THE LACK OF THE ABILITY TO DO CORRECT CROSS-EXAM CINCHED THE GOODWIN WRONGFUL CONVICTION

"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.

Here, in the Michael Goodwin prosecution & conviction for the alleged contract killing of race car driving legend Mickey Thompson, his ex-business partner, cross-examination was severely restricted, in some instances almost non-existant, for five critical reasons.

1. Over 140 (one hundred & forty+) witness statements are suppressed for 100% confirmed police interviews with witnesses on the District Attorney trial witness list. These must be produced for the defense.[1] We have those listed, with cites.
2. There are over 250 BRADY violations (that is two hundred & fifty+) that are 100% confirmed as BRADY violations. We realize that this sheer number is hard to believe & probably will be discounted by many of our readers. However, we A) assure you that we are very familiar with what constitutes a BRADY violation under the law,[2] & B) have the cites plotted for these suppressions of evidence, proving the government has them.[3]
3. There are over 100 (yes, one hundred+) JENCKS, Title 18 § 3500 violations (prior recorded or adopted statements) for over 100 self prepared by witnesses, primarily experts, documents. Most of these are very materially exculpatory.
4. Improper restriction on cross-exam by the provably biased Judge.
5. The Ineffective Assistance of Counsel (IAC) was all pervasive.

1) BARNETT V. SPR. CT. (2007) 54 Cal Rptr 3d 283, 295, 306, affirmed at 50 Cal 4th 890 for this ruling, requires production of these witness statements.
2) For suppressed evidence to qualify as a BRADY violation, it must A) not be redundant with evidence the defense already has, B) the government must have it, & C) it must be material, meaning "to undermine confidance in the verdict."
3) We have a 220+ page inventory of the 3000± suppressed documents the D.A. has.

Because of many trial problems that denied Goodwin due process from many perspectives, including four jury instructions that were either materially incorrectly given, or not given at all,[1] sickening prosecutorial & investigative misconduct, a biased Judge, & the following errors & specific misconduct, the conviction must be reversed, & under the ROCHIN doctrine, 342 U.S. 165 (1952), it should be dismissed with prejudice against a refiling.[2]

These denials of due process are generally in addition to those plead in our AOB since they were, for the most part, not-on-the-record. The AOB can be read on our blog, or you can contact our Appeal Attorney, Gail Harper at crimlaw5@gmail.com. She will only speak with attorneys who may be interested in handling the habeas. The bog for the AOB is at friendsofmichaelgoodwin@blogspot.com/.

There are also more than a dozen denials of due process in the AOB, serious violations including multiple judicial errors.[3]

SPECIFICALLY, THE LACK OF CROSS-EXAMINATION PERMITTED.

I. 63 Closing arguments that had no support on the record.

II. 65 Opening statements for which no evidence was later supplied.

Of the above, 100± were provably false, blatantly false. For the vast majority of these, evidence proves that the prosecutors knew these were materially & glaringly false before they made the statements/arguments.

III. 16 additional opening statements & closing arguments that had support on-the-record that can be proven as materially false.

IV. 72 material perjuries by 14 witnesses, over 60 of which were by six D.A. experts & investigators. Many of these were outrageous.

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1) The Judge is sua sponte obligated to provide these critical jury instructions. See People v. ARANDA (2012) 55 Cal 4th 342, 2012 WL 3641511 @ pg. 4, HN 5.
2) The prosecutoral misconduct was "shocking to the conscience, reprehensible!"
3) See the AOB on our blog, friendsofmichaelgoodwin.blogspot.com.

V. One of the most material D.A. trial exhibits, the composite of the suspects that allegedly linked the defendant to the crime scene was provably forged & fabricated of "suspects" that it was impossible were the real killers. This was done as part of the D.A. case-in-chief to link Goodwin to the killers.

This provably false forgery/fabrication was only possible because of suppression of eight witness statements for 100% confirmed interviews with two D.A. star witnesses. Two of the interviews are proven to have been taped.

The above denials of due process are in addition to a plethora of other errors & misconduct including, provably, over 100 material & knowing perjuries by the lead investigator, Det. Mark Lillienfeld, in five sworn affadavits, witness threats & intimidation, destruction of multiple pieces of material exculpatory evidence, & subornation of many of the perjuries on the prior page.

Evidence also proves outright material perjury by the Deputy District Attorneys in several offers of proof, at least one of which is obvious, irrefutable, outrageous & was fatally prejudicial to the defendant. The law rules these are felony perjuries by the DDAs.[1]

Evidence even proves that the actual Orange County District Attorney, Anthony Rackauckas Jr., who provably had an inappropriate, undisclosed personal interest in the prosecution, & who initially charged Goodwin out-of-jurisdiction, committed a Penal Code § 182 (1) thru (5) OBSTRUCTION OF JUSTICE & CONSPIRACY TO FALSELY CONVICT felony to convict the defendant. Just 10 days after Rackauckas had learned that it was impossible that Goodwin's pistol was a possible murder weapon, Rackauckas okayed the allegation that Goodwin's

1) See People v. MIRENDA (200?) 95 Cal Rptr 3d 702, 716, citing People v. MROCZKO (1983) 35 Cal 3d 86, 112, 197 Cal Rptr 52. Lies in offers-of-proofs are perjury.

pistol was a possible/probable murder weapon to put Goodwin in a very tainted line-up. Goodwin was the only person in the line-up with the sole precisely defining characteristic, pock-marked/acne-scarred skin. He was also the only person who was both in the line-up & that was also in the "6-pack" even though the investigating officer told the witness that he would get all of the same six people that were in the six-pack to be in the live line-up.

Goodwin was also one of only two of six in the live line-up of anywhere near the correct age group & race. And, Goodwin was the only one in the live line up of the correct size & body build of the two who "fit" in the correct age & race. The line-up was a farce.

Rackauckas then approved, four months later, that the bogus pistol allegation be used as the lead allegation in Goodwin's arrest warrant. The evidence proving that the pistol allegation was known as bogus by Rackauckas (his initials are on it) was suppressed until four months after the preliminary hearing.

When the Fourth District learned of the scam by the O.C.D.A. they reversed the holding order.

The O.C.D.A. then convinced the L.A.D.A. to charge Goodwin on the very same evidence they had since 1989, 15 years prior, & on which the L.A.D.A. had repeatedly refused to prosecute based on lack of sufficient evidence. Official Grand Jury testimony proves this.

We have evidence & details, plus the cites for the suppressed evidence listed for each of the above allegations, I thru V, plus all others listed here & many more. The prosecution was reprehensible.

There are also many more errors, perjuries & instances of misconduct, but primarily because of the loss of evidence because of the passage of time, those are impossible or too difficult to prove.

Pertinent law on the critical need for complete cross examination.

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"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 ( ) 309 U.S. 129, 131.

"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 ( ) 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 & 140+ suppressed witness stmnts.

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