, 342, "We construe pro se pleadings liberally, & afford the petitioner the benefit of the doubt."

This is filed ex-parte & sealed since evidence proves the State will hide and/or fabricate additional to counter our claims.

PRAYER

1. Assign this case to another Judge & investigate Judge Schwartz.
2. Order required discovery per the law. Other relief as appropriate.

Respectfully & honestly submitted, 1/6/14.

Michael Goodwin

1) Listed & evidenced in a recent pleading to Pasadena.
2) In re MARRIAGE OF PARK (1980) 27 Cal 3d 337, , 165 Cal Rptr 3d 792, 796.

CASE SUMMARY

Mickey & Trudy Thompson were killed on 3/16/88, shot in the driveway of their exclusive Bradbury, Los Angeles County home.

Evidence that was not allowed at trial strongly suggested that A) Thompson had just purchased $250,000 in gold coins that were not found following the murders.[1] Every witness who reported fleeing suspects also reported that they had bags on that resembled bags that gold coins were delivered in at the time. Also,

B) Evidence strongly suggested Thompson was a high level illegal drug dealer. Neither was that evidence presented at trial.

Michael Goodwin had been in a soured business relationship with Thompson about four years before the murders. They had not spoken since then & had been in heated litigation in which Thompson prevailed, winning a $794,000 judgment 20 mos. before the murders.

Goodwin did not have the cash to immediately pay,& filed Bankruptcy to reorganize & give himself a chance to liquidate so that Thompson could collect from the Bankruptcy (BK) trustee, who was the only person authorized by law to pay Thompson.

By the time of the murders Goodwin had been in BK for 16 months & had been able to have $823,000 retained in a BK trust account from which Thompson & other creditors were to be paid their debts, but again, only the BK trustee could pay Thompson, NOT GOODWIN.

The Jury was not told this, rather they were lied to by the prosecutors that "Goodwin refused to pay Thompson, killing him instead." The Judge reiterated this, failing in her sua sponte duty[2] to give the correct law in a Jury instruction stating that it was illegal for Goodwin to pay Thompson direct.

1) Evidence of the gold purchase & theft was overwhelming. An empty gold bag in the Thompson car, pry marks on the windows & safe, bags on the fleeing suspects.
2) People v. ARANDA (2012) 55 Cal 4th 342, 354, 145 Cal Rptr 3d 855, 864.

Although not named as a suspect, 5 CT 1233, because of pressure from the victims' sister, Colleen Campbell, a powerful local politician, police heavily investigated Goodwin, doing over 600 interviews in the 1st nine months following the murders, about 450 of the witness statements which are suppressed.

Goodwin was cleared in a very top level Sheriff's dept. report in December, 1988, bps (bates pages) 025383-025389[1]; in which it also alludes to illegal activity by Ms. Campbell that is repeatedly affirmed elsewhere. Evidence confirms she repeatedly brought unlawful influence on law enforcement to focus on Goodwin, ignoring other more viable suspects, & her even lying to investigators[2].

13 years later Goodwin opened litigation which would have, had they been allowed to go to term, exposed multi-million dollar felony criminal frauds by Campbell & her attorneys, two of whom served as "experts" for the district attorney at Goodwin's murder trial[3]. They faced prison time, disbarrment & millions in fines.

Three days after Goodwin opened that litigation he was arrested for the murders, out of jurisdiction in Orange County.

1. By Anthony Rackauckas, the O.C.D.A., Campbell's A) close friend, B) ex-personal attorney, C) business partner, & D) political crony; she had served as his de facto election fund raiser.
2. On the very same evidence that A) law enforcement had since just 11 months after the murders, & B) on which the L.A.D.A., the correct jurisdiction, had repeatedly rejected the prosecution for lack of evidence. All evidence was circumstantial.

Goodwin later won after 2½ years in the notorious Orange County Jail. The L.A.D.A. then charged on the very same evidence on which they had repeatedly rejected the prosecution for lack of evidence.

1) Critically this confirmed no threats by Goodwin. Campbell had alleged threats.
2) See amongst many other places the 1st lead investigator's report, 5 CT 1178+.
3) Dolores Cordell, "The #1 source of case info for the D.A." 19RT 6939/Bartinetti.

Along the way a very corrupt lead investigator, det. Mark Lillienfeld, got appointed to head the investigation. Evidence conclusively proves 130 sworn material perjuries by Lillienfeld. For just one of the simpliest, easiest to prove see our accompanying 2nd AMENDED COMPLAINT*, the 2nd section therein, where Lillienfeld actually testified to Penal Code § 125 felony perjury.*(in exh. 4)

Campbell also posted a $1,000,000 reward, focused on Goodwin, & ironically with funds looted from Goodwin illegally, via her lawyer Dolores Cordell, the D.A.'s lead expert in the murder trial.

Suddenly, two dozen+ witnesses changed their stories from recall that was neutral, non-inculpatory or even exculpatory to statements that implicated Goodwin, particularly on alleged threats, on which he had been cleared in 1988 after 600 interviews, prior pg.

Based primarily on these alleged threats, plus the following, Goodwin was convicted, apparently the only person ever convicted in the U.S. of being the behind-the-scenes "hirer" when the killers were never identified (even as to correct race) or apprehended.

1. The motive was contrived, fabricated, provably nonexistent. See the enclosed Points & Authorities & exhibit F.[1]
2. The Judge was biased, failing to give several required & correct Jury instructions. See exhibit G, the Jury foreman's declaration.
3. "Fled" argument/Jury instruction, provably bogus w/ suppressed evidence.
4. Over 200 material perjuries/instances of false testimony, A) 15 by the prosecutors, B) 130 by Lillienfeld, C) 70+ other witnesses.

For more case background see exhibit D, other prosecution crimes, errors & misconduct, H, an article from JUSTICE DENIED on the case, & I, trial attorney Elena Saris' case summary.

The case is a miasma of D.A. deceit, a witches' brew of frauds on the public & the defendant, TRULY A THEATRE OF THE ABSURD.

1) The "alphabetical" exhibits listed these page aren't included.

CASE STATUS

- Goodwin & Thompson were in business for a few months in 1984.
- Thompson got a Judgment vs. Goodwin for §794,000 in May, 1986.
- Goodwin filed Bankruptcy (BK) in fall 1986, 16 mos. pre-murders.
- Goodwin had $823,000± in the BK trust account from which Thompson was to be paid, 3 months prior to the murders, by December, 1987.
- Law prohibited Goodwin from paying Thompson, the BK trustee had to.
- Thompson was killed on 3/16/88.
- Goodwin was heavily investigated & cleared in Dec. 1987, bp 025388.
- Goodwin opened fraud litigation vs. Thompson's politically connected sister Colleen Campbell in December, 2001, 13 years later.
- Three days later Goodwin was charged on the murders, out-of-jurisdiction, in Orange County. The murders were in L.A. County.
- In June 2004 ....the District Court reversed the holding order, ruling that "THERE WAS NO EVIDENCE ON WHICH TO CHARGE GOODWIN IN ORANGE COUNTY." Campbell's crony, O.C.D.A. Rackauckas, had charged.
- The L.A.D.A. then charged on the same evidence they had A) since February, 1989, 11 months after the murders, 12 years before they charged Goodwin, & B) the very same evidence on which the L.A.D.A. had <u>repeatedly</u> refused to charge for lack of evidence.
- There was then about two years of intense litigation for them admitting to receiving/reading Attorney/Client priviledged confidental information, thus to recuse them, & requesting BRADY evidence.
- After a two month trial, 53 witnesses, Goodwin was convicted on 1/4/07, of Conspiracy to commit murder, although that was uncharged.
- Goodwin was sentenced to two life sentences, no chance of parole.
- The obviously biased Spr. Ct. claimed to have lost key parts of the trial record until the 2nd District ruled "Find it." Then the Spr. Ct. quickly said. "Here it is. Its been here all of the time, oops!"

POST CONVICTION OCCURANCES

- A notice of appeal was timely filed on 3/1/07.
- Because the Spr. Ct. had pretended to lose key parts of the trial record, per prior page, the AOB wasn't filed until fall 2012, 5½+ years after conviction, 400 pp, friendsofmichaelgoodwin.blogspot.org/.
- The A.G. response was filed 8/23/13, 256, pp, MANY PROVABLE HUGE LIES!
- Petitioner anticipates that the defense reply has been filed by the deadline of 12/31/13 or soon will be, assuming a continuance.
- Petitioner has desired, & tried diligently to file his habeas corpus petition for it to be considered along with the Appeal.

Petitioner's desire there is fueled by A) his deteriorating medical conditions for which he is not receiving decent medical care. E.g. he has lost the ability to read in one eye because of guards INTENTIONAL refusal to give him prescription medicine on time, & he has had two cardiac events, but received inadequate care for them, B) the benefits to all with Judicial efficiency & transparancy, plus C) the need for Justice to prevail sooner than later. As William Penn noted in FRUITS OF SOLITUDE 69 (1693):

"To delay Justice is injustice" (11th Edition, 1906)

- Towards filing[1] his habeas corpus, petitioner has repeatedly (6 times) filed motions for the 250+ BRADY violations & suppressed witness statements (311+ 100% confirmed interviews just with trial witnesses for which statements are suppressed, + 100s of others). Exhs J - K.[2]
- Judge Schwartz has each time denied jurisdiction/denied the motions, even though petitioner has cited that she has jurisdiction via the California Constitution Art. VI § 10, People v. Spr. Ct. (Pearson-2010) 48 Cal 4th 564, 571, & for discovery pre-habeas, in re STEELE (2004) 32 Cal 4th 682, 10 CR 3d 536, 536-542-543. Also "No time limit" CATLIN V. Spr. Ct. (2011) 51 Cal 4th 300. End of case status.

1) After petitioner gets his requested & required discovery. 2) Not included here.

TABLE OF AUTHORITIES, JUDGE BIAS

UNITED STATES SUPREME COURT

FEDERAL CIRCUIT & DISTRICT COURT AUTHORITY

1) These are the "alphbeticized" pages A thru E at the begining of the P&As. Hereafter these will just be cited as P&A (A or B or C or...)

<u>STATUTES, RULES & OTHER</u> ; BARRON'S LAW DICTIONARY, p. iv

EXHIBIT LIST[1]
JUDGE BIAS

Exhibit	Description
1	Judge Schwartz ruling that the case was about the petitioner's desire to harm Mickey Thompson rather than pay his judgment debt, 10 RT 4053:16.
2	Judge Schwartz's rulings at the 3/1/07 sentencing hearing that certain witnesses weren't found until "2001" & separately "a couple of months before petitioner was charged." Judge Schwartz was all wrong.[2]
3	Testimony from these same witnesses conclusively proving that the two most important ones were found/ interviewed in 1988 (they testified to several calls/ contacts), & the other witness was interviewed in January, 1993. Judge Schwartz falsely ruled on this key issue to wrongly deny our Speedy Trial Motion.
4	A copy of a key pleading, our AUGMENTATION TO A 2nd AMENDED COMPLAINT,* which focuses on the error by Judge Schwartz that enabled, facilitated the Deputy District Attorneys presenting a wholely fabricated motive which as per exhibit one above, "was the case." Had Judge Schwartz given correct Jury instructions on the motive, that she was sua sponte obligated to do, the motive would have evaporated & petitioner would not have been convicted. *(Also included in exhibit 4)
5	A brief fully explaining just how stunningly bogus the government motive allegations were. There were dozens of false government argument only made possible because of Judge Schwartz' bias/errors.
6	Evidence of illegal political influence in the case.
7	Evidence of 3rd party culpability that Judge Schwartz refused to go to the Jury, violating Supreme Ct. law.

1) Because of copy restrictions at the prison at which i'm now housed, all these exhibits may not initially be included.
2) Petitioner was 1st charged in December 2001, 13½ years later.

POINTS & AUTHORITIES

The authority below is the foundation for this pleading.

"Decimus Junius Juvenal originally said about 2000 years ago, 'Sed quis custodient ipsos custodes' ("But who is to guard the guards?") cited by accurately paraphrasing from SEC. & LAW ENFORCEMENT V. CAREY (2nd Cir. 1984) 737 F.2d 187, 192

"If the government, police & prosecutors could always be trusted to do the right thing, there would never have been a need for the Bill of Rights."

A quote from Justice Levanthal in U.S. v. U.S. DISTRICT COURT FOR THE CENTRAL DISTRICT OF CALIFORNIA (9th Cir. 1988) 858 F.2d 534

"There is no more cruel tyranny than that which is exercised under cover of law, & with the colors of Justice" U.S. V. JANNOTTIE (3rd Cir. 1982) 673 F.2d 578, 614.

"The due process clause is intended to prevent government officials[1]..from abusing (their) power, or employing it as an instrument of oppression."
COLLINS V. HARKER HEIGHTS ( ) 503 U.S. 115, 126,

"Our duty is to see that the waters of Justice are not polluted." (by Justice Warren)
MESAROSH V. U.S. ( ) 352 U.S. 1, 14, 77 S. Ct. 1, 8.

1) A Judge is a government official. Thus Judge Schwartz should be obligated to comply with this law. SHE DID NOT.

Judge Schwartz "Joined in the accusatory process" by opining/ruling at 10 RT 4053, exhibit one, that,

> "This whole prosecution is premised on one thing, & that is that the motive for the murders was because of...the lengths to which Mr. Goodwin would go to avoid having to satisfy the judgment & basically paying up."

In short this was "Goodwin should have paid Thompson, but he killed him." As we see here in issues #1-2-3 & exh. 5 specifically, this position had no evidentiary support, & in fact Goodwin had already deposited $823,000 into the trust account from which Thompson was to be paid, money which Goodwin couldn't get back.

BUT THE PROSECUTORS WILDLY LIED ABOUT THIS AT LEAST 20 TIMES AT TRIAL, in their opening statement & closing arguments.

Some evidence we have proves many of their lies. Other evidence we have identified as being suppressed, but in the prosecution's posession, proves the other of these lies by them in addition to 60+ material instances of knowing false testimony from their 4 experts.

For here however we focus on how grossly prejudicial the false motive allegation was, & how Judge Schwartz' failings, both errors in actions, & via omissions, enabled-facilitated these FRAUDS.

Motive is not a required element of the crime of murder.

Petitioner respectfully submits however, that here, the gross amount of fraudulent prejudice that was foisted on petitioner should cause the Court to focus on this prejudice that was caused by the prosecutors' "deceitful & reprehensible conduct" of presenting a bogus case based on a nonexistant motive.

For example, law prohibited Goodwin from paying Thompson directly since Goodwin had been in Bankruptcy for 16 months prior to the murders. Thus, "Goodwin should have paid" misstated the law!

Even though this pleading is primarily about Judge Schwartz' bias/incompetence, and/or malfeasance, hereafter bias, the EXTRINSIC FRAUD ON THE COURT/THE PEOPLE would not have occured without the critical complicity, the "banner-carrying" of the prosecutors & their provably corrupt lead investigator, Lillienfeld.

Thus a very little of the legions of law against prosecutorial misconduct is cited. People v. TULLY (2012) 54 Cal 4th 952, 1009+ rules:

> "A prosecutor's misconduct violates the 14th Amendment to the United States' Constitution when it "infects the trial with such unfairness as to make the conviction a denial of due process" [citations] In other words, the misconduct must be "of sufficient significance to result in the denial of a defendant's right to a fair trial." [citation]
>
> A prosecutor's misconduct that does not render a trial fundamentally unfair nevertheless [54 Cal 4th 1010] violates California law if it involves "The use of deceptive or reprehensible methods to attempt to persuade the Court or Jury." [citations]' "People v. CLARK (2011) 52 Cal 4th 856, 960, 131 Cal Rptr 3d 225, 325-326, hn 132, P3d 243, .

Little could be more "decptive & reprehensible" than bringing murder charges & obtaining a wrongful conviction based on the false allegation that "Goodwin should have paid Thompson but killed him instead" when A) it would have been a Federal crime for Goodwin to pay Thompson direct, & B) Goodwin had deposited $823,000 to pay the $794,000 debt into a trust account from which it was to be paid, i)money that Goodwin could not touch or get back, & ii) money that by law the Bankruptcy trustee had to pay out? GOODWIN COULD NOT!

The prosecutors knew all this. As lawyers they are sworn to, & required to know the law, WILLIAMS V. TAYLOR (2000) 529 U.S. 362, 393, 395, 120 S. Ct. 1495, , 146 L Ed 2d 385, .

They are also "charged with knowledge of all the evidence the government accumulated in the case investigation."

In re: BROWN (1998) 17 Cal 4th 873, 879
KYLES V. WHITLEY (1995) 514 U.S. 419, 438
BARNETT V. SPR. CT. (2010) 50 Cal 4th 890, 902
ODLE V. CALDERON (ND Cal. 1999) 65 F. Supp. 2d 1065, 1070-1072.

Petitioner cannot imagine that the prosecution may claim they did not know he was 1) in Bankruptcy, & 2) prohibited by law from paying Thompson direct since he was in Bankruptcy. That is because,

> THEIR ACKNOWLEDGED "#1 SOURCE OF CASE INFORMATION...SHE LAID OUT THE FINANCIAL CASE"(which was the motive) (19RT 6939) was the SPECIAL COUNSEL TO THE BANKRUPTCY TRUSTEE, & Thompson attorney Dolores Cordell.

Further, Cordell even testified at trial that it would have been illegal for petitioner to pay Thompson direct. Unfortunately the import of this was not explained to the Jury even though this, on top of similar at 1 CT 213, no Jury present, prompted the Judge as to her sua sponte duty to give correct Jury Instructions on this complex area of the law. Cordell testified to this at 9 RT 3019-3020 & 3039-3043. Cordell was a D.A. expert, a main one.

The DDAs (Deputy District Attorneys) had a responsibility per the law to investigate conflicts between the case they wished to present & the evidence/law of which they were aware. See NORTHERN MARIANNA ISLANDS V. BOWIE (9th Cir. 2001) 243 F.3d 1109, 1114.

As stated, the law prohibiting "deceitful & reprehensible actions by prosecutors" is legion. Here, an additional example.

> "An attorney has a special duty...to prevent & disclose frauds upon the Court."
> NIXON V. WHITESIDE (1986) 475 U.S. 157, 168-169.

Petitioner has repeatedly advised the prosecution of the dozens of instances of material false testimony they presented, their own false closing arguments that had no support on-the-record, etc; but the prosecution refuses to advise the Court even though the law is absolute that they must. Some of that law is listed below.

> NAPUE V. ILLINOIS (1959) 360 U.S. 264, 269
> GIGLIO V. U.S. (1972) 405 U.S. 150, 154-155, 92 S. Ct. 763, 766.
> U.S. V. AGURS (1976) 427 U.S. 97, 103
> People v. DICKEY (2005) 35 Cal 4th 884, 909, 28 CR 3d 647
> PHILLIPS V. OMOSKI (9th Cir. 2012) 673 F.3d 1168, 1181, hn 7

In abject reality, the DDAs repeatedly materially misstated the law when they argued & stated that "Goodwin should have paid Thompson..." when they knew that was illegal under Bankruptcy law from their own expert, & hornbook Bankruptcy law.

The following law rules that lawyers are not allowed to misstate the law:

People v. ELLISON (2011) 196 Cal App 4th 1342, 1356, hn 12-13
People v. BOYETTE (2002) 29 Cal 4th 381, 435
People v. HILL (1998) 17 Cal 4th 800, 829-830
People v. MARSHALL (1996) 13 Cal 4th 799, 831
U.S. V. ARTUS (9th Cir. 1976) 591 F.2d 526, 528

Notwithstanding that prosecutor Alan Jackson knew he was falsely stating the facts & misstating the law, e.g. at 23 RT 8765 in his close, he perpetrated a PROVABLE FRAUD ON THE PEOPLE, multi-layered, complex, & deceptive, to wrongly convict petitioner. Jackson was guilty of a Penal Code § 182 (1) thru (5) crime, that is a CONSPIRACY TO OBSTRUCT JUSTICE & FALSELY CONVICT, a serious felony.

But, none of it would have been possible without Judge Schwartz' assistance, knowing or not. Jury instructions would have cured this.

See exhibit four here, the AUGMENTATION...therein for details of Jackson's deception on the nonexistant motive, which was the case.

In light of the above & the following that advises the Jury that they can consider motive to convict, I respectfully submit that the unfair prejudice caused by motive allegations is very relevant.

> CALJIC 2.51 is the motive Jury instruction. "Presence of motive may tend to establish guilt. Absence of motive may tend to establish innocence." (suppressed evidence exacerbated the issue of the defense's inability to prove lack of motive.)
>
> "Defense counsel ruled not ineffective for failing to object to introduction of motive evidence."
> People v. MALDONADO (2009) 172 Cal App 4th 89, 98, 90 CR3d 750.
>
> Evidence Code 210 defines relevant evidence as any evidence having any tendency to prove or disprove any disputed fact...

WITHOUT THE BOGUS MOTIVE THERE WOULD HAVE BEEN NO CONVICTION.

Exhibit five (5) proves that the entire alleged "motive," all three legs of it, was/were totally bogus, & known of as bogus by the prosecutors before they made offers-of-proof on them to Judge Schwartz, & later repeatedly presented them to the Jury.

Exhibit five also demonstrates the extreme, the stunning prejudice to the petitioner from the prosecution false statements, inqueries & closing arguments about the nonexistant motive.

Many Courts have unanimously ruled that "closing arguments are an important part of the trial." Petitioner submits that is because the Jury tends to believe that prosecutors tell the truth. Law is:

U.S. V. KOYAJAN (9th Cir. 1996) 8 F.3d 1315, 1323
People v. PITTS (1990) 223 Cal App 3d 606, 694
People v. POWELL (1967) 67 Cal 2d 32, 55-57
People v. CRUZ (1964) 61 Cal 2d 861, 868
People v. ALVERSON (1964) 60 Cal 2d 803, 805
People v. TALLE (1952) 111 Cal App 2d 650, 677
People v. HASKETT ( ) 30 Cal 3d 863,

We know from the record in this trial, cites in exhibit five, that the alleged motive was the core of the State's case-in-chief, the very nexus for the prosecution's argument that Goodwin hated Thompson because of the money Goodwin owed Thompson (that prosecutors falsely alleged Goodwin refused to pay).

This alleged hatred then segwayed into the alleged threats by Goodwin against Thompson, such threats that suppressed evidence we can prove the D.A. has proves never occured.

EVERYTHING SOURCED FROM THE ALLEGED, BUT NONEXISTANT MOTIVE.

It would be a shocking denial of due process for the motive to be put "at issue" as it was, & lied about by the prosecutors as it was, including them falsely portraying Goodwin's legal obligation to pay, without the Court analyzing the wrongful prejudice created by the FRAUD re: the motive when deciding the reliability of the verdict.

LIST OF ISSUES PROVING JUDGE SCHWARTZ BIAS

JUDGE SCHWARTZ BIAS REQUIRES REVERSAL; FOUNDATIONAL LAW, PREFACE.

The law in the following writing details the steps requiring reversal of this conviction because of Judge Schwartz's bias and/or misconduct, and/or incompetence, & that law is absolute to reverse.

However, the following law, the 1st of which is quoted from United States Supreme Court 2009 law, lays the very rock-solid-foundation requiring reversal of this conviction, with no question.

> "(To reverse a conviction/recuse a Judge) One does not need to prove actual bias, but only 'The probability of actual bias on the part of the Judge that is too high to be Constitutionally tolerable" (accurately paraphrased; emphasis added) People v. FREEMAN (2010) 47 Cal 4th 993, 996, hn 1-2, citing, CAPERTON V. A.T. MASSEY (2009) 556 U.S. 868, 129 S. Ct. 2252, 2267.

As we see conclusively in the following, Judge Schwartz exhibited such obvious bias, and/or misconduct, and/or incompetence re: her sworn duties in this case, in up to 24 different areas, that the "Probability of actual bias" is inescapable.

In addition, the appearance of bias was palpable. The extremely conservative politically, normally a bastion of law enforcement support, ORANGE COUNTY REGISTER, evidently wrote during trial[1]:

> "The prosecution seems to get whatever they ask for, while the defense appears to get virtually nothing they request" (accurately paraphrased from what i've been told, or similar)

California law rules that the appearance of fairness is critical. In re MARRIAGE OF THARP (2010) 188 Cal App 4th 1295, 1328:

> "It is a well settled truism however, that the trial of a case should not only be fair in fact, but it should also appear to be fair."

That "Truism" was clearly violated in light of the REGISTER article. And, it was obvious to the Jury that the Judge favored the prosecution.

> "If it appears that a Judge is aligned with the prosecution, that is misconduct." (requiring reversal of the conviction) People v. CARPENTER (1997) 15 Cal 4th 312, 353, 63 Cal Rptr 2d 1.

1) My trial counsel told me this. I haven't seen. I'm trying to get a copy/verify.

Via Penal Code § 1044 defining Judge Schwartz's job responsibilities, it is clear that Judge Schwartz violated & ignored them.

> CONTROL OF PROCEEDINGS BY JUDGE; It shall be the duty of the Judge to control all proceedings during the trial, & to limit the introduction of evidence & the argument of counsel to relevant & material matters, with a view to the expeditious & effective ascertainment of the truth regarding the matters involved." (emphasis added, important!)

Here, as we see in item #1 in this writing, page 7 following, Judge Schwartz allowed, actually enabled & facilitated the prosecution (AKA, DDAs, Deputy District Attorneys), to base their entire motive case on false, irrelevant, & not material matters. violating her sworn duties to limit to relevant & material matters.

Judge Schwartz is not an innocent bystander here. At 10 RT 4053, attached as exhibit one herein, she ruled that the DDA's profferred motive, "That Goodwin refused to pay Thompson, killing him instead," was the case. (accurately paraphrased from her quote/ruling)

Judge Schwartz knew that the DDA case was COMPLETELY BOGUS, that Federal law strictly prohibited Goodwin from paying Thompson direct because Goodwin had legitimately been in Federal bankruptcy for 16 months prior to the murders. She is obligated to know the law.[1]

Only the Federally appointed Bankruptcy (BK) trustee who had been put in place because of Thompson's lawyer's machinations could effect the process that was necessary to arrange for the Thompson payment, & to write the check, that only the trustee could sign, paying Thompson. This was confirmed at the L.A. preliminary hearing, 1 CT 213, but was not explained to the Jury at trial.

And, Goodwin had arranged for $823,145 to be retained in the BK[2] trust account from which Thompson was to be paid his $794,000 debt, but again, which only could be paid out by the Bankruptcy trustee.

It was Judge Schwartz's sworn duty to get these facts to the Jury.

1) WILLIAMS V. TAYLOR (2000) 529 U.S. 362, 392, 395. 2) 11 RT 4246 by the trustee.

The law requiring Judge Schwartz to insure that the facts relevant to the case are "fairly presented" is legion. Examples are:

> "The Judge has a solemn duty to see the facts material to the case are fairly presented."
> People v. FERGUSON (1971) 5 Cal 3d 525, 530.
> People v. KIIHOA (1960) 53 Cal 2d 748, 753.

> "Numerous Courts, including our own have recognized that it is not merely the right, but the duty of a trial Judge to see that the evidence is fully developed before the trier of fact & to assure that ambiguities & conflicts in the evidence are resolved insofar as possible." (emphasis added) People v. ABEL (2012) 53 Cal 4th 891, 917.
> People v. CARLUCCI (1979) 23 Cal 3d 249, 255, 152 CR 439, 443.

> "In a criminal prosecution, the trial Court has a duty to curb the propensities of the attorneys to overstep the bounds of propriety & to make certain that the members of the Jury are not led astray by improper statements of attorneys." (emphasis added)
> People v. ESTRELLA (CA 2d 1953) 116 Cal App 2d 713, 718, hn 6-7.

> "The object of a trial is to ascertain the facts & apply thereto the appropriate rules of law, in order that Justice within the law should be truly administered" and,
> "To this end, the Court has a duty to see that Justice is done, & to bring out facts relevant to the Jury's determination." (emphasis added)
> People v. MENDEZ (1924) 193 Cal 39, 46.

What fact could be more material & relevant that "Goodwin was prohibited by Federal law from paying Thompson" in a case where the Judge herself at 10 RT 4053:16, attached, exhibit 1 here, ruled:

> "The whole prosecution is premised on one thing, & that is that the motive for the murders was because of the business dispute that existed & the lengths to which Mr. Goodwin would go to avoid having to satisfy the judgment & basically paying up." (emphasis added)

The prosecutors used all sorts of false arguments to divert the main issue, such as "Goodwin improperly sold off assets to keep from having to pay", 6 RT 2740 & 23 RT 8783 in the opening & close, but Judge Schwartz is presumed, as a lawyer & a Judge to be wise enough not to be distracted from giving the correct law, to assure that the correct facts are correctly applied per applicable law. The law on the next page proves conclusively that is also her sworn duty.

Judge Schwartz's obligation to know the correct law & get it in front of the Jury with correct Jury instructions is also legion.

> "There is a long established rule requiring sua sponte instruction on those principles closely & openly connected with the facts before the Court, and...necessary for the Jury's understanding of the case." (emphasis added) People v. ARANDA (2012) 55 Cal 4th 342, 354, 145 CR 3d 855, 864, citing People v. ST. MARTIN (1970) 1 Cal 3d 524, 531, 83 CR 166. Also see People v. ALEXANDER (2010) 49 Cal 4th 846, 920-921, People v. NAJERA (2006) 135 Cal App 4th 1125, 37 CR 3d 844, 848, People v. VALDEZ (2004) 32 Cal 4th 73, 8 Cal Rptr 3d 271, 309.

The Jury hears the alleged "facts," deciding which to believe, & then they apply those facts per the direction that the law given to them by the Judge in Jury instructions tells them they must apply.

We, in analyzing the depth of the prejudice caused by Judge Schwartz's failures to give the correct Jury instructions, see items #1 in particular, but also in numbers 2-3-5-7 & 8, we must juxtapose her "errors" (to be polite; evidence shows the root of the problem is most probably more sinister) there with her errors to insure, as the law also says her duty is, law prior page, that the correct facts get put before the Jury, that the evidence is fairly developed (exact quote from the law). For bias compare exhs. #2 & 3.

Here Judge Schwartz showed her extreme bias, her siding with the prosecution,by delivering a fatal 1-2-3 punch to the defense.

1. She failed to give the correct Jury instructions on motive. &,
2. She allowed the prosecution to repeatedly allege & argue the alleged motive that "Goodwin should have paid Thompson, but refused to, killing him instead." This permeated the trial. &,
3. She allowed four D.A. witnesses to testify to hundreds of issues re: the allegation that Goodwin should have paid, but took steps to avoid paying, when Judge Schwartz knew this was untrue, & thus not material, & not relevant. Law rules this is reversible error...

Now it gets somewhat more esoteric, but if the Court will please bear with me, the clarity will be bright & precise at "the end of the tunnel," U.S. Supreme Court law at the bottom of the page.

Re: Problem by Judge Schwartz #4, at page 11, she failed her required "Gatekeeping duty" to correctly vet the proposed "expert witnesses" & to keep put those not qualified, for various reasons, to testify to what their proponents, here the prosecutors/DDAs, wanted them to testify to.

The result was D.A. expert witnesses being allowed to give unjustified opinions for which no evidence was supplied to support.

These experts were allowed to testify to alleged evidence that in one of the most egregious violations, explained in problem #5, that the witness even testified she was not qualified to testify on. There are additional major "expert witness" problems created by Judge Schwartz failing in her duties described in problem #19 here.

But the most outrageous & easiest to prove prejudice was caused by these four experts & two D.A. investigators testifying to over 60 material perjuries KNOWN OF BY THE PROSECUTORS.

About fifty of those were about the bogus motive that simply did not exist. Evidence proves those perjuries irrefutably. Some of the evidence we have, some is suppressed but evidence proves that the D.A. has it. But there is a more obvious OVERALL PERJURY/FRAUD.

Because Goodwin was not permitted by law to pay Thompson, all of that testimony mislead the Jury. By law that is another perjury.

> "Outright falsity in testimony need not be proven (to reverse the conviction) if the testimony as a whole gave the Jury a false or misleading impression." (NO EMPHASIS NEEDED!) ALCORTA V. TEXAS (1957) 355 U.S. 28, 31, 78 S. Ct. 103

The 100s of pages of expert questioning on "Goodwin should have paid, but..." did just that, exactly, created a motive when there was none.

FACTS PROVING JUDGE SCHWARTZ BIAS, INCOMPETENCE AND/OR MISCONDUCT

The law is adequately stated prior to this that the Judge is ultimately responsible for insuring that the correct facts & law are put to the Jury, so we won't repeat that here. The law is legion that a conviction obtained in front of a biased Judge must be set aside, "even if bias cannot be proven but THERE IS THE PROBABILITY OF ACTUAL BIAS THAT IS TOO HIGH TO BE CONSTITUTIONALLY TOLERABLE."[1]

What could more serve but to establish the probability of bias than the very conservative 2nd largest newspaper in Southern California, the ORANGE COUNTY REGISTER, reporting during the trial:

"The prosecution seems to get essentially everything they ask for, while the defense appears to get very little." ?[2]

So, the appearance of bias was there even though the reporter saw only the front line evidence of it, the "1st blush" to the public.

The behind the scenes bias that the public nor the reporter had any idea of was much more sinister, much darker, as we prove here. Tragically, if Judge Schwartz "got away with it" here, how many other people has she also victimized? The key legal ruling we will quote is People v. SANTANA (2000) 80 Cal App 4th 1194, 1206:

"A Judge's job is to see that Justice is done."

Here Judge Schwartz insured that Justice COULD NOT POSSIBLY BE DONE by facilitating the prosecution (DDA, Deputy District Attorney) frauds & perjuries, actual felony crimes by the DDAS, enabling them.

Judge Schwartz insured this by 1) failing to give required Jury instructions, the very foundation of Justice, 2) giving other Jury instructions that were unlawful, should not have been given, & 3) allowing improper evidence for the prosecution while prohibiting the defense from introducing proper & critically exculpatory evidence.

1) People v. FREEMAN (2010) 47 Cal 4th 993, 996, citing 129 S. Ct. 2252, 2267.
2) Petitioner was told by his lawyer. We are trying to obtain a copy of the article.

There is much more evidence of Judge Schwartz's illegal bias but just the above, 1. thru 3.*were enough to insure the wrongful conviction, & to require a reversal. *(At pages 7 through 10)

ERROR IN THE GIVING OF JURY INSTRUCTIONS. Briefly recapping law:

> "An attorney must know the law". (A Judge is 1st an attorney) WILLIAMS V. TAYLOR (2000) 529 U.S. 362, 392, 395.
>
> "...there is an established rule requiring sua sponte instruction on those principles closely & openly connected with the facts before the Court, and...necessary for the Jury's understanding of the case." People v. ARANDA (2012) 55 Cal 4th 342, 354, 145 CR3d 855, 864.

1. The very motive for the case, what Judge Schwartz called "THE CASE" at 10 RT 4053, was whether "Goodwin refused to pay the Thompson judgment debt, deciding to kill Thompson rather than pay him." This was argued ad nauseum by the DDAs. See exhibit 1.

However, Goodwin had been in Bankruptcy (BK) for 16 months prior to the murders, & was prohibited by law while in BK from paying Thompson direct. Had Goodwin paid Thompson direct as the DDAS repeatedly argued, & Judge Schwartz allowed, it would have been a very serious Title 18 § 152 Bankruptcy Federal Fraud.

And, Goodwin had, by following the law,caused to be placed over $823,000 in the BK trust account from which Thompson was to be paid his $794,000 debt. But only the Federally appointed Bankruptcy trustee could 1) write a "plan" to pay that out, 2) present that plan to the Court, 3) get approval to pay, & 4) actually write the checks, 1 CT 213, 9 RT 3719-20, 3739-41+.

So, Goodwin was directly convicted on a motive for not doing something that A) he was prohibited by law from doing, & B) someone else, the BK trustee had to,do but didn't.

Judge Schwartz was obligated to give the law to the Jury in an instruction that would have explained this. She did not.

2. Prosecutor Jackson misstated the law & the facts in describing a "Discharge-of-Debt," exclusively a Bankruptcy term-of-art, in his opening statement at 6 RT 2722-2723. He postured this so that it sounded like Goodwin had done something rare & nefarious to avoid paying the Thompson debt. "Discharge of debt" is normal.

This continued to "Paint-the-Picture" that the DDAS decided on to tar & feather Goodwin with, that he was an unprincipled crook, willing to do anything, illegal or not, to avoid paying Thompson, eventually leading up to ("when nothing else worked," often argued, but provably untrue) killing Thompson[1].

Had Judge Schwartz done her required job & given the Jury instruction on this, giving the correct description of that law, necessary on something as complex as Bankruptcy, the Jury would have seen that A) filing for a discharge of debt was a normal, honorable process in Bankruptcy, done by the vast majority of debtors in Bankruptcy, & that B) it didn't work anything like DDA Jackson lied. It didn't either say, as Jackson lied, "I want to wipe out my debts," or "I have nothing, I want to wipe the slate clean because I have nothing to pay my bills." See 6 RT 2722[2].

In fact Goodwin had listed millions of dollars in assets on his Bankruptcy schedules, agreeing that he would eventually be able to pay his debts, including Thompson. He only filed Bankruptcy to buy time to accumulate the funds to pay, since as he explained, he simply didn't have $794,000 cash to pay the judgment when it came down. No evidence of this was presented at trial.

But, as stated, Goodwin, as he initially forecast, had caused $823,000 to be retained in the BK trustee account from which Thompson was to be paid his $794,000, 3 mos. before the murders.

1) The Jury "bought into" this falsity, justifying the conviction. See 8 CT 2082.
2) DDA Jackson simply made this up out of thin air with no support. HE LIED.

3. Central to the motive allegation, "Goodwin refused to pay, killing the Thompsons instead,"[1] were material false allegations by the DDAs, supported by extensive perjury by their experts, that Goodwin had done fraudulent acts with $2,500,000 in assets that the DDAs also alleged that belonged to the Bankruptcy estates, & were responsible to pay the Thompson debt.

There are two complimentary Jury instructions that were necessary for the Jury to understand the correct law here, & how the facts then "fit." Neither of those were given by Judge Schwartz.

First & easiest is that the two DDA allegations above are mutually exclusive, impossible. If the assets belonged to the Bankruptcy estates by law, they can't also be liable to pay the Thompson debt direct. That is because the Thompson debt was an exclusively Bankruptcy debt* & could only be paid from assets that truly belonged to the Bankruptcy, via the Bankruptcies, controlled by the Federal bankruptcy trustees, that the Thompson lawyers had caused to be put in place.*(All pre-BK debt was exclusively BK debt.)[2]

So, in short, if these assets, JGA/Whitehawk & Desert Investors, belonged to the Bankruptcy estates, the DDAS lied/again misstated the law when they argued that they should have been used to pay Thompson direct. That is ironclad Bankruptcy law.

But, neither of those assets, for very clear reasons that would have been explained to the Jury via CORRECT JURY INSTRUCTIONS, either belonged to the Bankruptcy or were liable for paying the Thompson debt. Two (2) Federal Courts had ruled that, so it was Res Judicata, Stare Decisis, Collateral Estoppel. The facts & law proving that these assets should never even have come into the trial are legion, but we needed correct Jury instructions for this.

1) E.g. 6 RT 2718, 2741, 10 RT 4053 by the Judge, 18 RT 6751, 23 RT 8765, much more.
2) The Thompson debt was exclusively a pre-Bankruptcy debt, payable only in the BK.

For the Court to better understand the enormous extent of the Deputy District Attorney (DDA) misleading of the Judge & Jury here, essentially repeatedly misstating the law, we explain the following.

The DDAs variously argued that A) Goodwin should have used the funds from certain assets, e.g. about $2,500,000 from JGA/ Whitehawk & desert Investors, to pay Thompson direct, & alternatively, B) that those assets belonged to the Bankruptcy estate, & thus that Goodwin & his wife were malfeasant when they accepted cash from the assets. The DDAs actually alleged 14 uncharged, & untrue Bankruptcy criminal frauds vs. Goodwin for his wife receiving that money from assets that correct law & facts would've proven were her separate assets.

THE PROSECUTORS CAN'T HAVE IT BOTH WAYS.

Those two arguments, alleged sets of facts,are mutually exclusive, 180° contradictory. They can't both be true.

Prosecutors are prohibited from arguing different, contradictory postions when describing facts, in re SAKARIAS (2005) 35 C4th 140, 158-162.

> "Because it undermines the reliability of convictions or sentences, prosecutors' use of inconsistent or irreconcible theories has also been criticized as inconsistent with the principles of public prosecution & the integrity of the criminal trial system. A criminal prosecutor's function is not merely to prosecute crimes, but also to make certain that the truth is honored to the fullest extent possible during the course of the criminal prosecution & trial." 25 Cal Rptr 3d 265, 278-283, specifically 281.

This is another specific situation where Judge Schwartz failed miserably in her sua sponte obligation to introduce the correct law via correct Jury instructions. Bankruptcy law in instructions would have quickly shown that neither of the assets cited either 1) Were liable to pay the Thompson debt, or B) belonged in the Bankruptcies.

Suppression of evidence we can prove the D.A. has, to prove exculpatory facts on these assets, JGA/Whitehawk & Desert Investors, severly exacerbated the fraud. The DDAs defrauded on the law & facts.

4. This failure to give the correct Jury instruction was coupled with the failure by Judge Schwartz to do her obligated job to correctly "vet" the proposed experts & allow their testimony only if it met criteria precisely defined by law. Citations of law are also appropriate here.

> "Judges have substantial gatekeeping responsibility when it comes to expert testimony" (citation, SARGON Enterprises v. Univ. of Sou. Cal. (2012) 55 Cal 4th 747, , 149 Cal Rptr 3d 614,)
>
> "In particular, Courts are to insure that opinions are not speculative, based upon unconventional matters, or grounded in unsupported reasoning. We review a Court's execution of these duties for an abuse of discretion" Dept. of Trans. v. DRY CANYON LLC (2012) 211 CA 4th 486, 493.

Judge Schwartz at the very least severely abused her discretion here by the admission of at least one expert, the alleged D.A. financial expert, Karen Kingdon. For various different reasons, most of which will be addressed on the incorrect admission of experts, Kingdon was hugely prejudicial via her perjuries, many of which she was not qualified to testify to. Also see item 18, p. 22.

But for here, since it materially contributed to the Jury's lack of ability to understand the law & facts re: the alleged motive, because Judge Schwartz had failed to give the correct Jury instructions, we address Kingdon's possibly most egregious errors.

Kingdon testified to the funds between Michael & Diane Goodwin being "commingled", or words that meant that,[1] about 30 times. She nor the D.A. presented any written evidence of that, & evidence that we can prove the D.A. has but suppressed, proves her wrong.

Kingdon even admitted that she didn't understand transmutation, which is what "commingling" is, 19 RT 6915. But Judge Schwartz nonetheless allowed her false & misleading testimony to stand.

Again, suppressed evidence would have proven no commingling.[1]

1) Commingling or lack of it was material since if it existed there was an argument that Diane's assets may have been liable for the Thompson debt. But Kingdon lied.

Just the above Jury instructions, even just the 1st one, if given, would have proven quickly that there was no case, & probably gotten the prosecutors laughed out of the courtroom, certainly very embarrassed. But there are <u>at least</u> four additional errors in Jury instructions by Judge Schwartz, plus other errors.

One was a failure to give an instruction on what the law was re: posting of a personal surety to insure payment of the judgment, one was a failure to include a <u>critical word</u> in an instruction, & the 3rd was the giving of illegal conspiracy Jury instructions.

5. It was admitted by D.A. experts at trial that Goodwin officially submitted documentation to post over $2,250,000 in good assets to insure the Thompson payment (JGA/Whitehawk, his wife's separate property that she had offered to post to avoid Goodwin having to file Bankruptcy). Ms. Goodwin did not file Bankruptcy.[1]

Actually, although it didn't all come out at trial, evidence proves that the assets that Goodwin pledged to post to guarantee payment generated over $5,000,000 cash, & had three other high dollar individuals in addition to him also "stand in" as a judgment debtor to also be responsible for the Thompson debt.

But the D.A. expert, hostile witness & Thompson lawyer Phillip Bartinetti, who had committed crimes to loot the Goodwin Bankruptcy estates (conclusively provable), committed perjury that the surety did not work as it really did, that Thompson had no way of being assured he would be paid.

A correct Jury instruction explaining the surety would have yet again debunked the D.A. motive by proving that Goodwin had intended to pay Thompson. Bartinetti had plead prior in the BK that had Thompson taken the surety he'd have been paid, bp 023792.

1) Ms. Goodwin had protected separate property initially sourcing from a pre-marital inheritance, an enforceable pre-nuptial agreement, & pension plans.

6. Judge Schwartz amazingly left out the required & critical word "immediately" from the fled as conciousness of guilt Jury instruction. This allowed the Jury to imply, based on very false argument from DDA Jackson, that because Goodwin was evidently living on a boat in Guatemala three years later, he had fled.

However, there was only unsupported arguement that A) Goodwin was living on that boat, no evidence supported that, & B) that Goodwin had fled the U.S. to avoid prosecution. Again, no evidence supported that, & the law, not appropriately considered by Judge Schwartz in the fled Jury instruction, clearly prohibited the giving of this Jury instruction by Judge Schwartz.

A critical requirement before a fled jury instruction can be given is the presentation by the D.A. of evidence that supports

> "That the defendant took steps to hide from law enforcement authorities to avoid apprehension or arrest." (paraphrased)
> People v. JURADO (2006) 38 Cal 4th 72, , 41 CR 3d 319, 362
> People v. CRANDALL (1988) 46 Cal 3d 833, 251 CR 227, 245.
> People v. BONILLA (2007) 41 Cal 4th 313, headnotes 1 > 4.
> People v. GOODWIN (1927) 202 Cal 527, , 261 P 1009,

There was no evidence supporting that quote or that would qualify the fled Jury instruction under any of the other quoted law.

But even had this Jury instruction been correctly given, which it was not per the law, of which Judge Schwartz is charged with knowledge, her leaving out the required "Immediately" left it open to the DDAs' lying misscharacterization of what it meant.

Further exacerbating the problem was Judge Schwartz's refusal to acknowledge the correct facts & law that since Goodwin had met with investigators after the murders[1], & hired an attorney to monitor the investigation, & return from his sailing sabbatical if he became a suspect, he did not flee five months later when he left South Carolina for Florida. I think she even prohibited that testimony.

1) Goodwin was told he was a witness, not a suspect, 5 CT 1233.

7. Although the 1st Jury instruction failing elucidated here, #1, was probably the most egregious failing by Judge Schwartz, since it would have proven there was no case, it may not be the easiest for the Court to understand should have been introduced.

That is because it is controlled by esoteric & the not always understood complexities of Bankruptcy law, a discipline foreign to many if not most lawyers. As a critical comment, that does not give Judge Schwartz any excuse for not bringing in an expert to consult with her on it, or the District Attorney for charging on a bogus motive that Bankruptcy law proved didn't exist.

However, this Jury instruction failing was almost as egregious & prejudicial, & will be easy for the Court to fathom not applying Bankruptcy law.

Judge Schwartz improperly gave an illegal set of conspiracy Jury instructions, strictly prohibited by law , when,

A) No evidence connected the defendant, Goodwin, to any alleged conspiracy. Law doesn't allow instructions with no evidence.

B) Judge Schwartz severely exacerbated the problem caused by her giving this illegal set of instructions by:

i) leaving out a crucial required passage from the conspiracy Jury instructions, see next page. This is suspiciously like her error in leaving "Immediately" out of the fled Jury instruction. This was an even more critical missing passage.

This allowed, in fact directed the Jury to presume that Goodwin was connected to a conspiracy when no evidence existed to connect him to a conspiracy. and,

ii) Judge Schwartz gave conflicting, confusing & mutually exclusive instructions within the conspiracy instructions.

See the next four pages for more on this, plus prejudice evidence.

DECLARATON

I Mark Matthews declare as follows:

I was a juror on the case of the People v. Michael Goodwin GA052683 tried in Department "E" of the Pasadena Superior Court in 2006. (Goodwin note; He was the Jury foreman)

As the foreperson of the jury I want to state for the record that our verdict was based on the evidence and instructions presented to us and I stand by our decision. I offer the following insights in the spirit of truth and openness and I am in no way advocating for either party in these proceedings. I believe all of the jurors conducted themselves in a professional and conscientious manner at all times. I have written this declaration as a response to a series of questions posed to me by attorney Elena Saris, based on discussions we have had post-verdict, and reflect my truthful recollection of how the jury conducted its business in relation to those questions.

All of the jurors were convinced that Goodwin had made several threats against Mickey Thompson. Some witnesses who testified about these threats were deemed credible by the entire jury. Others were not. The threats that we felt were credible, combined with other evidence, pointed towards Goodwin's guilt. The evidence was clear that Goodwin did not personally kill the Thompsons. There was no evidence offered that showed a direct connection between the people who in fact killed[1] Mickey and Trudy Thompson and Michael Goodwin. The judge's instructions regarding conspiracy allowed the jurors to skip this step and find Michael Goodwin guilty.[2]

1) The killers have never been identified or located. Goodwin is evidently the only person ever convicted in the U.S. of being the person who allegedly hired the killers when the killers were never identified or found.

2) This then is an illegal "Directed Verdict" violating U.S. Supreme Ct. law, SULLIVAN V. LOUISIANA (1993) 508 U.S. 275, entire 5 page case. Also this Jury instruction was illegal, People v. VALDEZ (2004) 32 Cal 4th 73, 10 CR3d 271, 327.

Personally, I was initially reluctant to vote for conviction because I had heard no credible evidence[1] connecting Michael Goodwin to the actual killers, even though most of the other evidence pointed towards guilt. The conspiracy instruction allowed us to convict Goodwin based on all of the other incriminating evidence because we could infer from that evidence that Goodwin wanted Thompson dead and could have hired the killers to commit[2] the crime even though no evidence of a connection between the conspirators was presented. We asked "Was it reasonable to believe that Goodwin could have been[2] responsible?" Once we answered that in the affirmative, we felt we reconciled that lack of connection to the killers by applying the instruction on conspiracy, which allowed us to infer that connection.

One exchange I remember in the deliberation room while we were discussing the connection went like this: I quoted the analogy the prosecutor used in his opening statement: It's snowing and the kid in the kitchen is threatening to go to the barn, etc. My contrasting analogy was that you have Goodwin in the kitchen threatening to go to the barn, you leave the room and when you return Goodwin is gone, there are two sets of bike tracks in the snow leading to the barn and two Black men are standing out there. I could not make the prosecutor's analogy work, and the Judge's instruction on conspiracy made it so I didn't have to.[3] The connection just wasn't there, but it didn't need to be. I was hard pressed to make any stand for my not guilty vote with that instruction in place.

2

1) Note "No credible evidence connecting Goodwin to the killers," line 2.
2) Note at lines 8 & 11 "could have (killed)". That is speculation on which a criminal conviction "is not allowed to stand." JACKSON V. VIRGINIA (1979) 443 U.S. 307, 315-316, in re WINSHIP (1970) 397 U.S. 358, 364, many more cases.
3) Again here, at line s28-32, this proves the Jury instruction gave an illegal "Directed Verdict", a "Mandatory Presumption," strictly prohibited.

THE CONSPIRACY JURY INSTRUCTIONS WERE UNLAWFUL & CAUSED A PROHIBITED/UNLAWFUL "DIRECTED VERDICT," A "MANDATORY PRESUMPTION"

Several perspectives violated U.S. Supreme Court keystone cases SULLIVAN V. LOUISIANA (1993) 508 U.S. 275, entire case, & FRANCIS V. FRANKLIN (1985) 471 U.S. 307, 308, 313-327 & require reversal of the conviction.

1) See the understanding of the Jury as elucidated by the Jury foreman at 8 CT 2078-2079, essentially "There was no evidence connecting Goodwin to the killers, but because of the Judge's instruction we convicted anyway."

Crucial required parts of the jury instructions were left out, others contradicted, & the prosecutor lied to the Jury about the law re: conspiracy needed to convict.

2) The crucial passage from CALJIC 6.22 was left out, "...the jurors must unanimously agree that the defendant willingly, knowingly & intentionally joined with the others in the alleged conspiracy."

Without this, plus the prosecutor's lie on the law below, & the confusion/contradictions in other parts of the conspiracy instructions, the Jury could infer that the defendant was involved with no evidence, which they did.

3) Prosecutor Alan Jackson grossly misstated the conspiracy law at 23 RT 8759:6 in his closing argument, a critical part of the trial.

"It's not necessary to show a <u>formal</u> meeting (emphasis added; this portion correct per CALJIC 6.12) <u>or...agreement between the conspirators</u>."

That is simply a lie as is proven by CALJIC 6.10.5 at 7 CT 1992, 2nd paragraph. An <u>agreement amongst the conspirators must be proven</u>. But it wasn't.

4) Even that helpful/correct Jury instruction was contradicted however. Recall in #3 it rules that "<u>an agreement must be proven</u>." But in CALJIC 6.12 at 7 CT 1994 it states "No express agreement needs (to be proven) in the title. That then changes in the body copy to "No formal agreement needed."

How could an unsophisticated in the law Jury know the difference between all these different descriptions/requirements for "an agreement"(of some sort), particularly in light of the prosecutors lie in #3 above?

5) Nowhere was the required "Proof beyond a reasonable doubt " in the conspiracy instructions. This allowed the prosecutors to convict on a mere 51% preponderance of the evidence level of proof, totally illegal, not proving all elements of the alleged crime beyond a reasonable doubt, presumably a 90% proof level.

6) Because of all of the above & more, the conspiracy Jury instructions were, to say the least, very confusing. That mandates reversal,

"Misleading instructions are prejudicially erroneous & violate the Federal Constitution's guarantee of due process & Jury trial if there is a reasonable likelihood that the Jurors could have been misled." ESTELLE V. McGUIRE (1991) 502 U.S. 62, 72, fn. 4.

7) As per item #2 on the prior page, a crucial passage was left out of the conspiracy Jury instructions. This alone mandates reversal of the conviction per People v. EDUARD MIL JR. (2012) 53 Cal 4th 400, 409, 135 Cal Rptr 3d 339, 345 & People v. FLOOD (1998) 18 Cal 4th 470, 504-505, 76 CR 2d 180, 202.

8) As per the Jury foreman's sworn post-trial statement at 8 CT 2078 & 2079, no evidence was introduced to connect Goodwin to the killers. Neither is any evidence of a connection available.

The giving of a Jury instruction by the Judge with no evidence first given to support it is strictly prohibited. See People v. VALDEZ (2004) 32 Cal 4th 73, 10 Cal Rptr 3d 271, 327.

This is yet again another legal reason mandating that the conviction was illegal & must be reversed.

9) Prosecutor Alan Jackson further misled the Jury by lying to them about the alleged facts in his closing argument at 23 RT 8759:6-8 where he stated:

"Everybody agrees that these people were working together" (implying Goodwin) But no one testified to anything like that. Thus that is a Sixth Amendment violation for argueing "facts not supported by evidence on-the-record." This is a Constitutional denial of due process & yet another reason requiring reversal.

10) Jackson still further exacerbated the problem by repeatedly misstating the burden of proof in his closing argument. He repeatedly told the Jury that they could convict on evidence that merely suggested that Goodwin may be the person responsible for the murders, e.g. at 23 RT 8759:8-10.

Note that 23 RT 8759 is the exact same page on which Jackson grossly misled the Jury on two other issues, "No agreement is needed to be proven," item #3 on the prior page, & "Everybody agrees these people were working together," item #9 above.

BUT NONE OF THOSE STATEMENTS BY PROSECUTOR JACKSON ARE TRUE.

11) Additional U.S. Supreme Court law requires reversal of the conviction:

> "Conflicting instructions on the burden of proof (which there were here; items #5 & #10) applicable to circumstantial evidence create an unacceptably high risk of Jury confusion."
> FRANCIS V. FRANKLIN (1985) 471 U.S. 307, 322, 105 S. Ct. 1765.

12) The trial Judge in this case not only failed in her sua sponte obligation to give this correct Jury instruction, but also left out the required "immediately" from the "fled as conciousness of guilt" Jury instruction, & she failed to give the absolutely necessary Jury instructions re: motive/how the debt that was the nexus of the conviction had to be paid, by law. These all violated People v. ARANDA (2012) 55 Cal 4th 342, 355, 145 Cal Rptr 3d 855, 864. End

8. Judge Schwartz, continually over objection, & by refusing to give either a curative or misconduct instruction, allowed the prosecutors to shamelessly lead & coach their witnesses.

It truly was outrageous, & even though Judge Schwartz agreed with the defense at sidebar that the prosecutors, particularly Alan Jackson, had repeatedly lead, again, she refused to give curative instructions.

The enormity of the should-have-been-disallowed leading of witnesses by the DDAs is best seen at pages 341-346 of our AOB which can be seen at friendsofmichaelgoodwin.blogspot.com/.

9 . The "balance" of overulings vs. sustained on ojections for/ against the prosecution/defense was overwhelming against the defense, & obvious to the Jury.

The Judge appeared to be on the side of the prosecution.

This could have, & probably did influence the conviction.

Although I would need a computer & more access to the law library to do so, and/or more legal education[1], I honestly believe that an unbiased comparison of these "overulings vs. sustainings" would show an enormous bias for the prosecution.

10. The "allowances" in vs. "keeping out" of evidence for the D.A. vs. the defense was just as obviously egregious, including to the Jury. We include here just the garden variety evidence. Later we will give specific cites, e.g. that Judge Schwartz again violated the law in refusing to allow our excellent 3rd party culpability evidence. This violated HOLMES V. S. CAROLINA 126 S. Ct. 1727, 1734.

I submit that just the three issues on this page are all the ORANGE COUNTY REGISTER reporter was aware of when he reported the obvious bias by Judge Schwartz during trial.

1) I do have over 10,000 hours in legal work plus over 10,000 hours in Bankruptcy.

11. Judge Schwartz was either A) asleep during extensive testimony from crucial witnesses Ron & Tonyia Stevens, or B) is totally incompetent, not fit to be a Judge, or C) was dishonest, falsely stating at 24 RT 10515:26 on 3/1/07 that "These new witnesses weren't found until 2001." She elsewhere made it clear that she was referencing Ron & Tonyia Stevens & Gail Hunter.

As is irrevocably seen in exh. 3 here & to the 2nd AMENDED COMPLAINT filed on 11/22/13*(in the mail on that date):*(Exh. 4)

- The Stevens repeatedly & unequivocally testified to six plus police contacts in 1988, including one where the wife, Tonyia, testified, "I told the polce at the roadblock about two weeks after the murders what I knew, & that I had already told the police." 12 RT 4606, 3 CT 670.

  How could Judge Schwartz honestly have missed this?

- Gail Moreau Hunter testified at 3 CT 795, also included in exh. 3 there, that she had given an interview in January 1993. That is almost nine years before I was first charged.

Yet also in that same hearing Judge Schwartz also falsely stated that "Goodwin was charged within a few months after this new information was presented," exh. 2. But, I was charged 9 years later.

In addition to falsely stating the facts, Judge Schwartz also missapplied the law there. The law is clear that negligence that caused a delay in charging a defendant is not a justification for the prejudice to the defendant the delay caused, & the conviction must be reversed, PENNEY v. SPR. Ct. (1972) 28 Cal App 3d 941, 953.[1]

Yet Judge Schwartz used her false statement re: when these witnesses were found, per her in 2001, since the D.A. had stated that (see exh. 1, 2ND AMENDED COMPLAINT for hers & his statements)[2] to deny our well founded Speedy Trial/due process motion.

1) Judge Schwartz simply ignored & contradicted this well established authority.
2) Judge Schwartz' rulings are in exhibit 2 here.

12. Stunningly worsening the evidence of Judge Schwartz's bias was this. She not only falsely cited when Gail Moreau-Hunter was "found," 2001, when she was actually interviewed both in January 1993, & Spring 1999, in addition to an undated & suppressed FBI interview[1], bp 033072, citation, but she prejudiced the defense by:

A) Repeatedly refusing to allow defense counsel to do meaningful cross-examination of Hunter ("The greatest legal engine ever devised for discovery of the truth," Dean Wigmore, often quoted) during the preliminary hearing, on issues that would have quickly & completely proven her as a multiple time material perjurer, but Judge Schwartz also,

B) Cited Hunter as one of three witnesses (the other two being the Stevens, known of repeatedly by police in 1988, & again in 1998, 3 CT 611), she used to justify denying our well founded Speedy Trial motion after trial <u>even though Hunter did not testify at trial</u> & <u>the Judge said she was unbalanced</u>[2].

The D.A. chose not to have her testify since the defense had, after a huge battle with the D.A., obtained Hunter's hospital records which proved that she had perjured herself at the preliminary hearing when she testified that Goodwin had tried to kill her.

The hospital files, that the D.A. fought tooth & nail to keep the defense from getting, clearly proved that the hospitalization that Hunter testified was from an attempted murder by Goodwin was actually a drug overdose/attempted suicide by her. Evidence proves Goodwin saved her life.

Det. Lillienfeld knew the truth here but testified falsely about it.

1) Much Hunter evidence is suppressed. Also 311+ trial witness statements suppressed.
2) Judge Schwartz ruled similar or worse two or three times yet restricted crossexam.

13. Judge Schwartz showed her bias colors vividly when she refused to recuse the Los Angeles District Attorney's office, & specifically DDA Jackson from prosecuting the case even though:

A) A master the Court had appointed highly recommended recusal after he had spent months & a substantial amount of the Court's funds scrutinizing the evidence & determined that

B) These prosecutors had illegally read illegally seized attorney-client priviledged confidential documents, including many on attorney letterhead, that gave away confidential defense strategy. This gave the D.A. a map thru our minefield.

In a move of which this petitioner has never heard, Judge Schwartz merely asked these prosecutors if they wanted to recuse themselves. Obviously they didn't in a high profile case like this on which they had obviously already planned their EXTRINSIC FRAUD ON THE COURT & THE PEOPLE OF CALIFORNIA, & could put a feather in their caps when they used their nefarious ways to prevail. It did.

Something crucial that has never been presented to the Court, to the best of my knowledge, is this. Although there were tens of thousands of pages from the well marked as legal Goodwin home legal office (an entire bedroom) that were illegally seized[1], & then put into discovery, there were hundreds of thousands more that were read by investigators (9/27/02 hearing, page 33), so they had the attorney-client priviledged confidential information from these, including the defense "playbook" to share with prosecutors. But this never was presented to the Court nor "tested" for violation of ACP.

Plus these hundreds of thousands of pages of documents from Goodwin's home legal office which had many exculpatory documents in them were made unavailable to him, violating 14 Cal 3d 399, 406-407.[2]

1) Many violations. An illegal affadavit, documents & ACP outside of warrant taken.
2) This case rules this is a BRADY violation. That requires reversal.

14. As a "condition" of not recusing the D.A. or Jackson, who had admitted to reading the attorney-client-priviledged (ACP files) Judge Schwartz made them promise/forbid them to use anything they had learned from reading the files,in their case.

That is so laughable it is sick since it resulted in the wrong man being put in prison for a crime he didn't commit.

As the law often rules, "It is impossible to unring a bell." How could Judge Schwartz have possible honestly expected the DDAs to ignore the illegally obtained information they had & not use it in planning their case? Evidence proves they used it in spades.

Prosecutors are often not 100% forthcoming, not fully honest. When they were under the gun to win this high profile case, & were, as evidence we haven't addressed here, proves, under powerful political pressure to do whatever they had to do to win,[1]* how could they possibly be expected to forget defenses the defendant had to counter their allegations, & not then change some of those allegations to go where they hadn't seen defenses?* (See p. 34 & exh. 6)

It is absurd to even pretend to think they would do that, & even though DDA Jackson gave a sworn affadavit that he would not use that information he had illegally gained, & the Attorney General supplied a like declaration, the trial evidence I can present you with proves he did use that information in spades & that was obvious to the Judge, that he was violating her order.[2]

Judge Schwartz even brought this up at 10 RT 4049 in a veiled fashion. But when DDA Jackson lied to her that was not what her order was,she pretended not to recall her order & let the abuse go on. This was a HUGELY prejudicial issue that Judge Schwartz ignored.

1) The victims' sister was political powerhouse Collen Campbell. Evidence proves she repeatedly unlawfully put on political pressure to focus on me & ignore others.
2) On which DDA Jackson put in a sworn declaration that he hadn't/wouldn't violate.

15. Judge Schwartz was wildly wrong at 10 RT 4050 when she ruled that "Fraud is not a legal term." All one needs to do is look at any of the law dictionaries to see that Fraud is clearly defined as a legal term. How does Judge Schwartz justify this "mistake"?

Here the fact that it was a legal term was even more important, & because of the unique facts of this case, the Bankruptcies (BKs), Judge Schwartz should have clarified that, & limited its use unless supporting evidence was produced. Such supporting evidence was not produced, & there is no evidence available of any frauds by me. I committed none.

But, the DDAs improperly solictited testimony that I had committed 14 acts that sounded like frauds, to keep from paying Thompson. Had the facts that the DDAs proffered been correct, they were not, & had I then done the things they alleged, I did not, & several of the allegations had no support on-the-record, I would have been guilty of Federal Felony Bankruptcy (BK) Fraud, violating Title 18 § 152.

BK fraud is a "Strict liability crime." A fraud in Bankruptcy thus is not only a legal term, but is a Federal crime.

16. Although Judge Schwartz ruled incorrectly that "Fraud is not a legal term," above, at 10 RT 4050, she also ruled that "I don't want any allegations of other crimes to be introduced."

But then within just 15 pages of transcript she allowed the prosecutor to present evidence of a felony crime, evidence that was false, but that we couldn't refute because of D.A. suppressed evidence.

In all, Judge Schwartz allowed 14 allegations of uncharged Bankruptcy frauds & 3 other uncharged crimes. None were true & many had no support on the record. All were denials of due process.[1]

1) OLD CHIEF V. U.S. (1997) 519 U.S. 172, 180, McKINNEY V. REES 993 F2d 1378, 1384.

17. Judge Schwartz ignored/violated the law by refusing to admit our well founded third party culpability evidence, either of two specific suspects, Joey Hunter and/or Dean Kennedy along with his "shooters", John Young & Kitiona Paepule, & others.

Judge Schwartz also refused to admit the compelling evidence that the murders were the result of a robbery gone bad of $250,000 in gold coins that evidence establishes were bought by Thompson before the murders, & weren't found following the murders.

First the gold. It was testified to that gold coins were delivered in, at the time, canvas bags like every witness who reported seeing possible suspects fleeing on bicycles, also said had with them. An empty bag like that was photographed in the van in which Trudy Thompson was 1st shot, 16 RT 6019-6020. It disappeared[1].

Thompson told many witnesses he had bought gold. They weren't allowed to testify re: the gold. Authorities refused to produce Thompson's financial records that would have proven whether he bought the gold coins or not. These may show alot, & may be BRADY.

Two witnesses had given statements that they, eyewitnesses, initially felt it was a robbery. They didn't testify to this[2].

There were pry marks on a Thompson home window spoken about on a police crime scene video, & the Thompson safe had pry marks on it.

Joey Hunter was observed near the crime scene the morning of the murders, frantically trying to escape. He exactly matched the white guy reported by five witnesses on the crime scene, he failed three lie detector tests re: his involvement, he had no alibi, & he confessed to two people. But he wasn't fully investigated, including police (actually Sheriffs) not checking out an old car at his home like that seen at the murder scene, & in advance allegedly "scouting".

1) At least it wasn't given to the defense. 2) Perhaps also as a result of IAC.

The people who wanted to kill Thompson, & who Judge Schwartz should have allowed evidence about to be introduced didn't stop there. As Thompson's close friend, racing great "Smokey" Yunick was quoted in the cover story to the December, 2011 HOT ROD MAGAZINE story (The industry leader) on Mickey Thompson:

"Trouble should have been Thompson's middle name."

Dean Kennedy with his shooters John Young & Kitiona Paepule, convicted on a similarly organized killing, near the Thompson murders in both time & geographical location was initially a primary subject, <u>with much more to link him than allegedly linked Goodwin.</u>

But later the Kennedy Group fell off the radar, with no apparent reason, as det. Lillienfeld focused exclusively on Goodwin, & the confirmed, @ bp 000562, interviews/investigation re: Kennedy have been suppressed.[1] More of the below will be obvious as material once you read footnote one below. Thompson was killed re: drugs.

Thompson was in Hawaii during the 1st week of March in 1988. On December 24, 1987, 10 weeks before the Thompson murders, Thomas Wilson, a drug dealer, was murdered in his Van Nuys home. His girl-friend, Susan Yee, was shot & severely beaten, but survived. They had recently moved from Hawaii, & were heavily involved in the transportation of large shipments of illegal drugs between Hawaii & Los Angeles. There are additional links between Thompson & Wilson.

In the Van Nuys murder, Mr. Wilson was shot in the stomach 1st, like Thompson, & then finished off execution style, like Thompson. The gun jammed before Ms. Yee was executed (the gun(s) also jammed in the Thompson murders) so one of the killers stomped on her head.

1) Since the Goodwin conviction, private investigators have verified that Thompson was <u>absolutely</u> killed because he hadn't paid a $1,600,000 drug debt to the Cali Cartel, & that Thompson was transporting the drugs in his event materials between Hawaii & California,

Because I am actually copying this section from what my 6 CT 001721 attorney filed with the Court in 6 CT, I felt including them would be best.[1]

1988. On December 24, 1987, some ten weeks prior, Thomas Wilson, a drug dealer, was murdered in his Van Nuys home. His girlfriend, Susan Yee, was shot and severely beaten, but survived. They had recently relocated from Hawaii and were heavily involved in the transportation of drugs from Los Angeles to Hawaii.

In the Van Nuys murder Mr. Wilson was shot in the torso, then finished off execution style. The gun jammed before Ms. Yee could be executed, so one of the killers stomped on her head and beat her. The killers had been sent < START specifically to kill Wilson, but were told to kill his girlfriend as well if she happened to be home.

On December 31st, 1987, some eight weeks before the Thompson homicides, Jerome Genoway and Susan Brandt were murdered in their home in a trailer park in Blythe, California. Genoway owned a local boat and jet ski repair shop and was being investigated as an active drug dealer in the Blythe community. The Van Nuys murder and the Blythe murders were committed by hired hit men. The same individual contracted both killings.

The sole shooter in the Blythe murder was a man named John Young. (The details of these heinous crimes were contained in Young's recorded confessions). He was instructed to kill Jerome Genoway and also to kill Ms. Brandt if she happened to be home at the time. Brandt was shot in the head from behind at close range. Genoway was shot in the torso, then finished off execution style with two shots to the head. John Young eventually confessed to these killings and implicated his partner in the Van Nuys murder. Young's partner was a man named Kit Paepule. John Young was described at the time as African American, six foot five inches tall and athletically built. Kit Paepule was described at the time as five feet 10 inches tall, very stocky. Mr. Paepule is a dark skinned man of Samoan descent.

1) Since this is what Judge Schwartz saw but rejected, in violation of United States Supreme Court law, HOLMES V. SOUTH CAROLINA, etc;

The man who hired these hits was Dean Kennedy. Dean Kennedy owned a shop in Signal Hill named Ultra Tint. He lived in a home in Long Beach. In the weeks before the Thompson murders, a friend of Dean's named Larry Shaleen visited Dean at his home in Long Beach. While there, he noticed two brand new shiny ten speed bicycles. Dean Kennedy was 5 feet 6 inches tall and weighed over 300 pounds. His nickname was "Melon." Mr. Shaleen teased Dean Kennedy about the bicycles because he thought it would have been physically impossible for Mr. Kennedy to ride them.

Mr. Shaleen also remembers John Young. Young was a friend of Dean's who did odd favors around the house and was often introduced as Mr. Kennedy's bodyguard or driver. John Young bears an uncanny resemblance to the composites made of the shooters by the various witnesses. The composite of the second shooter is of a hooded man, shorter and stockier than the other. Kit Paepule had a habit of wearing a hooded sweatshirt and in fact was photographed in such a shirt when arrested for the Wilson slaying. Mr. Shaleen recalls seeing John Young drive a Maroon Volvo on occasion.

Richard Passmore, a man who lived in the Bradbury area at the time, told the police that two days before the killing he had seen two athletic African American men removing new bicycles from a Maroon Volvo. One was tall and thin, the other was shorter and stocky.

Kathy O'Neill and Linda Osborn lived down the street from Dean Kennedy. They both recall seeing bicycles in Kennedy's home before he was arrested. Kennedy bragged to them about knowing Mickey Thompson and about knowing the killers of Mickey Thompson's nephew Scott Campbell.

In 1982 Mickey Thompson's nephew, Scott Campbell, was murdered. At the time of his death Scott Campbell was a drug dealer who was the target of an active DEA investigation regarding the interstate transportation of

kilos of cocaine. In 1976 Scott killed a man named James Aubrey Wix, a local small time drug dealer who had ties to the Vagos motorcycle gang. Scott Campbell was convicted of manslaughter in that case in 1979. In 1982 Scott Campbell was being monitored by the DEA. They were monitoring his attempts to sell kilos of cocaine in North Dakota and attempts to bring methamphetamine back to Los Angeles. Scott had arranged to sell two kilos of cocaine to a man in North Dakota. Unbeknownst to Scott, the man he was on his way to meet in North Dakota was actually working as an informant for the DEA. Scott arranged for a friend to fly him by private plane to North Dakota. This friend was Larry Cowell. Cowell had been a friend of the Thompson and Campbell family for years. He owned a shop called Advanced Panteras and worked exclusively on these very pricey and somewhat unique sports cars. Scott owned one of these vehicles.

Larry Cowell agreed to fly Scott to North Dakota. Scott Campbell never made it to North Dakota, during the flight he was murdered by Larry Cowell and his friend Donny Dimascio. The motive for that murder has primarily robbery, but Donny Dimascio was a known Vagos associate. Vagos had been threatening Scott since he murdered Mr. Wix some 3 years prior. Dimascio and Cowell broke Scott's neck and threw him out of the plane somewhere over Catalina. Scott had left his Pantera in Larry's shop for repairs prior to this trip.

Mickey Thompson testified against Larry Cowell at Cowell's first trial. Cowell had attempted to fabricate an alibi by phoning Scott Campbell repeatedly during the weeks he was "missing" and leaving taped messages asking him to come to his shop and pick up his Pantera which was ready after extensive repairs. Mickey Thompson was taken to Cowell's shop by the police and he determined that the car had not been repaired at all, so Cowell's calls were highly incriminating. Mr. Cowell was convicted of murder, but his

case was overturned on appeal when it was determined that his confession had been coerced. ***Mickey Thompson was murdered before he could testify in the second trial***. Larry Cowell was convicted again and is currently serving a sentence of 25 years to life.

Larry Cowell also a close friend of a man named Ed Losinski. Ed Losinski owned a Pantera as well. Ed Losinski had his repair work done at Larry Cowell's shop, and knew him from the boat racing circuit in Parker and Blythe. Mickey Thompson and Ed Losinski had known one another since Mickey was a drag racer in the early 1960's. The killers of Mickey Thompson and his wife had to have been very familiar with the area of Mickey's home and the roads behind his home that were a part of a gated community. Ed Losinski, a noted mason, had built several parts of Mickey's house and had spent a great deal of time on the property over the years. He was in fact building a wall on the property within weeks of the Thompsons' murders.

Ed Losinski made his weekend home in Blythe, California on the Arizona River. He was good friends with Dean Kennedy, having met him through the boat racing and the jet skiing community in Long Beach and Blythe/Parker. Mr. Losinski's shop, L&S Engineering, was located very near Ultra Tint, Dean Kennedy's shop in Signal Hill. They often hung out together during work and would see each other on the boat racing circuit as Dean was a "parts runner" for Larry Shalleen's racing team.

Some of the most damaging evidence against Dean Kennedy at his murder trial were tapes of secretly recorded phone calls between Dean and a crime partner. That partner was a man named Larry Biedenharn. Larry Biedenharn had been arrested for his part in the drug smuggling operation that moved cocaine from California to Hawaii. Larry Biedenharn

was given immunity in exchange for taping these calls and testifying against Dean Kennedy.

During the taped phone conversations between Dean Kennedy and Larry Biedenharn, Kennedy assured Biedenharn that he was not worried about doing time for the Van Nuys and Blythe murders because he had a friend who was willing to take the fall for him and do time if Dean Kennedy paid him enough money. Dean Kennedy was in custody at the time of the Thompson murders, but the men he had hired for his three previous contract murders were out of custody.

Dean Kennedy's motive for killing Wilson allegedly was that Wilson had broken into Kennedy's home months prior. Even though Tom Wilson had returned the stolen property and apologized, Mr. Kennedy felt disrespected. Dean was alleged to have killed Genoway because he had purchased some dune buggies from him and did not want to have to pay the balance due. The women merely in the wrong place at the wrong time. Kennedy needed little reason to commit murder. His association with Cowell as well as his need for money to pay the fall guy are more reasons than he had to murder Genoway or Wilson.

The defense intends to show through the testimony of Larry Shaleen, Richard Passmore, Linda Osborne, Kathy O'Neill, Detectives Lyle Mayer (who investigated the Van Nuys murder) and Floyd Marlowe (who investigated the Blythe murder) and others that Dean Kennedy and his hit men were responsible for the death of Mickey and Trudy Thompson.

The defense also intends to introduce evidence to show that a local drug user named Joey Hunter was their lookout for this crime. No fewer than five witnesses came forward to say that on the morning of the murder, they saw a white man frantically hitchhiking on the intersection of Foothill and Irwindale (2 miles away from the crime scene). The witnesses are Lenore McKinney and her son John, Burt

Mumfell, Kimberly Wood and James Acosta. They took particular note of this man because he was hitchhiking even though he had a bicycle with him. This was near 7:00 AM. The murders occurred at approximately 6:15 AM. The witnesses all gave the same general description of a White male, between 5 feet 10 inches and six feet tall, 160-180 pounds with blonde hair. A composite drawing was circulated. Mr. Hunter bears an uncanny resemblance to this composite drawing.

An informant named the man as Joey Hunter. He was eventually arrested after having fled to San Francisco after the crimes. Hunter subsequently failed a polygraph test regarding his involvement in the Thompson murders and also was unable to come up with an alibi for that particular morning. While in custody Joey Hunter confessed his involvement to another inmate, Frank Gullet who has since died. While on the run, he also confessed his involvement in the Thompson murders to his cousin Bonnie Dalton. During his confession to Ms. Dalton, Hunter elaborated that he was not worried about doing hard time because he worked for someone who promised him that if he took the fall he would only "get two years" and that he would be $50,000. (This was the same arrangement Dean Kennedy spoke of to Larry Biedenharn).

THE BELOW AREN'T NECESSARILY RE: JUDGE SCHWARTZ, BUT THESE ARE NECESSARY TO SEE JUSTICE IS DONE.

1) Addition by petitioner on 12/1/13, 13 years after i've been "in" for this crime I didn't commit, <u>i'm provably innocent for</u>.

- There is a crucial page in a Dean Kennedy/John Young interview statement that has been removed, & a different "Red Herring" page swapped in, bp 034922-23. The prior page has obvious exculpatory evidence that appears to continue onto the next page that has been, as noted, removed. <u>WE NEED & DESERVE IT</u>.
- The early Dean Kennedy investigation confirmed at bp 000562 is suppressed. We also need & deserve that.
- There is another "flip side" to an interview page noted that was not produced in discovery re: Kennedy. That is at bp 034925.
- The crucial Bonnie Baum IFN re: Kennedy, bp 000568 is suppressed.
- See exhibit 7 (seven) for more other suspect evidence.

INTRODUCTION

The defense sought to introduce testimony of Eric Miller, a friend and co-worker of Mickey Thompson, which would indicate that in the days before the murder, Mickey Thompson told him he had just taken delivery of 1/4 million dollars worth of gold. Several witnesses told the police about this gold purchase. Mr. Miller's statement was offered under three separate and distinct theories: 1) the non-hearsay purpose that Mickey Thompson was telling people he had recently come into a very valuable commodity, which would in and of itself make him a specific target of robbery. The truth of whether he ACTUALLY purchased the gold is irrelevant. 2) The non-hearsay purpose relevant to impeach the officers. The defense would show that Mr. Miller related this statement to the police within weeks of the murder. This would be relevant to show that the police took no steps to investigate whether there were in fact "items of value" missing. (Officer Verdugo testified there were none, so this would be proper impeachment and relevant on its face)
3) Finally, the statement is circumstantial evidence of his actual follow through on his stated intention to Lee Haslan and the other men.

The above points were unable to be argued fully because the district attorney again was allowed by this court to define the argument of the defense and made the claim that the statement was only being offered for the truth. The court made its ruling without regard to and analysis of the non-hearsay purposes.

The defense has two other witnesses who will state that they too had a conversation with Mr. Thompson and that he advised them he intended to buy a large amount of gold in the weeks before his death. Evidence Code §1250(a) clearly allows for a hearsay exception where the declarant states an intention to do a certain act as proof he did those acts.

Miller's statement would be admissible and relevant to show circumstantially that he acted as he stated in his plan.

Mickey Thompson's statement declaring his intention to buy gold is not opening the door to his state of mind of "fear of the defendant." It merely helps prove his intention to buy gold. As for the failure of the police to investigate this lead, it would not open the door to numerous multiple hearsay witnesses who would testify as to Mickey Thompson's fear of the defendant. The relevance of the police not investigating is the conduct of the police, unless the prosecution could offer a police witness to say that the department willfully and purposefully ignored all relevant leads because numerous people came forward to say that Mickey Thompson was afraid of Michael Goodwin. That is the only relevant impeachment of the claim that the police failed to investigate this particular lead. If such a statement from law enforcement exists, it has not been turned over to the defense.

I.

A STATEMENT OF INTENT BY A DECLARANT TO DO AN ACT IS ADMISSIBLE TO PROVE THE DECLARANT DID THAT ACT

People v. Alcalde (24 Cal. 2d. 177)

Evidence Code §1250(a) allows for the introduction of a statement of intent or plan as an exception to the hearsay rule. In this case, witnesses will testify that Mr. Thompson told them in the weeks before the murder that he intended to purchase between 1/4 million dollars worth of gold. This was told to Lee Haslan, Steve Orth and Douglas Stokes. Mr. Thompson told Eric Miller he had just purchased gold and would buy more if he could get a particular price. In his conversations with these men, he mentioned quantity and price.

Mr. Thompson's purchase of gold in the days before he died is relevant on several grounds. First, the officer was allowed, without foundation, to testify that nothing of value was stolen from the Thompson home the morning of the murder. Secondly, the presence of cash and jewelry left behind would certainly be explainable by someone after a much larger score. Third, the fact that Mr. Thompson was openly discussing these purchases would have made him a viable target for a robbery. Fourth, the police investigation would be called into seriously doubt when we are able to show that despite numerous officers receiving this information, not even the most basic of steps were taken to verify its veracity. Finally, the statement of intent is relevant and admissible to prove that Mr. Thompson carried out his intent. Even the prosecution witness noted the white canvas bags on the backs of the bicyclists. Another prosecution witness, the owner and proprietor of Gold N' Coins confirmed that indeed the bags he deals with in his business of moving large

amounts of gold are white and canvas or cloth, an otherwise unusual type of bag to have in one's home. All circumstantial evidence that something was indeed stolen.

The case against Mr. Goodwin relies solely on circumstantial evidence. This court has allowed testimony to suggest that this was a hit and not a robbery, even if the ultimate question was not answered by the one detective the prosecution chose to call. This court has already denied the defense the opportunity to allow the jurors to hear who else would have wanted to kill Mickey Thompson, forcing us to only speak to the robbery angle and not the other potential hired killers. In fact, the court itself stated a belief that if the people prove this crime was a hit the people will prevail. To deny us an opportunity to present relevant, true and credible evidence that valuables were at the crime scene would deny Mr. Goodwin the opportunity to a fair trial guaranteed by the due process clauses of the state and Federal Constitutions. (U.S. Const., 5th and 14th Amends.; Cal. Const., art I, § 15).

CONCLUSION

The court should reconsider the denial of the admission of the testimony of Eric Miller regarding the purchase of gold by Mickey Thompson. The court should allow the testimony of other witnesses who heard Mr. Thompson state directly his intention to buy 1/4 million dollars of gold in the weeks before his murder. Finally, the court should allow the testimony of the investigating officers that this information was imparted to them in the weeks after the murder.

The following underscores Judge Schwartz' unlawful (violating United States Supreme Court law to allow the Jury, not the Judge to decide on third party culpability evidence/who committed the crime) decision not to allow us to introduce our compelling 3rd party culpability evidence. Only some of that evidence is listed prior to here, & below. There is much more evidence not listed.

Not only did Judge Schwartz refuse us the ability to introduce the evidence that John Young & Kit Paepule were the shooters for behind the scenes "kingpin" Dean Kennedy in perpetrating the Thompson murders, but she also did the following.

Notwithstanding that a credible witness, law enforcement employee Bonnie Baum, had identified a photograph of John Young as probably being the black (negro) bicyclist she saw allegedly "escaping" from the Thompson home/murder scene the morning of the murders, very close to there, & right on the route that the DDAs argued the escaping killers took, just after the murders, bp 000568, Judge Schwartz wouldn't allow the defense to ask Detective Lillienfeld about that. No "other suspects" evidence was allowed.

He is the investigator who had shown her the photo. But again, defense counsel was prohibited from using the name John Young or even describing the identification/probing about it, 20 RT 7598.

This is even though two other witnesses had also identified John Young as being the suspect in the composites prepared by forensic artist Jeanne Boylan based upon interviews with witnesses who testified to seeing black bicyclists on the escape route that the DDAs argued the killers took, Wilma Johnson & C. Friedinger.

Because the defense was so restricted, det. Lillienfeld merely lied & testified he had not shown any black suspect photos to anyone, 20 RT 7044-7045. Schwartz was a prosecutor in robes.

18. Judge Schwartz incorrectly permitted improper testimony by experts in several areas. We specifically addressed one of those, the incorrect admission of testimony re: alleged commingling of assets between Mike & Diane Goodwin, when none occured[1], in issue #4 herein. That was done there since it related to financials.

Recall that we quoted/cited law there that the Judge has a heightened "gatekeeping" obligation when it comes to the approval of expert witnesses & the subjects to which they testify.

For example, the law is absolute that an expert is not to be allowed to testify to a subject that is within the ability to understand of the common man. People v. GARDELEY ( ) 14 Cal 4th 605, 617-618-619, AM...V. PHO...(2008) 71 Cal Rptr 3d 361, 376.

Here Karen Kingdon, the D.A!s financial expert (she was the forensic CPA on the case, working for the D.A., for at least five years) was allowed to testify on A) that the Goodwin house sold, & that B) a key asset was sold, JGA/Whitehawk, that other testimony by her alleged belonged to the Bankruptcy. She testified to that, supported by her false allegations in item #4 herein, "Because it was purchased with commingled funds." But recall that she admitted in sworn testimony that she didn't understand what "transmutation" was, which is what commingling is. So her testimony was worthless.

Suppressed evidence that Kingdon had proves JGA wasn't sold.

Further, evidence she prepared, bp 010122,proves that she knew that JGA (same as JGA/Whitehawk) did not belong to the Bankruptcy, that it wasn't bought with commingled funds, but she lied about it.

How could Judge Schwartz have even dreamed that the Jury wasn't equipped, without input from an expert, to decide whether something sold or not, e.g the house sale? That is super simple to ascertain.

1) Suppressed evidence we can prove the D.A. has/Kingdon prepared proves this.

Kingdon also testified re: the house sale, that the funds went offshore to the Goodwins, from the sale, 18 RT 6767 "Sold for cash", then 18 RT 6779, "Went offshore" (I think she testified "After the funds went to Diane", but I don't now have access to the transcript). 100% of the house sale funds went directly to pay the loans/the BK.

DDA Dixon capitalized on Kingdon's statements, that suppressed evidence will prove were material, knowing perjury by her, when he stated that "The house...was sold for gold", 23 RT 9027 in his closing argument, which as this Court knows, the high Courts have repeatedly ruled are an important part of the trial.

Again, suppressed evidence (& Judge Schwartz's refusal to insist that the D.A. evidence be authenticated, as the law requires, see section #20) will conclusively prove that Kingdon committed material perjury on the house sale, when Judge Schwartz should not have allowed her to testify on it at all, since it was within the reasonable understanding of the trier of fact, the Jury.

The net of this is that Kingdon's testimony on the house sale, (& also on JGA/Whitehawk, about which she also committed material perjury that it was sold, when her own evidence proves it was not) did not assist the Jury at all in getting to the true facts.

Thus Judge Schwartz also violated/ignored the following law in permitting Kingdon to testify to these two alleged "sales."

> "The determinative factor (as to whether an expert is qualified, & should be allowed to testify on a particular subject; annotation by author) is whether the expert has sufficient skill or experience in the field so that his/her testimony would be likely to assist the Jury in the Search for Truth." (emphasis added)
> CHAVEZ V. GLOCK (2012) 207 Cal App 4th 1283, 1319, hn 45,
> MANN V. CRACCHIO (1985) 38 Cal 3d 18, 38,

Certainly Kingdon wasn't qualified on commingling in issue #4, & she hindered rather than helped the Jury here. Judge Schwartz severely abused her discretion, was biased, to allow Kingdon's testimony.

19. Over repeated strong objections by defense counsel, Judge Schwartz repeatedly violated/ignored ironclad law re: authentication of documents, allowing in much prosecution evidence without knowing from where it came, if it was complete, legitimate, 18 RT 6757.

In fact, evidence we now have found conclusively proves that some of the key pieces of evidence were not complete, & did not source from the institutions from which they were represented to come. Evidence proves material evidence FORGERY & FABRICATION[1].

To the best of my recall, the defense was not presented with SDTs for a substantial amount of the evidence, e.g. the bogus/ incomplete house sale documents that were used by Kingdon to materially mislead the Jury about where the funds went.

There was extensive argument at sidebar re: authentication between 18 RT 6739-6759, therein, plus at other locations. I believe that the defense "lost" on all of those arguments to Judge Schwartz ruling that authentication was not necessary. I believe this was also an issue on the contested boat purchase, allegedly again with "commingled funds," predictably by Kingdon. The boat was absolutely not bought with commingled funds, suppressed & authenticated documents will prove the truth.

Judge Schwartz's intransigence in refusing to require the authentication that is a requirement under the law is further evidence of her bias or worse, particularly in light of Kingdon testifying that some of the evidence in her office came from the Clark & Trevithick offices, Thompson's lawyers[2]. Some of that evidence appears to have been used as D.A. trial exhibits. The law is explicit that if a document has been used in other litigation, that source is not reliable for a criminal trial.

1) Handwriting comparison indicates by lead Det. Lillienfeld. 2) 18 RT 6789-90. 18 RT 6726, 19-6939.

Most simply, the fact that partials of documents were allowed into evidence violates the law materially, e.g when just part of the house sale file was introduced. As an overview,DDA Jackson argued during the authentication argument that "I'm only concerned with 18 to 20 documents," 18 RT 6747. That was just after D.A. expert Kingdon testified that she had reviewed "tens of thousands of documents" in forming her expert opinions (which as we've seen, many of which were incorrect), 18 RT 6729.

As a very material aside, all documents on which an expert relied to develop the opinions to which they testified must be produced in discovery, U.S. V. NOBLES (1975) 422 U.S. 225, 239-241. The Judge also noted three times between 18 RT 6740 & 6759 that "I presume that the defense has seen all of these documents," but she didn't order the D.A. to produce them, & the D.A. had refused.

Although there are many examples of documents that were introduced only in part & put into D.A. trial exhibits, the easiest to understand as material & partial is the fact that the house sale, which was addressed prior, was very material, A) had just partial, unauthenticated documents supporting the testimony, such testimony which was provably false/perjurious, known as such by the DDAs, & also, B) that defense counsel objected to their introduction.

The entire set of authenticated documents would have proven the perjury by D.A. expert Kingdon that the house sale funds went offshore, 18 RT 6779[1], mirrored by DDA Dixon in his critical closing argument at 23 RT 9027, "Sold house...for gold."

Judge Schwartz severely abused her discretion, was obviously biased in allowing the D.A. to introduce partial, unauthenticated documents, particularly over objection, 18 RT 6757.

1) 100% of the house sale funds went to pay the house loans, which were debts of the Bankruptcy estate, with the balance going to the BK trustess as they should.

Evidence in this case conclusively proves more than a dozen specific instances of evidence tampering, including FORGERY, & DESTRUCTION OF MATERIALLY EXCULPATORY EVIDENCE.

The evidence points to lead investigator Mark Lillienfeld, including that his handwriting matches the FELONY FORGERY violating Penal Code § 115* on a crucial piece of evidence for a key trial witness. The evidence was changed from extremely exculpatory to supporting the prosecution theory of guilt,* (And/or PC § 141.)

The true evidence on this (I don't wish to disclose it prematurely; I know the investigators/prosecutors intimidate witnesses to obtain countering testimony & fabricate evidence. I can prove these claims) conclusively proves that the D.A. crime scene/escape route evidence is impossible, & thus their presentation of evidence to link the defendant to the escape route that was successfully presented at trial, supported by provable perjury, was also impossible. Like the bogus motive, the "escape route" was fabricated.[1]

Without going into detail, evidence proves that a material exculpatory portion of D.A. trial exhibit 51 was removed for trial, that materially exculpatory portions of several items in discovery were "whited out" (sloppily, so we can prove this) before they were copied & put into discovery, that the exculpatory value of hundreds of pages of discovery, dozens of trial witness statements, was destroyed by a wholesale scrambling of those witness statements before they were put into discovery (we have this precisely mapped out, from where they started to where they ended up, how they were reversed, etc:) & much more.

Powerful indicators are that the lead investigator, Lillienfeld, did all this. Evidence proves 130 material perjuries by him, him 1) To intentionally, knowingly wrongfully implicate Goodwin.

threatening my ex-wife Diane with prosecution if she continued to refuse to fabricate false evidence & use it to testify against me with, & he offered her a thinly veiled bribe as an alternative.

These last issues, re: Diane, are both on the 3/29/01 Grand Jury transcript by her, & also in a sworn declaration she gave us which also confirms several perjuries by Lillienfeld about her witness interview with him, very material perjuries.

Lillienfeld also very strongly appears to have illegally suborned perjury, a Penal Code § 127 crime by him, from more than two dozen witnesses. This is indicated by them each changing their stories/recall from an initial statement that was either mildly exculpatory or neutral to statements that were inculpatory, in that some lost their exculpatory value. Others changed to help the D.A.

Judge Schwartz heard Det. Lillienfeld admit in his own sworn testimony to Penal Code § 125 perjury at the L.A. trial, 20 RT 7605. See that perjury evidenced at page 19 & the transcript pages following that in the 2nd AMENDED COMPLAINT RE: D.A. PERJURIES & FRAUDS, filed on or about 11/30/13, mailed from here 11/23/13.

In light of all this evidence of tampering, Judge Schwartz should have had a heightened awareness of the probability of further tampering/unreliability of evidence & employed the following law:

> "Before a physical object connected with the commission of a crime may be properly admitted into evidence, there must be a showing that such object is in substantially the same condition as when the crime was committed. The determination is made by the trial Judge. Factors to be considered in making the determination include the nature of the article, the circumstances surrounding the preservation & custody of it, & the likelihood of intermeddlers tampering with it." (emphasis added) GALLEGO V. U.S. (9th Cir 1960) 276 F.2d 914, 917, headnotes 1-2.

> "The requirement necessary to admit the evidence is not met when some vital link in the chain of custody isn't accounted for, because then, it is as likely as not that the evidence analyzed wasn't the evidence originally received. Left open to such speculation, the Court must exclude the evidence." People v. WALLACE (2008) 44 Cal 4th 1032, 1061, 81 CR 3d 651, 678.

The law is very clear that the admission of partial, unauthenticated, and/or suspect documents is prohibited.

> "Tangible evidence of a crime is only admissable when it is shown to be in substantially the same condition as when the crime was committed" and, "if there is some evidence of tampering with evidence, the government must show that acceptable precautions were taken to maintain the evidence in its original condition."
> DICKERSON (9th Cir 1988) 873 F2d 1181, 1184, (U.S. vs.)

DICKERSON was reversed just because someone unknown had just slightly moved a carpet in an airplane which drug smuggling was suspected having been used for. Evidence here proves bad tampering.

> "The full document or set of documents must be introduced when any portion is introduced, if needed to avoid misunderstanding."
> COLLICOTT (9th Cir 1996) 92 F3d 973, 982, (U.S. v.)

Again, here the full set of house sale documents[1] would have proven the Kingdon perjury & the DDA false closing argument, aiding the Jury in the often repeated but ever illusive search for truth.

> EVIDENCE CODE § 1401(a);"Authentication of evidence is required before it may be received into evidence."
>
> EVIDENCE CODE § 1413; "A writing may be authenticated by anyone who saw the writing made or executed, including a subscribing witness."
>
> EVIDENCE CODE § 1271(c) also makes it clear that unless a custodian or other qualified witness testifies to the authenticity of the document it is inadmissable.

The law, which is firm, goes on & on re: the requirement for correct authentication, e.g.

> 31 CAL JUR 3d EVIDENCE, 386, NECESSITY FOR AUTHENTICATION; "The evidence code requires authentication of a document before it may be received into evidence."

As best as I can recall, & I recall well, even though it was testified to that some of the evidence may have sourced from the Thompson lawyer files, 18 RT 6739, 6789-90, Judge Schwartz violated the law by admitting the D.A. evidence with no authentication, 18RT 6757.

1) Also the JGA/Whitehawk & Desert Investors documents.

20. Judge Schwartz showed her bias in spades, or perhaps worse, at the Goodwin trial on December 11, 2006 when she refused to rule or even acknowledge material perjury by lead investigator Det. Mark Lillienfeld, even though he repeatedly admitted in his sworn testimony to committing this felony perjury.

In the 2nd AMENDED COMPLAINT, at page 19 is a summary of his perjury that he admitted to, followed by his actual transcript pages on which he admitted to the felony perjury, no Jury present.

On just page 20 RT 7605 are all the elements proving his perjury testified to by him. He variously testified that:

Lines 10-16 he testified that a weapon I owned may have been a Thompson murder weapon, in both live testimony, & in sworn affadavits he submitted (there are five of those we have, others are indicated but suppressed).

Lines 17-19 he admitted that his statements under oath in lines 10-16 above were incorrect. (20 RT 7605 follows this pg.)

PENAL CODE § 125 rules; UNQUALIFIED STATEMENTS OF FACT.

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

Thus Lillienfeld irrefutably admitted in sworn testimony that he'd committed felony perjury as part of this prosecution, my initial charging in 2001, where he submitted the five perjurious affadavits & testified live falsely about the pistol at a prelim.

Also note at lines 20 thru 28 he never even tried to verify that it was correct or incorrect that my gun was a "possible."

Had Judge Schwartz not been biased she would have let this perjury be plead in front of the Jury, & this would have "opened the door" to his other 100+ perjuries[1], proving a rotten prosecution.

1) Evidence conclusively proves 130 material, knowing perjuries by Lillienfeld, + witness threats/bribe offers, exculpatory evidence destruction, false reports, etc;

THIS PAGE ALONE INCLUDES ALL ELEMENTS TO PROVE HIS PERJURY
1) ADMISSION OF TESTIMONY TO THE FACT, & 2) ADMISSION IT WAS FALSE.

TESTED, DID YOU NOT -- WERE YOU NOT AWARE THAT THIS WOULD -- FIVE LANDS WITH GROOVES WOULD APPLY TO ALL THREE-DIGIT SMITH & WESSON MODELS?

A THAT'S CORRECT.

Q YOU DID NOT KNOW THAT?

A THAT'S CORRECT.

Q AND AT THAT POINT YOU HAD BEEN A HOMICIDE DETECTIVE FOR HOW LONG?

A AT THAT POINT, ABOUT 11 YEARS, 12 YEARS.

Q SO, IN FACT, YOU TESTIFIED UNDER OATH THAT[1] THE THREE-DIGIT MODEL SMITH & WESSON THAT WAS LEGALLY REGISTERED TO MR. GOODWIN COULD HAVE BEEN A MURDER WEAPON?

A AT THAT HEARING, ABSOLUTELY, YES.

Q AND YOU PUT THAT IN SUBSEQUENT AFFIDAVITS?

A I DID.

Q AND THAT WAS INCORRECT?

A THAT IS CORRECT THAT THAT WAS INCORRECT, YES.

Q DID YOU ATTEMPT TO VERIFY THIS BEFORE TESTIFYING UNDER OATH WITH DWIGHT VAN HORN?

A NO.

Q WITH MANNY MUNOZ?

A NO.

Q DID YOU ATTEMPT TO DO ANY CHECKING OF YOURSELF INTO THE FBI DATABASE OR AN ATF DATABASE REGARDING THE GENERAL RIFLING CHARACTERISTICS OF THESE GUNS?

1) AT LINES 10 THRU 19 LILLIENFELD ADMITTED TO HIS REPEATED PENAL CODE § 125 FELONY PERJURIES. THESE REQUIRE REVERSAL.

21. Judge Schwartz was responsible for delaying the filing of our direct appeal by over 4½ years. That was because her Court, for which she must be responsible, as the "Commanding Officer", claimed for those years that they could not find a key portion of the trial record, a portion which was crucial to the defense for the filing of the direct appeal.

My appeal attorney has sent me repeated confirmations of this alleged loss, including quotes of what the Court Clerk wrote to her, basically, "We can't find it".

Finally we got fed up & went to the 2nd DISTRICT. They in essence ordered the Superior Court to find it. Immediately the Superior Court "found" the records that had been "missing" for years, & which they had repeatedly claimed were permanantly lost.

It is my recall they wrote & said something like "It has been right here on an obvious shelf on which we didn't look all along, sorry". That is outrageous. "Justice delayed is Justice denied".[1]

I recall from doing legal research on this that the Court was obligated to have produced the entire proceedings record no later than May 1, 2007, including all extensions/continuances.

We finally received the entire record more than 4½ years later, & still, as of this date, 12/31/13, I still don't know if has been finalized. 4½ years of this was Judge Schwartz's doing.

That is almost six (6) years after my provably wrongful conviction which was "enabled" by Judge Schwartz's bias, incompetence and/or misconduct, legions of abuses of discretion.

I submit that we've proven "A probability of actual bias on the part of the Judge that is too high to be Constitutionally tolerable."[2]

But, the post conviction bias does not end there. See next page(s).

1) William Penn, 1693. 2) People v. FREEMAN (2010) 47 C4th 993, 996.

22. Judge Schwartz repeatedly & blatantly abdicated her sworn duty by denying the accept jurisdiction on six+ discovery motions i've filed post-conviction, including an exhaustive FRAUD ON THE COURT MOTION in 3/2011 that I respectfully request that this Court takes judicial notice of in ruling on this motion/augmentation.

The law is absolute that A) Judge Schwartz has jurisdiction on these motions, & B) that she MUST order discovery in this life without possibility of parole (LWOP) case, Jurisdiction first:

- California Constitution Article VI § 10. re: habeas corpus.[1]
- CA. Rules of Court 4.552(d)
- In re CARPENTER (1995) 9 Cal 4th 634, 646±
- People v. Spr. Ct. (PEARSON-2010) 48 Cal 4th 564, 571

"The Appeal Court will generally refer habeas corpus[1] matters (which this is, note by petitioner) back to the Superior Court"
In re RAMIREZ (2001) 89 Cal App 4th 1312
In re HILLARY (1962) 202 Cal App 2d 293, 294, 20 Cal Rptr 759

RE: THE OBLIGATION FOR JUDGE SCHWARTZ TO ORDER DISCOVERY

HOLDING; "A trial Court may not deny as untimely a motion for post-conviction discovery."
CATLIN V. Spr. Ct. (2011) 51 Cal 4th 300, 300 & 307.

CATLIN @ 307 also rules that "There is a well established rule that habeas corpus petitions must be prepared & filed without substantial delay." (or they can be denied as untimely. Please read headnote 7 at page 307) Here it is already six years after my wrongful conviction, but I can't file a meaningful habeas corpus petition without discovery.

"The Supreme Court...held that such requests for discovery should be made in the trial Court that rendered the judgment."
In re STEELE (2004) 32 Cal 4th 682, 10 Cal Rptr 3d 536, 536.

"...when, as here, no execution is imminent, the discovery motion should 1st be filed in the trial Court that rendered the underlying judgment." STEELE, supra 10 Cal Rptr 3d @ 542

"The plain language of the statute establishes what was intended by the legislature (citations)...Here the statute defines the covered discovery as including the materials to which the defendant would have been entitled to at the time of trial."
(§ 1054.9 subd. (b) Also in STEELE, very instructive pp. 542-547.

1) Production of discovery in anticipation of filing a habeas in an LWOP case.

It is apparent, painfully so, to an objective observer, that Judge Schwartz is accomplishing here, for the planned habeas petitioner, what she already accomplished for the direct appeal, years of delay.

Possibly this is nothing more sinister than her realizing that I will eventually be freed & her misconduct will come to light, & that she wishes to delay that as long as possible.

In light of Judge Schwartz's sworn duty to uphold the law & "See that Justice is done" (citation)*, that reasoning by her is bad enough on its own.* (People v. SANTANA (2000) 80 CA 4th 1194, 1206)

However, when one looks at the myriad of other "errors" by her, her blatant false statements in rulings, item #12, her gross mistakes in giving & not giving Jury instructions, all to the prosecution's benefit, & HER FAILURE TO RECOGNIZE/POINT OUT THAT PER THE LAW THERE WAS NO FINANCIAL MOTIVE, items #1 thru 3, an unbiased observer must have pause for question.

That is all I ask, an honest scrutiny & no attempt to sweep this travesty under the rug. I will never quit, so in the interest of Judicial efficiency this is better to be resolved sooner than later. In addition as mentioned earlier,

"Justice delayed is Justice denied."
William Penn, FRUITS OF SOLITUDE 69 (1693)

Although I still have two other issues to elucidate in this writing, & they are both possibly material, one is for certain, for here I beg this August Court to at the very least order the Attorney General & the District Attorney to produce the required evidence, particularly BRADY & JENCKS evidence, or in the very worse case order them at least not to destroy it. Evidence already proves extensive destruction of materially exculpatory evidence.

23. Petitioner swears under penalty of perjury, as he does for all of his claims herein, as verified by the declaration in the pleading that preceeded this*, & that these writings are subject to, that he was told by his trial attorney during trial that Judge Schwartz had in the past worked for a considerable length of time as a prosecuting attorney in the Los Angeles District Attorney's office, reporting to DDA Patrick Dixon. *(Also following this.)

Petitioner has no way of verifying that, particularly from in prison, but,

If that is true, was that not a reason that Judge Schwartz should have recused herself, or used it as the final "straw" that caused her to recuse Dixon & Jackson of the L.A.D.A. office, item #14 in this writing?

Perhaps, if it is true that Judge Schwartz used to report to Patrick Dixon, & because of that developed a favorable attitude towards him, that is why she showed such a deference for the prosecution at the trial. They appeared "thick as thieves" to the Jury.

But, for whatever the reason, when she showed the "probability actual bias that was Constitutionally intolerable" it was a denial of due process requiring reversal. People v. FREEMAN (2010) 47 C4 993, 996.

I submit that is the case no matter the reason for her exhibited bias, even if this Court rules that it merely was the probability of bias. The Jury saw her as siding with the prosecution.

We must recall that petitioner overheard the bailiff for the trial state that he was aware of reasons that if Judge Schwartz made rulings that made it possible for petitioner to be found not guilty, that Judge Schwartz knew her political career was over.

Evidence we have proves poisonous illegal political influence.[1]

1) See exhibit six (6) for some evidence of this. There is far more.

This Court may also not yet be aware of the depth of the improper political influence that has continually pervaded this case, pushing investigators to focus on petitioner & to ignore other more viable suspects.

The source of the improper, if not illegal political pressure was the victims' sister Colleen Campbell, a Republican political powerhouse who was also on the Republican National Committee. She even spoke to the U.S. Senate Judiciary Committee.

Petitioner was charged 13½ years after the crime, just three days after he had caused to be opened civil litigation that, had this been allowed to go to term[1], exposed millions of dollars in criminal frauds in & by companies that Colleen Campbell had been the President of for years. There were Federal Bankruptcy Frauds.

She faced political embarrassment, huge legal costs, a probable conviction that would have brought long prison time, & millions of dollars in fines & restitution when her criminal acts were exposed in the civil litigation, & then pursued by authorities.

Her solution? Stop the litigation[1] by having petitioner charged with the murders 1) 13½ years after the crimes, 2) on the very same evidence that police had since the time of the crimes, & on which petitioner had been cleared (see bp 025388, a very high level Los Angeles Sheriff's Dept. report after 9 months of intense investigation), 3) out of jurisdiction in Orange County for the Los Angeles murders, 4) by Campbell's ex-personal attorney, business partner, political crony, & close friend, for whom she had served as de-facto fund raising manager for his District Attorney campaign, Anthony Rackauckas Jr.[2]

Rackauckas has often been investigated for wrongdoing.

1) This litigation stopped since petitioner was in jail & unable to afford it.
2) This case was quickly dismissed by the District Court as totally bogus.

Again, there is extensive evidence of the inappropriate, if not illegal political influence. See exhibit 6 for some evidence.

Initial detective Griggs often complained of it in his official reports, e.g. at 5 CT 1202 & 1209 when he reported calls to influence him from high level politicians in Orange County even though he was a Los Angeles detective, & the murders were clearly in Los Angeles, with no evidence linking them in Orange County.

The very high level report on the murders within the Los Angeles Sheriff's Dept. in December, 1988, after nine months of intense investigation & 600 witness interviews, about 450 of which have not been produced in discovery, outright stated that Campbell was doing illegal things in the investigation, bates page 025389.

Griggs mirrored this in his magnum opus report beginning at 5 CT 1187, including that Campbell was a liar 5 CT 1209 ("Her husband said she was a liar"), that she misstated what witnesses would later told him, changed her stories, etc; 5 CT 1213, 1217.

Provably very corrupt detective Mark Lillienfeld[1] confirmed in the 7/30/98 Los Angeles Times that he met with Campbell weekly. All those witness statements are suppressed, but must be produced since Campbell was a trial witness, Penal Code § 1054.1(f).

But more importantly, what would make us think that Campbell, having exhibited that she would break the law to try to have petitioner (falsely) convicted, bp 025389 in the high level L.A.S.D. report, would not try to use her vast political influence with Judge Schwartz, as it is clear she accomplished with Lillienfeld?

Campbell, through her MEMORIES OF VICTIMS EVERYWHERE, MOVE, could deliver many votes for or against a candidate.

I suggest that is what Judge Schwartz responded to.

1) Evidence proves 130 material, knowing perjuries by him, witness threats & bribe offers, destruction of materially exculpatory evidence, subornation of perjury, etc;

I submit that we have provided sufficient evidence to prove that Judge Schwartz at least appeared to the Jury as a "Prosecutor in a robe". That is strictly prohibited by law. I also repeat, in full, the currect United States Supreme Court ruling for disqualifying a Judge. One presumes this also applies to reversal.

> "While a showing of actual bias is not required for Judicial disqualification under the due process clause, neither is the mere appearance of bias sufficient.
>
> Instead, based upon an objective assessment of the circumstances of the case, there must exist 'the probability of actual bias on the part of the Judge or decisionmaker that is too high to be constitutionally tolerable"
>
> (emphasis added)
> CAPERTON V. A.T. MASSEY (2009) 556 U.S. 868, 129 S.Ct. 2252, 2267.
> People v. FREEMAN (2010) 47 Cal 4th 993, 996, 103 CR 3d 723, 784.

Just items #1 through 3 here, #1 in particular, #12, & #21 or any one of them individually proves extreme bias by Judge Schwartz. There can be NO OTHER EXCUSE. Just compare her rulings in exhibit 2 to the witnesses she ruled about in exhibit 3, their sworn testimony.

Which brings us to our last issue, although it may be "allowed". 24. It simply does not seem correct that a trial Judge should be allowed to make false and/or misleading statements that are picked up & run by the media. Here Judge Schwartz did that twice, & reinforcing how "close" she was with the D.A.'s office;they placed both of those in news releases. Since I don't know if her actions there are permissable I won't belabor them to the Court here except to point out that following the L.A. preliminary hearing Judge Schwartz poisoned the Jury pool by stating, & this was also quoted in an L.A.D.A. news release, that, "There is no evidence that anyone else committed this crime". (except Goodwin)

Judge Schwartz knows full well that the defense generally does not put their case on at the prelim, & did not here. Further, Judge Schwartz prohibited the defense from introducing 3rd party

culpability evidence, in contradiction of United States Supreme Court law. See item #18 at page 21, although we had powerful evidence of other suspects who most probability committed the murders, only a small bit of which is detailed herein.

Although this possibly inappropriate behavior by Judge Schwartz pales in comparison to the others (and that is the reason it is last), it should reinforce that "something smells, is not kosher" with Judge Schwartz in this trial.

The petitioner here was only found guilty because Judge Schwartz LAID THE FOUNDATION that enabled, facilitated the prosecution to perpetrate an ENORMOUS EXTRINSIC FRAUD ON THE PEOPLE OF CALIFORNIA, & the defendant/petitioner.

Just the correct Jury instruction in item #1 here at page 7 would have made a conviction completely impossible based on the alleged "facts" of the case the prosecution presented.

Perhaps more importantly, had Judge Schwartz performed her sworn duty to see that "Justice is done", & has "Known/applied" the law, which she is charged with knowing, she should have immediately thrown the case out before the time & expense of a trial because their was no motive, that she ruled was the case.

That is correct. See in exhibit 1 Judge Schwartz elucidating what the case was all about, "Goodwin wanting to harm Thompson to avoid having to pay him", 10 RT 4053:16. However the truth was that:

1) It was illegal for Goodwin to pay Thompson, only the Bankruptcy trustee was allowed to pay Thompson. and,

2) Goodwin had caused to be placed & retained $823,145. in the trust account from which the Bankruptcy trustee was to pay Thompson his $794,000 judgment.

Judge Schwartz was a "Prosecutor in Robes", & not an honorable one.

End

EXHIBIT 1

TRIAL JUDGE SCHWARTZ RESTATING THE ALLEGED MURDER MOTIVE

MR. GOODWIN, ISN'T IT?

MR. SUMMERS: IF I MAY, YOUR HONOR, HE CAN TESTIFY ABOUT WHAT HE ALLEGED AND WHAT ACTIONS HE TOOK. SAYING HE'S AN EXPERT DOESN'T DO AWAY WITH RELEVANCE ISSUES AND 352 ISSUES. IF HE TOOK CERTAIN ACTIONS, THEN AND ALLEGED CERTAIN ACTIVITIES THAT THEN HE CAN DESCRIBE THAT AND WHAT THE REACTION WAS. THIS IS A SIMILAR ISSUE THAT WE GOT INTO WITH MISS CORDELL. AND SHE IS JUST SAYING WHAT HAPPENED, NOT WHAT HER ALLEGATIONS WERE. HERE IS WHAT HAPPENED, INSTEAD OF BEING ASKED WHAT WAS THE ALLEGATION.

MS. SARIS: HE CAN TALK ABOUT THE RELATIONSHIP. IT'S JUST THE CHARACTERIZATION THAT MAKES IT --

THE COURT: I DON'T THINK IT MAKES A CHARACTER EVIDENCE, NO. 1. AND EVEN IF IT DOES MAKE IT CHARACTER EVIDENCE, THIS WHOLE PROSECUTION IS PREMISED ON ONE THING AND THAT IS THAT THE MOTIVE FOR THE MURDERS WAS BECAUSE OF THE BUSINESS DISPUTE THAT EXISTED AND THE LENGTHS TO WHICH MR. GOODWIN WOULD GO TO AVOID HAVING TO SATISFY THE JUDGMENT AND BASICALLY PAYING UP.[2),3)] I DON'T SEE --

MS. SARIS: WE HAVE TO QUARREL WITH THE DESCRIPTION OF THAT. IT'S JUST THE IDEA THAT WHAT IS YOUR OPINION ABOUT THAT.

THE COURT: WELL, I THINK AS LONG AS THERE WAS A FOUNDATION, I'M GOING TO OVERRULE THE OBJECTION.

MR. JACKSON: THANK YOU, YOUR HONOR.

1) ESSENTIALLY THAT "GOODWIN KILLED THOMPSON SO HE WOULDN'T HAVE TO PAY HIM."
2) BUT, SINCE GOODWIN WAS IN BANKRUPTCY FOR 16 MONTHS PRIOR TO THE MURDERS, & A TRUSTEE RAN THE BANKRUPTCY, IT WAS A FEDERAL CRIME FOR GOODWIN TO PAY THOMPSON DIRECT.
3) THE JUDGE HAD A SUA SPONTE DUTY TO INSTRUCT THE JURY ON THE LAW PROHIBITING GOODWIN FROM PAYING, BUT FAILED TO DO SO.

EXHIBIT 2

EXPLANATION OF THIS EXHIBIT

Here Judge Schwartz rules, 24 RT 10515:27 onto 10516 that "new witnesses came forward in 2001" & then proceeds to confirm that the witnesses she ruled about were Ron & Tonyia Stevens & Gail Hunter.

See also 10517 where Judge Schwartz rules/opines that "the defendant was arrested a couple of months after this new information was presented." (emphasis added) (charged 12/13/01)

Compare Judge Schwartz's rulings there with the next exhibit where the Stevens testified repeatedly to four to six or more police interviews in 1988, including one by Tonyia where she testified:

> "I told the police at the roadblock, within two weeks of the murders, what I knew & that I had already told the police," 3 CT 670, also at 12 RT 4606 not included here.

So, police already had the Stevens' evidence/information twice within two weeks of the murders. Also see the last page to the next exhibit, 3 CT 795, where Gail Hunter testifies under oath to a January 1995 interview. That was nine years before I was charged on 12/13/01.

HOW CAN JUDGE SCHWARTZ POSSIBLY JUSTIFY HER RULINGS THERE?

Judge Schwartz was obviously either:

1) Asleep during these various key pieces of testimony. or,
2) She is incompetent & should not be a Judge. or,
3) More probably she is biased, guilty of intentional misconduct.

I respectfully submit that this qualified for her disqualification.

> "The probability of actual bias on the part of the Judge is too great to be Constutionally tolerable."
> CAPERTON V. A.T. MASSEY (2009) 556 U.S. 868, 129 S. Ct. 2252, 2267.

Please just read exhibit L listing her 25 areas of apparent bias.

B197574

COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

THE PEOPLE OF THE STATE OF CALIFORNIA, PLAINTIFF AND RESPONDENT, VS. 01 - MICHAEL FRANK GOODWIN, DEFENDANT AND APPELLANTS.	SUPERIOR COURT NO. GA052683

ORIGINAL

JUN 0 1 2007

APPEAL FROM THE SUPERIOR COURT OF LOS ANGELES COUNTY

HONORABLE TERI SCHWARTZ, JUDGE PRESIDING

REPORTER'S TRANSCRIPT ON APPEAL

REDACTED = PURSUANT TO 237(A)(2)

MARCH 1, 2007

APPEARANCES:

FOR PLAINTIFF AND RESPONDENT: EDMUND G. BROWN, JR.
ATTORNEY GENERAL
300 SOUTH SPRING STREET
LOS ANGELES, CA 90013

FOR DEFENDANTS AND APPELLANTS: IN PROPRIA PERSONA

VOLUME 24 OF 24
PAGES 10,501 THRU 10,579

LORI D. CASILLAS, CSR #9869

REALLY IS, THE BEST I COULD COME UP WITH -- THAT IS THE LEGAL STANDARD, THE BEST I COULD COME UP WITH IS THAT TO PREVAIL ON DUE PROCESS GROUNDS WHICH IS WHAT THIS ISSUE IS ABOUT IS THAT THE DEFENSE HAS TO SHOW SOME ACTUAL PREJUDICE BY THE DELAY.

ONCE THE DEFENDANT SHOWS SOME ACTUAL PREJUDICE, I THINK AT THAT POINT AND I THINK WE AGREE HERE THE BURDEN SHIFTS AND THE COURT HAS TO FIND THAT THERE WAS NO LEGITIMATE REASON FOR THE DELAY. OBVIOUSLY, THE EASIEST QUESTION TO ANSWER IS THE SECOND QUESTION, WHICH IS WHETHER OR NOT THERE WAS LEGITIMATE REASON FOR THE DELAY.

THERE APPEARS TO ME TO BE AMPLE REASON WHY THIS CASE TOOK SO LONG TO RESULT IN AN ARREST OF MR. GOODWIN. AND WE'RE TALKING ABOUT THE DELAY BETWEEN THE ARREST -- STRIKE THAT -- THE DATE OF THE CRIME AND THE ARREST OF THE SUSPECT. SO I DON'T KNOW THE EXACT DATE THAT MR. GOODWIN WAS ARRESTED, BUT I KNOW THE ORANGE COUNTY CASE RESULTED IN AN OPINION IN APRIL OF 2004. I'M ASSUMING IT WAS SOMETIME IN, WHAT, 2001?

MS. SARIS: 12/13/01.

MR. DIXON: CORRECT, YOUR HONOR, WE WOULD AGREE.

THE COURT: ALL RIGHT. THEN STARTING WITH AN ARREST DATE OF 12/13/01, I'M GOING TO ANSWER THE SECOND QUESTION FIRST. WAS THERE A LEGITIMATE REASON FOR THE DELAY UNTIL 12/13/01? AND SIMPLY BASED ON THE EVIDENCE THAT I HEARD AT THIS TRIAL, THERE WERE NEW WITNESSES THAT CAME FORWARD IN 2001.[1] IT APPEARS THAT ALTHOUGH THE

1) THIS IS SIMPLY UNTRUE, KNOWN AS UNTRUE BY JUDGE SCHWARTZ. SEE THE NEXT EXHIBIT HERE. TWO WITNESSES SHE REFERENCED, RON & TONYIA STEVENS REPORTED IN 1988, & THE 3RD, GAIL HUNTER, 1993.

STEVENSES, RON AND TONYIA STEVENS[1] MADE AN IDENTIFICATION IN 2001 AND ALTHOUGH THEY ATTEMPTED TO CONTACT LAW ENFORCEMENT BEFORE, THE FACT OF THE MATTER IS THAT THE IDENTIFICATION WAS NOT MADE UNTIL 2001.

THE INFORMATION THAT WAS PROVIDED BY GAIL HUNTER,[2] WHICH I RECALL FROM THE PRELIMINARY HEARING, WAS A STATEMENT BY MR. GOODWIN WHERE HE AT THE VERY LEAST SUGGESTED THAT HE WAS RESPONSIBLE FOR THE MURDERS. AND, OF COURSE, THAT WASN'T PRESENTED AT THE TRIAL.[3] BUT IT WAS PRESENTED AT THE PRELIMINARY HEARING.

AND I DID HEAR TESTIMONY ABOUT THAT STATEMENT AND THAT STATEMENT WAS I THINK THE RESULT OF, FROM WHAT I RECALL, SOME TELEVISION SHOWS THAT MISS HUNTER HAD SAID THAT SHE HAD SEEN OF MR. GOODWIN. I I'M NOT SAYING THAT MISS HUNTER'S TESTIMONY AT THE PRELIMINARY HEARING IS DETERMINATIVE ON THIS MOTION, NOR AM I ASSUMING THAT SHE'S CREDIBLE.[3] BECAUSE AT THIS POINT SHE DIDN'T TESTIFY AT THE TRIAL.

BUT I DO KNOW THAT THE HISTORY OF THIS CASE WAS SUCH THAT THE SHERIFF'S DEPARTMENT OBVIOUSLY PRESENTED THIS CASE FOR FILING, I ASSUME FIRST TO THE ORANGE COUNTY D.A. I DON'T KNOW WHAT TRANSPIRED PRIOR TO THAT. I KNOW I HEARD THAT THE CASE MAY HAVE BEEN PRESENTED EARLIER TO THE LOS ANGELES D.A.

BUT WHEN THE NEW INFORMATION WAS OBTAINED IN 2001, OF THE IDENTIFICATIONS AND THE STATEMENTS FROM MISS HUNTER, THE SHERIFF'S DEPARTMENT DID NOT DELAY PRESENTING THIS CASE FOR FILING BECAUSE IT APPEARS THAT

1) ABOUT SIX POLICE CONTACTS TESTIFIED TO IN 1988, INCLUDING ONE, " I TOLD POLICE WHAT I KNEW & THAT I'D ALREADY TOLD POLICE, WITHIN TWO WEEKS OF THE MURDERS," TONYIA STEVENS, 12 RT 4606, 3 CT 670. SEE NEXT EXH.
2) HUNTER TESTIFIED TO A JANUARY 1993 INTERVIEW, 3 CT 795. SEE NEXT EXH.
3) AT THE PRELIM JUDGE SCHWARTZ 2 OR 3 TIMES SAID "SOMETHING WRONG WITH HER." AND, HUNTER DIDN'T TESTIFY AT TRIAL. HOW CAN JUDGE SCHWARTZ CITE HER?

THE ORANGE COUNTY CASE WAS FILED SHORTLY AFTER -- WAS IT AFTER THE ARREST OR WAS IT FILED PRIOR?

MS. SARIS: PRIOR, A WEEK PRIOR I BELIEVE. I'M SORRY. WAS THAT A QUESTION?

THE COURT: YES. THAT WAS A QUESTION. WAS IT FILED FOR WARRANT OR WAS HE ARRESTED FIRST AND THEN THE CASE WAS FILED?

MS. SARIS: HE WAS ARRESTED ON A WARRANT THAT WAS ISSUED ON DECEMBER 7TH.

THE COURT: SO THE CASE WAS BASICALLY PRESENTED TO THE COURT FOR ISSUANCE OF A WARRANT AND WAS FILED DECEMBER 7TH.[1] SO A WEEK LATER THE DEFENDANT WAS ARRESTED.[1] FROM WHAT I RECALL THAT'S A COUPLE OF MONTHS AFTER ALL OF THIS NEW INFORMATION WAS PRESENTED.[2] I THINK THE LINE-UP -- WHEN WAS THE LINE-UP?

MS. SARIS: AUGUST.

MR. JACKSON: AUGUST.

MR. DIXON: YES.

THE COURT: OF 2002.[3] SO IN ANSWERING THE SECOND QUESTION FIRST: WAS THERE A LEGITIMATE REASON FOR THIS LATE ARREST? THE ANSWER IS, YES, THERE WAS A LEGITIMATE REASON. THERE WERE AMPLE REASONS FOR THE DELAY. AND I THINK THAT, IN AND OF ITSELF, IS DISPOSITIVE, I WILL BE HONEST WITH YOU.[4] I THINK THAT THE COURT DOESN'T HAVE TO

1) This week delay from when the warrant was issued until the defendant was arrested alone establishes that something smelly was afoot. Goodwin was in Court with these people & otherwise available to be arrested during this week. But, the civil case vs. Campbell was key here. They wanted to see what evidence he had before he was arrested. That type of delay does not happen in a kosher murder case.
2) Judge Schwartz says that Goodwin was arrested within "a couple of months after the new information was presented", referencing Ron/Tonyia Stevens & Gail Hunter. But the Stevens gave their info in 1988 & Hunter in 1993 per their own testimony. So there was a 9 year delay!
3) Probably a legitimate mistake, but the line-up was in 2001.
4) "I'll be honest" by Judge Taylor just two pages after she falsely ruled as to when the Stevens & Hunter were found, at 10515.

EXHIBIT 3

EXPLANATION OF THIS EXHIBIT

These are transcript pages from the Los Angeles preliminary hearing & trial with testimony by Ron & Tonyia Stevens, & at the last page Gail Hunter, 3 CT 795.

These conclusively prove that the Stevens had six plus police contacts in 1988 including one where Tonyia Stevens said at the roadblock that she testified was within two weeks of the murders:

"I told them (at the roadblock) what I knew, & that I had already told police." (about the Thompson murders)

This is crucial since Ron & Tonyia Stevens testified to seeing & knowing the exact same things, so police had their evidence in 1988.

Hunter seems to be of lesser importance since, because material perjury was proven by her at the preliminary hearing, she didn't testify at trial. But even she testified to a January, 1993 interview. That was about nine years before I was charged.

YET JUDGE SCHWARTZ USED A RULING THAT NONE OF THESE WITNESSES WERE FOUND/GAVE THEIR INFORMATION UNTIL 2001 TO DENY OUR WELL FOUNDED DUE PROCESS/SPEEDY TRIAL/PRE-ACCUSATION DELAY MOTION.

Based on the testimony contained in this exhibit, several questions must be answered.

1) Was Judge Schwartz awake when this testimony occured? How can she otherwise justify that ruling in exhibit two here that these "Witnesses weren't found until 2001"?[1]
2) How can Deputy District Attorney (DDA) Patrick Dixon possibly justify his offer-of-proof to Judge Schwartz at 24 RT 10511:26 onto 10512, also in exhibit two,[2] that these witnesses weren't found until 2001? He also heard all that testimony, yet he also plead this same lie in written pleadings at 8 CT 2174±.

1) Evidence suggests that this was much more than an innocent mistake by Judge Schwartz. See our AUGMENTATION to this, pages 23-32 + iv, 1, 2, 6, 9, 10A.
2) HOLLOWAY V. ARKANSAS (1978) 98 S. Ct. 1173, 1174, 1179 defines these offers-of-proof to the Judge as sworn testimony. Thus when they are false they are felony perjury. The prosecutor is charged with knowledge of all evidence in the case, in re BROWN (1998) 17 cal 4th 873, 879. Also see Penal Code § 125, People v. MROCZKO (1983) 35 cal 3d 86, 112 & People v. MIRENDA (2009) 174 CA4th 1313, 1332.

Q BY MR. JACKSON: THE DAY THAT YOU SAW THE DEFENDANT IN THE STATION WAGON.

A YES. I DON'T KNOW IF IT WAS 911 OR IF I CALLED THE SHERIFF'S. I DON'T REMEMBER.[1]

Q SO IT'S POSSIBLE THAT YOU COULD HAVE JUST DIALED THE MAIN LINE?

A YES.

Q OF THE SHERIFF'S DEPARTMENT?

A YES.

Q AND IN FACT, IF YOU DID THAT THERE WOULD BE NO RECORD OF THE CALL, CORRECT?

MS. SARIS: OBJECTION. CALLS FOR CONCLUSION. SPECULATION.

THE COURT: SUSTAINED.

MR. JACKSON: I'LL WITHDRAW.

MRS. STEVENS, THANK YOU VERY MUCH. I HAVE NO FURTHER QUESTIONS.

THE COURT: CROSS EXAMINATION.

MS. SARIS: THANK YOU.

CROSS EXAMINATION

BY MS. SARIS:

Q GOOD AFTERNOON, MRS. STEVENS. WHEN YOU CALLED THE SHERIFF'S STATION, AS YOU SAY, DID YOU ADVISE THEM OF WHAT YOU HAD SEEN?[1]

A YES.

Q DID YOU CALL AGAIN AFTER YOU HEARD ABOUT THE MURDERS?

A YOU KNOW, ALL I CAN REMEMBER IS THERE

1) NOTE THAT TONYIA ADVISED THE SHERIFFS ABOUT THE SUSPECT THE DAY SHE SAW THE SUSPECT. THAT WAS BEFORE THE MURDERS.

SEE NEXT PAGE, LINES 5-9.

WERE THREE TIMES. TWO TIMES THAT I CALLED THEM AND ONE TIME I WAS AT A ROADBLOCK[1].

Q I'M SORRY, AND ONE TIME YOU WERE?

A AT A ROADBLOCK. IT SEEMED LIKE IT WAS ABOUT TWO WEEKS LATER THAT THEY HAD A ROADBLOCK ON MOUNT OLIVE AND GARDI. NO. MOUNT OLIVE AND ROYAL OAKS AND THEY STOPPED AND THEY WERE ASKING EVERYBODY IF THEY KNEW ANYTHING AND I TOLD THEM WHAT I KNEW AND HE SAID HAVE YOU TOLD THE POLICE AND I SAID YES.[2]* AND HE SAYS GO ON. SO THERE WERE TWO TIMES THAT I TALKED TO THEM AND THEN THERE WAS ONE OTHER A FEW MONTHS LATER.* 1) ALSO 12 RT 4606.

Q AND WHAT PROMPTED THE ONE OTHER A FEW MONTHS LATER, IF YOU KNOW?

A WE WERE TALKING TO A FRIEND WHO LIVED UP THE HILL AND HE JOGGED EVERY MORNING AND HE WAS OVER.

Q I'M SORRY. LET ME JUST INTERRUPT WITHOUT ASKING FOR HEARSAY. I'M ASKING WAS IT A CONVERSATION WITH A FRIEND THEN?

A YES. BECAUSE HE SAW THE CAR THE DAY OF THE MURDER. THE FRIEND REPORTED SEEING THE CAR RIGHT ACROSS FROM THE MURDER[3] SCENE THE DAY OF THE MURDERS, BP 034749, NEVER FOLLOWED UP ON.

MS. SARIS: MOTION TO STRIKE, YOUR HONOR.

THE COURT: ALL RIGHT. THAT WILL BE STRICKEN EVERYTHING AFTER "BECAUSE."

Q BY MS. SARIS: WHEN YOU FIRST SPOKE TO DETECTIVE LILLENFELD, WAS THAT IN FEBRUARY OF 2001.

A PARDON ME?

Q WHEN YOU FIRST SPOKE TO DETECTIVE LILLENFELD, WAS THAT IN FEBRUARY 2001?

1) NOTE ONE CALL BEFORE MURDERS, PRIOR PAGE, 3 CONTACTS LATER.
2) NOTE "I TOLD THEM AT THE ROADBLOCK WHAT & KNEW, & THAT I HAD ALREADY TOLD THE POLICE," LINES 8-9 ABOVE. THUS POLICE HAD ALL THE STEVENS' INFORMATION IN 1988. THE ROADBLOCK WAS THE DAY OF THE MURDERS. THIS PROVES PERJURY BY DDA DIXON @ 24 RT 10511-10512, & AN AT LEAST SEVERE ABUSE OF DISCRETION IF NOT A FALSE STATEMENT BY JUDGE SCHWARTZ. 2
3) ALTHOUGH LILLIENFELD NOTED READING IT ON 9/23/93 BP 026874.

A NOT EXACTLY AT THAT TIME BECAUSE I FOLLOWED HIM -- MY DAUGHTER AND I BOTH FOLLOWED HIM DOWN TO THE CORRAL; GOT A LOOK AT THE CAR. IT SPED AWAY. AND THEN WHEN WE WALKED BACK -- OUR GARAGE WAS RIGHT THERE AND WE HAD A PHONE IN THE GARAGE. AND SO I PICKED THE PHONE UP AND I CALLED THE SHERIFF DEPARTMENT.[1] I DID NOT CALL 911. BECAUSE ON OUR PHONE AT THAT TIME THEY GAVE TAGS FOR EMERGENCIES AND THEY PUT THE TEMPLE CITY SHERIFF'S DEPARTMENT NUMBER RIGHT ON THERE.

SO I CALLED RIGHT THEN AND REPORTED A SUSPICIOUS LOOKING CAR. AND THEY SAID, "DO YOU WANT US TO SEND A SQUAD OUT?" AND I SAID, "NO.* BUT I JUST WANT YOU TO KNOW IN CASE ANYTHING HAPPENS THAT WE HAVE INFORMATION."[1]

* NOTE IN THIS EXHIBIT, PAGE 11, O.C. PRELIM 188, THAT LILLIENFELD TESTIFIED THERE WAS A FACE-TO-FACE INTERVIEW.

Q ALL RIGHT. LET'S TAKE IT A LITTLE BIT SLOWER AT THE POINT AT WHICH YOU EXIT THE HOUSE AND FOLLOW YOUR HUSBAND.

WHERE DID YOU WATCH RON GO?

A THROUGH THE CORRAL.

Q TOWARD WHAT DIRECTION?

A SOUTH TO THE CAR.

Q HOW FAR BEHIND RON WERE YOU FOLLOWING?

A I WOULD SAY ABOUT 5 FEET.

Q AND HOW FAR DID YOU FOLLOW HIM INTO THE CORRAL?

A ALL THE WAY.

Q ALL RIGHT. HOW CLOSE WOULD YOU ESTIMATE YOU GOT TO THE CAR AT THE CLOSEST?

COUNTING THIS CALL BEFORE THE MURDERS THE STEVENS TESTIFIED TO FOUR TO SEVEN SHERIFFS' CONTACTS IN 1988-1989. HOW CAN ANYONE SAY, WITH A STRAIGHT FACE THAT THE STEVENS WEREN'T "FOUND" UNTIL 2001? BUT BOTH JUDGE SCHWARTZ (24 RT 10515:27) & DDA PATRICK DIXON (24 RT 10511:26 > 10512 PLUS SEVERAL PLACES IN FILED PLEADINGS, E.G. 8 CT 2174±) DID. THIS WAS PART OF AN ELABORATELY PLANNED EXTRINSIC FRAUD ON THE COURT THAT THE JUDGE FACILITATED. 3

Q AND THAT SOMEONE WAS YOU?

A YES.

Q DID THE POLICE THEN CONTACT YOU PERSONALLY?

A YES, THEY DID.

Q DID YOU RELAY THE STORY THAT YOU'RE NOW RELATING TO THE COURT TO THE POLICE?

A YES, I DID.

Q AT ANY POINT -- BY THE WAY, ABOUT WHAT TIME WAS THIS WHEN -- WAS THIS WHAT YEAR?

A THAT THE POLICE CONTACTED ME?

Q CORRECT.

A I THINK IT WAS LIKE SIX YEARS AGO[1] OR SOMETHING. I'M REALLY NOT SURE OF THE TIME.

Q OKAY. DO YOU REMEMBER AFTER YOU WERE INITIALLY CONTACTED BY THE POLICE BEING RECONTACTED BY A DETECTIVE LILLENFELD?[2]

A YES, I DO.

Q DID HE CONTACT --

MS. SARIS: I'M GOING TO OBJECT. LACK OF FOUNDATION AS TO RECONTACTED.

MR. JACKSON: I'LL REPHRASE THE QUESTION, YOUR HONOR.

THE COURT: ALL RIGHT.

Q BY MR. JACKSON: WERE YOU CONTACTED SUBSEQUENTLY BY A DETECTIVE LILLENFELD.[2]

A YES.

Q DID HE SHOW YOU A SET OF PHOTOGRAPHS?

1) THIS TESTIMONY AT THE L.A. PRELIMINARY HEARING WAS IN 2004. SO, "6 YEARS AGO" WAS IN ABOUT 1998. THAT WAS 3 YEARS BEFORE THE 1ST WITNESS STATEMENT.

2) NOTE "(LATER) RECONTACTED...", "SUBSEQUENTLY BY LILLIENFELD". THIS FURTHER ESTABLISHES THE EARLIER (AROUND 1998) STEVENS POLICE CONTACT IN ADDITION TO THE SEVERAL IN 1988-1989 THAT WERE TESTIFIED TO ALSO, FOR WHICH ALL OF THE WITNESS STATEMENTS ARE SUPPRESSED. MOST IMPORTANTLY THIS PROVES DDA DIXON LIED TO THE JUDGE @ 24RT 10511-10512 "THESE WITNESSES WEREN'T FOUND UNTIL 2001."

4

LEAST SOMEWHAT ILLUSTRATIVE OF THE VIEW THAT YOU HAD, IF NOT TO PERFECT SCALE?

A YES.

Q OKAY. MR. STEVENS, DID YOU SPEAK TO AN OFFICER* IN A TAPE-RECORDED CONVERSATION WHEREIN YOU GAVE A DESCRIPTION OF THE DRIVER THAT DAY?[1]

* LILLIENFELD ISN'T AN "OFFICER," SO THIS IS YET ANOTHER STATEMENT/TAPE THAT IS SUPPRESSED, CRITICAL, @ TIME OF SIGHTING.

A YES, I DID.

Q DO YOU REMEMBER AS YOU SIT HERE TODAY, DO YOU EVER REMEMBER DESCRIBING HIS HAIR AS BLOND OR BLONDISH, SOMETHING LIKE THAT?

A NO. I MIGHT HAVE USED THAT TO EXPLAIN LIGHTER COLOR, RED, RATHER THAN DARK, BUT NO, I DO NOT.

Q ALL RIGHT. NOW, YOU'VE IDENTIFIED THE DEFENDANT HERE AS BEING THE SAME PERSON IN THAT CAR, CORRECT?

A YES, I HAVE.

Q IS HIS HAIR COLOR TODAY DIFFERENT, LIGHTER, DARKER OR DIFFERENT THAN IT WAS THE DAY OF THE INCIDENT IN 1988; 16 YEARS AGO?

A YES.

Q HOW IS IT DIFFERENT?

A IT'S GRAY. IT'S DARKER. AND THE HAIRLINE IS HIGHER.

Q ALL RIGHT. SO ON THE DAY OF THE INCIDENT, WHAT COLOR WAS HIS HAIR?

A IT WAS A RED COLOR.

Q AND YOU SAID THAT HIS COMPLEXION WAS RUDDY, CORRECT?

1) THE TESTIMONY @ LINES 4-7 ABOVE SEEMS TO CONFIRM A TAPE RECORDED INTERVIEW WITH RON THE DAY HE SAW THE SUSPECT IN THE OLD STATION WAGON. THIS AGAIN SHOWS MORE EARLY INTERVIEWS, THE WITNESS STATEMENTS FOR ALL OF WHICH ARE SUPPRESSED. A KEY QUESTION MUST BE. HOW COULD JUDGE SCHWARTZ HAVE HEARD ALL OF THIS & STILL RULED THAT THESE WITNESSES WEREN'T FOUND UNTIL 2001, 24 RT 10515, EXH 1 HERE? 5

COMPARTMENT OF THE --

A IT WAS VERY LIGHT.

Q DID YOU HAVE ANY TROUBLE SEEING THE PART OF HIS HAIR THAT YOU DESCRIBED AS STICKNG OUT UNDER THE CAP?

A NO, I DID NOT.

Q WOULD YOU DESCRIBE HIS HAIR ON THAT DAY AS STRAIGHT OR OTHERWISE?

A NO, IT WAS CURLY.

Q WHEN YOU SAY IT WAS LONGER THAN IT IS TODAY, HOW MUCH LONGER IF YOU CAN ESTIMATE?

A A COUPLE OF INCHES LONGER.

Q YOU INDICATED YESTERDAY I BELIEVE THAT YOU DID NOT REPORT THIS INCIDENT TO THE POLICE ON THE DAY IT HAPPENED; CORRECT? (BUT HIS WIFE TONYIA TESTIFIED SHE DID 3CT 669:3)

A YES, I DID NOT.

Q AT ANY POINT AFTER THE INCIDENT -- NOT THE DAY OF THE INCIDENT WHEN YOU SAW THE DEFENDANT OUTSIDE YOUR HOUSE -- AT ANY POINT AFTER THAT DID YOU ATTEMPT TO REPORT THIS TO THE POLICE?

A YES, I DID.

Q DESCRIBE THAT FOR US, PLEASE?

A IT WAS EITHER THREE OR FOUR TIMES,[1] NOT LONG AFTER THE MURDER. I HAD A FRIEND OVER AT THE HOUSE. WE WERE TALKING ABOUT THE MURDER. AND I TOLD HIM WHAT I SAW. AND HE SAID, YOU KNOW, I THINK YOU BETTER CALL THE POLICE; THAT COULD BE INFORMATION THEY NEED. SO AFTER HE LEFT, I CALLED THE DUARTE SHERIFF'S DEPARTMENT. AND I

1) NOTE RON TESTIFIED HE CALLED POLICE 3 OR 4 TIMES. TONYIA TESTIFIED SHE ALSO CALLED THREE TIMES, 3CT 670:1 (2 BY PHONE, 1 @ ROADBLOCK). 6 THUS THE STEVENS BETWEEN THEM CONTACTED POLICE IN 1988-1989 AT LEAST SIX TIMES, PLUS THE OTHER LATER INTERVIEW TESTIFIED TO BY RON "BEFORE LILLIENFELD," 3CT 611. THAT PRELIM WAS IN 2004 SO THAT 6 YEAR AGO INTERVIEW WAS IN ABOUT 1998.

THINK THIS WAS LIKE 9:00 O'CLOCK AT NIGHT IN THE EVENING. AND LEFT -- ASKED -- TOLD THE PERSON THAT ANSWERED THE PHONE, I THOUGHT I HAD SOME INFORMATION ON THE THOMPSON MURDER.[1]

Q AND WHAT WAS THE RESPONSE YOU GOT?

A HE SAID I'LL HAVE A DETECTIVE CALL YOU.

Q WERE YOU EVER CONTACTED BY A DETECTIVE?

A NO, I WASN'T. AND THEN A WHILE LATER -- AND I DON'T KNOW HOW LONG -- A COUPLE WEEKS, I THEN CALLED THE TEMPLE CITY SHERIFF'S STATION AND LEFT ANOTHER MESSAGE.[1] THE SAME THING.

Q HOW CLOSE IS THE TEMPLE CITY STATION TO YOUR HOUSE ON GARDI?

A I DON'T KNOW. THE DUARTE ONE IS PROBABLY A MILE AWAY, A MILE AND A HALF.[2] THE TEMPLE CITY IS PROBABLY SEVEN OR EIGHT, TEN MILES. I'M NOT SURE.

Q DID YOU GET ANY RESPONSE FROM -- WELL, WHAT WAS THE RESPONSE THAT YOU DID GET FROM TEMPLE STATION?

A NO ONE EVER CALLED.

Q WERE THERE ANY OTHER ATTEMPTS ON YOUR PART TO CONTACT POLICE?

A YES. I THINK THERE WAS ONE OR TWO OTHER TIMES THAT I CALLED BECAUSE I JUST,[1] YOU KNOW, TRIED TO CALL SOMEONE. BUT I DON'T REMEMBER THE DATES OR TIMES.

Q BEFORE YOU WERE CONTACTED BY DETECTIVE LILLIENFELD IN 2001, EXCLUDING THAT TIME, FROM THE TIME OF THE MURDERS, WERE YOU EVER CONTACTED BY THE POLICE

1) NOTE RON TOLD SHERIFFS THAT HE HAD INFORMATION ON THE THOMPSON MURDERS, & HE CALLED AN ESTIMATED THREE TIMES EARLY, IN 1988.

7

2) DUARTE SHERIFF'S STATION ONLY BEING 1½ MILES AWAY IS MATERIAL FOR ANOTHER REASON. SQUAD CARS COMING FROM THAT CLOSE WOULD GET TO THE PLACE WHERE THE DDAS ARGUED THE KILLERS ESCAPED THROUGH, & CONTAINED IT, BEFORE THE ESCAPING KILLERS COULD HAVE POSSIBLY GOTTEN THERE ON BICYCLES FROM 2½ MILES AWAY.

ABOUT THIS INCIDENT?

A NO.

Q AND YOU INDICATE THAT YOU TRIED APPROXIMATELY HOW MANY TIMES IN TOTAL?

A THREE OR FOUR.[1]

MR. JACKSON: MAY I APPROACH, YOUR HONOR?

THE COURT: YES.

Q BY MR. JACKSON: I WANT YOU TO TAKE ANOTHER LOOK AT PEOPLE'S 33 FOR IDENTIFICATION. YOU IDENTIFIED THAT YESTERDAY AS THE LINE-UP OR A PHOTOGRAPH OF THE LINE-UP THAT YOU SAW; CORRECT?

A YES.

Q THERE IS ALSO SOME KIND OF A COPY OF A DOCUMENT ON THE RIGHT SIDE. DO YOU UNDERSTAND?

A YES, I DO.

Q DO YOU RECOGNIZE THAT DOCUMENT?

A YES, I DO.

Q HOW DO YOU RECOGNIZE IT?

A I FILLED IT OUT.

Q WHAT IS THE NAME THAT APPEARS AT THE BOTTOM WHERE IT INDICATES "SIGNATURE OF WITNESS"?

A "R. JOHNS."

Q IS THAT YOUR NAME?

A NO, IT'S NOT.

Q WHY DID YOU USE THAT NAME?

A BECAUSE WE DIDN'T WANT ANYONE TO KNOW WHO WE WERE, MY WIFE AND I.

Q DID YOU DO THAT WITH THE PERMISSION OF THE

1) NOTE 3 OR 4 EARLY CALLS BY RON RE: "THE THOMPSON MURDERS." I REPEAT, ASK, HOW COULD EITHER JUDGE SCHWARTZ OR DDA DIXON HAVE POSSIBLY JUSTIFIED RULING OR ARGUING THAT THE STEVENS WERE NOT FOUND/LOCATED UNTIL 2001, "A FEW MONTHS BEFORE I WAS CHARGED?" 8

A THEY NEVER RETURNED MY CALLS.

Q BUT YOU WOULD HAVE CALLED AND LEFT YOUR NAME, YES?

A YES.

Q AND YOU WOULD HAVE TOLD THEM WHAT IT WAS REGARDING?

A YES.

Q DID YOU DIAL 911 OR DIRECTLY TO THE STATION?

A DIRECTLY TO THE STATION.[1]

Q AND THEN 14 YEARS WENT BY BEFORE YOU CONTACTED ANYONE ELSE?

A YES. I DIDN'T CONTACT ANYONE ELSE. SOMEONE CONTACTED ME.

Q THE FRIEND THAT YOU SPOKE TO THAT TOLD YOU YOU MIGHT WANT TO CALL THE POLICE, WAS THAT MEL REEVES?

A YES, IT WAS.

Q DO YOU KNOW IF HE EVER CONTACTED THE POLICE TO YOUR KNOWLEDGE?

A NO, I DON'T.

Q THE NAMES THAT APPEAR ON THAT LINE-UP FORM "JOHNS" --

A YES.

Q -- WAS THAT DETECTIVE LILLIENFELD'S IDEA?

A I DON'T REMEMBER AT THE TIME.

Q DO YOU RECALL PRIOR TO GOING TO THE LINE-UP YOUR WIFE AND YOU BEING IN YOUR HOUSE WHEN THE NEWS CAME ON ABOUT THIS CASE?

1) NOTE THAT RON CALLED THE LOS ANGELES SHERIFFS DIRECT. AGAIN I ASK HOW COULD JUDGE SCHWARTZ HAVE BEEN AWAKE FOR ALL OF THIS EXTENSIVE TESTIMONY OF SIX OR MORE STEVENS' 1988-1989 INTERVIEWS, + THE 1998 INTERVIEW, 3 CT 611, "BEFORE LILLIENFELD," BUT STILL RULED, IF SHE WERE BEING HONEST, THAT THE STEVENS (& GAIL HUNTER) WEREN'T "FOUND" UNTIL 2001, 24 RT 10515:27. BIAS!

9

OF THE TWO INTERVIEWS IN 2001 THAT YOU TOOK THE LICENSE PLATE NUMBER OF THIS CAR DOWN?

A YES, I DID.

Q HAVE YOU HAD A CHANCE TO REVIEW EITHER OF THESE STATEMENTS? OR HAVE YOU EVER SEEN THAT IN WRITING ANYWHERE FROM THE DETECTIVE?

A NO.

Q DID YOU GIVE THAT LICENSE PLATE NUMBER TO THE PEOPLE THAT YOU CALLED WHEN YOU CALLED DUARTE OR TEMPLE CITY?

A NO. I JUST TOLD THEM I THOUGHT I HAD SOME INFORMATION ON THE MURDER. I WAS GOING TO GIVE THAT TO THEM WHEN THEY --

Q AND IT'S FAIR TO SAY IN 2001 WHEN YOU SAW THE DETECTIVE, YOU COULDN'T LOCATE THAT EITHER --

A NO.

Q -- THE BUSINESS CARD? DID YOU LOOK FOR IT -- WHEN IS THE LAST TIME YOU LOOKED FOR IT?

A THE LAST TIME I LOOKED FOR IT WAS PROBABLY A MONTH AGO, TWO MONTHS AGO.

Q WHEN THE DETECTIVE BROUGHT YOU IN TO LOOK AT THE PHOTOGRAPHS, YOU HAD ALREADY SPOKEN TO HIM ON THE PHONE; IS THAT RIGHT?

A YES.

Q AND WHEN YOU WENT TO INTERVIEW WITH HIM IN PERSON, YOU ANTICIPATED HE WAS GOING TO SHOW YOU PHOTOGRAPHS, YES?

A HE CAME TO MY OFFICE.

A NO.

Q WHEN YOU DID THE TAPE RECORDING OF MR. STEVENS, DID YOU TAPE ALL OF THE COMMENTARY, OR DID YOU TAPE JUST PORTIONS OF WHAT WAS BEING DISCUSSED BETWEEN YOU AND HE CONCERNING THE IDENTIFICATION OF THE SIX-PACK?

A ALL OF IT, THE ENTIRE INTERVIEW AND CONCLUSION OF IT ARE ALL TAPED.

Q AND BEFORE THAT INTERVIEW, IS IT TRUE THAT YOU CAME TO LEARN OF MR. STEVENS THROUGH AMERICA'S MOST WANTED?

A YES.

Q AND IS IT TRUE THAT MR. STEVENS RESPONDED TO THE AMERICA'S MOST WANTED PROGRAM THAT WAS TOUTING THE ONE-MILLION-DOLLARS REWARD?

A ABSOLUTELY NOT.

Q IS IT TRUE THAT MR. STEVENS HAD NEVER GIVEN, DURING THE 13 PRIOR YEARS, ANY STATEMENT TO ANYBODY ABOUT OBSERVING A VEHICLE IN FRONT OF HIS HOUSE?

A NO.

Q WHO HAD HE GIVEN A STATEMENT TO?

A THE VERY FIRST PERSON HE'D GIVEN A STATEMENT TO IS AN UNIDENTIFIED LOS ANGELES COUNTY DEPUTY SHERIFF THE DAY THAT HE OBSERVED THE VEHICLE[1] IN HIS FRONT YARD AREA THERE ON THE STREET. HE HAD HIS WIFE CALL THE SHERIFF'S DEPARTMENT, AND SHE ACTUALLY REQUESTED A UNIFORMED DEPUTY AND A RADIO CAR TO COME TO THEIR HOME.

Q AND YOU KNOW THAT BECAUSE THEY TOLD YOU THAT?

1) NOTE LILLIENFELD CONFIRMED AN INTERVIEW WITH A UNIFORMED DEPUTY FACE TO FACE THE DAY OF THE SIGHTING. SOMEONE IS LYING TONYIA DENIED THIS. 2

A YES.

Q AND DID YOU SEARCH TO DETERMINE IF THERE WERE ANY RECORDS OF SUCH A CALL?

A YES, I DID.

Q DID YOU DISCOVER SUCH A CALL?[1]

A NONE EXISTS FROM THAT FAR BACK.

THAT ANSWER IS NOT COMPLETE. THERE ARE TWO OTHER PEOPLE* IN LAW ENFORCEMENT THAT MR. STEVENS ATTEMPTED TO CONTACT BACK IN 1988, BUT -- NOTE OTHER CONTACTS ALSO CONFIRMED

Q THERE'S NO RECORD OF IT?[1]* IDENTIFY THESE PEOPLE.

A THAT'S CORRECT. IT WAS NEVER FOLLOWED UP ON.

Q SO IT'S ACCURATE THAT THE ONLY -- WELL, YOU DON'T KNOW WHETHER ANYBODY IN LAW ENFORCEMENT EVER ACTUALLY RECEIVED SUCH A CALL FROM HIM. THERE'S NO RECORD OF IT, CORRECT? EITHER THE STEVENS ARE PERJURERS OR THE STATEMENTS MUST BE[1] PRODUCED.

A THAT'S CORRECT.

Q OKAY. AND IN ANY CASE IT'S YOUR UNDERSTANDING THEY WERE REFERRED OR BECAME INVOLVED FROM AMERICA'S MOST WANTED, CORRECT?

MR. BRENT: OBJECTION, MISSTATES THE TESTIMONY.

THE COURT: SUSTAINED.

Q BY MR. BENICE: IS IT TRUE THAT THE STEVENS CONTACTED YOU AFTER SEEING AN AMERICA'S MOST WANTED PROGRAM?

A NO.

Q DO YOU KNOW HOW THE STEVENS CAME TO CONTACT YOU?

1) PENAL CODE § 1054.1(F) & BARNETT V. SPR. CT. (2007) 283 CAL RPTR 3d 295, 306, AFFIRMED IN 50 CAL 4TH 890 REQUIRES PRODUCTION OF ALL THESE.

12

INDEX FOR OCTOBER 13, 2004

M A S T E R I N D E X

CHRONOLOGICAL INDEX

PRELIMINARY HEARING --

BED AND ON AT LEAST A HALF A DOZEN OCCASIONS HE HAD TAKEN THE GUN OUT; POINTED IT AT ME; AND SAID IF I EVER TRIED TO LEAVE HIM OR EVER TOLD ANYONE ANYTHING THAT WAS CONFIDENTIAL I WOULD NOT SURVIVE IT.

Q. IS IT SAFE TO SAY THAT YOU WERE IN FEAR OF MIKE GOODWIN?

A. YES.

Q. WHAT WAS YOUR BELIEF THAT -- WHAT WAS YOUR BELIEF AS TO WHAT WOULD HAPPEN TO YOU HAD YOU GONE TO THE POLICE WITH THIS INFORMATION?

A. I HAD NO IDEA WHAT IT COULD -- WHAT COULD HAPPEN. I JUST KNOW IT WOULD BE -- WOULD HAVE BEEN BAD.

Q. WHEN WERE YOU CONTACTED BY THE POLICE IN THIS CASE?

A. I WASN'T EVER CONTACTED BY THE POLICE REGARDING THE TAPE OR THE THOMPSON MURDER.

Q. ALL RIGHT. WHEN WERE YOU CONTACTED CONCERNING ANY INTERVIEWS THAT YOU MAY HAVE HAD SURROUNDING THIS INCIDENT?

A. NOT UNTIL JANUARY OF '93.

Q. DO YOU REMEMBER TALKING TO -- DO YOU KNOW A PERSON BY THE NAME OF MARK LILLIENFELD?

A. YES.

Q. DO YOU REMEMBER MARK LILLIENFELD INTERVIEWING YOU ABOUT THIS INCIDENT?

A. YES, IT WAS A DISCUSSION.

Q. ALL RIGHT. DURING THE COURSE OF THAT DISCUSSION, DO YOU REMEMBER TELLING DETECTIVE

1) THIS PROVES PERJURY BY DDA DIXON TO JUDGE TAYLOR @ 24RT 10511-10512 THAT HUNTER WASN'T "FOUND" UNTIL 2001, & THAT JUDGE TAYLOR EITHER WAS "ASLEEP" DURING THIS PART OF THE L.A. PRELIM, OR WORSE, SHE INTENTIONALLY COLLABERATED WITH THE PROSECUTORS IN THIS FRAUD, AS EVIDENCE INDICATES.

14

EXHIBIT 4

THE EXHIBITS TO THIS AUGMENTATION (A THRU L) ARE NOT INCLUDED. THEY WERE FILED ALONG WITH THE AUGMENTATION TO THE PASADENA COURTHOUSE IN LATE NOVEMBER-EARLY DECEMBER, 2013.

HOWEVER, "EXHIBIT L" REFERENCED AT VARIOUS PLACES IN THIS PLEADING/AUGMENTATION IS THE ACTUAL MAIN PLEADING/THE POINTS & AUTHORITIES TO THIS FILING.

THAT IS BECAUSE THE FILING TO PASADENA WAS ABOUT MISCONDUCT BY THE PROSECUTORS, WITH A "SIDE-THRUST" ABOUT THE JUDGE'S BIAS/ INCOMPETENCE/MISCONDUCT. EXHIBIT "L" WAS THE LIST OF JUDGE ERRORS.

HOWEVER, WHEN COMPLETING THAT PETITIONER VERIFIED THAT THE JUDGE'S CONDUCT/BIAS WAS MUCH WORSE THAT INITIALLY FELT. THIS PLEADING IS THE RESULT OF HAVING LEARNED & VERIFIED THAT.

THIS SECTION WAS COPIED FROM THE FILING THAT WAS DONE IN PASADENA SINCE THE THRUST OF THIS PORTION OF THE PLEADING WAS THE MOTIVE PROBLEM CAUSED BY JUDGE SCHWARTZ FAILING TO GIVE HER SUA SPONTE REQUIRED JURY INSTRUCTIONS ON THE UNIQUE ISSUES RE; PAYMENT OF DEBT WHILE PETITIONER WAS IN BANKRUPTCY.

PAGES v. THROUGH ix. WERE REMOVED FROM THIS PLEADING & INSERTED IN THE BEGINNING OF THE INSTANT PLEADING RATHER THAN DUPLICATE THE CASE SUMMARY, STATUS & POST-CONVICTION OCCURANCES.

PETITIONER HAS DECIDED TO ALSO INCLUDE A MODIFIED VERSION OF THE 2ND AMENDED COMPLAINT THAT WAS FILED WITH JUDGE SCHWARTZ, & THAT SHE DENIED, STATING THAT SHE DID NOT HAVE JURISDICTION.[1] THE MINOR MODIFICATIONS I'VE MADE ARE INTENDED TO REFLECT NEW INFORMATION & DO CLARIFICATIONS. THE 2ND AMENDED... FOLLOWS THE AUGMENTATION.

1) THE LAW IS ABSOLUTE THAT SHE HAD JURISDICTION.

Michael F. Goodwin, F69095, in pro-per
3C05-106L
P.O. Box 3471, Corcoran, CA. 93212

EVIDENTIARY HEARING REQUESTED

THE SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF LOS ANGELES

MICHAEL F. GOODWIN
Petitioner,
vs.
PEOPLE OF THE STATE OF CALIFORNIA,
Respondent,
By their attorney, Kamala Harris, Attorney General of the State of california

No._____

Spr. Ct. No. GA052683
Appeal No. B197574

AUGMENTATION TO THE NOTICE TO THE COURT OF REPEATED FELONY PERJURIES BY THE MICHAEL GOODWIN PROSECUTORS & LEAD INVESTIGATOR, 100% PROVEN BY EVIDENCE, INCLUDING ADMISSIONS TO THE PERJURY, IN THE SECOND AMENDED COMPLAINT FILED WITHIN THIS MAILING, ALSO CLAIMS OF JUDGE BIAS & URGENT DISCOVERY REQUEST. [1] [2]

Comes now petitioner to respectfully offer this augmentation to the Court to clarify the controlling law & the grounds re: the 2nd AMENDED COMPLAINT re: a request for an investigation into government agent crimes in the Goodwin prosecution for murder.

Law rules that since this pleading/motion directly challenges a ruling by Judge Schwartz, that the decision/ruling on this must be assigned to a different Judge, Penal Code § 859c, FULLER v. Spr. Ct. (2004) 125 Cal App 4th 623, 627 if petitioner requests. And,

This pleading should be treated liberally per HEBBE v. PHLER (9th Cir. 2010) 627 F.3d 338, 342, "We construe pro se pleadings liberally, & afford the petitioner the benefit of the doubt."

COP-PJYAG 12/3/13

1) The perjury is all very material, & the statute of limitations is still open.
2) See pages 23-32 plus iv, 1, 2, 6, 9, 9A, 10 for details, facts/law.

Petitioner also respectfully repeats, as was detailed in the prior pleading(s), that the Superior Court absolutely has complete jurisdiction over this issue that is not "at-issue" in the Direct Appeal in the 2nd District Court of Appeals, per the California Constitution, Article VI, § 10. Also see in re CARPENTER (1995) 9 Cal 4th 634, 38 Cal Rptr 2nd 665, & extensive other controlling authority from several perspectives, e.g. for EXTRINSIC FRAUD ON THE COURT & SUPERVISORY POWERS, plead in the 2nd AMENDED COMPLAINT.

Underscoring the materiality of the material felony perjuries plead in the SECOND AMENDED COMPLAINT on this issue, on which petitioner requests that this Court order the investigation, & the prejudice to petitioner as a result of this perjury by DDA (Deputy District Attorney) Patrick Dixon[1], is the following law & additional facts. The prejudice was exacerbated by extreme Judge errors, p. 24+.

The law is that the Appeal Court will only uphold the factual decisions by the Superior Court if they are supported by substantial evidence, People v. COWAN (2010) 50 cal 4th 401, 431, 113 Cal Rptr 3d 850, 882, cited passim in the A.G. Response to our opening brief.

> "We defer to underlying factual findings if substantial evidence supports them." (Certainly the opposite is true)

Here, as was proven in the 2nd AMENDED COMPLAINT, not only did "substantial evidence" not support Judge Schwartz's decision/ruling to deny our well founded Speedy Trial/Pre-Accusation delay due process motion (hereafter Due Process Motion), but NO evidence supported her decision, & all of the evidence, all without any conflict, all irrefutable, proved that her critical determination of the facts of when the last witnesses were learned of by investigators was nine (9) years too late. SIMPLY, JUDGE SCHWARTZ BLEW IT BADLY.

1) The perjuries, yes per law cited here, felony perjuries, cited following, & in the 2nd AMENDED COMPLAINT, are just four of 15 DDA offer-of-proofs perjuries.

"Cutting right to the chase" since it was fully explained in the 2nd AMENDED COMPLAINT, DDA Dixon lied to the Judge as to when three key witnesses were found, 24 RT 10511:26 onto 10512, attached in the 2nd AMENDED... Judge Schwartz based her Due Process Motion denial on that false representation by Dixon. The evidence proving his representations on that, & more, were false are cited in the 1st AMENDED COMPLAINT. There is also lead investigator perjury proven.

Dixon's representations were wildly & knowingly false & were not supported by <u>any evidence i've been able to find or recall</u>. Two of the witnesses repeatedly testified to contacting the police in 1988, including giving their evidence to police in 1988, 12 RT 4606. The third witness, who did not testify at trial anyway, testified to her 1st interview being in 1993 (January I believe), 3 CT 795.

So, the latest of these witnesses was known of almost nine years before Goodwin was 1st charged in December, 2001, 13 years pre-trial.

Yet Judge Schwartz ruled, in relying on the perjury by Dixon (an accurate paraphrasing of two different passages at 24 RT 10515:27 & 10517:12-14):

> "New witnesses came forward in 2001 (not true)...and the defendant was arrested a couple of months after this new information was presented." (See the footnote for more) [1]

This case is complex. It was made moreso by the 15 perjuries in offers-of-proof by the DDAS, 311+ 100% confirmed but suppressed witness statements, over 250 pieces of proven to exist but suppressed exculpatory evidence, & 60+ material perjuries by D.A. experts. These are hard to believe, but I swear under penalty of perjury I can prove all these claims & more. See attached declaration.

The following pages detail & cite evidence proving another

1) The Judge may have based her decision on the D.A. representing to her, with no supporting evidence, that the 1st time police got the witnesses' evidence was 2001. Again, 12 RT 4606 & 3 CT 670 proves police got evidence in 1988, 3 CT 795, 1993. If the police lost it or ignored it that is <u>not</u> justification for the charging delay.

major, material perjury by the other prosecutor, Alan Jackson, the runner-up for Los Angeles' top law enforcement job, the District Attorney. The one proven here for Jackson is:

1) A "whopper", the very foundation of the totally fabricated case.
2) Completely indefensible, irrefutable. and,
3) Irremediably prejudicial without reversal, or I submit dismissal since it "enabled" the denial of the Speedy Trial/ Pre-Accusation delay Due Process Motion.

Perhaps more importantly than just how bad this perjury by Jackson in an offer-of-proof was,is that it convoluted the entire understanding by the Judge, Jury & even defense counsel as to the very foundation of the case, "How was Mickey Thompson to be paid the judgment that Goodwin owed him?", & based thereon "Was there a motive or was there not?" Evidence conclusively proves NO MOTIVE!!

This Jackson perjury "reached out" & disarmed the Judge & defense counsel when DDA Dixon lied that "Lillienfeld had interviewed everyone." Lillienfeld admitted, as evidenced, that Lillienfeld failed to interview the witness that would have destroyed the D.A. case, Kirk Rense.[1] No one knew how critical that interview was since Jackson had lied, as explained herein, that "The Bankruptcy has nothing to do with these four walls", (the Courtroom), 3 CT 786:9.

But Rense held the key to the Bankruptcy & NO POSSIBLE MOTIVE.

Judge Schwartz adopting the positions of these DDAs in turn had her abuse her discretion badly as to her obligations to put correct law & facts in front of the Jury, People v. ARANDA (2012) 55 Cal 4th 342, 354, 145 CR3d 855, 864, hn 5, & People v. FERGUSON (1971) 5 Cal 3d 525, 530.[2] For Judicial & law enforcement appearance of integrity this investigation is a necessity.

11/17/13
Michael Goodwin Date

1) The Bankruptcy trustee's lawyer who handled $2,000,000+ from which Thompson was to be paid. 2) See pages 24 thru 32.

PAGES x THROUGH ix, CASE SUMMARY, POST-CONVICTION OCCURANCES, ETC; WERE REMOVED FROM HERE & INSERTED IN THE MAIN PLEADING TO AVOID DUPLICATION.

TABLE OF AUTHORITIES

U.S. Supreme Court[1]

1) BRADY V. MARYLAND (1963) 373 U.S. 83, 87, 83 S. Ct. 1194 is referenced passim, but not by cite, e.g. at pages 13:9, 19:23-4, by BRADY violations and/or BRADY evidence. Also at p. 32 footnote.

Federal Circuit & District Court Cases

State Cases

1) Evidence proves 311+ 100% confirmed witness statements with trial witnesses that are suppressed. BARNETT V. Spr. Ct. (2007) 54 CR3d 283, 295, 306 also requires production of these. See exhibit K for a listing & evidence cites.

Federal Statutes

Other

Citations to key witnesses; Evidence proves repeated material perjuries by all of the following except Kirk Rense, who did not testify but should have. He would have eviscerated the prosecution case.

1) These prosecutors argued issues herein that were not supported on the record. U.S. v. KOYAJAN (9th Cir. 1993) 8 F.3d 1315, 1321 rules that the prosecutors were thus testifying. Evidence proves they lied. This is felony perjury, law p. 4 line 4.

TABLE OF CONTENTS

I. The entire case was predicated upon the prosecutors repeatedly lying to the Jury as to what the law was so as to create an alleged motive when provably, none existed. See exhibit F.

The entire case was an elaborately planned, multi-layered EXTRINSIC FRAUD ON THE COURT by the prosecution.[1] It was developed via over 70 lies to the Judge & Jury by the prosecution in their opening statements & closing arguments, supported by over 70 acts of material perjury and/or false testimony,[2] & lies about the law.

This was all made possible only because of suppression of over 250 pieces of materially exculpatory evidence, each a BRADY violation, & suppression of 311+ witness statements for 100% confirmed interviews with trial witnesses.[3] See exhibits J & K.[5]

II. THE JUDGE WAS BIASED; pages 24-32. See the alleged motive as stated by the Judge at the top of the next page, & in exhibit B.[5] The motive was entirely that the defendant, Goodwin, refused to pay a Bankruptcy debt to victim Mickey Thompson, killing him instead. However, Bankruptcy law, with which the Judge & prosecutors are charged with knowledge of, PROHIBITED GOODWIN FROM PAYING.[4] The Judge was sua sponte obligated to give a Jury instruction on this but entirely failed to do so, in addition to ignoring many of her other sworn to duties, & obviously siding with the prosecution.

THIS PROSECUTION IS TRULY A THEATRE OF THE ABSURD

I beg this Court to scrutinize this & not allow the following.

> "Laws are spider webs through the big flies pass & the little ones get caught" (whether they should are not; emphasis added) Honore' de Balzac

> "Law & order are everywhere the law & order which protect the established heirarchy" Herbert Marcuse.

1) EXTRINSIC FRAUD is fraud that prevents a party from knowing about his rights or defenses or from having a fair opportunity of presenting them at trial, or from fully litigating at the trial all the rights or defenses that he was entitled to assert.
2) Evidence proves 15 material perjuries by the prosecutors in offers-of-proof. each of these is a felony. See HOLLOWAY V. ARKANSAS (1978) 98 S. Ct 1173-1174-1179.
3) The obligation to produce the BRADY evidence is self evident. The statements must also be produced, PC § 1054.1(f). BARNETT v. Spr. Ct. (2007) 54 CR3d 283, 295, 306.
4) WILLIAMS V. TAYLOR (2000) 529 U.S. 362, 392, 395.
5) Alphabetical exhibits cited in the AUGMENTQTION not included in the 1/6/14 filing.

POINTS & AUTHORITIES

We respectfully submit that exhibit L[1] here proves absolutely "Constitutionally intolerable" Judge bias. See law below.

Whatever the reason for the bias, incompetence and/or extreme misconduct, all illustrated in exhibit L, plus pages iv, 1, 6, 9, 9A, 10 & 23 thru 32, the Judge's rulings & positions taken were what enabled, facilitated, made possible the extreme prosecution EXTRINSIC FRAUDS ON THE COURT in this case, only a very few of which are demonstrated here.

Judge Schwartz appeared to any objective observer to be in collaberation with the prosecution, a "Prosecutor in Robes". As we know, law prohibits this. It no doubt appeared the same to the Jury. The law requires Judge Schwartz's disqualification & reversal of the verdict.

> "For Judicial disqualification, the probability of bias on the part of the Judge must be too high to be Constitutionally tolerable."
>
> People v. FREEMAN (2010) 47 Cal 4th 993, 996, citing, CAPERTON v. A.T. MASSEY (2009) 556 U.S. 868, 129 S. Ct. 2252, 2267.

Please read exhibit L[1] for the 24 areas that indicate bias. Even if the Court feels that only a few qualify, this case must fall.

1) Exhibit L from this pleading was reconfigured as the Points & Authorities heading the pleading that this is exhibit 4 to.

THE ENTIRE GOODWIN CASE WAS A HUGE EXTRINSIC FRAUD ON THE PEOPLE[1]

Judge Schwartz succinctly stated the reason for the prosecution.

> "This whole prosecution is premised on one thing & that is that the motive for the murders was because of the business dispute that existed, & the lengths to which Mr. Goodwin would go to avoid having to satisfy the judgment & basically paying up." 10 RT 4053:16 (emphasis added) Exh. B.

In short the case was "Goodwin killed Thompson to avoid paying him."

The Deputy District Attorneys (DDAs) often stressed this[2], e.g. @ 6 RT 2739:4-11 in their opening statement where they argued (& promised to present evidence proving this, but did not) that at the time of the murders Goodwin should have been finding cash to pay up.

BUT, THE DDAS & THE JUDGE HID THAT IT WOULD HAVE BEEN A FEDERAL TITLE 18 § 152 BANKRUPTCY FRAUD FELONY FOR GOODWIN TO HAVE DONE THAT.

That is because Goodwin had been in Bankruptcy (BK) for 16 mos. prior to the murders, with a trustee solely in charge of paying the creditors including Thompson, 1 CT 213 & hornbook BK law. Only the trustee could submit a plan to the Court & get Court approval to use the $830,000 that Goodwin had put in trust, 11RT 4246:25, from which Thompson was to be paid. That is correct, Goodwin put in $830,000[3].

SO, GOODWIN WAS TRIED & CONVICTED FOR FAILING TO DO SOMETHING, PAY THOMPSON, THAT IT WAS ILLEGAL FOR HIM TO DO, THAT SOMEONE ELSE, THE BK TRUSTEE,WAS SOLELY OBLIGATED TO DO, & FAILED TO DO.

Thus the hundreds of pages of testimony & arguments stressing that Goodwin should have paid were all materially false testimonies.

> "Outright falsity in a particular answer need not be shown if the testimony, taken as a whole, intentionally gave the Jury a false impression."
> ALCORTA V. TEXAS (1957) 355 U.S. 28, 78 S. Ct. 103.

However, perhaps the worst prejudice was caused by our biased Judge.

> "A conviction obtained via a biased Judge cannot stand."
> MARSHALL V. JERICO (1980) 446 U.S. 238, , 100 S. Ct. 1610.
> People v. CARPENTER (1997) 15 Cal 4th 312, 353, & hornbook law.

1) The "footnotes" are at the bottom of the next page.

The evidence proves Judge Schwartz failed miserably/ignored her required "gatekeeping" duties to insure that the correct facts & law were put before the Jury. She even failed in Jury instructions.

> "There is a long established rule requiring sua sponte[4] Jury instructions on those principles closely & openly connected with the facts before the Court, &...necessary for the Jury's understanding of the case" (emphasis added)
> People v. ARANDA (2012) 55 Cal 4th 342, 355, 145 CR3d 855, 864.

Thus the Judge, on her own motion, was 100% obligated to give the required Jury instruction that the law was that Goodwin was not permitted to pay Thompson, in other words that he wasn't permitted under the law to do exactly what the DDAs constantly argued he should have been doing as their motive. They also accused Goodwin of 14 uncharged Bankruptcy crimes for not doing what they argued he should have. These were instrumental in the conviction, 8CT 2082.

But none of those crimes were true, many would have also been Federal BK frauds had he done them, & even had he done them it was a denial of due process to allege/argue uncharged crimes[5]

Had the Judge applied the correct law & given the required Jury instruction it would have been obvious there was NO CASE!

The law & facts at pages 24-32 prove the bias was palpable.

> "A Judge's job is to see that justice is done."
> People v. SANTANA (2000) 80 Cal App 4th 1194, 1206.

> "Upon the State courts', equally with the Courts' of the union, stands the obligation to guard & enforce every right secured by the Constitution." (Or, due process is denied)
> ROBB V. CONNOLLY (1884) 111 U.S. 624, 637, 4 S. Ct. 544.

Due process was repeatedly denied by both the Judge & prosecutors.[6&7]

1) I say "FRAUD ON THE PEOPLE" since A) the Court & the prosecutors represent them, B) THE PEOPLE will have to pay the millions in damages for the malfeasance.
2) E.g. see 23RT 8765:16, 6RT 2718:3, 2739:4, 2741:25, 3CT 741, all thru the case.
3) This was in the BK trustee's account which only he could access, & into which Goodwin had just put $345,000 just 3 months before the murders that he was not obligated to put in. D.A. expert Cordell committed perjury this wasn't done.
4) For any non-lawyers, this means the Judge must do this even with no request.
5) U.S. v. OLD CHIEF (1997) 538 U.S. 408, 423, McKINNEY v. REES 993 F2d 1378, 1384.
6) The DDAs violated People v. KIHOA 60 C2d 748, 752-3 by presenting a false case.
7) For more on the Judge's obligations she violated see pages 24 thru 32.

THE FAILURE TO ADMIT CRITICAL BANKRUPTCY LAW & EVIDENCE CAUSED MICHAEL GOODWIN'S WRONGFUL CONVICTION

Attorneys are obligated to know the law, WILLIAMS V. TAYLOR (2000) 529 U.S. 362, 392, 395. Trial Judge Schwartz was a trained attorney.

And, as per the law on the prior page, she was obligated to give the correct Jury instructions, which included that while he was in Bankruptcy (BK) it was illegal for Goodwin to pay the Thompson debt directly. Even Thompson's own attorney, hostile witness & D.A. expert Dolores Cordell admitted this, 9 RT 3719-20 & 3739-43.

But, no-one explined to the Jury what this meant & the Deputy District Attorneys (DDAs) constantly argued that "Goodwin should have paid Thompson, but decided to kill him instead", e.g. 23RT 8765.

In fact, the de facto lead DDA, Alan Jackson, fraudulently set-the-stage for this, lying to the Judge in an offer-of-proof re: this at 3 CT 786:9, exh. A. This is a felony. See the law, next page.

> "A Bankruptcy that has nothing to do with these four walls". (meaning the Courtroom & the instant proceedings)

Since the prosecution has an obligation to present an honest case, "Painting a true picture of the facts & law", or due process is denied, People v. KIHOA (1960) 53 Cal 2d 748, 752-753, citing key-stone case MOONEY V. HOLOHAN (1935) 294 U.S. 103, 112, this was an EXTRINSIC FRAUD ON THE COURT & THE PEOPLE, because the prosecution ostensibly represents the People. The DDAs conned "The People".

Further, as we saw on prior pages, the Judge is a solemn representative of the People/the Judicial system as well. So, this was:

> EXTRINSIC fraud is fraud that prevents a party from knowing about his or her rights or defenses or from having a fair opportunity of presenting them at trial, or from fully litigating at the trial all the rights or defenses that he was entitled to assert", BARRONS' LAW DICTIONARY, 6th Edition.

The lack of the correct Jury instruction & the massive amount of BRADY violations, 250+,& 311+ suppressed witness statements caused this.[1]

1) See exh. J for 100 absolute BRADY violations & 100 more probables, plus exh K for a list of 311+ suppressed witness statements for trial witnesses, with proof.

As we see below, it is undisputed that the Bankruptcy was the case & DDA Jackson lied to the Judge in this offer-of-proof.[1] This is felony perjury & alone mandates reversal of the conviction.

> "An attorney advising 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 law that requires reversal of the conviction for this perjury, since as we will prove herein, Jackson was aware of was perjury, is JACKSON V. BROWN (9th Cir 2008) 513 F3d 1057, 1075-1076.[3]

Also, because Judge Schwartz failed miserably in her required "gatekeeping" obligations to get all correct law & facts before the Jury, she fatally abused her discretion. This is yet another reason for reversal, we submit dismissal with prejudice, because of a related lie to Judge Schwartz by co-prosecutor Patrick Dixon, in another offer-of-proof, fooled this same Judge into denying our well founded Speedy Trial/Pre-Accusation delay due process motion.[2]

> "The Judge has a solemn duty to see that facts material to the charge are fairly presented."
> People v. FERGUSON (1971) 5 Cal 3d 525, 530
> People v. KIIHOA (sp) (1960) 53 Cal 2d 748, 753.

The law requiring the Judge to insure that correct law is used, and that correct/necessary Jury instructions are given is also strong:

> "...there is a long established rule requiring sua sponte instruction on those principles closely & openly connected with the facts before the Court, and...necessary for the Jury's understanding of the case."
> People v. ARANDA (2012) 55 Cal 4th 342, 354, 145 CR3d 855, 864.

What could be more necessary than understanding the law re: MOTIVE?

1) Also see our brief herein, filed with the L.A. Superior Court on 3 other lies in offers-of-proof by DDA Dixon to defeat our Speedy Trial due process motion. And we have a detailed brief on 15 total irrefutable DDA lies in offers-of-proof.
2) As we see in the 11/17 motion referenced in footnote #1, Judge Schwartz also grossly abused her discretion there by wrongly adopting the DDA's representations which had no supporting evidence , & conflicted with the evidence, in denying our Speedy Trial/Pre-Accusation delay due process motion. The Judge was wildly wrong.
3) The conviction is also reversible because of PC § 1473(b)(1), 30 C3d 408, 424.

This failure to correctly explain the motive & how it was controlled by Bankruptcy (BK) law brings us full circle to why these combinations of blatant DDA lies in offers-of-proof were so material & thus caused the wrongful conviction.

In defeating our Speedy Trial/Pre-Accusation delay due process motion (hereafter due process motion) DDA Dixon lied to the Judge that lead investigator Lillienfeld had 1) "Reinterviewed everyone" & 2) "Covered every piece of evidence," 24 RT 10511:26 onto 10512.

But Lillienfeld did not interview many witnesses, particularly THE VERY MOST MATERIAL MOTIVE WITNESS, Kirk Rense, the Bankruptcy Trustee's lawyer for the Mike Goodwin personal BK estate which handled over $2,000,000 that was intended to pay the Thompson debt.[1]

Rense knew more about the BK finances than anyone except Goodwin & often filed pleadings stating that Goodwin intended to, & was capable of paying all creditors including Thompson, via the Bankruptcy, as was the only way Goodwin could legally pay Thompson.

Examples of Rense stating, in filed pleadings, that Goodwin would pay are in documents #82 & 83 in the SA 86-06166-JR BK, pp. 2.

But again, Lillienfeld admitted he did not interview this crucial witness, Orange County preliminary heaing, page 226.

That is why DDA Dixon's lie to the Judge re: the due process motion that "Lillienfeld had reinterviewed everyone" is so material. Lillienfeld interviewing the very most material witness re: motive would have blown the D.A. case out of the water. See other enclosed.

When we also scrutinize "Lillienfeld covered all the evidence" the misconduct & EXTRINSIC FRAUD ON THE COURT becomes much worse. In the BK Goodwin had filed repeated payment plans assuring 100% payment, including to Thompson, with guarantees to insure full payment.

1) This $2,000,000+ is in addition to the $823,000 testified to at 11 RT 4246:25. Evidence conclusively proves D.A. expert Cordell engineered a theft of these funds, prohibiting Thompson & the other creditors from being paid 100% of their debt.

Now that we've established how critical the Bankruptcy facts & law related to how BK creditors had to be paid were, & how Judge Schwartz failed so materially in her "gatekeeping" obligations to get the facts in & to give the correct Jury instructions re: this critical & not-understood-to-the-layman-without-guidance law, we prove that Jackson knew he was lying to Judge Schwartz when he told her in his sworn to offer-of-proof that the Bankruptcy had nothing to do "with these four walls", (the Courtroom), 3 Ct 786:9, exhibit A.

1. Jackson plead that the motive was all about the Bankruptcy, 18 RT 6751, reversing his position 2 years earlier 180°, exhibit B.
2. At 4 RT V 24:1± Jackson outright represented to the Judge that the Bankruptcies were very relevant to the case, exhibit B.
3. 50 of the 56 District Attorney non-crime scene trial exhibits were Bankruptcy, or Bankruptcy time period/relevant related.
4. About 2/3 of the hundreds of pages of testimony by the four D.A. experts was about the Bankruptcy/Bankruptcy related issues.[1]

Sometimes, & on some issues this may be a bit confusing. That is because the prosecution suppressed so much exculpatory evidence that they ran rampant on the facts in their opening statement, closing argument, offers-of-proof & witness questions, & the defense, not having that necessary evidence, was hamstrung on cross-examination or otherwise "calling down" the prosecutors.

5. Except for the original judgment, there was not one financial allegation or issue that was explored that was not linked to the Bankruptcy by the DDAs and/or their witnesses, although many of the links were false & fabricated.

Because of no Jury instructions on Bankruptcy law we were unable to counter these false & misleading claims.

1) The Judge has a heightened "gatekeeping" obligation to insure correct evidence from experts, PC § 1044 & p. 25. But 90% of the expert testimony was irrelevant.

6. DDA Jackson used the term "Bankruptcy" or "Discharge of debt," exclusively a Bankruptcy term-of-art,18 times in just three pages of his opening statement, just 12 pages into it, 6 RT 2721-22-23. But, the BK trustee had to pay, not Goodwin.

7. More than a dozen of the DDAs' provably false opening statements & closing arguments, many which had no support on-the-record, & thus were Sixth Amendment violations, were Bankruptcy related.

Some of these were crucially material, e.g. re: payment.[1]

8. About 20 of the 24 legal actions we've been able to identify as being involved in the case, including those brought up at trial, were actually right in the Bankruptcy.

9. 85% of the initial official discovery was re: the Bankruptcy. Most of this can be proven to have been illegally seized from Goodwin's well marked as "Attorney-Client-Priviledged" home legal office that focused on the Bankruptcy & trying to recoop the $2,000,000 plus that prosecution expert Dolores Cordell had engineered the theft of with perjurys & other FRAUDS ON THE COURT.

These thefts are 100% conclusively provable by evidence.

10. The D.A. made 14 allegations of uncharged crimes re: Bankruptcy against Goodwin, each a due process violation, citations.

11. 75% of the 60+ perjuries that evidence proves were told by the 4 experts, testifying primarily on BK, were bankruptcy related.

12. 3 of the 4 D.A. experts held official Bankruptcy positions in the Goodwin Bankruptcies, one a lauded law professor at Duke Univ.

13. For 16 of the 22 months after the judgment until the murders I was in Bankruptcy with the Company and/or personally.

14. 90%+ of our assets intended to pay Thompson went through the BK.

15. The BKs were central in the search & wiretap warrant affadavits.

We've proven that the Bankruptcy/Bankruptcy Law was the motive case.

1) E.g. 6RT 2718, 2739, 2741, 23RT 8765 + expert testimony violating ALCORTA, supra.

In fact, BK law would have allowed us to prove that the only reason Thompson did not get paid WAS REPEATED MATERIAL BREAKING OF BANKRUPTCY LAW BY THREE OF THE FOUR D.A. TRIAL EXPERTS, INCLUDING FELONY FRAUDS & PERJURIES BY THOMPSON'S OWN ATTORNEYS, DOLORES CORDELL & PHILLIP BARTINETTI.

Cordell & her firm (Bartinetti was a partner) were appointed as SPECIAL COUNSEL TO THE BANKRUPTCY TRUSTEE* via material perjury on Cordell's application (Evidence we have in hand proves this. It is available to you).* (9 RT 3697)

Then, via material frauds & other perjuries, Cordell engineered a theft of over $2,000,000 in unecessary legal fees & costs from the Bankruptcy estate[1]. Evidence conclusively proves crimes by her.

This drained the BK estate of the funds that were prior to that available to pay all creditors including Thompson 100% of their debt. This is irrefutably provable with layers of conclusive evidence.

But again, we need & needed BK law to prove this.

21. However, the #1 issue proving the motive was bogus & the DDAs knew it was that IT WAS ILLEGAL FOR ME TO DO WHAT THE DDAs REPEATEDLY CALLED CRIMINAL CONDUCT FOR ME NOT DOING.

That is that the DDAs based their entire motive on, "Goodwin refused to pay Thompson, killing him instead." See page 1 here.

But it would have been a serious Federal Title 18 § 152 Bankruptcy Fraud for me to pay Thompson direct. Even Thompson's lawyer testified to this, 9 RT 3719-20/3739-43, tho she was hostile.

But, the Jury had no way of knowing this because there was no correct Jury instruction, which is the Judge's sua sponte duty[2], & the Appeal Court won't know it if I don't have access to BK law.

1) Yet Cordell was acknowledged by the D.A. financial expert as the "#1 source of case information to the D.A...she laid out the financial case," 19 RT 6939.
2) See People v. ARANDA (2012) 55 Cal 4th 342, 354, 145 Cal Rpt 3d 855, 864.

The critical prejudice analysis does not stop with the black & white determination that Bankruptcy law was critical to due process in this trial, & that only because of Bankruptcy Law not being applied was this wrongful conviction achieved.

The DDAs shrewdly & materially deceitfully, knowingly so, used the lack of the correct law being used to unlawfully "craft" a case to suit their purposes here, which were to FALSELY CONVICT & TO OBSTRUCT JUSTICE, not to achieve justice which is their sworn duty.

In doing that they committed repeated violations of Penal Code § 182 (1) thru (5), serious felonies that require prosecution of the DDAs & long prison terms.

Back to our allegation above at line 6, that the DDAs "crafted" the case to suit their purposes. The law, cited earlier herein, is that the DDAs are "charged with knowledge of all case information".[1]

Given that they must also follow the following law requiring that they present the true facts to fulfill the due process obligation:

> "Such a denial of due process would likewise exist where the prosecution was allowed to control the proceedings[3] in a manner which would prevent the accused from presenting material evidence." and,
>
> "The prosecution is not required to call any particular witness, nor to put on all the evidence relating to a charge <u>as long as all material evidence bearing thereon is fairly presented in such a manner as to accord the defendant a fair trial</u>." (emphasis added)
>
> People v. KIIHOA (1960) 53 Cal 2d 748, 752, 3 CR 4, hns 4-8.

Here the prosecution grossly "controled" the proceedings via:

1) Keeping out BK law via DDA Alan Jackson's lie at 3 CT 786:9[2]. &

2) Refusing to interview or put on the most important case witness, BK trustee's attorney Kirk Rense, see exhibit C here.

3) Failing to produce the BK files of which they had possession.

1) In re BROWN (1998) 17 Cal 4th 873, 879, KYLES v. WHITLEY (1995) 514 US 419, 437.
2) Evidence proves this also misled our trial lawyer not to prep on the Bankruptcy.
3) This was Judge Schwartz's obligation per Penal Code § 1044. See page 23 herein.

For the Court to better understand the enormous extent of the Deputy District Attorney (DDA) misleading of the Judge & Jury here, essentially repeatedly misstating the law, we explain the following.

The DDAs variously argued that A) Goodwin should have used the funds from certain assets, e.g. about $2,500,000 from JGA/ Whitehawk & desert Investors, to pay Thompson direct, & alternatively, B) that those assets belonged to the Bankruptcy estate, & thus that Goodwin & his wife were malfeasant when they accepted cash from the assets. The DDAs actually alleged 14 uncharged, & untrue Bankruptcy criminal frauds vs. Goodwin for his wife receiving that money from assets that correct law & facts would've proven were her separate assets.

THE PROSECUTORS CAN'T HAVE IT BOTH WAYS.

Those two arguments, alleged sets of facts, are mutually exclusive, 180° contradictory. They can't both be true.

Prosecutors are prohibited from arguing different, contradictory postions when describing facts, in re SAKARIAS (2005) 35 C4th 140, 158-162.

> "Because it undermines the reliability of convictions or sentences, prosecutors' use of inconsistent or irreconcible theories has also been criticized as inconsistent with the principles of public prosecution & the integrity of the criminal trial system. A criminal prosecutor's function is not merely to prosecute crimes, but also to make certain that the truth is honored to the fullest extent possible during the course of the criminal prosecution & trial." 25 Cal Rptr 3d 265, 278-283, specifically 281.

This is another specific situation where Judge Schwartz failed miserably in her sua sponte obligation to introduce the correct law via correct Jury instructions. Bankruptcy law in instructions would have quickly shown that neither of the assets cited either 1) Were liable to pay the Thompson debt, or B) belonged in the Bankruptcies.

Suppression of evidence we can prove the D.A. has, to prove exculpatory facts on these assets, JGA/Whitehawk & Desert Investors, severly exacerbated the fraud. The DDAs defrauded on the law & facts.

Lead investigator Lillienfeld testified to reading the Bankruptcy files (that proved the D.A. motive case was totally baseless) at least twice, once at O.C. prelim pages 225-226-227 & 232 on 4/15/02, & again at 20 RT 7578 when he testified to reading the Thompson attorney files. The DDAs are thus charged with knowledge.[1]

The Thompson attorneys were appointed as SPECIAL COUNSEL TO THE BANKRUPTCY TRUSTEE, 9 RT 3697, & as such had copies of all the Bankruptcy (BK) papers that were filed, & many that weren't filed.

The D.A. also had possession of all of these BK documents that included hundreds of pages of materially exculpatory documents COMPLETELY EVISCERATING THEIR MOTIVE CASE; THAT WAS THE CASE, from four locations. The first two of these were the BK files in the BK Court & the Thompson attorney files, both of which Lillienfeld testified to reading. Thus the D.A. had "constructive possession" & must produce the BRADY documents therefrom, also the JENCKS documents.[3]

The other two locations that the D.A. had actual possession of these exculpatory BK documents from, that apparently cannot now be obtained elsewhere due to the passage of time,[2] a Pre-Accusation Delay, due process denial, are as follows. The U.S. Attorney "assisted in the investigation," 3 CT 736:22, 780:24. The Bankruptcy Division is a part of the Justice Dept., as is the U.S. Attorney.

Thus the Justice Dept. was a part of "The prosecution team" & as such the D.A. is charged with both knowledge of & the obligation to produce all exculpatory records THEY HAD, KNEW ABOUT, OR EVEN SHOULD HAVE KNOWN ABOUT. See KYLES v. WHITLEY (1995) 514 U.S. 419, 437+, in re: BROWN (1998) 17 Cal 4th 873, 879 & other BRADY cases.[1]

1) In re: STEEL (2004) 32 Cal 4th 682, 696-697, BARNETT v. Spr. Ct. (2010) 50 Cal 4th 890, 902, ODLE v. CALDERON (ND Cal. 1999) 65 FS 2d 1065, 1070-1072.
2) Based on various trial testimony, e.g. 9 RT 3749, 1 CT 226, & the presumption that govt. officials perform as they should, evidence code 664, also 1 CT 187.
3) And, also all documents that experts Cordell & Bartinetti relied on for opinions.

This case is a classic, textbook case of denial of due process caused by extreme intentional prosecutorial misconduct[1]. Our body of law in the United States Supreme Court prohibiting a conviction obtained in this way goes back over 110 years, some even longer.

> "The requirement for due process, to safeguard the liberty of citizens against deprivation through the action of the State, embodies the fundamental ~~conceptions of Justice which lie at~~ the base of our civil & political institutions. HERBERT v. LOUISIANA (1926) 272 U.S. 312, 316-317, 47 S. Ct. 103. It is a requirement that cannot be deemed to be satisfied by mere notice & hearing if a State has contrived a conviction through the pretense of a trial which in truth is but used as a means of depriving a defendant of liberty through a deliberate deception of Court & Jury by the presentation of testimony known to be perjured.
>
> Such a contrivance by a State to procure the conviction & imprisonment of a defendant is as inconsistent with the rudimentary demands of Justice as is the obtaining of a like result by intimidation. And, the action of prosecuting officers on behalf of the State, like that of administrative [294 U.S. 113] officers in the execution of its laws, may constitute State action within the purview of the 14th Amendment. That Amendment covers any action of a State, whether through its legislature, through its Courts (emphasis added) or through its executive or administrative officers."
>
> CARTER V. TEXAS (1900) 177 U.S. 442, 447, 20 S. Ct. 687, 689. ROGER V. ALABAMA (1904) 192 U.S. 226, 231, 24 S. Ct. 254, cited in MOONEY V. HOLOHAN (1935) 294 U.S. 103, 112-113, 55 S. Ct. 340.

> "We have no doubt that negligence of representatives of the State in preparing & presenting a criminal prosecution could in some cases result in denial of a fair trial" (due process)
>
> In re IMBLER (1963) 60 Cal 2d 554, 567, 35 Cal Rptr 293, 300 hn 12.

> "The 5th Amendment provides that no person shall be deprived of liberty without 'due process of law.' Under this Constitutional guarantee (emphasis added), while a defendant is not entitled to a perfect trial, he is entitled to a fair one. ESTES V. TEXAS (1965) 381 U.S. 532, . In gauging the fairness of a trial, 'few rights are more fundamental than that of an accused to present witnesses in his own defense.' CHAMBERS V. MISSISSIPPI (1973) 410 U.S. 284, 302. "Thus the right to present evidence has long been recognized as essential to due process," id at 294.

The denial of due process in this prosecution was stunning, exceeding the bar established by ROCHIN v. Calif. (1952) 342 U.S. 165, The culpable, criminal prosecutors/investigator must be held to answer.

1) Facilitated by palpable Judicial misconduct or at the least, error.

The 4th place the D.A. had the BK files was that they were seized from my home legal office when I was arrested. The O.C.D.A., a "part of the prosecution team" (they initially charged me, & the date on which they charged me is being used as my official "charging date" for the Pre-Accusation delay due process analysis & elsewhere), admitted at the 9/27/02 hearing in O.C. that they had seized about 400,000 pages of documents from my home when I was arrested, page 33.

I swear per the enclosed declaration attesting to the veracity of all my allegations herein that those hundreds of thousands of pages of seized documents contained the majority of the Bankruptcy files, specifically including hundreds of pages of materially exculpatory documents that would have destroyed the government motive case, had they been available to me. They were not available.

The D.A. returned most, but not all of those documents to us,[1] but in a terribly scrambled & out-of-their-original-order form, impossible to unravel while I was in prison & did not have access to the over 100 boxes of evidence.[1]

When the government makes exculpatory evidence unavailable to the defendant, that constitutes a BRADY violation, People v. RUTHFORD (1975) 14 Cal 3d 399, 406-407.[1] We have photographs of the utter destruction of the evidence & can also provide a 3rd party declaration[2] as to the precise organization of the evidence before the D.A. seized it. The evidence destruction was intentional/complete.

The O.C.D.A. turned these files over to the L.A.D.A. Prosecutor Alan Jackson admitted to reading at least the tens of thousands of pages taken out of these files & put into discovery. He was never asked if he read the other, although the O.C.D.A. said investigators did.

1) "118 boxes taken," bp 025164, "114 returned," bp 032236. Also the prison refuses to allow this evidence to be sent in to me, written evidence available.
2) Most probably more than one, including to the later destruction.

Again, & per the attached declaration I swear to this, these completely suppressed Bankruptcy files that the DDAs had access to & notice about the information therein[1], from four "sources", including two of which their lead investigator testified under oath to reading, totally destroy the D.A. case, in fact prove that it was an EXTRINSIC FRAUD ON THE COURT, false & fabricated, intentionally, with no possible basis in fact, or in law.

NORTHERN MARIANA ISLANDS V. BOWIE (9th Cir 2001) 243 F3d 1109, 1114 obligates the prosecutors to absolutely check out any apparent descrepancies between the case & allegations they intend to present, & the facts in evidence accumulated in the case, all of which they are charged with knowledge of, not just evidence, but information.[1]

But, rather than perform their duty, their sworn obligations, these DDAs hid/suppressed that evidence to allow them to run rampant on the defendant's due process rights, including fabricating the nonexistant motive, & presenting over 60 (sixty) provable material perjuries re: the Bankruptcies & allegations related to the Bankruptcies by their four experts. We have those perjuries briefed.

The evidence/information in the BK files & records that the D.A had & suppressed also put them on notice that the very most material witness re: the motive, which again was the case[2], was Bankruptcy trustee's attorney Kirk Rense who 1) was responsible for administering over $2,500,000 Goodwin intended to be used to pay Thompson & other creditors 100% with $1,000,000 to spare[3], & 2) was responsible for hiring expert Cordell as SPECIAL COUNSEL TO THE BK TRUSTEE. She was "The #1 source of case information to the D.A.", 19 RT 6939.

1) See in re: BROWN (1998) 17 Cal 4th 873, 879. BARNETT, supra, 50 C 4th 890, 902.
2) See the Judge's ruling on this, 1st page, & 10 RT 4053, 18 RT 6751, exhibit B.
3) Evidence proves, including reports from an independant Court appointed CPA, that expert & Thompson lawyer Cordell engineered a theft/looting of 90% of these funds via material, massive perjuries & other FRAUDS ON THE BK COURT.

On the same page of testimony, ex-D.A. employee & CPA forensic financial expert Karen Kingdon also attested that Cordell had "laid out the financial case," 19 RT 6939.[1] But, the suppressed Bankruptcy (BK) files will allow us to prove 35 material, irrefutable perjuries by Cordell, primarily related to the motive & the Bankruptcy, (BK).

Rense had copies of all Cordell's records that she filed, as well as many of those that didn't get filed & thus would not have been available in the BK Court files. These are thus JENCKS violations.

There is ABSOLUTELY NO POSSIBLE WAY that Lillienfeld read the BK files, as he testified to doing twice, without being on full scale alert that he had to interview Kirk Rense. But he admitted that he didn't do so, O.C. prelim page 226.

And, the DDAs, who yet again, the law repeatedly "charges with knowledge of all information accumulated in the case investigation," also knew that Rense had to be interviewed for them to fairly understand the case & present the true & full facts & law.

Recognize that attorneys, & certainly prosecutors representing the government, who have people's lives in their hands, are obligated to know the law well, WILLIAMS V. TAYLOR (2000) 529 U.S. 362, 392, 395.[2]

And, Rense would have told prosecutors/investigators immediately that it would have been a Federal Bankruptcy Fraud for me to pay the Thompson debt direct. Expert & hostile witness, Thompson attorney Cordell even testified to this, 9 RT 3719-20 & 3739-3743.

Prosecutors are obligated to put on a true & complete case or it is a denial of due process:

> "The prosecution is not required to call any particular witness, nor to put on all the evidence relating to a charge as long as all material evidence bearing thereon is fairly presented in such as manner as to accord the defendant a fair trial."
> People v. KIHOA (1960) 748, 752, 3 Cal Rptr 1, headnotes 4-8.

1) Also see bp 032369 for similar. 2) As are Judges who are also lawyers.

KIIHOA also rules at 752, citing keystone case, MOONEY V. HOLOHAN (1935) 294 U.S. 103, , 55 S. Ct. 340, that:

> "Due process in some circumstances may be denied by the failure of the prosecution to call certain witnesses."

That was exhibited here, along with bias to falsely convict, by the prosecution calling hostile witness, Bankruptcy trustee for the Goodwin company Jeffrey Coyne, but not either Kirk Rense or Robert Mosier, the trustee for the Goodwin personal Bankruptcy which had the primary responsibility for paying the Thompson debt. They also had & administered over $2,000,000 cash from Goodwin & his wife to do that, pay Thompson & all creditors 100% with about $1,000,000 to spare. But, provably, D.A. expert Cordell led a looting of the funds.

Rense confirmed in filed pleadings that Goodwin both intended to & had the ability to pay Thompson 100%, documents #82 & 83 in the SA-86-06166-JR Bankruptcy. These documents are suppressed.

BUT THE TRUSTEE, NOT GOODWIN, HAD TO EFFECT THAT PAYMENT.

Notwithstanding all of the blatant & repeated notices that prosecutors & investigators had of the critical nature of the Bankruptcy to the motive allegations, & Rense's nexus, indipensible role in this, they didn't interview Rense or seize his Bankruptcy files.

This is an obvious denial of due process.

> "We have no doubt that negligence of representatives of the State in preparing & presenting a criminal prosecution could in some cases result in denial of a fair trial."
> In re: IMBLER (1963) 60 Cal 2d 554, 567, 35 Cal Rptr 293, 300.

Which again conclusively proves why DDA Patrick Dixon's lie to Judge Schwartz in his offer of proof at 24 RT 10511:28+ that Det. Lillienfeld had 1) Re-interviewed all the witnesses[1], & 2) Covered all the evidence[2] was so outrageously false & prejudicial.

1) Evidence proves Lillienfeld didn't interview 52 of the witnesses on the D.A. trial witness lists and/or those who testified at trial, + about 90 others.

2) Lillienfeld's failure to "cover" evidence, unless he hoped it would implicate Goodwin was legion. See pp 13+ for admissions to this in the 2nd AMENDED COMP.

Lillienfeld's failure to interview 52 of the trial witnesses, 40% of the witnesses on the D.A. trial list and/or witnesses who testified at trial, including failing to interview Rense, proves a COMPLETE FAILURE TO CORRECTLY PREPARE & PRESENT THE CASE, violating in re IMBLER, supra.

The fact that Lillienfeld (nor other investigators) "Covered all the evidence", particularly the extremely exculpatory bankruptcy evidence, underscores the violation of IMBLER, a denial of due process.

In addition, the prosecution's gross & utter failure to present the correct picture of the case, & the law that put it all in perspective, THAT THE BANKRUPTCY TRUSTEE HAD TO PAY THOMPSON, NOT GOODWIN, also violates KIIHOA, supra, citing keystone U.S. Supreme Court case, MOONEY V. HOLOHAN, also supra, further stressing the denial of due process.

Perhaps most outrageously, the prosecution "got away with" this stunning EXTRINSIC FRAUD ON THE COURT by suppressing the Bankruptcy files that they had from four sources, two of which their lead investigator Lillienfeld testified to reading, & another of which, my home legal files that including the BK files, that the DDA agreed his investigators read, 9/27/02 hearing, page 33.

This suppression allowed them to present the 60+ material perjuries on Bankruptcy matters by the four D.A. experts[1], 3 of the 4 who held official Bankruptcy Court appointed position in the Goodwin Bankruptcies. They testified primarily about issues in the BKs, but meaningful cross-examination was impossible because the D.A. had suppressed the hundreds of materially exculpatory documents in the Bankruptcy files. Many are listed in the 330 p. inventory we have.

See the next page for law on the crucial need for cross-exam.

1) All of this misleading BK testimony violated ALCORTA V. TEXAS 355 U.S. 28 (1957).

Pertinent law on the critical need for complete cross examination.

"Cross examination is the greatest legal engine ever invented for the discovery of truth"
CALIFORNIA V. GREEN (1970) 399 U.S. 149, 158, quoting Dean Wigmore, 5 WIGMORE, Evidence § 1367.

"There is never a cause contested, the result of which is not mainly dependant upon the skill with which the advocate conducts his cross-examination"
THE ADVOCATE IN REED, CONDUCT OF LAWSUITS 277 (1912, 2nd Ed.)

"Denial of the right to cross examination[1] is constitutional error of the first magnitude"
SMITH V. ILLINOIS (1968) 309 U.S. 129, 131, 88 S. Ct. 748.

"Cross examination is the principal means by which the believability of a witness & the truth of his testimony can be tested."
DAVIS V. ALASKA (1974) 415 U.S. 308, 316, 94 S.C. 1105, 1110.

"In DAVIS V. ALASKA 415 U.S. 308, 316, 94 S. Ct. 1105 (1974) the Supreme Court held that the 'Right of effective cross examination was Constitutional error of the first magnitude, requiring automatic reversal', id. @ 318, 94 S. Ct. @ 1111 (emphasis added by 9th Circuit, & Goodwin) (quoting BROOKHEART V. JANIS 384 U.S. 1, 3, 86 S. Ct.) 1245, 1246.
BAGLEY V. LUMPKIN (9th Cir. 1983) 719 F.2d 1462, 1464, later to become keystone case U.S. V. BAGLEY (1985) 473 U.S. 667, 105 S. Ct. 3375.

"Harmless error doctrine inapplicable where the case involved 'deprivation of the right to a full & robust cross-exam of a paid government paid informant."
U.S. V. URAMOTO (9th Cir. 1980) 638 F.2d 84, 87.

"Failure to disclose evidence useful in cross-examination[2] causes that element of the charge to be dismissed."
IN RE: STANTON (1987) 193 Cal App 3d 265, , 239 CR 238.

Much of the suppressed evidence here[2] would have "flipped" key D.A. witnesses to be defense witnesses. Thus this law applies:

"Few rights are more fundamental than that of an accused to present evidence in his own defense."
CHAMBERS V. MISSISSIPPI (1973) 410 U.S. 284, 302. Similar in PENNSYLVANIA V. RITCHIE (1987) 480 U.S. 39, 56. note 13.

Evidence proves the cross-exam deprivation here was Constitutional error.

1) For example, the Judge prohibited legit cross exam on a witness that she later cited to deny the well founded Speedy Trial motion, & also prohibited critical cross exam that would have proven that Goodwin did not flee. But then the Judge used a fled Jury instruction.
2) Evidence proves 250+ BRADY violations & 311+ suppressed witness stmnts.

The Court should be made aware of the almost beyond comprehension immensity of the prosecution's EXTRINSIC FRAUD ON THE COURT in this case. See for example exhibit D, the draft cover to petitioner's habeas corpus petition currently being prepared, with a four page summary of the D.A. errors, crimes & malfeasance following it.

Just the official, filed Bankruptcy records that are potentially relevant in this case total about or over 1000 documents, including at least 10,000 pages, probably 15,000+ pages.

Within just those will be at least 100 documents that include materially exculpatory documents that qualify as BRADY violations (petitioner is very aware of the precise "rules/qualifications" that must be fulfilled for a document to be a BRADY violation). Petitioner reliably estimates that there will be over 500 pages that include BRADY violations, being exculpatory or of impeachment value.

And, that is just within the official filed Bankruptcy papers.

In addition, petitioner has a precise 330+ page inventory of an additional 3000 documents that investigators/prosecutors seized from various locations such as petitioner's home legal office that was well marked as Attorney-Client-Priviledged, Confidential.

All of these are also suppressed.

Petitioner has gone through this precise, well explained list done by an attorney & identified over 250 BRADY violations.[1]

THAT IS CORRECT. THE 250+ BRADY VIOLATIONS THAT PETITIONER OFTEN CITES IS EXTREMELY CONSERVATIVE. BECAUSE HE HAS NO ACCESS TO AN INVENTORY OF BANKRUPTCY DOCUMENTS,HE HAS NOT YET IDENTIFIED THE ADDITIONAL BRADY VIOLATIONS IN THE 1000 BANKRUPTCY DOCUMENTS.

This entire prosecution was a complex, multi-layered EXTRINSIC FRAUD ON THE COURT for which the prosecutors must be investigated.

1) See exhibit J for a list of 100 BRADY vios & K suppressed WIT statements. PC § 1054.1(f) & BARNETT V. Spr. Ct. (2007) 54 CR3d 283, 295, 306 requires production.

Had the Jury either seen the suppressed BRADY evidence, or petitioner feels, just been aware of the immensity of it, no conviction would have occured. But the Jury wasn't made aware of it.

Just the argument re: Evidence Codes § 412 & 413,citing that "the party that has access to evidence but fails to introduce it should tend to be distrusted on their representations"[2](accurately paraphrased) would have introduced reasonable doubt.

See cases such as SEIGEL V. AMERICAN HONDA (1st Cir. 1990) 921 F2d 15, 17, In re; MICHAEL L. 39 Cal 3d 81, 101-104, People v. RUTHERFORD (1975) 14 Cal 3d 399, , People v. NATION (1980) 26 Cal 3d 164, 176, SAWDEN V. UNIROYAL (8th Cir 1995) 47 F3d 277, & particularly keystone case, in re; HITCH ( ) 12 Cal 3d 641, 649

A juxtiposition of in re MICHAEL L. @ 101-104 & HITCH is extremely instructive, & proves that the general understanding that TROMBETTA gutted HITCH is completely incorrect on a very narrow issue applicable here. Please, I beg the Court to read the MICHAEL L. cite.

In short, the widespread suppression of the most important/ material evidence to "Paint a true picture of the case" & give the Jury an opportunity to fairly understand the issues they needed to decide upon destroyed any chance of a fair trial & guaranteed a denial of due process. This is a provable wrongful conviction.

Because the evidence proves that the DDAs knew they lied in these offers of proof, one here by DDA Jackson, several in the FIRST AMENDED COMPLAINT, (not the augmentation to that, here, but the accompanying filing) by DDA Dixon, they must be investigated for criminal felony perjury[1]. The investigation will also verify Penal Code § 182 felony perjuries to CONSPIRE TO FALSELY CONVICT & OBSTRUCT JUSTICE, subsections (1) thru (5) plus Federal Title 18 §§ 1341/1346.

1) See page 4 here, top, plus HOLLOWAY V. ARKANSAS (1978) 98 S. Ct. 1173-1174-1179.
2) Or "The evidence should be presumed to be bad for their case."

Illustrating how obvious it was to the prosecutors that they were grossly violating the law & denying petitioner due process by A) suppressing the Bankruptcy evidence, & then B) presenting/arguing a case that i) was 180° from, & mutually exclusive with reality, plus ii) hid the controlling law, is exhibit E.

Exhibit E is page 115* from our 330+ page official, attorney prepared (declaration available, but he is very concerned about retribution/being threatened, as defense witnesses have been) inventory of the estimated 3000 suppressed documents in the D.A. possession. *(Also page 114.)

Just this one page has at least four, & we believe when we finally see them, five materially exculpatory documents, SUPPRESSED!

What makes this page particularly telling is that there are at least six documents off of this page that the DDAs took out & used as trial exhibits. Those are between items #1261 & 1270 & they were used as D.A. trial exhibits between #s 90 & 97!

To demonstrate the extreme materiality of the other documents on this page, none of which were produced in discovery, I will focus on the 1st three documents, items #1256-1257-1258, a total of $1,022,000 in checks from the JGA/Whitehawk asset to Goodwin Bankruptcy trustee Robert Mosier (who Lillienfeld nor the prosecutors interviewed either, in addition to his attorney Kirk Rense). The other check to total the $1,022,000 is on the prior page, included.

The materiality of these checks is this. DDA Jackson argued that the JGA/Whitehawk asset was illegally sold by petitioner in May, 1988, 6 RT 2740, 23 RT 8783, including in the opening & close.

Plus Jackson lied in another offer of proof at 3 CT 741:13 that "Goodwin liquidated his assets." These checks to the Bankruptcy prove:

1) Thus the DDAS saw these exculpatory documents & knowingly suppressed.

I. Prosecutor Jackson was lying to the Judge & Jury about a material issue that accused Goodwin, petitioner, of an uncharged felony. This is a denial of due process even if it were true, which suppressed evidence proves it was not. See e.g. OLD CHIEF V. U.S. (1997) 519 U.S. 408, 423, 123 S. Ct. 1513.

Because Jackson falsely attested to the Judge at 3 CT 741, the conviction must be reversed under Penal Code 1473 (b) (1), see in re: HALL (1981) 30 Cal.3d 408, 424, 179 Cal Rptr 223.

II. Jackson knew he was lying when he made his offer of proof to the Judge at 3 CT 741. This is felony perjury.[1] Because Jackson knew he was lying, the conviction must be reversed under JACKSON V. BROWN (9th Cir 2008) 513 F3d 1057, 1075-1076:

> "If it can be established that any member of the prosecution knew that false testimony was being presented, reversal is virtually automatic" Also in re IMBLER 60 Cal 3d 554, 566.

Appropriately combining a ruling at page 1075 with one at 1076.

III. Perhaps most importantly, the $1,022,000 in JGA/Whitehawk funds to the bankruptcy from Goodwin's wife's legitimately separate property, prove Goodwin's intent & ability to pay Thompson as the cash became available. There was actually $2,000,000+ in JGA/Whitehawk funds that went to the Bankruptcies. We have not seen the other check copies, only the accountings.

These prosecutors are proven to have committed many felony crimes to achieve this wrongful conviction. As detailed in the Motion, pages i thru iv, this Court has full jurisdiction to pursue justice here under your Supervisiory Powers, & also for the extreme EXTRINSIC FRAUD ON THE COURT. See exhibit D for more misconduct.

The appearance of Judicial propriety & transparency must be maintained. Only via the requested investigation is that accomplished.

1) See page 4 top for law, HOLLOWAY V. ARKANSAS (1978) 98 S. Ct. 1173-1174-1179.

It cannot be disputed that these two highly respected/highly[1] placed prosecutors were outrageously dishonest in their unbridled quest to achieve this wrongful conviction, including committing many felony crimes & violating even the ROCHIN DOCTRINE (1952) 342 U.S. 165 from many obvious & irremediable perspectives.

However, it is petitioner's experience from this & two related prosecutions attempting to wrongfully convict me on anything, that many if not most prosecutors will be as dishonest as the Judge allows them to be. Penal Code § 1044 defines a Judge's obligations.

> "CONTROL OF PROCEEDINGS BY JUDGE; It shall be the duty of the Judge to control all proceedings during the trial, & to limit the introduction of evidence & the argument of counsel to relevant & material matters, with a view to the expeditious & effective ascertainment of the truths regarding the matters involced."
>
> "Upon the State Courts', equally with the Courts of the Union, rests the obligation to guard & enforce every right secured by the Constitution."
> ROBB V. CONNOLLY (1884) 111 U.S. 624, 637, 4 S. Ct. 544
>
> "The Judge has a solem duty to see the facts material to the case are fairly presented."
> People v. FERGUSON (1971) 5 Cal 3d 525, 530
> People v. KIIHOA (1960) 53 Cal 2d 748, 753. (Also see exh. G)

A crucial part of the Judge's "charge" is to insure that the Jury is correctly instructed on applicable law. Without this, bedlam reigns.

> "There is a long established rule requiring sua sponte instruction on those principles closely & openly connected with the facts before the Court, and...necessary for the Jury's understanding of the case."
> People v. ARANDA (2012) 55 Cal 4th 342, 354, 145 CR 3d 855, 864.
> Citing People v. ST. MARTIN (1970) 1 Cal 3d 524, 531, 83 CR 166.
> Also see People v. ALEXANDER (2010) 49 Cal 4th 846, 920-921 &
> People v. NAJERA (2006) 135 Cal APP 4th 1125, 37 CR 3d 844, 848.

Yet for the very most critical aspect of the case, the very key core of the case, the nexus, the motive that the Judge elucidated her understanding of[2] (see page 1) the Judge failed to give any Jury instruction re: how Bankruptcy law worked, & that it would have been a Federal crime for me to pay like the DDAs argued.

1) DDA Jackson was the 2012 runner-up for the L.A.D.A. top position, & Dixon was head of major crimes for the L.A.D.A. at the time of my trial. 2) To P & As.

THE LAW IS ABSOLUTE THAT MY CONVICTION MUST BE REVERSED BECAUSE OF JUDGE SCHWARTZ' BIAS, INCOMPETENCE AND/OR EXTREME MISCONDUCT

See People v. FREEMAN (2010) 47 Cal 4th 993, 996, headnote 1-2.

A lawyer is required to know the law, WILLIAMS V. TAYLOR (2000) 529 U.S. 362, 392, 395. A Judge is a lawyer, ostensibly one of the best; that is why he or she was appointed as a Judge. And,

"A Judge's job is to see that justice is done."
People v. SANTANA (2000) 80 Cal App 4th 1194, 1206, 96 CR3d 158.

More law on the Judge's obligations later herein, but includes:

"A conviction by a biased Judge cannot stand," &
"The right to a fair trial includes the right to an unbiased Judge or due process is denied." (accurately paraphrased)
MARSHALL V. JERKO INC. (1980) 446 U.S. 238, , 100 S. Ct. 1610
In re MURCHISON (1955) 349 U.S. 133, 136.

The nexus of the trial of Michael Goodwin for the murders of Mickey & Trudy Thompson was THE LAW controlling/dictating how he could pay a judgment debt to Thompson while he was in Bankruptcy, & had been for 16 months prior to the murders.

The law is absolute that Goodwin was prohibited from paying Thompson direct[1], that Thompson had to be paid from the assets that Goodwin had placed in the Bankruptcy (BK) and/or pledged to the BK, BY THE BANKRUPTCY TRUSTEES THAT THE THOMPSON LAWYERS HAD CAUSED TO BE INSTALLED IN THE GOODWIN & GOODWIN COMPANY BANKRUPTCIES.

Yet the often repeated motive for the murders, including as recapitulated by the Judge at least twice (10 RT 4053 & 18 RT 6751)[2], "Goodwin refused to pay Thompson, killing him instead,"[3] paraphrased.

The Jury was repeatedly led to believe this was the motive for the murders since Judge Schwartz gave NO Jury instruction on the law.

"There is a long established rule requiring sua sponte instruction on those principles closely & openly connected with the facts before the Court, &...necessary for the Jury's understanding of the case."
People v. ARANDA (2012) 55 Cal 4th 342, 354, 145 CR3d 855, 864,
People v. VALDEZ (2004) 32 Cal 4th 73, , 8 Cal Rptr 3d 271, 309.

1) 1 CT 213 by the BK trustee, &..9RT 3719+ & 3739+ but not explained to the Jury. 2) See exhibit 1 the instant pleading. 3) Even though motive is not arequired element to convict, here it was the case, was provably false & very prejudicial.

Because all of the hundreds of pages of prosecution "expert" testimony incorrectly stated & implied that Goodwin should have paid Thompson directly while he was in Bankruptcy, the testimony grossly violated United States Supreme Court law as a whole, in addition to the 60+ material perjuries that evidence proves the experts directly told. YES, THAT IS CORRECT, SIXTY PLUS, PROVABLE.[1]

> "Outright falsity in testimony need not be proven (to establish it as false testimony or perjury requiring reversal of the conviction) if the testimony as a whole gave the Jury a false or misleading impression." ALCORTA V. TEXAS (1957) 355 U.S. 28, 31, 78 S. Ct. 103.

Clearly, THE JUDGE DID IT TO GOODWIN, 1-2-3, by:

1. Failing in her obligation to give the required Jury instruction that the law was that Goodwin wasn't permitted to pay Thompson.
2. Allowing four alleged "experts" to testify that she obviously didn't correctly vet to verify if a) they knew their craft, (e.g. that the law prohibited Goodwin from paying), and also, B) that their testimony would not be based on the prohibited issues in the law on the prior page, e.g. "unsupported reasoning."
3. Permitting hundreds of pages of unlawful, irrelevant questions by the DDAs (Deputy District Attorneys) stating & implying that Goodwin should have paid Thompson, including 60+ provable felony perjuries without which Goodwin wouldn't be convicted.[1]

We have no way of knowing why Judge Schwartz threw this case, whether it was merely unlawful political influence, as the Court bailiff claimed that it was, whether a bribe was involved, or just that perhaps Judge Schwartz is grossly incompetent.

The key issue is that had Judge Schwartz done her job to instruct on the correct law, the Jury would have quickly seen there was no case here, no motive for the murder, as she stated at 10 RT 4053.[2]

1) Including 35 by the "#1 source of case information for the D.A." Thompson's lawyer & D.A. expert Dolores Cordell. 2) Also 18 RT 6751, also in exh. one.

The irremediable (unless there is a reversal) prejudice was a one-two-three punch denying due process BY JUDGE SCHWARTZ, next pg.

The Judge has a substantially "heightened" gatekeeping responsibility when it comes to the admission of expert testimony.

> "Judges have a substantial gatekeeping responsibility when it comes to expert testimony" [SARGON ENTERPRISES V. UNIV. OF SOUTHERN CALIF. (2012) 55 Cal 4th 747, , 149 Cal Rptr 3d 614,] "In particular, Courts are to insure that opinions are not speculative, based upon unconventional matters, or grounded in unsupported reasoning." (Emphasis added)
> DEPT OF TRANSPORTATION V. DRY CANYON ENT [illegible]CA 2d 2012) 211 Cal App 4th 486, 493, 149 Cal R[illegible] headnote 5-6.

There is much more law on th[illegible]dge's obligations re: expe[illegible]& also the obligation[illegible]ed in the law. [illegible]onspiracy.

The[illegible]to insures[illegible]

Here [illegible]m four alleged D[illegible]) obligation to pay Tho[illegible](alleged) refusal to do so, as the [illegible](Evidence proves wanted to pay).

But again, [illegible] absolute that Goodwin was prohibited from paying Thompson, that only the Bankruptcy trustees could A) prepare & present a plan to the Court, B) get Court approval of the plan to pay, & C) actually write the checks on the over $830,000 that Goodwin had caused to be put into the trust account from which Thompson was to be paid his $794,000 debt, 11 RT 4246:25.

But, because of the ironclad law, all this testimony/questioning implying/stating that Goodwin should have paid Thompson, by these experts approved by Judge Schwartz was GROUNDED ON UNSUPPORTED REASONING, BASED ON UNCONVENTIONAL MATTERS, JUST PLAIN NOT RELEVANT.

The bias was palpable by Judge Schwartz. The extremely politically conservative ORANGE COUNTY REGISTER, normally a bastion of law enforcement support, apparently wrote during the trial:

> "The prosecution seems to get whatever they ask for while the defense appears to get virtually nothing they request" (Petitioner was told this by his counsel. He hasn't seen.)

Those familiar with the law, & candid enough to admit the obvious truths, recognize that many, too many, prosecutors are not honest, will get away with whatever the Judge allows them to do. That is the reason for the next law ruling below, & the overall "gatekeeping" obligations of the Judge to <u>INSURE JUSTICE IS DONE</u>.

> "In a criminal prosecution the trial Court has a duty to curb the propensities of attorneys to overstep the bounds of propriety & to make certain that members of the Jury are not led astray by improper statements by attorneys." People v. ESTRELLA (CA 2d 1953) 116 Cal App 2d 713, 718, hn 6-7.

What could be more obvious in leading the Jury astray than the prosecutors <u>& the Judge</u> stating repeatedly that "Goodwin should have paid Thompson, but decided to kill him instead" as the motive for the murders when it was a <u>FELONY CRIME</u> for Goodwin to pay him direct?

The <u>Judge is obligated to know, instruct the Jury on, & enforce the law being correctly argued in her Court room</u>.

BUT HERE JUDGE SCHWARTZ IGNORED ALL THESE OBLIGATIONS, & JOINED THE SUBTERFUGE TO MISLEAD THE JURY.

Again, what could have been more misleading to the Jury on the law than for the Judge to lead them to believe that they could believe the many statements/arguments of the prosecutors that "Goodwin should have paid Thompson", e.g. 6 RT 2718, 2739, 2741, 23 RT 8765 & in literally hundreds of pages of questioning of four alleged "Bankruptcy experts" including one who was an allegedly highly regarded Bankruptcy law professor at Duke University? But the correct law that Goodwin was prohibited from paying Thompson never came out.

1) These are but a few of the 70+ provably false DDA openings & closing arguments.

The FRAUD ON THE PEOPLE OF CALIFORNIA perpetrated by the State's official public servants, including Judge Schwartz, is so simple, it is hard to believe, inconceivable. To see how clear this was to Judge schwartz, here is her ruling at 10 RT 4053:16.

> "This whole prosecution is premised on one thing, & that is that the motive for the murders was because of the business dispute that existed & the lengths to which Mr. Goodwin would go to avoid having to satisfy the judgment & basically paying up," (emphasis added, attached)

So she knew the allegations, & she was obligated to know the law. Where does she adhere to the following, & similar law that is legion?

> "The object of a trial is to ascertain the facts & apply them to the appropriate rules of the law, in order that justice within the law shall be truly administered."
> People v. MENDEZ (1924) 193 Cal 39, 46, (emphasis added)
> "To this end the Court has a duty to see that justice is done, & to bring out facts relevant to the Jury's determination."

> "It is not merely the right but the duty of a trial Judge to see that the evidence is fully developed before the trier of fact."
> People v. ABEL (2012) 53 Cal App 4th 891, 917, 138 CR3d 547, 574.

What "facts" could be more important than for the Jury to learn that 1) the entire murder motive alleged by the DDAs was bogus, that Goodwin was prohibited by law from paying Thompson direct[1], & that, 2) the DDAs were repeatedly lying to them on this. The law goes on:

> "A Judge's function as presiding officer in a criminal case is preeminently to act impartially & he/she has a duty to see that each party (always of course within the law) has equal opportunity to advance his claims & to perfect his interests."
> COOPER V. SPR. CT. (1961) 55 Cal 2d 291, 301, 10 CR 842, 848.

> "The Judge has a solemn duty to see that the facts material to the case are fairly presented."
> People v. FERGUSON (1971) 5 Cal 3d 525, 530.
> People v. KIIHOA (1960) 53 Cal 2d 748, 753.

> "The work of a Judge is in one sense enduring, & in another ephemeral...In the endless process of testing & retesting, there is a constant rejection of the dross, & a constant retention of whatever is pure & sound & fine." (What happened here?)
> THE NATURE OF THE JUDICIAL PROCESS, 178-179, B. Carduzo (1921)

1) Recall that even hostile witness Cordell testified that it was illegal for Mr. Goodwin to pay direct, 9 RT 3719-20 & 3739-3743, but not explained to the Jury.

Judge Schwartz's bias has persisted during the seven years since trial, for nine years total now. See exhibit L here.

Not yet noted, but very obviously bias, was this. A master was appointed by the Court to investigate/analyze whether the District Attorney's office, & particularly DDA Alan Jackson, who admitted to reading illegally seized documents that were attorney-client priviledged, should be recused from prosecuting the case.

The master, after months of scrutiny, strongly advised the Court that the D.A.'s office should be completely recused. The evidence calling for that was powerful, with the D.A. being privy illegally to priviledged communications between Goodwin & his attorney that "gave away" key parts of his defenses, his "play-book."[1]

Key issues that were "given away" became central in the trial.

Judge Scwartz refused to recuse, instead ordering that the D.A. could not use any of the priviledged information at trial.

How can one "unlearn" information they should not be aware of? It is so obvious it is laughable that the D.A. now knew where the "mines" were in the minefield of allegations they may make on these subjects, particularly the nexus assets of the case, JGA/Whitehawk & Desert Investors, between them about $2,500,000 in eventual cash.

In short, the D.A. knew what defenses Goodwin had so that they could plan their attack, their allegations, to skirt his available defenses. They exacerbated the problem by suppressing other evidence Goodwin needed to defend against multitudes of false allegations re: these assets, including 14 uncharged & untrue Bankruptcy fraud crimes.

But for here the crucial issue is that there is no doubt under ironclad law that Judge Schwartz should have recused the L.A.D.A. from prosecuting. But she showed her bias by refusing to do so.

1) Many of the illegally seized & read documents were on attorney letterhead.

The information that the D.A. gained from reading the illegally seized attorney-client priviledged documents, & that was prohibited from being used by Judge Schwartz, 4 RT, sections U & V, became central in the trial, wildly mischaracterized by the DDAs.

Judge Schwartz, disingeniously, pretended to have forgotten about, or misunderstood her prohibition, in an absurd discussion with DDA Jackson at 10 RT 4049.

And the bias goes on.

Judge Schartz delayed our Direct Appeal being filed by about 4½ years by pretending her Court had lost key parts of the trial record, parts without which we were severely hindered in filing.

Although I don't have the rules of Court in my cell, & recall from past calculation while looking at the Court rules, that since the notice of Appeal was timely filed on 3/1/07, that the trial record should have been completely given to the defense by May 1, 2007, including all continuances.[1]

We finally got the completed trial record almost 4½ years later in late 2011 to the best of my recall.

In the meantime my Appeal lawyer had repeatedly corresponded with the Court & received back repeated statements that "it is lost ...we can't find it," etc; I have copies of confirmations of that from my lawyer.

Finally we went to the 2nd District on this (my recall is that both my lawyer & I applied to the Court). The 2nd District in essence told the Superior Ct. "Find it."

Immediately Judge Schwartz's Court "found" the records that they had claimed for years were lost, that they had searched diligently for, but then said "They were right here all along (oops!)."

1) Although it has been years, my recall is that Court Rules 32 or 35 said this.

Since trial I have filed six or more motions for discovery with Judge Schwartz, in each clearly deliniating the absolute law:

1) That grants her jurisdiction, not discretionary by her. &,

2) That guarantees me discovery of the evidence I was entitled to for trial, that was A) never produced, and/or B) that I no longer had & needed for "file reconstruction" purposes.

I am entitled to this discovery prior to filing my habeas corpus under the law, since I have a sentence of life with no chance of parole, in re STEELE (2004) 10 Cal Rptr 3d 536, 542-9. Judge Schwartz has denied all those well founded motions, citing that she does not have jurisdiction, which conflicts with the law.

I feel it is obvious that Judge Schwartz, recognizing her vulnerability to be reversed, because of her Judicial bias & misconduct, is attempting to delay my filing of my habeas corpus petition, just like she delayed the filing of my Direct Appeal.

The law, including the California Constitution, Article VI § 10, is ironclad that Judge Schwartz has jurisdiction for matters to do with the habeas corpus[1], particularly matters that are not "at issue" in the Direct Appeal with the District Court.

None of the issues i've posited to Judge Schwartz have anything to do with the matters at issue in the Direct Appeal with the District Court. Other law which grants her jurisdiction includes:

People v. Spr. Ct. (Pearson-2010) 48 Cal 4th 564, 571, 107 CR2d 265.

In re CARPENTER (1995) 9 Cal 4th 934, 946±, 38 Cal Rptr 2d 665.

Cal. Rules of Court 4.552(d)

"The Appeal Court will generally refer habeas corpus matters back to the Superior Court." (accurately paraphrased)
In re RAMIREZ (2001) 89 Cal App 4th 1312, , 108 CR2d 229,
In re HILLARY (1962) 202 Cal App 2d 293, 294, 20 CR 759,

Jurisdiction belongs to, & must go to the Superior Court.

1) Petitioner needs his discovery in anticipation of filing his habeas corpus.

I also filed an extensive FRAUD ON THE COURT BY THE DDAS motion in Spring 2011, with far more evidentiary support than this one, although not as pointed/clear, & from a different perspective.

Judge Schwartz had jurisdiction on that one as well via her "Supervisory Powers" & equitable jurisdiction for EXTRINSIC FRAUD ON THE COURT, law cited at page ii & iii in the 2nd AMENDED COMPLAINT.... which accompanies this AUGMENTATION thereto.

Judge Schwartz also refused jurisdiction there although a gross miscarriage of Justice in this conviction was evidenced. I request that this Court please take Judicial notice of that filing in addition to the various MOTIONS FOR DISCOVERY I filed.

Re: the MOTIONS FOR DISCOVERY, the law is equally clear & absolute that Judge Schwartz had Jurisdiction, & was obligated to order the State to produce the legitimately requested evidence.

> "HOLDINGS: The Supreme Court...held that 1) such requests for discovery should be made in the trial Court that rendered the judgment."
> In re STEELE (2004) 32 Cal 4th 682, 10 Cal Rptr 3d 536, 536.

> "...when, as here, no execution is imminent, the discovery motion should 1st be filed in the trial Court that rendered the underlying judgment."
> STEELE, supra, 10 Cal Rptr 3d @ 542.

> "A reviewing Court can, & generally should, deny without prejudice a discovery motion that was not 1st filed in the trial Court." STEELE, supra, 10 Cal Rptr 3d @ 543.

> "The plain language of the statute establishes what was intended by the legislature...(citations). Here the statute defines the covered discovery as including materials to which the defendant would have been entitled at the time of trial." (§ 1054.9, subd. (b). (This would include BRADY & JENCKS)[1]

> "There is no time limit on the obligation to produce the discovery to which the defendant is entitled" (paraphrased)
> CATLIN V. SUPERIOR CT. (2011) 51 Cal 4th 300

But Judge Schwartz again & again refused her obligated jurisdiction.

Judge Schwartz was biased, abdicating her sworn duties, exh. L.

1) BRADY V. MARYLAND (1963) 373 U.S. 83. 87 & THE JENCKS ACT, Title 18 § 3500.

Petitioner stresses that this prior writing, proving that DDA Jackson's felony perjury was extremely material[1], plus that Judge Schwartz was biased, or at the very least incompetent, can only be understood for the enormity of the fraud & prejudice when one reads it in concert with the SECOND AMENDED COMPLAINT on the related issues, "DDA Patrick Dixon's lies to the Court that 1) Det. Lillienfeld had re-interviewed all the witnesses[2], & 2) that Lillienfeld had covered all the evidence", plus the included admission of Penal Code § 125 Felony Perjury by Det. Lillienfeld, also included within the 2nd AMENDED COMPLAINT, right after exh. 1.

When the Court reads these two separate documents in concert, juxtaposing the intricacies & the complimentary false & misleading statements, without which the house of cards would collapse, the depth of the nefarious planning that went into this enormous EXTRINSIC FRAUD ON THE COURT & THE PEOPLE OF CALIFORNIA becomes clear. It will be one of the largest ever California Court frauds.

The frauds were multi-layered, intertwined & intentionally designed to violate felony laws, by the prosecutors.

Penal Codes 115, 118, 125, 127, 132, 134, 141, & more were repeatedly violated, provably, to achieve this wrongful conviction. But in addition, these all added up to huge violations of Penal Code § 182 (1) thru (5) CONSPIRACY TO OBSTRUCT JUSTICE & TO FALSELY CONVICT, as well as violations of Federal Statutes 18 U.S.C. §§ 1341 & 1346, DEPRIVING THE PUBLIC OF THEIR INTANGIBLE RIGHTS TO HONEST & IMPARTIAL GOVERNMENT. See exhibit D for more details.

This Superior Court has jurisdiction via your Supervisory Powers, & also via equitable relief. See pages ii & iii in the 2nd AMENDED COMPLAINT for specific case law cites.

1) His perjury that "The Bankruptcy has nothing to do with this Courtroom", exh. A.
2) Yet Lillienfeld admitted he never interviewed the most material case witness, Kirk Rense, O.C. prelim, page 226.

I stress that this investigation of these prosecutors & the corrupt lead investigator is necessary for the appearance of propriety & transparancy in the Judiciary.

What better case to accomplish this but a very high profile case such as this? There have been more than two dozen national airings of Specials on this case, across all networks, including most recently CBS 48 HOURS. Coverage also on ABC, NBC, FOX & cable.

The case was covered on GOOD MORNING AMERICA, in PEOPLE, TIME, SPORTS ILLUSTRATED, LOS ANGELES magazines (July, 1988 issue of L.A. magazine). Also in CAR & DRIVER, AUTOWEEK & even a rehash noted on the cover of the December, 2012 industry leader HOT ROD MAGAZINE.

There have also been hundreds, if not over 1000 electronic media news clips & newspaper articles.

BUT THE WRONG MAN IS IN PRISON FOR THE CRIME, PROVABLY[1].

PRAYER

1. Order the prosecution to answer the allegations in this & the 2nd AMENDED COMPLAINT, including supplying supporting evidence.
2. Take Judicial notice of the past discovery motions & the Spring 2011 FRAUD ON THE COURT motion, & either A) order production of discovery as is required by law, or B) appoint an attorney for me to pursue appropriate discovery. DISCOVERY IN CRITICAL TO JUSTICE.
3. Recognize your jurisdiction from pages ii & iii in the 2nd AMENDED COMPLAINT & other appropriate law, & if the DDAs do not adequately defend,order a criminal investigation, & if it is justified, prosecution.
4. Any other relief the Court deems appropriate.

I yet again swear under penalty of perjury under the laws of Calif. that all the foregoing is true & correct. 11/17/13 (Date) Michael Goodwin

1) The misconduct exceeds ROCHIN V. CALIF. 342 U.S. 165. (1952)

DECLARATION

I Michael Frank Goodwin swear that the following is attested to of my own personal knowledge, & if required I could & would testify thereto truthfully under oath.

1. All statements made by me in the foregoing & attached documents are true, & personally known to be true by me, unless equivocated, such as being attributed to others.

2. I specifically cite as true two statements I made concerning Judge Schwartz's apparent bias, A) that a bailiff said he was aware of issues establishing that "Judge Schwartz knows her career is at a dead-end if she makes rulings that allow you to win." Also, B) that there was an article during the trial, as was told to me,[2] which said "The prosecution seems to get whatever they want, while the defenses appears to get virtually nothing", or similar.

These are stated at pages 26 & 27 of the pleading.

3. Judge Schwartz made numerous rulings that even I as a layman know to be contrary to established law, e.g. "That fraud is not a legal term." IT ABSOLUTELY IS, AS ALL LEGAL DICTIONARIES PROVE.

4. Judge Schwartz continually, most often over valid objecions, allowed the prosecutors to A) blatantly lead the witnesses, B) commit outright misconduct by violating law such as GRIFFIN, C) boldly misstate crucial law (with which the Judge is obligated to know[1]) & D) permitting the prosecutors to unlawfully "testify" by arguing dozens of critical issues that obviously had no support on the record & were thus Sixth Amendment Constitutional violations.

5. I aver on information & belief that I honestly legitimately believe that Judge Schwartz ruled against the defense on objections multiple times more than against the prosecution, even though the

11/17/13

1) WILLIAMS V. TAYLOR (2000) 529 U.S. 362, 392, 395 rules lawyers must know the law. A Judge is a lwyer 1st, ostensibly one of the best to get her Judgship.
2) My lawyer told me about this. I haven't seen it.

objections by defense counsel vs. the prosecution were equally as well founded as the objections by the prosecution vs. the defense.

And, the issues on which the defense was objected to by the prosecution were equally as defensible as the positions the defense objected to for the prosecution.

Nonetheless, as stated, I am confidant, based upon information & belief, that if I had access to a computer to list the objections over-ruled or sustained by/against either side, that the Court, in analyzing these would see a distinct pattern of bias & favoritism for the prosecution by Judge Schwartz.

6. I specifically swear that the items/issues that I listed at pages 6 thru 9 of the Points & Authorities, re: proof that the case was primarily based on issues that could not be correctly decided without Bankruptcy (BK) law being correctly introduced, including in the form of Jury instructions, are true & correct.

7. I have identified over 250 materially exculpatory pieces of evidence that A) the D.A. possesses, B) are available nowhere else of which I am aware (or in most cases I know they are available no where else), & C) they are not redundant with any of the evidence I have. I repeat that these are material in that had we had them it is likely to a clear & convincing level of proof (often described by legal scholars as around 80% persuasive)that they would have made a difference in the outcome of the trial, absolutely a not-guilty verdict.

8. Within those 250 identified BRADY violations are not included the hundreds of pages which will include materially exculpatory evidence that I know to be in the Bankruptcy files that the prosecution can be proven to have possession of from multiple sources. Lead investigator Lillienfeld also testified to reading them twice. See pages 11 & 13 in the pleading. The DDAs are charged with knowledge.

I cannot yet prepare a list of the specific BRADY violations in the Bankruptcy (BK) files because I do not have either the docket and/or the actual files, over 1000 different documents, I feel over 10,000 pages that the D.A. has that haven't been produced.

9. At page 21 in the pleading I describe just 2 pages of the over 330 pages of an attorney prepared list of documents in the D.A. evidence locker. On those two pages are at least four materially exculpatory documents that are described that are suppressed. Also on those two pages, specifically page 115, are about six documents which the D.A. used from this page as trial exhibits between #90 & 97. See more details, the actual inventory pages, in exhibit E.[2]

This proves that the D.A. knew of the materially exculpatory documents but failed to produce them.

10. At exhibit J[2] see my listing of 100 absolute BRADY violations & about 100 other probable and/or possible BRADY violations. I swear that the listing is true & correct. Many are exceedingly critical.

11. See exhibit K for a listing that I swear to be true & correct of over 311 one hundred percent confirmed interviews for witnesses on the D.A. trial list & other trial witnesses. All these are suppressed. As part of this, evidence proves there are 52 witnesses on the D.A. trial witness list for which no witness statements were produced for det. Lillienfeld interviews although DDA Dixon represented to the Judge in an offer-of-proof that "Lillienfeld re-interviewed all witnesses", 3/1/07, 24 RT 10511:26.

12. I swear that evidence irrefutably proves A) 15 perjuries[1] in offers-of-proofs by the DDAs, B) about 120 material perjuries by lead investigator Lillienfeld, C) 70+ material perjuries by other trial witnesses, including 60+ by the four D.A. experts plus another

1) These are felony perjuries, HOLLOWAY V. ARKANSAS (1978) 98 S. Ct. 1173, 1174, 1179. People v. MROCZKO (1983) 35 Cal 3d 86, 112, P v MIRENDA 174 CA4th 1313, 1332.
2) Alphabetical exhibits are not included.

Sheriff's investigator, Rey Verdugo. Without one of Verdugo's perjuries the conviction most probably would not have occured. We have that briefed, with conclusive evidence should you desire it.

13. Of the 60+ material perjuries by D.A. experts & other investigators besides Lillienfeld, 35 were told by Dolores Cordell, the victims' sister Colleen Campbell's attorney, a major antagonist, & the acknowledged, by the D.A. forensic CPA, Kingdon,

"#1 source of case info to the D.A., she laid out the $ case"

See 19 RT 6939, similar at bp 032369.

Kingdon admitted to basing her financial analyses on information provided by Cordell. Kingdon told 16 provable material perjuries, some shockingly prejudicial & <u>easy to prove</u> as false & known of as false by Kingdon.

14. I swear that as stated in this pleading, & in the 2nd AMENDED COMPLAINT that this augments, that trustee's lawyer Kirk Rense knew more about the Bankruptcy finances than anyone but me, & that he pled that I intended to pay Thompson & had the ability to do so, documents #82 & 83 (I feel + others) in the SA 86-06166-JR BK.

15. It was <u>impossible</u> to portray a true picture of the BK funds & ability to pay the debt without Rense being a witness. But det. Lillienfeld even testified to never interviewing Rense, exhibit C.[1]

16. Cordell committed material perjury in the Bankruptcy to be appointed the SPECICAL COUNSEL TO THE BANKRUPTCY TRUSTEE & then committed many more material perjuries & frauds <u>to provably design & implement a looting/theft of over $2,200,000 in unecessary fees & costs WHICH IS THE ONLY REASON THOMPSON WASN'T PAID 100%</u>.

17. <u>THAT IS CORRECT</u>. Evidence not introduced at trial proves I had enough money available & intended to have Thompson paid 100%, with about $1,000,000 to spare,but Cordell led a looting of the funds.

1) Alphabetical exhibits not included.

18. Cordell testified to having 80 boxes of files relevant to the case that she ostensibly could not find, although she testified at the O.C. Grand Jury just 5 years earlier that she still had.

I swear that these documents would have at least 100 pages of materially exculpatory evidence in them that cannot be found anywhere else, many pages of which would eviscerate many of the D.A. allegations. There were also hundreds of pages of JENCKS documents.

19. I swear that the four page list of crimes, misconduct & errors by the DDAs (Deputy District Attorneys) in exhibit D[1] here is true & correct, including just as three examples that:

A) there were 40+ unsupported opening statements, & also 40+ unsupported closing arguments by the DDAs. 70+ were provably materially false, & known of as false by the DDAs.

B) det. Lillienfeld both threatened & offered my ex-wife a bribe to falsely implicate me. We have a declaration on this, & it is referenced at the 3/29/01 Grand Jury, in her sworn testimony.

C) evidence proves extensive destruction of material exculpatory evidence, & forgery by someone on the D.A. team. Handwriting example indicate the forgery is by Lillienfeld on a key item.

20. Bankruptcy law is absolute that I was prohibited from paying Thompson direct. The trustee had to do so. See 9RT 3719-20, 3739-43.

21. I did not have sufficient cash nor access to sufficient cash to pay Thompson direct even had law permitted it.

22. I was charged just three days after I had opened multi-million dollar litigation that would have exposed Campbell felonies.

23. I am completely innocent of the crime alleged against me.

I swear under penalty of perjury under the laws of California that the above is true & correct. 11/21/13 (date) in Kings City, CA. (location) Michael Goodwin

1) Alphabetical exhibits not included in 1/6/14 refiling.