

One Page Summary of the Judge Schwartz Bias Pleading

Judge Schwartz “Joined the accusatory process”, violating U.S. Supreme Court law. She enabled and made possible a provably bogus prosecution, and repeatedly violated due process at the trial in the Michael Goodwin case.

Judge Schwartz committed 30 specific issues of bias, incompetence or actual criminal acts (see the listing following this summary). And, she allowed and/or facilitated:

- Most egregiously, Judge Schwartz violated the law, grossly, by ruling that there was probable cause to bind Goodwin over for trial at the preliminary hearing, when based on the law, there was absolutely no probable cause. See the next two pages for a full explanation.
- The Deputy District Attorneys (DDAs) were allowed to present a totally fabricated case by Judge Schwartz failing her obligation to give 7 absolutely necessary jury instructions on law. This is an obligation of the judge to do without a request by defense counsel.
- She actually lied about what 3 key witnesses testified too. Judge Schwartz also allowed:
- Over 15 outright perjuries by the DDAs.
- Over 200 material perjuries by lead Detective Lilienfeld.
- Over 70 material perjuries by DA experts, other investigators and lay witnesses.
- Over 80 DDA opening statements/closing arguments that are without evidentiary on-the-record support, 64 of which are blatantly and provably false. Evidence proves the DDAs knew their statements/arguments were false before they made them.
- Over 311 witness statements suppressed for trial witnesses. Penal code §1054.1 (f) requires their production. There are also over 200 other witness statements suppressed.
- Over 250 pieces of exculpatory evidence are suppressed, each one a BRADY violation, requiring reversal of the conviction.
- Evidence of forgery, fabrication and destruction of materially exculpatory evidence.
- Judge Schwartz also violated U.S. Supreme Court law by refusing to allow the jury to hear the evidence of who most probably did kill Mickey and Trudy Thompson. This evidence was much stronger than the fabricated evidence which allegedly linked Goodwin.
- Thompson had repeatedly reported vicious threats from the other suspects which evidence proves eventually killed him. All evidence vs Goodwin was circumstantial.

The Goodwin investigation/prosecution/conviction will prove to be the most outrageous false conviction in California in decades.

EVIDENCE PROVES JUDGE SCHWARTZ COMMITTED FELONY CRIMES TO UNLAWFULLY CONVICT MICHAEL GOODWIN

Evidence proves Judge Schwartz “Joined the accusatory process,” illegally CONSPIRING with the Deputy District Attorneys to OBSTRUCT JUSTICE AND FALSELY CONVICT Goodwin, in a felony Penal Code §182 (1) through (5) violation. Details on this are a separate pleading to soon follow.

This is a summary of how Judge Schwartz prohibited a fair trial. In short, the facts and law plead by the DDAs (Deputy District Attorneys) and their witnesses at the Los Angeles preliminary hearing proved that the DDA case did not have the required “probable cause” (that Goodwin committed the murders) to “bind Goodwin over for trial.”

The entire DDA case was that “Goodwin refused to pay Thompson (a \$794,000 judgment that Thompson had won) ... killing Thompson instead,” accurately paraphrased and repeated ad nauseam in the preliminary hearing and at trial. Judge Schwartz even ruled that was the entire case.

“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.” Exact quote, [10 RT 4053:16](#), last page here.

However, it would have been a Federal Title 18 § 152 Felony for Goodwin to have paid Thompson directly because Goodwin had been in Bankruptcy (BK) for 16 months prior to the murders, from just after the judgment. A BK trustee controlled all funds and he along was allowed to pay creditors including Thompson.

The Judge, a lawyer, is required to know the law¹, and Judge Schwartz heard it again at 1 CT 213 at the prelim from the Bankruptcy trustee that only he was authorized to pay Thompson.

Further, evidence proved that Goodwin had \$830,000 in a trust account from which Thompson was to be paid, for months prior to the murders at 11 RT 4246 by the Bankruptcy trustee. Goodwin wanted Thompson paid!

1 WILLIAMS v. TAYLOR (2000) 529 U.S. 362, 393, 395.

Based upon the often stated District Attorney (D.A.) case, reiterated by the Judge, similar at 18 RT 6751 in response to a DDA offer-of-proof, there was no case and Goodwin should not have been bound over for trial.

Evidence conclusively proves that Goodwin was only convicted because Judge Schwartz went even further at trial in illegally “joining the accusatory process” with the DDAs when she failed in her legal obligation to sua sponte (on her own volition, with no prompting required by defense counsel) give the correct law; “IT WAS ILLEGAL FOR GOODWIN TO PAY THOMPSON DIRECT” to the jury.

The law is legion that the judge must sua sponte give correct law to the jury in instructions.²

This and other egregious failures by Judge Schwartz to correctly give, or give at all, Jury instructions, allowed the DDAs to repeatedly misstate the law and the facts to support their case that “Goodwin killed Thompson rather than agree to pay him.”

Evidence irrefutably proves eight gross misstatements of law by the DDAs and 64 lies/false statements in opening statements and/or closing arguments by the DDAs. These are in addition to 15 false offers-of-proof.

The law, including the oaths of office the DDAs sign, Government Code 3108, makes most of these CRIMINAL FELONY PERJURIES by the DDAs.

However, they could not have gotten away with them without Judge Schwartz’s complicity and collaboration.

The law is absolute that it is the judge’s job to insure that the correct law and facts are put before the jury, e.g. People v. ABEL (2012) 53 Cal 4th 891; People v. FERGUSON (1971) 5 Cal 3d 525, 530, more.

There is extensive, undisputed, ironclad law obligating judges to get the correct facts and law to the jury, particularly relating to getting the correct, complete and non-confusing instructions to the jury.

² For the law requiring the judge to, on her own, give correct jury instructions, see People v. ARANDA (2012) 55 Cal 4th 342, 354, 145 Cal Rptr 3d 855, 864, hn 5.

Judge Schwartz's bias and malfeasance is so all pervasive that reversal of the verdict is required because "A conviction obtained in front of a biased judge cannot stand," citations and Judge Schwartz's bias exceeded the level that "Is constitutionally tolerable."³

Her errors/omissions and outright crimes⁴ are listed below, 30 of them. The ones that are listed first are often only because they are the easiest to black-and-white prove. Those may not be the most egregious, although numbers I, II, III are extremely outrageous since Judge Schwartz outright LIED about what three witnesses testified to so as to justify her illegal denial of our well-founded Speedy Trial Motion.

- I. Judge Schwartz lied about what key witness Ron Stevens' testified to.⁵
- II. Judge Schwartz lied about key witness Tonyia Stevens' testimony.⁵
- III. Judge Schwartz lied about key witness Gail Hunter's testimony.⁵
- IV. She cited bogus/nonexistent law and facts to deny our Speedy Trial Motion. This was outrageously egregious. AOB p. 140-180.
- V. As stated at page one here, Judge Schwartz unlawfully ruled that there was "probable cause" to bind Goodwin for trial when the law clearly said there was not. She ignored/violated the law.⁶
- VI. She refused to acknowledge material felony perjury by lead detective Lillienfeld, even though he admitted to it at trial to her.⁷

3 People v. FREEMEN (2010) 47 Cal 4th 993, 997, 103 CR 3d 723, 724, hns 1-2.

4 When the judge participated in a Penal Code § 182 CONSPIRACY, that is a felony.

5 Not plead in the Appeal.

6 Tangentially covered, AOB pages 34-73.

7 In our AOB at pages 8 and 379+. However, not including his 200+ other perjuries that evidence proves..

- VII. Judge Schwartz gave an unlawful and COMPLETELY PROHIBITED jury instruction, wrongly connecting Goodwin to a murder conspiracy when there was no evidence presented that Goodwin was connected.

Law clearly prohibits giving a jury instruction when no facts are alleged supporting the instruction.⁸ See AOB pp. 108+, 292+. This instruction gave a directed verdict, illegal. The jury foreman swore to this directed verdict, 8 CT 2078-2079, and that Goodwin wouldn't have been convicted without the (illegal) jury instruction.

- VIII. Judge Schwartz failed to give the critical jury instruction that, by law, Goodwin was not allowed to pay Thompson directly. This would have eviscerated the D.A. case, proved there was NO case.⁹
- IX. She left out the required word “immediately” from the “fled as consciousness of guilt” jury instruction: That was very prejudicial. Goodwin left five months after the murders, after meeting with detectives and being told he was not a suspect, 5 CT 1233, and after hiring a top flight attorney, Al Stokke, to represent him.
- X. She failed to give a necessary jury instruction on “comingling/transmutation”. This allowed the D.A. expert to misstate the facts on this critical issue about 30 times. Not plead on Appeal.
- XI. Re: comingling, #X above, Judge Schwartz failed to adequately “vet” the D.A. expert on her knowledge of comingling even though the expert testified that she didn't understand it.¹⁰

Law is absolute that judges are required to correctly “vet” experts before they are allowed to testify on opinion subjects.¹¹

⁸ People v. VALDEZ (2004) 32 Cal 4th 73, 8 Cal Rptr 3d 271, 327, hn 89-90.

⁹ Not plead in the Appeal, although VIII is alluded to, AOB pp. 339-341 and 354.

¹⁰ Not plead in the Appeal, although VIII is alluded to, AOB pp. 339-341 and 354.

¹¹ SARGUN ENTERPRISES v. U.S.C. (2012) 55 Cal 4th 747, 770-771, 149 Cal Rptr 3d 614.

- XII. She failed to give the necessary instruction on “separate property.”¹²
- XIII. She prejudicially ruled fraud isn’t a legal term. It clearly is.¹³
- XIV. Judge Schwartz failed to give any jury instruction explaining the unique and difficult-to-understand Bankruptcy term, “Discharge-of-Debt.”¹⁴

The DDAs grossly misstated the facts re: this issue, facts that Judge Schwartz should have corrected as the correct facts were right in front of her.

- XV. She failed to give any jury instruction on what facts were required to be shown for an asset to belong to the Bankruptcy:¹⁵ The two main assets the DDAs argued belonged to the bankruptcy, did not, by clear law.
- XVI. She failed to give jury instructions on “Surety Law”.¹⁶ This was critical since the evidence was that, prior to the Bankruptcy (BK) filing, Goodwin had offered to post, with family and friends, a personal surety to guarantee Thompson’s payment: It generated \$5,000,000+ in cash.

The Thompson attorneys rejected this “Surety.” They later admitted in a filed pleading that “Had we accepted the surety, Thompson would have been paid in full.” bp 023792 in discovery.

In a case where the entire thrust, as ruled by the judge, last page here, was “Goodwin refused to pay Thompson, killing him instead,” why was this offer to post

12 Not plead in the Appeal, although VIII is alluded to, AOB pp. 339-341 and 354.

13 For examples, see any of the law dictionaries: This is very prejudicial.

14 Not plead in the Appeal.

15 Not plead in the Appeal.

16 Not plead in the Appeal.

the surety that would have paid Thompson in full, as admitted by Thompson's attorneys, not proof of Goodwin's intent to pay?

- XVII. Judge Schwartz improperly admitted tainted evidence that she had earlier ruled could not come in.¹⁷ The DDAs had illegally seized and read this evidence that was attorney/client privileged evidence which was, thus, confidential.

Judge Schwartz ignored her own prior order, even though defense counsel pointed this out, 10 RT 4048-4049, allowing the DDAs to lie mercilessly dozens of times about this evidence because A) defense counsel had not prepared on it in that she relied on the Court Order, and B) much of the evidence the defense needed to refute the DDA's false claims was – and still is – suppressed by the DDAs.

Evidence proves over 250 BRADY violations, and 300+ witness statements suppressed for trial witnesses in this case.¹⁸ Judge Schwartz has denied seven requests for this evidence even though the law is IRONCLAD that she must order the government to produce it.

- XVIII. Judge Schwartz grossly violated both the law and the strong recommendation of her own master by refusing to "Recuse" the Los Angeles District Attorney even after the evidence proved they had read attorney/client privileged (ACP) confidential evidence, recorded/listened to attorney/client privileged calls and changed their case based upon this illegally obtained evidence that gave defense strategy.¹⁹
- XIX. She violated United States Constitutional law again by refusing to allow the jury to hear compelling evidence that others committed the crime. This was very prejudicial. AOB pp. 247-270.

17 Not plead in the Appeal.

18 Not plead in the Appeal.

19 See the AOB pp. 34-73.

Both the jury foreman, in a post-trial sworn declaration, and Judge Schwartz commented that, “If not Goodwin, who else did it? There was no evidence of another perpetrator.” Schwartz in the media!

XX. In addition to #XI, Judge Schwartz earlier allowed, illegally, dozens of questions/answers of D.A. experts prohibited by law.²⁰ Evidence proves 60+ expert witness material perjuries.²¹

XXI. Judge Schwartz again violated United States Supreme Court law by illegally allowing the DDAs to allege fourteen uncharged, and provably untrue, crimes against Goodwin.²² The jury foreman, in a sworn post-trial declaration, 8 CT 2080, swore this contributed to Goodwin’s conviction very powerfully. Alluded to in AOB pp. 224-246.

Judge Schwartz allowed these allegations of uncharged crimes even though she had, as she should have per the law, prohibited the DDAs from introducing evidence of any other crimes, 10 RT 4050.

XXII. She ignored the law by continually, over repeated defense objections, allowing the DDAs to introduce partial and unauthenticated evidence severely and incorrectly prejudicing Goodwin.²³

Law strictly prohibits the introduction of partial and un-authenticated evidence: Evidence proves at least one D.A. trial exhibit was manipulated.²⁴

20 Not plead in the Appeal.

21 Not plead in the Appeal.

22 Not plead in the Appeal.

23 Not plead in the Appeal.

24 Not plead in the Appeal.

XXIII. Judge Schwartz intentionally prohibited any chance of a fair trial for Goodwin, which is constitutionally guaranteed, by refusing to order “overnights” of the daily transcripts.²⁵

In a case this complex and with evidence spanning more than 18 years of pre-trial, it was completely impossible for defense counsel to:

1. Prepare for questioning of witnesses in later days of the trial including for necessary cross-examination,²⁶ and
2. Know what to correctly plead in the Speedy Trial Motion. The defense had motioned and been approved to file this motion post trial so they would know best what to plead.

XXIV. Judge Schwartz has continually thwarted the clear law by refusing, seven times, to order production of the hundreds of pieces of suppressed evidence, that evidence proves exists, that law says must be produced by the D.A. This has delayed our habeas corpus for years.²⁷

XXV. The delay in the habeas corpus that Judge Schwartz is causing “mirrors” a four and a half-year delay in our being able to file our Appeal. She engineered that delay by claiming, for all that time, not to be able to find key portions of the trial record.²⁸

Very suspiciously, the D.A. claimed they could not find those portions either. Recall “Justice Delayed is Justice Denied.”

XXVI. She allowed the DDAs to continually and improperly “lead” witnesses, in effect allowing the DDAs to present unsworn testimony, even after she agreed that they

25 Not plead in the Appeal.

26 Not plead in the Appeal.

27 Not plead in the Appeal.

28 Not plead in the Appeal.

repeatedly were doing that. She also refused curative instructions on this. See our AOB @ pp. 341-346.

XXVII. She obviously vastly favored the DDAs in ruling on objections, sustaining or overruling them. The media even reported this.²⁹ _ See the ORANGE COUNTY REGISTER, 1/8/07, writer Frank Mickadeit.

XXVIII. Judge Schwartz clearly favored the DDAs on her ruling re: admission or rejection of evidence being presented to the jury. Crucial and legitimate defense evidence was kept out.³⁰

For all of the above, the law is clear that Judge Schwartz's actions/omissions were at least improper and some of them were illegal. For the following, I am not certain of the law, so they were left until the last.

XXIX. Judge Schwartz had worked in the L.A.D.A. office, we are told, reporting to Patrick Dixon, the lead prosecutor in the case. I feel that conflict should have caused her to recuse herself.³¹

XXX. She made false statements that were published in the media and that could have poisoned the jury pool very prejudicially.³²

Just the seven crucial jury instructions that she gave incorrectly, or not at all, even though the law is firm that is her obligation, should 1) remove her from further action on this case, and 2) later, when these are plead in our habeas, call for immediate reversal.

29 Not plead in the Appeal.

30 Some of this evidence alluded to throughout the AOB.

31 Not plead in the Appeal.

32 Not plead in the Appeal.

1 MR. GOODWIN, ISN'T IT?

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

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

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

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

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

26 MR. JACKSON: THANK YOU, YOUR HONOR.

- 27 1) ESSENTIALLY THAT "GOODWIN KILLED THOMPSON SO HE WOULDN'T
28 2) BUT, SINCE GOODWIN WAS IN BANKRUPTCY FOR 16 MONTHS PRIOR
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.