Rudy Lazar C73842
Box 1050 A4-103
Soledad CA 93960

#11

STATE PRISON
GENERATED MAIL
5-16-18
2-23-18
#11

RUDY DAVIS
Box 2088
Fortney, TX 75126-6647

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(#11)

5-16-18

Free Lazor C-73842
P.O. Box 1050 A4-103
Soledad. CA 93960-1050

Greetings Rudy,

Blessings to you & Ev
'congregation'.

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I double count by overs
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mail logs & check the

2 Things ENCL:

(1) Memorandum of Prejud
number noted in th
for quicker reading & c
35/52. If anything I send you raises questions, be sure
to ask me for clarification.

(2) CORONER OZOA FRAUD DOC #1 (I have another revealed by my ongoing investigation, but I'm no clue where it might be now). Like the 35/52, NO ONE CAN REFUTE or even debate the ABSOLUTE PROOF of the criminal fraud to frame me committed by OZOA, the Dist Attorney, police, defense attorney (who was working for them secretly to send me to prison. BUT before you post this, I do

OVER →

5-23-18

Rudy, Its now 5-23-18. Due to mail room staff tampering here, this note will supercede the part of the enclosed letter #11 which describes the contents. What I originally sent you w/ #11 letter came back & the best way to get it to you now is to send it in pieces. So enclosed herewith is only letter #11 & the 19-page memorandum of prejudice. The OZOA doc. will come to you in pieces soon. Everything else in ltr #11 herewith remains viable.

Blessings, Free

(#11)

5-16-18

Soledad, CA 93960-1050

Greetings Robb,

Blessings to you & Erin & all yours; & all your political prisoner 'congregation'.

If my count (above = #11) ever gets off by 1 or 2, such as if I double count by overright, let me know. We do this to be sure all mail reaches its destination - but often I'm so rushed, like a chicken w/ head cut off. I don't have X to dig out my mail logs & check the right #.

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2 Things ENCL:

(1) Memorandum of Procedure. OK to post. Covers some of the similar material in the 35/52, but this is a lot more condensed for quicker reading & also has a lot of other info not in the 35/52. If anything I send you raises questions, be sure to ask me for clarification.

(2) CORONER OZOA FRAUD DOC #1 (I have another revealed by my ongoing investigation, but I'm no clue where it might be now). Like the 35/52, NO ONE CAN REFUTE or even debate the ABSOLUTE PROOF of the criminal fraud to frame me committed by OZOA, the Dist Attorney, police, defense attorney (who was working for them secretly to send me to prison. BUT before you post this, I do

OVER →

have several reservations, as follows:

1. I wish to stress (perhaps in a little more strength) on EXHIBIT A, the BODY SHOT CHARTS, that I believe I did not shoot most of the gun shots at all & there is good evidence that I didn't — & police covered up whoever (among them) did. So I wish to POSITIVELY my depiction here that this would be a reasonable scenario IF I WAS IN A PANIC & UNKNOWINGLY fired off 4 shots at the attacker. (Experts say in the panic I was in, ~~so~~ it's a wonder I didn't empty the gun on him & not even know it — as often happens under such life-threatening fear. But the jury never knew any of that.

2. EXHIBIT B: The 2 autopsy photos of the attacker, out of respect for his privacy, these should not be posted, I feel. However, if you wish to take a scan or xerox of these 2 body pics, then cut out the ~~PHOTOGRAPH~~ holes showing entry & exit, & just post the 2 w/ out wounds w/ about $\frac{1}{2}$" or so border around the holes, it will show the back hole is larger = proves bullet EXITED the back, not ENTERED as the coroner falsely contrived. The 2 photos are taken from about the same distance, judging by the shoulders, so I believe the bullet hole depicts (on front & back) were taken from the ~~same~~ distance so there would be no discrepancy that would distort this comparison. If you feel adequate to the task of doing this little arrangement to guard his privacy, have at it. (And the photos look so ghastly, as well).

3. Lastly the AUTOPSY REPORT, Exhibit C: I think this should NOT BE POSTED. Its one of those EVIL falsehoods that contain just SO MUCH false info stacked one lie upon another based on the false premise of "Shot in the back" malicious fabrication, that I doubt we could "UNRING THE BELL" of prejudicial impact it could have against me to any given reader. So I think you should NOT POST THIS. But I do want You to see it & have it as a complete part of this document.

Must rush off. Thank you for all —

Lee

ENCL: MEMORANDUM OF RESOLUTION

OZOA DOC #1

PS RUBY Whenever me (& or you) I decide to omit some part of a document for posting online, I encourage you to go ahead & write up a little note explaining & post it w/ the doc.

MEMORANDUM OF PEJUDICE

This MEMORANDUM provides an abbreviated sampling of factual matters intended to make a prima facie showing, and only a prima facie showing, of prejudice, in the event the court applies the harmless error standard under Braxton or otherwise requires such showing. First, petitioner asserts that:

A. Harmless error analysis should not apply to this case because (i) Petitioner's sentence is void under Johnson v Zerbst, (1938) 304 U.S. 458; (ii) The sentencing court acted in excess of jurisdiction in sentencing petitioner and the sentence is invalid even if not void; (iii) Various circumstances make it impractical if not impossible for a fair new trial motion upon remand and, therefore, a new trial should be granted outright.

B. In the event the court deems harmless error procedure should apply, this MEMORANDUM is not meant to present the complete presentation of petitioner's issues constituting prejudice; rather, that is reserved for full presentation at a new motion for new trial/sentencing hearing with counsel assistance (needed to gather witnesses, evidence, and properly present the claims). This MEMORANDUM is purposed to demonstrate only a prima facie showing of prejudice sufficient to warrant remand for a new sentencing hearing -- in the event a new trial is not otherwise outright granted.

FACTS

BY AFFIDAVIT OF FREE LAZOR

I, the undersigned, being first put under affirmation, attest that:

1. In January 1983, shortly after my arrest for murder on January 10, 1983, my family paid California attorney Wesley J. Schroeder $17,500 for a trial defense against the murder charges which, unbeknownst to us, required at least $40,000 to adequately prepare and present a proper defense, according to all other attorneys (quite a few) who subsequently commented on the matter. Mr. Schroeder demanded and was paid the entire requested fee in advance, which he admitted he spent all of long before trial, though almost none on trial matters. He insisted my Mother, Helen Schultz, fly from Michigan to meet with him and pay the fees, which she did.

Once paid, the attorney refused to perform even the most rudimentary pre-trial and in-trial requirements routinely done by even the most inexperienced, poor quality, low paid public defenders, procedures commonly recognized as fundamental requirements for even far less serious charges. These included, among many others, refusal to conduct any independent examinations of evidence while informed the state's hotly contested examinations were fraudulent and the results erroneous; to obtain state evidence (documents, recorded tapes, photographs, etc.) except to briefly borrow them from the prosecution, then return them months before trial, to conduct the most needed and substance-based investigations (he did some mostly off-point investigations), subpoenaing of witnesses and documents (even having ME serve some subpoenas to curb his expenses), to preserve evidence, waiting until after it was destroyed/spoiled to go through pro-forma motions pretending to be doing something useful. He refused to present basic motions, contact or utiline critically-needed expert witnesses, to allow ample time for trial, for my defense; and other common obligations which would almost certainly have obviated a trial by dismissal of all charges due to critical evidence destruction, manufacturing and tampering by state agents. These obligations and many others were relentlessly shirked, neglected, refused and sabotaged by the attorney, often with dissembling excuses later proven to be utterly false. (Specific details of these are related below). The defense portion of the trial was terminated prematurely before the defense was allowed even half the time needed to present my intended defense case, in order to accomodate jury Labor Day Vacation deadlines with flights already booked all over the world, which almost every juror had and were promised to be discharged in time for.

Following the verdict, remanded back to jail with bond revoked, I learned that my attorney had a unique reputation among the jail inmates at large. This consisted of him combing the jails for new clients (which is what he was finally found doing when my guilty veridct came in and the court couldn't find him for hours). He netted clients by grossly undercutting normal attorney rates, while claiming to be a specialty expert in whatever charges were being faced, and demanding all payment in advance before beginning on the case while assuring the prospective client that he'd won almost every case he ever took on. He then would work closely with prosecutors and police in sharing private attorney-client information to help the state beef up their case and, in many cases, like mine,

to maintain trumped-up charges. This aided Mr. Schroeder in pressuring his client to plead guilty, even where innocent, so that he then could avoid the expenses of trial. By avoiding trial, his extremely low fee rate was transformed into an excellent rate of pay, which appears to have been the gameplan from the start: Avoid trial, pressure the client to plead guilty, keep the entire pre-paid retainer, pocket an excellent rate of pay. Most of the jail population inmates I had contact with related they had personal knowledge of this scheme.

The attorney did this in my own case, which wrecked my intended defense and kept pre-trial dismissal of the charges from being in the attorney's best interests, because my family would have demanded much of the retainer returned were my case to have been dismissed without a trial.

My steadfast refusal to buckle under my attorney's early-on high pressuring to plead guilty visibly escalated his acts of duplicity in helping prosecution agents bolster a stronger case against me, using my attorney to convey to me the heightening certainty of a conviction unless I plead guilty.

Failing that, once my attorney accepted I wasn't going to plead guilty, his main visible motivation, apparent in essentially all his activities and omissions on my behalf, was to rush through all further procedures and proceedings as quickly as possible, pro-forma, with the least possible expense and time investment. Including frequently carrying on proceedings in secret without my knowledge (later learned from trial transcripts), wherein he routinely argued against my defense and acquittal interests and waived many of my critical rights, even though I wanted to be present in ALL proceedings and would not have waived any of these rights nor allowed them to be waived, had I known. He continued to mislead me and leave me ignorant of these rights and unaware he'd waived them. This assured PREVENTING a dismissal of the charges prior to a trial and reduced his time and resources that my presence and awareness would have engendered, either of which would have greatly reduced his net fee (including return of much of the retainer fee upon dismissal of charges). Specific details will be related shortly.

The only reason I still didn't fire him, for what limited degree of this I did know of before conviction, was because from long before trial, the attorney led me to believe that he could not be fired, even as retained counsel, once he had been installed as counsel of record. These matters I did know of by the time of my sentencing, I prepared to present as grounds constituting my motion for a new trial. The presentation was necessarily vast because the prosecution's case which caused the guilty verdict, aided by my attorney as essentially a surrogate prosecutor in my camp, consisted of a vast array of what the prosecutor characterized as "1000 pieces of a giant picture puzzle" of guilt, which the court

acknowledged was "circumstantial evidence." None of the "puzzle pieces" alone demonstrated guilt of anything and hence, I deemed it necessary for me to attack a great deal of the major puzzle pieces as part of the grounds for my motion for new trial. (Although SOME of my grounds I felt might, alone, necessitate the grant of a new trial I sought). But an estimated 99% of my prepared and intended grounds NEVER got to be presented at all, never got to be heard by the court nor put on record, because of the court aborting my motion for new trial before I got very far into it. And the only way my attorney, forced upon me, could have presented these issues I had prepared to present as my motion, would have been by him exposing his own severe misconduct I was alleging as the central essence of most of my motion gounds. Consequently, the same workings the attorney routinely committed against my defense/acquittal interests before and during trial, he carried on in the sentencing hearing, over my objections, as a continuum to cover up the earlier misconduct, to make the conviction stick, sabotaging the new trial motion and the forthcoming appeal just as he did the trial. The financial motives to do so became stronger at each stage to avoid loss of his gains so far made.

The following are some of the specifics I had cataloged to present as grounds constituting my intended but aborted new trial motion, although some of these (Brady issues and waiving my rights and sabotage in proceedings I wasn't aware took place), were not known, or fully known, until after the sentencing proceeding. For those, I needed non-conflicted counsel to unearth them for a properly presented new trial motion.

SAMPLES OF SPECIFICS

Part of over 200 specifics I'd cataloged for my new trial motion:

1. The attorney forbade me from truthfully testifying to the jury that I simply "didn't know" most details of the shooting incident, that I had gone semi-unconscious from either the panic, fear, or brain shaking from the concussive effect of the gunshot sound blasts in the small wooden enclosure I was in (my bedroom). AFTER sentencing, too late, I easily found experts who opined this is forensically well-known, and I found countless hundreds of cases of others in like circumstances experiencing the same thing, and allowed to testify so. But my attorney insisted that we could not go to trial at all without accounting in great specificity exactly what I did at every split second to have shot the decedent "SIX TIMES" (when all agree six shots were never even fired in this case). I had "blanked out" on all but "one or two shots" but the attorney spent months coercing me to "accept" his invented versions of possible scenarios to match the

autopsy report, which I consistently maintained was false in all its material respects. This relentless coercion from my own counsel waxed into "implanted false memories" of unknown details which, though I never believed them, mentally broke me into accepting them as what must be testified to, because my attorney insisted they had to be true. These were the equivalent of "coerced confessions" BY MY OWN ATTORNEY; and the jury stated right after the verdict that they played a major role in their choosing a "murder" verdict.

2. The attorney actually forced me to not testify to almost all truthful EXCULPATORY facts on the witness stand, facts that I DID know, solely because, as he insisted repeatedly, they clashed with and undermined the prosecution's case and false testimony from several prosecution witnesses who were friends and apparently sexual partners of the decedent. He vehemently refused to expose provable perjury by witnesses Wallace, Ellis, Schershel, and others on material matters and even forced me to recant my truthful, highly exonerating testimony (ruining my own credibility to the judge and jury in the process), under threat that he otherwise would not let me resume the witness stand at all if I did not recant this PURELY EXCULPATORY testimony. And solely because: The attorney insisted repeatedly that as an officer of the court his first duty was to never make or allow state agents to look bad in front of the jury and the public (trial observers), and even to help them cover over such an expose, including of their witnesses who were committing provable perjury.

3. More than 90% of the trial, of the prosecution's case in chief (and otherwise), the VERY INFASTRUCTURE, scope, character and nature of the trial in its entirety, was the product of hundreds of items seized without a warrant, essentially my life's work in the form of documents, largely of a private diary-type nature that had nothing to do with murder nor any crime or wrongdoing whatsoever. These were misconductfully used to mortify, embarrass and psychologically cripple me and to coerce me (through my attorney serving as a surrogate prosecutor), to "lay down," not defend the case and to "throw the case" as a boxer would lay down to "throw a fight." This was the only way to avoid public embarrassment, mortification and compromise of my ethical standards by airing of my private life, including sex life not only of myself, but of my confidential mistresses. This was not so much a conscious choice, as it was a psychological crippling and collapse of all my internal mental and emotional defenses against such capitulation FORCED BY MY OWN COUNSEL I NEEDED TO TRUST. All of this could have been easily avoided, as the law provides for, by the attorney simply moving to exclude ALL of this matter (over 90% of the trial

content) and all its fruits (of the poisoness tree) on the ground that none of it was listed nor even hinted at in any search warrant. It was an open-&-shut case of mandatory exclusion with no possible exception in law, by making a simple PC §1538.5 motion to suppress, exclude AND RETURN all this illegally seized material. This was a very rare case of illegally seized so-called "evidence" that caused the conviction not constituting evidence of guilt whatsoever and not conflicting with a claim of actual innocence; it was used to piece together unrelated parts of hundreds of pages of documents (or thousands), to then materially alter (as in forgery), and manufacture a crime CHARACTER PROFILE and possible crime mental states and thought processes by the prosecution WITH THE DIRECT AID OF THE DEFENSE ATTORNEY. He even helped in the actual forgery of some of the otherwise unrelated, innocuous and even EXCULPATORY documents used by the state against me. Not only those presented in trial caused extreme damages, but others were used, through the conduit of the defense attorney, to coerce me to not defend, in order to avoid trial submission of others -- all seized without a warrant and excludable by a simple §1538.5 motion. I repeatedly requested such motion of my attorney, who replied emphatically that the 4th Amendment of the U.S. Constitution and all related exclusionary search and seizure rules of law had been long ago eroded away and there existed no such protections today. Without the state's possession and use of those illegally seized items, the entire nature and content of the trial would have been so radically different it would not even have any resemblance to the trial that was had --and all favoring an acquittal.

4. I was DENIED A PUBLIC TRIAL by my own attorney. He insisted that all of my family, friends and supporters (over 70 who wanted to attend the trial as observers) had to be excluded from the courtroom as observers because he might use them (all 70+) as character witnesses in the trial, and all potential trial witnesses must be excluded from the courtroom by law. None were called as witnesses. I later learned in legal research that the law which requires exclusion from the courtroom of potential witnesses DOES NOT APPLY TO CHARACTER WITNESSES; and the attorney, after the conviction, admitted he had never really intended or expected to call any of them as witnesses.

5. After conviction, the attorney asserted he decided not to call character witnesses because of damaging evidence the prosecutor then could present in rebuttal. But in fact, THERE WAS NO DAMAGING EVIDENCE that existed for rebuttal, and any which even arguably could be deemed harmful once prosecution agents altered and modified it to manufacture a damaging nature to it, was seized without warrant authority and by law had to be excluded, with all its fruits. (Had the defense

attorney not had a private agenda to aid the prosecution to assure it was available to them by his "stipulation," based on his own knowingly false assertion to the court that it was seized under warrant authority). There was no possible benefit for the defense or his client in committing this misconductful act of betrayal. (See paragraph 3 above, for more details).

6. The attorney had a cardinal policy, which overrode ALL other considerations and attorney-client concerns, which he personally voiced to me many times: that as an officer of the court, his first duty was to never make or allow prosecution agents to look bad in front of the jury and public. (The prosecutor, police, coroner, criminalist, and even prosecution witnesses). I did at a few points come so close to making a major scene in the courtroom which would have exposed this, at risk of being remanded to jail, that I virtually forced the attorney to challenge and expose some of the state's misconduct, but he watered it down, kept it uselessly minimal, remained wishy-washy ambiguous and slavish about it; then in closing remarks to the jury he wiped out even that BY REPEATEDLY PRAISING THE PROSECUTOR AND THE PROSECUTION CASE, and bolstering state witnesses' testimony that he knew to be perjury and could have proved it. Sans these rare and ineffective exceptions, when I and my attorney had absolute proof of state agents' misconduct, caught many times in falsifying, destroying and planting material evidence to manufacture a false murder case and conviction, the defense attorney expressed it was his cardinal duty to help cover it up, which he did, concealing it from the jury, the judge, the public and from the trial record. At the expense of my life in prison instead of acquittal.

7. On numerous occasions, the attorney deliberately precluded me from attending crucial in-chambers proceedings of my trial, even after I made it clear to the attorney, from the beginning, that I wanted to and intended to be present in ALL proceedings, however minor. Several of these were not minor by any standard. I'm aware this is commonly accepted practice in California criminal trials, for minor proceedings, but the reason, according to all my research, is because of the expense, manpower and burdens of preparing and transporting jailed inmates from jail to courthouse and back, where their attendance would be of no substantial value nor needed. In my case, however, I WAS FREE ON BOND, NOT IN JAIL. Yet the defense attorney joined with the prosecutor in not letting me know about the proceedings, barring me from them, and where the entire course, content and nature of the trial was determined in these most critical trial proceedings. In some instances, I was right there in the courtroom, outside the judge's chambers where the proceedings were taking place, and excluded, by my own attorney lying

to me telling me that they were handling some other defendant's cases, not mine. I later learned from the transcripts that it was solely my trial proceedings where my own attorney spoke against me, sabotaged my defense, told the judge I was a homosexual, which I wasn't, (inferring a homosexual relationship of heated passions between me and the decedent); withdrew the most critical jury instructions of voluntary and involuntary manslaughter and the standard self-defense instruction, all of which were the whole reason for me going to trial and which the attorney and I agreed on long before trial would be the most essential instructions given -- I never knew he withdrew them in secret. All were withdrawn by the highest form of betrayal in my absence, achieved by treachery, trickery and falsehoods against me by my own attorney.

8. AT the sentencing hearing, the probation report was presented to me for the first time; it was not presented to me earlier, by a private agreement between my attorney and the probation officer, over my objections and in violation of Penal Code § . There was no benefit for the defense, but much harm ensued. The report contained so many egregious and damaging material errors that they could not be determined at the hearing, let alone allow for objections and corrections of them. They could not, therefore, be challenged on appeal nor ever since in any forum, due to my attorney not objecting on the record, though I objected much to him (as the court required me to voice all objections through him and not allowing me time myself, before aborting my new trial motion delivery). To this day, 28 years later, the massive probation report errors, libels and defamation of my character and life are still used presently by the parole board to deny me parole because of my truthful discrepancy with the report. Had I received the report in advance of the sentencing hearing as statute requires, none of this could be happening now, nor as it's been for the past 18 years of overdue parole, wrongfully denied. Even first degree murderers, of which I was acquitted by jury, have gone home on parole before me, having served less time than me despite their extensive crime histories of which I have none, in large part due to this erroneous probation report not being issued prior to the sentencing hearing. I had been led by my attorney to believe that the probation officer was sort of a member of the defense team to aid my case in that manner, as opposed to a member of my adversary's team, the state. This was my understanding until my shock at getting the probation report for the first time AT the sentencing hearing where my attorney also said he received his copy for the first time, according to his stipulation with the probation officer.

9. From the day I received Coroner Angelo Ozoa's autopsy report, to the

present day, I've always maintained the report is fraudulent and materially falsified in several major respects. When I received and read it months before trial, I vehemently asserted to my attorney that it was all wrong. With equal vehemence, and greater, my attorney shut down my assertions insisting that coroner reports can never be challenged, that that's never been heard of in jurisprudence, and that to not go along with it and conform a defense to fit to whatever it said would assure a conviction, as the jury would simply not believe me. In other words, he insisted and forced me to go along with his method that however wrong, false or fraudulent, our "defense" must regard it as perfect and chase after its numerous diversions and falsehoods and bend our defense creation to it, accordingly with no chance, no thought of ever challenging its lack of correctness. This we did, which gave rise to the "false implanted memories" of counsel-invented scenarios described in paragraph 1, above. Reviewers have asserted that merely because my attorney spent considerable time with me prior to trial preparing "a defense," that this automatically made his representation adequate, but without considering that most of that time was used to coerce me to accept and go along with false scenarios, as described here and in paragraph 1. He was my worst adversary in the whole course of this matter. Then, after conviction, prior to sentencing, I learned Dr. Ozoa and his coroner's office was under official investigation for the past year or so, INCLUDING DURING MY TRIAL CASE, for fruad, mishandling of autopsy reports and cadavers, employing shoddy practices with overall findings of gross mishandling/misconduct in many, most or essentially all of their autopsy cases. And this was during the period of handling my case. When I excitedly told this to my attorney before sentencing, he replied that HE ALREADY KNEW ALL ABOUT THIS, BEFORE, DURING AND AFTER MY TRIAL, yet still asserted it was a non-issue; autopsy examinations couldn't be challenged, he insisted. Then about two or $2\frac{1}{2}$ decades later, I learned from a TV special report (probably "60 MINUTES" or "20/20") that the nation's foremost autopsy reexamination firm, LOCATED IN CALIFORNIA, finds and proves material errors IN OVER 90% OF ALL AUTOPSY EXAMINATIONS AND REPORTS they're called upon to re-examine. In 2002, Dr. Ozoa, who I've always maintained falsified the autopsy and report in my case, was busted in a federal court for falsifying an autopsy report to aid the Santa Clara County district attorney in attempting to wrongfully convict one Kenneth Galbraith of murdering his wife, and in the process, also was found to have committed perjury in federal Court in an attempt to cover up his fraudulent autopsy and report in that case. Galbraith didn't have my attorney, and was therefore acquitted by a jury and thereafter had his wife's body exhumed and reexamined. Thereupon it

was proven Ozoa never even performed the surgical maneuvers necessery to have made the medical conclusions he did in trying to frame Mr. Galbraith for murder. This illustrates PRECISELY THE CLAIMS I HAD CONSISTENTLY MAINTAINED TO MY ATTORNEY AND NEVER HAVE RELENTED FROM, STILL TO DATE, which my attorney aggressively helped COVER UP in my case. Then, more recently, I've discovered there are TWO DIFFERENT AUTOPSY REPORTS referred to in buried police reports in my case, by two different coroners. One never surfaced, performed by a Dr. Houser, and has been suppressed from the start. There exists cause to believe it contains exonerating information and findings condemnatory of police involvement in some of the decedent's wounds and other mishandling of the man before he died. The second autopsy report, by Dr. Ozoa, was the only one that ever surfaced and that the jury and trial judge ever knew about which, there is reason to believe now, was performed to cover up exonerating facts of the first one exposing state agent's misconduct in handling of the body. The defense attorney worked with prosecution agents in hastily cremating the body, despite all this discrepancy, and keeping a lid on all this fraud and misconduct, while refusing to even consider having an independent examination conducted prior to cremation.

10. The most important witnesses I insisted on presenting for my trial defense were never called nor allowed by my attorney. (Such as Marlene Hepp, Lin Grand and a few others), over my objections to him. Witnesses he did call were not only useless in some instances (e.g. Susan Ruiz), wasting precious limited trial time, but were highly damaging and contributed to the murder verdict, as some jorors later revealed (e.g., J Bradley Oakes, et al). They served no beneficial purposes and others who did, the attorney extensively examined and "led" in areas highly damaging to acquittal interests that served no forseeable benefit for me (e.g., Ray Fernandez and others). My attorney belatedly admitted being unprepared for their damaging testimony and lack of pertinent information. Expert witnesses were needed but my attorney refused to call any or even consider any because it would have taken money from his net gains, including an expert in panic/adrenalin reaction and firing multiple gunshots unknowingly under such a quasi-unconscious mental state (such as Dr. Nils Varney); a ballistic expert disproving the state's claim that I shot the decedent in the back or back of the head (both utterly false); a crime scene reconstruction expert to prove the entire crime scene AND EVERY MATERIAL PIECE OF EVIDENCE THERE, HAD BEEN MATERIALLY ALTERED/PLANTED/FABRICATED/MOVED/CORRUPTED by police and the state's criminalist to frame me for murder, and other experts which would have changed the entire face of the trial and completely undermined the state's murder case. The attorney

also refused my repeated requests to have the most material items of evidence independently examined (the body, autopsy report, clothing for bullet hole direction and type of powder, bullets, attacker's fingerprints on the pellet pistol and telephone, clothing of the decedent, his shoeprints on my kicked down door, fingerprints on pellet pistol and phone, the doorknob and door frame, bullet holes in walls and cabinets, broken chain of custody of bullets, documents in dispute, missing critical evidence from the scene, disputed critical crime scene measurements and diagrams, and others, (see paragraph 12, below), BEFORE state agents deliberately destroyed them by various systematic and sometimes painstaking and meticulous means of intentional misconduct (now proven). As for other witnesses, my attorney refused by an intentional policy, to not impeach prosecution witnesses (with rare exception when I applied immense, pointed pressure), and often sided with them against me, both in private and on the witness stand before the jury, solely to not make the prosecution look bad and thereby cast state agents in a bad light which such impeachment necessarily would expose.

11. All but one or two jurors had Labor Day Vacations beginning September 1, 1983, some having made elaborate international plans to rendezvous with relatives, and non-refundable flight/itinerary packages had been paid as much as a year in advance. During voir dire, the trial judge assured all jurors they would be discharged by September 1, in time for those vacations, NO MATTER WHAT. My attorney had BLINDLY "stipulated" to this arrangement without requesting (or considering) how much trial time the prosecutor would consume, which would determine how much time was left for the defense. So he entered this TOTALLY BLIND STIPULATION with no clue if the prosecutor would leave the defense two weeks or two days for our defense presentation. Sure enough, the prosecutor, WHO VIOLATED MY STATUTORILY-GUARANTEED SPEEDY TRIAL RIGHTS TO CAREFULLY POSITION THE TRIAL HERE TO CONFLICT WITH THE JUROR VACATIONS, consumed all but a few days of the remaining limited trial time, largely with irrelevant time-draining matter and repetitive delay tactics, leaving the defense in the lurch with less than half the time we needed to present the complete defense I intended and expected.

12. BRADY ISSUES: More than 25 separate, systematic acts were carried out by prosecution officials (prosecutor, police, criminalist, coroner), NOW PROVEN, of misconductfully planting evidence, manufacturing evidence, materially modifying and altering evidence (to fraudulently convert exculpatory evidence into incriminating evidence), destroying evidence and disappearing evidence which had been highly exculpatory, in order to frame me for murder. They used my admission

of the non-crime act of genuine self-defense as the foundation which provided an unusually beneficial platform to commit the frame-up. MY DEFENSE ATTORNEY AIDED THE PROSECUTION AGENTS in a number of these misconductful actions.

One example (among many others) is where my friends, under special arrangement with the district attorney, picked up my property from my home wherein the shooting occurred, while it was still sealed as evidence and I was not allowed to set foot there. They inadvertently collected large, green "Hefty" garbage bags that had been put out at the roadside for garbage collection to bury at the local dump. The bill hadn't been paid, so the bags were not collected, as police had planned. In the bags, I found to my shock, critical items of evidence from the shooting scene the police had removed and attempted to destroy by roadside trash collection pickup. Among these were bloody clothing bearing the printed name of John Allred (the attacker-decedent) in the collar of the shirt(s), and the doorknob to my bedroom door that Mr. Allred had violently kicked open in the attack causing me to shoot him -- and other critical items. I immediatly informed my attorney about this discovery; he instructed me to promptly destroy it, to put it in a dumpster. I did so with everything except the doorknob, due to the blood on the other items and having been informed the deceased had hepatitis and probably other contagious blood/immune diseases. The doorknob had no blood but did appear to have fingerprints, which I surmised were those of Los Gatos police evidence technicians, because I knew they had to have meticulously gone out of their way to remove four long screws and manipulate the doorknob components to remove it. I told my attorney this was proof the police were intentionally destroying material crime scene evidence that was exculpatory. In this vein, I explained to him how the doorknob had a fat tempered steel shaft that was significantly BENT, showing the immense rageful and murderous force the attacker used on my bedroom door to kick it open to get to me. I explained to my attorney that this, alone, shown to the jurors in trial, with an explanation about it, would demonstrate a broader police scheme of fabricating and corrputing the crime scene and destroying this and other exonerating evidence to frame me for murder --something I'd been complaining to the attorney about since the start. I further explained it proved the extreme rage the attacker was in and the degree of violent force he employed, justifying my use of firepower to the extent I employed it in self-defense (the essence of my intended trial case).

In this context, I picked up the doorknob with a clean cloth so as to not disturb any fingerprints it contained and put it in a clean plastic bag still gently enwrapped within the cloth, and turned it over to my attorney in that

condition. I told him to handle it carefully and not spoil the fingerprints on it, explaining they would probably prove to be of police crime scene technicians, and asked my attorney to have it fingerprint tested and preserved for trial. Instead, Mr. Schroeder immediately, intentionally destroyed the fingerprints (he admitted to me), and tossed the doorknob loose in his desk drawer, not bagged, for all the months preceding trial and during trial, and after trial, refusing my demands to present it in trial as proof of police tampering and the immense force the attacker used, to undermine the prosecution's assertion that the victim barely tapped on my door (with his foot or otherwise). I also felt presentation of the doorknob and related information would bolster other aspects of my defense and credibility which my attorney falsely tore down along with the prosecutor. It therefore served at least THREE MAJOR EXONERATING PURPOSES which I explained to the attorney, alone, may well have turned the tide of the jurors to acquit me completely. More importantly, I also demanded of my attorney to move the court to dismiss all charges without trial (Penal Code §995) for the inability to have a fair trial because police destroyed and tampered with so much of the critical, innocence-determinative evidence of which this was merely one item illustrative of many others. He emphatically refused, justifying his total refusal on the cardinal policy to never expose official's misconduct and other legal excuses later proved to be false. After conviction and sentencing had passed, he refused to surrender the doorknob for months, doing so only after a complaint to the state bar resulted in pressure from them to do so.

Besides the three adverse consequences of no pre-trial dismissal, proof of the attacker's immense force justifying my firepower, and proof of crime scene tampering and intentional destruction of exculpatory evidence by police, my attorney's aid to the prosecution in this matter had at least one other damaging consequence: The defense attorney entered the door in evidence to the jury. But with a hole where the doorknob had been removed. Since only Mr. Schroeder presented it, the jury was left to surmise that I, myself, possessed the door until trial, and logically was the one responsible who mysteriously removed the doorknob without explanation. (My attorney refused to tell them anything about it, rather letting it be insinuated that I was the culprit and therefore was trying to cover up something I must have been guilty of). For at least these four reasons, this item alone has ramifications unquantifiable in terms of damages that contributed to a murder verdict.

Each of the more than 25 items listed below as examples of systematic evidence-tampering corruption by state officials with the aid of the defense

attorney in most instances, against my defense interests, have some such true account of a conscience-shocking magnitude which I reserve for a hearing. Each of these evidence items are backed up by supportive exhibits, mostly comprised of unearthed OFFICIAL STATE DOCUMENTS, totalling some 250 pages. Due to the volume, they are not included here (I can't even obtain copies under present prison conditions), but can be made promptly available to the court upon request or in a hearing. As follows:

ITEMS OF MATERIAL EVIDENCE
SYSTEMATICALLY PLANTED/MANUFACTURED/CORRPUTED/ALTERED/DESTROYED/SUPPRESSED
BY PROSECUTION OFFICIALS

(#1) MEATCLEAVER WEAPON, CONCEALED, SUPPRESSED, RETURNED TO ATTACKER'S MOTHER:
Primary weapon of attacker/decedent, appears in suppressed police photo at crime scene; police admitted under oath they threw it out or gave it to the attacker's mother; jury never knew about it.

(#2) FINGERPRINTS OF ATTACKER ON PISTOL, DELIBERATELY DESTROYED BY PROSECUTOR:
Deliberately removed from the pistol, "autoclaved" off by prosecutor-&-criminalist intentional act to enable prosecutor to argue to jury that I planted this gun allegedly bearing no fingerprints. The attacker's fingerprints had been visible to the naked eye in his tacky blood on the gun before the prosecution put the gun in a heat-steam sterilizer (autoclave) PRIOR TO fingerprint examination. (The only known time this has been done in criminal trial history).

(#3) BLOODY TOWEL NEXT TO GUN, PLANTED BY STATE OFFICIALS:
"Planted evidence": Towel brought to shooting scene by medics to aid the wounded attacker: Prosecutor claimed to jury that I had it prior to medics' arrival and used it to wipe my own fingerprints off a planted gun. (I have admissions by state agents that they brought this towel to the scene after I was taken away).

#4) BODY OF ATTACKER/DECEDENT CONTAINING CRITICAL BULLET WOUNDS CREMATED:
Intentionally destroyed by rushed cremation, before the defense was allowed an opportunity of independent examination, while the prosecution knew gunshot direction was in dispute: (whether bullet entered back or front of body).

Prevented exhuming body to prove coroner falsified autopsy report, as in Galbraith case, by the same coroner, Dr. Angelo Ozoa.

(#5) JACKET OF ATTACKER WITH BULLET ENTRY/EXIT BULLET HOLE(S), SPOILED:
Police allowed mold to grow on bloody jacket, intentionally not preserving it, allowing prosecutor to argue to the jury that the gunshot was from the back, when in fact it entered the front and exited the back.

(#6) SHIRT(S) WORN BY ATTACKER SHOT THROUGH:
Same as #5, except these mold-grown shirt(s) may have been planted; as bloody shirt(s) with attacker's name in collar were collected by police and placed with other critical evidence in garbage bags to be buried in the local dump.

(#7) AUTOPSY REPORT, FALSIFIED, AND SECOND COVERUP REPORT USED IN TRIAL:
Original autopsy report by Dr. Houser is referenced several times in early police reports, but never surfaced and was supplanted by a supposedly "only" autopsy report by Dr. Angelo Ozoa, who was later busted for falsifying autopsies and committing perjury in court to cover it up. Ozoa's report was fraudulently erroneous, including falsely claiming bullet shots from the back, which were fired from the front [EXITING the back].

(#8) EXONERATING AUTOPSY PHOTOS SUPPRESSED/CONCEALED FOR 16 YEARS:
Sixteen years after conviction, I discovered autopsy photos of the decedent showing the bullet hole larger in the back than the front, proving front entry/back exit. The prosecutor lied to the jury proclaiming I shot him in the back. Hidden from me for sixteen years, then too late for courts to consider.

(#9) "SMEARING / WIPING" EFFECT OF BLOOD PLANTED BY PROSECUTOR ON DECEDENT'S GUN:
The gun the decedent had in his hand with his fingerprints visible to the naked eye, when autoclaved by police BEFORE fingerprinting, caused "running" of the re-hydrated blood, causing an effect the prosecutor persuaded the jury to believe was "smearing/wiping" done by me to wipe my fingerprints off this gun he claimed I planted. No smearing/wiping effect existed prior to their autoclaving the gun.

(#10) SPECIAL LOW-POWER/SUBSTANDARD BULLETS FIRED IN DEFENSE, LIED ABOUT TO JURY:
The prosecutor had just received official documents proving the bullets I fired were substandard, very low knockdown power loads (for target practice); yet he, my attorney, several policemen, the D.A.'s criminalist and coroner all knowingly lied to the jury telling them repeatedly (under oath) they were standard .45 bullets with extreme knockdown power, claiming this ALONE was enough to vote for a "murder" verdict for firing excessive gunshots.

(#11) BULLET CASINGS PLANTED BY POLICE AND LIVE ROUNDS REMOVED FROM GUN CLIP:
Early official police reports and their testimony under oath both confirmed "several" and "some" bullets remained in my gun clip, and only 2 or 3 casings were found at the scene after a "fine tooth comb" search. Months later, at trial, police falsely testified they later found more casings at the scene and my gun had only "one" bullet in the clip. They couldn't account for a "broken chain of evidence custody" during this disparity, and my attorney "stipulated away" probing to expose the truth of this planting, destroying and breach of custody chain of this evidence and coverup by several Los Gatos Police officers.

(#12) CRITICAL BULLET HOLE ANGLE IN WALL AT SHOOTING SCENE DESTROYED:
The angle of the bullet which would have shown I fired in self-defense exactly as I claimed, is seen in a police photo being gouged out by the lead detective, thus destroying its angle, enabling the prosecutor to persuade the jury that whatever angle he chose proved an execution-style back of the head murder.

(#13) SHOEPRINTS ON BASHED-DOWN DOOR 100% MATCH TO DECEDENT'S, LIED ABOUT TO JURY:
Police dusted numerous shoeprints from my bashed-down bedroom door, which showed a 100% match to the decedent's unusual shoe tread. The prosecutor and his agents lied to the jury, claiming (under oath) the match was inconclusive, and my attorney seconded that instead of showing the absolute proof of the match (see next item).

(#14) DOORKNOB HARDENED STEEL BENT SHAFT SHOWING EXTREME FORCE, HID FROM JURY: The doorknob to my bashed-down bedroom door had a hardened steel central shaft, requiring IMMENSE force to bend; it was substantially bent from the attacker's rageful bashing to get at me; showing justification for my panic and defensive firepower. I rescued the doorknob the police misconductfully tried to destroy (explanation above), only to have my own attorney suppress it for them.

(#15) SHATTERED DOORJAMB AND WHOLE CRIME SCENE DELIBERATELY DESTROYED: While assuring me my house was sealed and preserved for trial, the district attorney secretly turned it over to the decedent's family and allowed them to destroy and renovate the entire house and crime scene, including the doorjamb splintered to pieces. It proved the immense force the attacker used to bash down my door and would have proved my testimony truthful of necessity for self-defense shooting against such rageful force.

(#16) MY BASHED DOWN BEDROOM DOOR OPENED A FULL 90°, PROVING POLICE PERJURY: Several policemen committed perjury to the jury claiming my bedroom door opened only a crack, less than 90°, alleging that proved I was lying about the attack and my self-defense response. Police photos I now have, hidden for trial, prove by the 12" tile squares that the door opened past 90° with no obstruction, as I always claimed but was disbelieved.

(#17) TRASH BASKET WITH BULLET HOLE (& ATTACKER'S WEAPONRY?) DISAPPEARED/DESTROYED: Police testimony under oath, before jury selection, admits a large garbage basket disappeared from the immediate crime scene right where a bullet went through, and the attacker was seen hovering over, believed to be dumping weaponry items, when police arrived. It was removed before police photos were taken, despite their testimony that nothing had been moved (proven perjury). Jury never knew.

(#18) TELEPHONE CAKED WITH ATTACKER'S VISIBLE FINGERPRINTS IN TACKY BLOOD, RUINED: To keep the bloody phone out of trial, police intentionally let mold grow on it to get my attorney to stipulate it was too unhealthy to admit into trial. It contained the cord with inner wire snapped in half (as evidence he swung the meat cleaver at me jerking the phone from my hands), and his fingerprints visible to the naked eye in tacky blood, showing he handled it extensively, wounded but very mobile, when I ran out to call police and ambulance from a working phone.

(#19) FLOOR CARPETING WITH BLOOD-SOAKED TRAILS SHOWING GUN AND PHONE DRAGGING: When the district attorney misconductfully turned my house over to the decedent's family to destroy the crime scene, they tore up and destroyed the carpet months before trial, in secret. It had distinct blood trails where the attacker dragged a gun in one hand and phone in the other; without which the prosecutor was enabled to persuade the unwitting jury that the decedent never had a gun and was immobile.

(#20) **ALL** CRIME SCENE EVIDENCE WAS "STAGED" INTO REPOSITIONED PLACES BY POLICE: The police "evidence technician's" own photos, matched one to another, prove they moved and rearranged essentially every piece of crime scene evidence to "stage" the scene as they pleased to "frame" the murder conviction they invented. It also proved several of them committed perjury in testifying they moved none of

this; but my attorney refused to move to dismiss all charges as ANY non-compromised attorney would have done. This tampering made a fair trial impossible.

(#21) **ALL** CRIME SCENE MEASUREMENTS, DIMENSIONS WERE PORTRAYED FALSELY TO THE JURY: Every diagram, angle, layout, distance was portrayed with false diagrams to the jury to conform it to the invented murder scene the prosecution desired the jury to believe. Everything was distorted to that end; the jury couldn't get any true sense of my experience of the attack-&-shooting, nor what really happened as a self-defense event. My attorney refused to make corrections or expose the fraud.

(#22) TAPE RECORDED INTERVIEW PROVING D.A. WITNESS PERJURY, POLICE DID AWAY WITH: D.A. witness Donna Fernandez who was related to the decedent's family, unknown to the jury, swore under oath to the jury that I expressed vile sentiments toward the decedent, enough to tip the verdict to guilty. Before trial, Fernandez explicitly stated the opposite in a recorded tape my attorney returned to the prosecutor (to save $2.00), which the police then "disappeared" during the trial.

(#23) DATED CASH REGISTER RECEIPT PROVED PERJURY AND "FRAME-UP" BY STAR WITNESS: Allen Wallis was an intimate of the attacker and touted as the D.A.'s star witness of exceptional credibility. A dated cash register receipt would have undermined his ENTIRE testimony by proving he lied to the jury about the most key issue to intentionally frame me for murder. My attorney made great efforts to hide away the receipt while assuring me he was entering it in evidence, and while praising Wallis's credibility to the jury. They never knew of the receipt or his perjury.

(#24) EXONERATING DOCUMENTS SEIZED ILLEGALLY TO PREVENT DEFENSE USE OF THEM: Many of my private documents, having no nexus to murder or wrongdoing, but disproved much of the prosecutor's case against me, were illegally seized by police without warrant authority, and retained throughout trial, solely to prevent me from using as exonerating evidence and prove malicious prosecution and fraud. My attorney aided the prosecution in this, even lying to the court to help them.

(#25) MY WRITINGS SEIZED WITHOUT WARRANT AND FALSIFIED (BY FORGERY) BY PROSECUTOR: A number of my writings, as a prolific author and record-keeper, were seized and kept illegally without a warrant, by my attorney aiding the prosecution in doing so. Some were misread into the trial record, and the judge ruled they had to be falsified in writing to match the verbal misreadings. My attorney aided the prosecution in doing so and the jury never knew they were forged.

FACTUAL EVENTS, STATUSES, SITUATIONS FALSIFIED

(#26) THE ATTACKER STALKED ME AND VIOLENTLY ATTACKED ME REPEATEDLY IN PUBLIC: On two prior occasions, the attacker/decedent attacked me violently, in an out-of-control crazed-rage, on 11-22-82 and 12-20-82 and threatened me on other occasions. I sought police intervention several times, but in December, they demanded in a fit of anger that I never contact them again for intervention against this individual. My attorney refused to let the jury know about the most public attack (with witnesses) and aided the prosecutor in claiming I was the perpetrator

in the other attack on me.

(#27) DRUGS ATTACKER WAS ON DURING HIS FATAL, RAGEFUL, VIOLENT ATTACK:
The attacker had just returned directly from his doctor when he perpetrated this violent attack. He was issued drugs for hepatitis and other diseases (and probably psych drugs) which are now know to cause such rage attacks; his lover was a junkie with compromised immunity [AIDS], but my attorney refused to even attempt to examine his blood or what drugs he was taking, which were not ruled out in state reports. Yet the prosecutor argued he was on no drugs and that I feigned his rage-attack and fabricated evidence for that claim -- the very thing THEY did.

(#28) THE SHOOTING SCENE, MY HOME, WAS CHARACTERIZED AS THE ATTACKER'S HOME:
Four months before the shooting, I let Mr. Allred stay in my home for 3 weeks because he was homeless. He moved out in September 1982. Based on that, the prosecutor invented a case to the jury that Allred lived there and I didn't at the time of the shooting. My attorney did everything imaginable to coerce me to go along with that, as he did to the jury, after refusing to allow me to present evidence, documents and witnesses proving it was my home and Allred had moved out months before the shooting incident.

(#29) SHOOTING WAS FROM MY BEDROOM, NOT A WALK-IN "PANTRY", AS FALSELY PORTRAYED:
My bedroom, where the fatal attack occurred, had once apparently been a large walk-in pantry room. Throughout the entire trial, the prosecutor characterized it as still being a mere "pantry" (hundreds of times), to psychologically produce the assumption that it wasn't my home and my beroom. My attorney joined in, always referring to it as a "pantry," not my room, reinforcing this charade, and refused to ever let me explain the truth about it to the jury.

(#30) POLICE OFFICER OATES MEMORY-BRAIN DAMAGE BETWEEN SHOOTING EVENT AND TRIAL:
The primary police officer, first to the scene and most involved, Martin Oates, had a stroke/brain damage which wiped out most of his memory concerning the shooting incident prior to preliminary hearing and trial. My attorney refused to challenge or even expose this, but instead, aided the prosecutor and other police to "reconstruct" Oates's memory with all the details they wanted to prorgam into his memory that comported with their invented murder frameup.

(#31) JURY DEPRIVED OF MANSLAUGHTER, SELF-DEFENSE AND 20+ OTHER INSTRUCTIONS:
Behind my back, in private proceedings held without my knowledge, my attorney, working with the prosecutor, withdrew the standard self-defense instruction, sudden quarrel/heat of passion manslaughter instructions, involuntary manslaughter instructions, and omitted 24 instructions which were necessary for me to have a fair chance of an acquittal based on my case circumstances. The lay jury could only choose a verdict, and agreed to the court to do so, based explicitly on their instructions, and were deprived of any opportunity to choose acquittal of murder according to these missing instructions.

Every one of these "Brady Errors," and acts of fraud, misconduct and derelictions, and many others these merely represent in this case, notwithstanding their freestanding value, fall on the defense attorney for allowing, at best, and usually joining with prosecution agents to affirmatively perpetrate. Some of them I knew about by the time of my motion for new trial at my sentencing proceeding and some I did not. But those in the latter category would have been discoverable with my prompting by non-conflicted defense counsel at that proceeding, which I was deprived of.

BUT THE JURY DIDN'T KNOW OF ANY OF THIS, and were thereby deprived of even considering the question: Why would the prosecutor, police and other prosecution officials have committed these acts, fraudulently manufacturing a murder case to wrongfully win a conviction, if they didn't believe, themselves, I was innocent and would not have been convicted if not for such reprehensible acts of manufacturing a conviction case?

I attest, under affirmation and subject to penalties for perjury, that the foregoing statements of fact are all true of my own personal knowledge. This affidavit made this 31st day of January, 2011, and updated on May 14, 2018, in the County of Monterey, California.

Attested,)
Affirmed)

Free Lazor, Affiant
31625 Highway 101
Soledad, California 93960