

**CITIZEN COMPLAINT**

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U.S.P.S Certified Mail RRR No.: 7002 0510 0003 4495 3993

November 26, 2019

**Complainant:** Lonnie Glenn Schmidt AZ3544  
CSP Solano 21-3-4L  
2100 Peabody Road  
P.O. Box 4000  
Vacaville, CA 95696

**Complaint concerns:** Superior Court County of Santa Clara and judicial officers and employees thereof. Specifically, Assistant Presiding Judge Theodore C. Zayner and unknown Clerk(s) of the Court (hereinafter "judicial officers"). Office of the District Attorney, Santa Clara County and officers and employees thereof. Specifically, District Attorney Jeff Rosen, Deputy District Attorney Kimberly Connor and District Attorney Criminal Investigator Jamie Gauthier; and, Office of the District Attorney in all remaining 57 counties in California and officers and employees thereof. Specifically, former and incumbent District Attorneys and Deputy District Attorneys (hereinafter "public officers").

**Nature of Complaint:** Imprisonment of Complainant in the jail of the county on a criminal charge without being indicted. Willful and corrupt misconduct in office by the above named judicial and public officers.

**Investigation of matters of criminal nature; presentation by attorney general.**

Whenever the Attorney General considers that the public interest requires, he or she may, with or without the concurrence of the district attorney, direct the grand jury to convene for the investigation and consideration of those matters of a criminal nature that he or she desires to submit to it. Penal Code § 923(a)<sup>1</sup>.

Whenever the Attorney General considers that the public interest requires, he or she may, with or without the concurrence of the district attorney, impanel a special statewide grand jury to investigate, consider, or issue indictments in any matters in which there are two or more activities, in which fraud or theft is a material element, that have occurred in more than one county and were conducted either by a single defendant or multiple defendants acting in concert. § 923(c).

<sup>1</sup> Undesignated statutory references are to the California Penal Code.

### **Authority of the Grand Jury.**

The grand jury may inquire into all public offenses committed or triable within the county and present them to the court by indictment. § 917(a).

The grand jury may inquire into the case of every person imprisoned in the jail of the county on a criminal charge and not indicted. § 919(a).

The grand jury shall inquire into the willful or corrupt misconduct in office of public officers of every description within the county. § 919(c).

### **Unlawful deprivation of Complainant's personal liberty.**

Complainant was imprisoned in the Santa Clara County Jail on a criminal charge from December 12, 2013 until January 7, 2014 and June 14, 2016 until October 2, 2016 and not indicted. The criminal charge was by mode of an illegal charging instrument filed by the state (District Attorney) on behalf of the people of the state of California in the Santa Clara County Superior Court: an unauthorized charging instrument in a felony case; filing of false instrument and false imprisonment.

#### **§ 15 "Crime" and "Public offense" defined.**

"A crime or public offense is an act committed or omitted in violation of a law forbidding or commanding it, and to which is annexed, upon conviction, either of the following punishments: 1. Death; 2. Imprisonment; 3. Fine; 4. Removal from office; or, 5. Disqualification to hold and enjoy any office of honor, trust, or profit in this State." (Emphasis added.)

### **Willful and corrupt misconduct in Office.**

Acts of omission. The state is commanded to prosecute felonies by mode and form of indictment or, after examination and commitment by a magistrate, by information (California Constitution Article I, § 14; §§ 682, 737, 738, 949). The public officers violated the commands of the law when they initiated prosecution of felonies via complaint.

#### **§ 949 First pleading on part of the people.**

"The first pleading on the part of the people in the superior court in a felony case is the indictment, information, or the complaint [made by a private person] in any case certified to the superior court under Section 859a." (Emphasis added.)

Note: The "complaint" referenced in §§ 859a and 949 may not be made by a government person. However, that is precisely what has happened in Complainant's case, as evidenced herein (see Exhibit A, Attachment 1 (Felony Complaint), attached to "Declaration of Lonnie Glenn Schmidt In Support of Citizen Complaint To Attorney General" ("Declaration") as Exhibit 1) and incorporated herein; and other persons similarly situated<sup>2</sup>.

The California Supreme Court has held that the state must initiate felony prosecutions in the manner required by law: "the first pleading by the prosecution, in a felony case may be either an indictment or information." Guillory v. Superior Court, (2003) 31 Cal.4th 168, 173-174. (Emphasis in original.)

The public officers obtained neither an indictment nor an information at the outset of the case as commanded by law: a condition precedent to prosecution and imprisonment of Complainant and other persons similarly situated (see, Fn2).

The neglect of the public officers to follow the law and obtain the required legal charging instrument (indictment, information) prior to causing the imprisonment of Complainant in the county jail constitutes willful omission to perform their duty and violates their oath of office. "The duty enjoined by law for the performance of which the officer is punishable relates to acts to be performed by the incumbent in his official capacity." Ex parte Harold, (Cal. October 1, 1873) 47 Cal. 129, 1873. Such malfeasance is a public offense punishable by imprisonment and removal from office. (§§ 182(a)(1-5), 236, 661; Government Code (GC) § 1222; Business and Professional Code (B&P) §§ 6068, 6128(a).)

Acts of commission. The public officers violated the prohibitions of the law when they willfully and corruptly conspired to unlawfully imprison Complainant; the overt act being the preparation, offering in evidence, and filing of a false and forged charging instrument (felony complaint) in a public office. (§§ 182(a)(1-5), 115(a), 132, 134, 236, 949; B&P § 6128(a).)

The judicial officers violated the prohibitions of the law when they willfully and corruptly conspired to knowingly pervert and obstruct justice by preventing Complainant- a victim of, and witness to, a crime -from causing a complaint and indictment to be sought and prosecuted, and from assisting in the prosecution thereof.

The overt act(s) being the taking, opening and reading of a sealed letter not addressed to the judicial officers (which letter had been in the custody of a letter/mail carrier), **before** it had been delivered to the person to whom it was directed (Grand Jury); with design to obstruct the correspondence and to pry into the business and secrets of Complainant and without being authorized so to do by Complainant; and, having actual knowledge that the letter contained evidence of a felony cognizable by a court of the United States, concealed, secreted the evidence and did not make known the felony.

Such malfeasance is a state public offense and a federal offense against the laws of the United States punishable by fine, imprisonment and removal from office. (§§ 618, 182(a)(1),(5), 96.5, 98, 136.1(b)(2),(c)(2); 18 U.S.C. §§ 4, 241, 242, 1382, 1702.)

**§ 115(a) Procuring or offering false or forged instrument for record; violations; punishment.**

"(a) Every person who knowingly procures or offers any false or forged instrument to be filed, registered, or recorded in any public office within this state, which instrument, if genuine, might be filed, registered, or recorded under any law of this state or of the United States, is guilty of a felony." (Emphasis added.)

The purpose of section 115 is "to prevent the recordation of spurious documents knowingly offered for record." (Generis v. Justice Court (1980) 106 Cal.App.3d 678, 681-682; see also People v. Feinberg (1997) 51 Cal.App.4th 156, 1579 ["The core purpose of ... section 115 is to protect the integrity and reliability of public records"].)

**§ 132 Offering forged, altered or ante-dated book, document, or record.**

"Every person who upon any trial, proceeding, inquiry, or investigation whatever, authorized or permitted by law, offers in evidence, as genuine or true, any book, paper, document, record, or other instrument in writing, knowing the same to have been forged or fraudulently altered or ante-dated, is guilty of felony." (Emphasis added; forged: to make (something false) for purpose of deception or fraud.)

Criminal investigations and felony prosecutions are proceedings authorized by law. The offering of the bogus written instrument (felony complaint) in evidence as a genuine and true charging instrument is fraud. The instrument was known by the public officers to be forged and incapable of conferring jurisdiction upon the court. The courts have held "a forged document is void ab initio and constitutes a nullity;" (Wutzke v. Bill Reid Painting Service, Inc. (1984) 151 Cal.App.3d 36, 43; see City of Los Angeles v. Morgan (1951) 105 Cal.App.2d 726, 733 ["An instrument that is void ab initio is comparable to a blank piece of paper and so necessarily derives no validity from the mere fact that it is recorded [filed]"].)

**§ 134 Preparing false documentary evidence.**

"Every person guilty of preparing any false or ante-dated book, paper, record, instrument in writing, or other matter or thing, with intent to produce it, or allow it to be produced for any fraudulent or deceitful purpose, as genuine or true, upon any trial, proceeding, or inquiry whatever, authorized by law, is guilty of felony." (Emphasis added.)

The public officers prepared the false written instrument (felony complaint) with the intent that it be accepted by the court and the accused as a genuine and true charging instrument sufficient to confer jurisdiction upon the court and initiate the criminal prosecution and imprisonment of Complainant.

### **The conspiracy and overt acts.**

On or about January 18, 2013, District Attorney Jeff Rosen, Deputy District Attorney Kimberly Connor and District Attorney Criminal Investigator Jamie Gauthier conspired together to prepare, procure and offer false instruments (felony complaint and Declaration Case No. C1348325, see **Exhibit 1 to Declaration; Exhibit A, Attachment 1**) to be filed in a public office (Superior Court of California, County of Santa Clara) for the purpose of depriving Complainant of his liberty without benefit of due process of law, in violation of §§ 182(a)(1-5), 115(a), 132, 134, 236, 817(b); B&P § 6128; 18 U.S.C. §§ 241, 242.

On or about January 18, 2013, District Attorney Criminal Investigator Jamie Gauthier offered "Felony Complaint" Case No. C1348325 to be filed in a public office (Superior Court, Santa Clara County) a violation of § 115(a), an overt act in furtherance of the conspiracy. See, **Exhibit 1 to Declaration; Exhibit A, Attachment 1 (Felony Complaint)**.

On or about January 18, 2013, Criminal Investigator Jamie Gauthier, caused to be offered for filing in the Superior Court, Santa Clara County, the felony complaint, alleging an instrument styled "Declaration In Support of Probable Cause for Arrest" for the arrest of Complainant was "attached" to said complaint, but was not, and when "discovered" in August 2016 by DDA Connor, was **false** for want of oath as commanded by law (§ 817(b)), an overt act in furtherance of the conspiracy in violation of §§ 115(a),(b), 132, 134, 236. See **Exhibit 1 to Declaration; Exhibit A** for J. Gauthier's "Declaration in support of probable cause".

On or about June 14, 2016, Deputy District Attorney Kimberly Connor joined the conspiracy when she prosecuted Complainant pursuant to the bogus felony complaint and negotiated a settlement thereto. All in violation of §§ 115(a), 132, 134, 182(a)(1-5), 236, 817(b); B&P § 6128 and her oath of office.

On or about March 8, 2018, Jeff Rosen, Santa Clara County District Attorney, furthered the conspiracy when, after being advised of his subordinates' malfeasance and notice to cease and desist prosecutions via felony complaint and demand to abate and mitigate damages, he failed to take the demanded or any action. All in violation of §§ 115(a), 132, 134, 182(a)(1-5), 236, 817(b); B&P 6128 and his oath of office.

The **judicial** officers effectively joined the conspiracy when they stole Complainant's mail addressed to the Grand Jury, secreted and concealed the evidence of the herein named public officers' wrongdoing and prevented Complainant's pursuit of a criminal complaint and indictment and opportunity to assist in prosecution through the Santa Clara County Civil Grand Jury. All in violation of §§ 96.5, 98, 115(a), 132, 134, 182(a)(1-5), 236, 618, 817(b), 136.1(b)(2), (c)(2); B&P § 6128; 18 U.S.C. §§ 4, 241, 242, 1382, 1702.

Persons and agencies contacted about this complaint and result.

"A servant will not be corrected by mere words; for though he understands, he will not respond." Proverbs 29:19 (NKJV).

March 8, 2018 letter to Jeff Rosen, District Attorney, Santa Clara County, Re: People v. Schmidt, Case No. C1348325, Cease and Desist All Prosecutions Via Felony Complaint; Rescind and Annul Complaint No. C1348325; Notice To Abate and Mitigate Damages. Copies to Xavier Becerra, Attorney General, Chief Public Defender Santa Clara County, Lisa Gonzales, KCRA 3 News. Letter attached to Declaration, Exhibit 1 as Exhibit B, and incorporated herein.  
Result: No response.

April 28, 2018 e-mail to Sacramento, Solano and Napa County District Attorneys' Office, Xavier Becerra, Attorney General and Attorney General's Office, California Re: Joseph DeAngelo, alleged East Area Rapist; Illegally Charged by DA??. E-mail (sender's address deleted for privacy; available upon request). E-mail attached to Declaration, Exhibit 1 as Exhibit C and incorporated herein.  
Result: No response.

November 7, 2018 letter to Custodian of Records, Santa Clara County District Attorney's Office re: People v. Schmidt, Case No. C1348325 Complaint; Request for Record [authority to prosecute felonies via complaint]. Letter attached to Declaration, Exhibit 1 as Exhibit D and incorporated herein.  
Result: Non-responsive.

February 10, 2019 letter to Senator Kamala Harris Re: On Your Watch! California's felony convictions via complaint: none are valid, no not one; Malfeasance In Office. NOTICE FELONY; DEMAND FOR RELIEF. Letter sent by U.S.P.S. Certified Mail and certified copies to Donald Trump, President, Gavin Newsom, Governor; regular mail copies sent to William Barr, U.S. Attorney General, William Shubb, Judge, United States District Court, Eastern District of California, Jay Sekulow, Chief Counsel, American Center for Law and Justice and Lisa Gonzales, KCRA 3 News. Letter attached to Declaration, Exhibit 1 as Exhibit E and incorporated herein.  
Result: No response.

May 13, 2019 letter to Heather E. Williams, Federal Defender, Eastern District of California, Re: California's felony convictions via complaint ... none are valid, no not one.  
Result: Response May 17, 2019 from Assistant Federal Defender Ann McClintock confirming prosecutions reviewed were all initiated by complaint (violation of § 949). "In every case that I have reviewed, the initial complaint was used to arrest the defendant and either an Information was filed after a preliminary hearing or an Indictment was filed after a grand jury signed off on it." Letters attached to Declaration, Exhibit 1 as Exhibit F and incorporated herein.

Observation: The federal response highlights the state's fundamental Constitutional error: initiating felony prosecutions via complaint in direct disobedience to the Constitution and Penal Codes' command to prosecute by indictment or information. Further, the filing of a felony complaint by a government officer is disobedience to a direct standing order of the Attorney General: "Government may not even be involved in the preparation, investigation and filing of a felony complaint" Bill Lockyer, Attorney General, People v. Viray, (2005) 134 Cal.App.4th 1186, 1201. This conduct is willful failure to follow orders and perform a duty as a sworn public officer. This criminal conduct may not be condoned by the Attorney General or the grand jury.

The fundamental jurisdictional error: The California Supreme Court has held "A felony complaint, unlike a misdemeanor complaint, does not confer trial jurisdiction." Serna v. Superior Court, (1985) 40 Cal.3d 239, 257. Without jurisdiction, the judgment of conviction is void. (See, Declaration, Exhibit 1, Exhibit A for authorities.)

Subsequent filing of an indictment or information cannot restore jurisdiction which never existed and is a nullity (see 22 C.J.S. "Criminal Law" § 324, p. 390, *infra*.)

A bogus accusatory pleading does not give notice of the charges, a Constitutional requirement (Sixth Amendment to U.S. Const.). The failure to give notice of the charges by the state is a legal issue cognizable by both the state and federal courts and mandates dismissal of the case and release of Complainant and others so prosecuted. Complainant was so prosecuted. Government can't ignore the issue nor "move the goal-post to make it seem right." (Attorney General Xavier Becerra, see Fn3.) No clever arrangement of rotten eggs will ever make a good omelet. (C. S. Lewis.)

On October 2, 2019, Complainant mailed a "Citizen Complaint" letter and evidence of the public officers' wrongdoing to the Santa Clara Grand Jury seeking an investigation, indictment and prosecution of said public officers. Citizen Complaint attached to "Declaration" as Exhibit 1 and incorporated herein. Result: No response.

On or about October 21, 2019, Complainant received a letter from Theodore C. Zayner, Assistant Presiding Judge of the Santa Clara County Superior Court stating that for lack of complaint against any specific judicial officer, he was not taking any action and considered the matter closed. Letter attached to "Declaration" as Exhibit 2 and incorporated herein. Result: Complainant, is denied access to the grand jury; evidence of willful and corrupt misconduct in office by the public officers is concealed by the judicial officer(s).

Observation: The Attorney General of California is the Chief law enforcement officer for the state. He has duty to investigate judicial and public officers' malfeasance in office and seek criminal prosecution thereof by indictment.

### The Prosecution's Breach of Duty Violates Due Process Rights.

The prosecutor (District Attorney) has a duty to support the law, maintain respect for the court and maintain only legal and just actions and, not to mislead the judge by any false statement or artifice. (B&P § 6068.)

"It is the duty of an attorney to do all of the following:

- (a) To support the Constitution and laws of the United States and of this state.
- (b) To maintain the respect due to the courts of justice and judicial officers.
- (c) To counsel or maintain such actions, proceedings, or defenses only as appear to him or her legal or just, except the defense of a person charged with a public offense.
- (d) To employ, for the purpose of maintaining the causes confided to him or her such means only as are consistent with truth, and never to seek to mislead the judge or any judicial officer by any artifice or false statement of fact or law." (Emphasis added.) (B&P § 6068.)

It may not be disputed that the bogus felony complaint is an ingenious device (artifice) intended to mislead the court, the accused and, to initiate a criminal prosecution and shortcut the grand jury process. All in violation of B&P § 6128(a).

B&P § 6128(a) "Every attorney is guilty of a misdemeanor who either: Is guilty of any deceit or collusion, or consents to any deceit or collusion, with intent to deceive the court or any party."

### § 618 Sealed letter addressed to another; opening or publishing.

"Every person who willfully opens or reads, or causes to be read, any sealed letter not addressed to himself, without being authorized so to do, either by the writer of such letter or by the person to whom it is addressed, ... is guilty of a misdemeanor." (Emphasis added.)

### 18 U.S.C. § 1702 Obstruction of Correspondence.

"Whoever takes any letter, ... which has been in the custody of any letter or mail carrier, before it has been delivered to the person to whom it was directed, with design to obstruct the correspondence, or to pry into the business or secrets of another, or opens, secretes, embezzles, or destroys the same, shall be fined under this title or imprisoned not more than five years, or both." (Emphasis added.)



**18 U.S.C. § 4 Misprision of Felony.**

"Whoever having knowledge of the actual commission of a felony cognizable by a court of the United States, conceals and does not as soon as possible make known the same to some Judge or other person in civil or military authority under the United States, shall be fined under this title or imprisoned not more than 3 years or both."

**18 U.S.C. § 241, 242 Conspiracy Against Rights; Deprivation Of Rights Under Color Of Law.**

"If 2 or more people conspire to injure, oppress, threaten, or intimidate any person...in the free exercise or enjoyment of any right or privilege secured to him by the Constitution or Laws of the United States, or because of his having so exercised the same (§ 241),...Whoever, under color of any law, statute, ordinance, regulation or custom, wilfully subjects any person in any state,...to the deprivation of any rights, privileges, or immunities secured or protected by the Constitution or Laws of the United States (§ 242),...they shall be fined under this title or imprisoned not more than 10 years or both...if such acts include kidnaping or an attempt to kidnap,...they shall be fined under this title or imprisoned for any term of years, or for life, or both, or may be sentenced to death."

**18 U.S.C. § 1382 Misprision of Treason.**

"Whoever, owing allegiance to the United States and having knowledge of the commission of any treason against them, conceals and does not, as soon as may be, disclose and make known the same to the President or to some Judge of the United States, or to the Governor or to some Judge or Justice of a particular state, is guilty of Misprision of Treason and shall be fined under this title or imprisoned not more than 7 years or both."

**§ 136.1. Intimidation of witness and victims; offenses.**

"(b) Except as provided in subdivision (c), every person who attempts to **prevent** or **dissuade** another person who has been the **victim** of a crime or who is **witness** to a crime from doing any of the following is guilty of a public offense and shall be punished by imprisonment in a county jail for not more than one year or in the state prison:

(2) Causing a **complaint**, **indictment**, information, probation or parole violation to be sought and prosecuted, and **assisting in the prosecution** thereof;

(c) Every person doing any of the acts described in subdivision (a) or (b) knowingly and maliciously under any one or more of the following circumstances, is guilty of a felony punishable by imprisonment in the state prison for two, three, or four years under any of the following circumstances:

(2) Where the act is in furtherance of a **conspiracy.**"  
(Emphasis added.)

**§ 96.5 Perversion or obstruction of justice by judicial officer, court commissioner or referee.**

(a) Every judicial officer, court commissioner, or referee who commits any act that he or she knows perverts or obstructs justice, is guilty of a public offense punishable by imprisonment in a county jail for not more than one year.

(b) Nothing in this section prohibits prosecution under paragraph (5) of subdivision (a) of Section 182 of the Penal Code or any other law."

**§ 98 Forfeiture of and disqualification from holding office.**

"Every officer convicted of any crime defined in this Chapter, in addition to the punishment prescribed, forfeits his office and is forever disqualified from holding any office in this State."

When the judicial officers stole mail addressed to the Grand Jury which had been in the custody of a mail carrier, opened, read, and concealed the letter and evidence and "terminated" the Citizen Complaint, they perverted and obstructed justice, acted maliciously and without authority and prevented and attempted to dissuade Complainant (both a victim and witness) from causing a complaint and indictment to be sought, prosecuted and to participate in the prosecution thereof, in violation of the law and Complainant's civil rights. And the judicial officers effectively joined the public officers' conspiracy to imprison Complainant as set forth herein and in the stolen letter, materials and evidence, see Exhibit 1 to Declaration.

Such conduct by the judicial officers violates their oath of office to support and defend both the state and federal constitutions and constitutes usurpation of authority of the Grand Jury of Santa Clara County. And in addition to the specific crimes enumerated above, may be considered by some to be treason.

"We [judges] have no more right to decline the exercise of jurisdiction which is given, than to usurp that which is not given. The one or the other would be treason to the Constitution." Cohens v. Virginia, 6 Wheat (19 U.S.) 264, 404 (1821).

The judicial officer (Judge Zayner) certainly erred in judgment when, without permission, he read the letter addressed to the Grand Jury and afterward failed to act or disclose to authorities the felonies by public officers as evidenced in the letter and exhibits and attachments thereto. And he certainly usurped the authority of the civil grand jury and attempted to dissuade Complainant's testimony, when he stated "I will take no further action and will consider this matter closed." See, Judge Zayner's letter, **Exhibit 2 to Declaration**. "The line which separates error in judgment from the usurpation of power is very definite." Voorhees v. The Bank of the United States, 35 U.S. 449, 474-75 (1836).

Under our system of government, judicial officers are responsible to the people, or the authorities constituted by the people, for the manner in which they discharge the great trust of their office. Judicial officers may be called to account and trial for misdemeanor in office or for willful or corrupt conduct in office, where, in exercise of power, they act with partiality, or maliciously, corruptly, arbitrarily, or oppressively. Frazier v. Moffatt, (108 Cal.App.2d 379, 385). The cases clearly hold that where a judicial officer violates a criminal statute, he is held to the same responsibility of any citizen. Craig v. United States 9th Cir. 81 F2d 816; United States v. Manton, 2d Cir. 107 F2d 834) id 385.

Complainant was imprisoned pursuant to an illegal (false and forged) charging instrument (felony complaint). See, Felony Complaint, Case No. C1348325, attached to Declaration as Exhibit 1 (see Exhibit A, Attachment 1 attached thereto), and incorporated herein.

For legal points and authorities proving that a **felony complaint is an illegal charging instrument incapable of conferring jurisdiction on the court**, and that the judgment obtained pursuant thereto is void, see Exhibit 1, Exhibit A; "Grounds for Relief" for "PETITIONER'S CONFINEMENT VIOLATES THE CONSTITUTION AND LAWS OF THE UNITED STATES." Noting: the term "Petitioner" means Lonnie Glenn Schmidt. Grounds for Relief (pages 3.1-3.19) clarifies §§ 859a and 949 "complaint" as being made by a private person (pages 3.3-3.4) and sets forth the violations of due process and law with supporting facts, cases, rules and other authorities.

Complainant was unlawfully imprisoned in the Santa Clara County Jail and is now unlawfully confined in CSP Solano as a direct result of the willful misconduct of the public officers named herein; i.e., the officers' failure to obtain an indictment in the first instance (§ 949) and, prosecuting Complainant pursuant to a bogus charging instrument. Such criminal conduct is a perversion and obstruction of justice and punishable by imprisonment, removal from office and disqualification from ever holding office. (§§ 98, 115(a), 132, 134, 182(a)(1-5), 236, 661; B&P § 6128(a); 18 U.S.C. §§ 241, 242.)

Complainant is prejudiced by the judicial officers' theft of mail, prevention and attempted dissuasion of Complainant's opportunity to seek remedy through complaint, indictment and prosecution of the public officers by accessing the grand jury. See Declaration and Exhibits, attached hereto and incorporated herein. Such conduct is punishable by fine, imprisonment and removal from office. (§§ 182(a)(1-5), 96.5, 98, 136.1(b), (b)(2), (c)(2), 618; 18 U.S.C. §§ 4, 241, 242, 1382, 1702.)

The Attorney General has taken an oath (see Fn6) to support and defend both the state and federal constitutions and so have each of the public and judicial officers named herein.

It is axiomatic that public and judicial officers are not above the law<sup>3</sup> and may not violate the commands and prohibitions of the law in order to enforce the law. And when warnings, notice and opportunity to correct their aberrant behavior and uphold their oath of office are given to their superiors (see, letter to District Attorney Jeff Rosen, April 28, 2018 E-mail to Attorney General, and letter to Senator Kamala Harris with copies to Governor Newsom, Attorney General Becerra and President Trump (Declaration, Exhibit 1, Exhibits A, B, C, E) and ignored (Notice to the principal is notice to the agent), public officers maliciously, corruptly and willfully violate their oath of office, the Constitution and the laws of the United States. Dare we call such conduct treason (violation of the allegiance owed to one's sovereign or state)?

**Summary of violations of state and federal law within Santa Clara county.**

Failure of the District Attorney to initiate a felony prosecution via indictment or information as required by law (§§ 682, 737, 949) is a willful omission to perform a duty and a violation inter alia, of GC §§ 1222; B&P §§ 6068, 6128, and oath of office.

The District Attorney's preparation, offering in evidence and filing of false or forged instrument (felony complaint) in a public office is commission of a felony offense (§§ 115(a), 132, 134). And collusion and deceit is willful misconduct in office, a misdemeanor offense (B&P § 6128(a)).

The judicial officers theft of mail and prevention and attempt to dissuade Complainant from the seeking and prosecution by complaint or indictment of the persons who victimized Complainant and usurpation of authority of grand jury are commission of public offenses (§§ 96.5, 98, 182(a)(1),(5), 136.1(b),(b)(2),(c)(2), 236, 618; 18 U.S.C. §§ 4, 241, 242, 1382, 1702.)

When two or more persons conspire to commit any crime, falsely and maliciously to procure another to be charged or arrested for any crime, falsely to move or maintain any action or proceeding, to cheat and defraud any person of any property, by means which are in themselves criminal, or to obtain money or property by false pretenses and commit acts injurious to the public health, to public morals, or to pervert or obstruct justice, or the due administration of the laws, those persons commit an act in violation of a law commanding or forbidding it (§§ 682, 737, 949; 96.5, 98, 115(a), 132, 134, 182(a)(1-5), 236, 618; B&P §§ 6068, 6128(a); 18 U.S.C. §§ 4, 241, 242, 1382, 1702) a public offense is committed.

The imprisonment of Complainant in the county jail and state prison in the absence of an indictment or information is a violation of state and federal law, due process, civil rights and constitutes false imprisonment (§§ 96.5 115(a), 132, 134, 182(a)(1-5), 236; B&P § 6128(a); 18 U.S.C. §§ 4, 241, 242, 1702).

"The indictment or complaint can be invalid if it is not constructed in the particular mode or form prescribed by constitution or statute." 42 C.J.S. "Indictments and Informations" § 1, p. 833.

"If the charging document is void, the subject matter jurisdiction of a court does not exist. The want of a sufficient affidavit, complaint or information goes to the jurisdiction of the court, ... and renders all proceedings prior to the filing of a proper instrument void ab initio." 22 C.J.S. "Criminal Law" § 324, p. 390.

"Without a formal and sufficient indictment or information, a court does not acquire subject matter jurisdiction and thus an accused may not be punished for a crime." Honomichl v. State, 333 N.W.2d 797, 798 (S.D. 1983); Albrecht v. United States 273 U.S. 1, 8 (1927).

Complainant's research<sup>4</sup> reveals that the illegal prosecution of felonies via felony complaint has been practiced for many years by the Santa Clara County District Attorney. Long standing practice notwithstanding, "It is obviously correct that no one acquires a vested or protected right in violation of the Constitution by long use, even when that span of time covers our entire National existence and even predates it." Walz v. Tax Commission of New York City, 397 U.S. 664, 678 (1970).

**This unlawful practice by our public servants must stop, now!**

It has been said with much truth, "Where the law ends, tyranny begins." Merritt v. Welsh, 104 U.S. 694, 702 (1881). "Whoever sows injustice reaps calamity, and the rod they wield in fury will be broken." Proverbs 22:8 (NIV).

Scoffing at Constitutional command to prosecute felonies by indictment or information and the grand jury's sole authority to indict, the district attorneys of this state have planted injustice in the soil of liberty ... and we the people reap the calamity of an almost 100% "conviction" rate.

By the people allowing the Attorney General to continue the practice of a single government officer to target whomever he or she may choose (profiling?) and, without a complaining injured party, to prepare and file a felony complaint- bypassing the grand jury safeguard of at least 19 persons investigating facts -based upon the officer's suspicion, we the people abdicate our oversight responsibility to govern and rightfully feel the government's rod of fury. The rod can and must be broken.

Tyranny and despotism exist where the will and pleasure of those in government is followed rather than established law. It has been repeatedly said and affirmed as a most basic principle of our government that, "this is a government of laws and not men; and that there is no arbitrary power located in any individual or body of individuals." Cotting v. Kansas City Stock Yards Co. 183 U.S. 79, 84 (1901).

The Constitution clearly requires that all felonies be prosecuted by indictment or information. An information must be preceded by a valid complaint brought by a private person. Government may not even be involved with the preparation, investigation and filing of a felony complaint. In the case of Complainant and almost every felony conviction in this county and those prosecutions now pending, government has prepared and filed a felony complaint. Something's wrong.

If these clear and unambiguous provisions of the State Constitution can be disregarded, then we no longer have a Constitution in this State, and we no longer live under a government of laws but a government of men, i.e., a system that is governed by the arbitrary will of those in office.

The prosecution of felonies via complaint by those District Attorneys in office is a typical example of the arbitrary acts of government which have become all too prevalent in this century. Use of a felony complaint by the state is a nullity under our Constitution. Unless such conduct is condemned—and who knows but that this particular Attorney General and Grand Jury have been chosen to serve for such a time and term as this—absolute power will continue to corrupt absolutely. Next thing we know, government officers will be charging citizens with crimes of their thoughts ... alleging "on information and belief" they were thinking of committing the crime of ??? And, by simply filing a bogus complaint, prosecuting, convicting (98%+ conviction rate) and imprisoning the citizen to serve lengthy terms of confinement.

#### **Duty of the Attorney General and Grand Jury.**

The Attorney General is the Chief Law Enforcement Officer of the State and has taken an oath<sup>6</sup> to support and defend both the state and federal constitutions. Grand Jury members take an oath to "support the Constitution of the United States and of the State of California, and all laws made pursuant to and in conformity therewith, will diligently inquire into, and true presentment make, of all public offenses against the people of this state, committed or triable within this county, of which the grand jury shall have or can obtain legal evidence." (Section 911 excerpt from grand juror's oath). Complainant respectfully reminds this grand jury of the oath taken by each member, as, it is apparent, the public and judicial officers named herein have forgotten theirs (see Fn6).

The Attorney General and grand jury have an obligation to support the United States Constitution and the California Constitution. And "when justice is done, it brings joy to the righteous but terror to evildoers." Proverbs 21:15 (NIV). However, were the Attorney General and grand jury to tolerate the will and corrupt misconduct of the public and judicial officers named herein, the Attorney General and grand jury would effectively be a party to the abuse, and a willing participant.

**Anticipated proper outcome of the Attorney General and Grand Jury involvement in this complaint.**

That the Attorney General investigate this matter and convene a grand jury sufficient to consider and act on the evidence of willful and corrupt misconduct in office of the public and judicial officers named herein and discovered to be in violation of the laws of the state and United States. That the Grand Jury perform its duty and determine that the public officers named herein do not now and never did, enjoy lawful authority to initiate prosecution of a criminal action charging a felony by mode and form of complaint. And determine that the public officers, by not obtaining an indictment, violated their oath of office and committed a public offense of **omission** and, an offense of **commission** by preparing, offering in evidence and filing a false and forged instrument (felony complaint) and prosecuting Complainant pursuant thereto. And determine that the judicial officer's herein stole mail addressed to the Grand Jury, opened, read, and concealed evidence of wrong doing by public officers contained therein. And the judicial officers prevented and attempted to dissuade Complainant from complaining or seeking an indictment of said officers and to aid in the prosecution thereof. And offense being found, determine Complainant's imprisonment in the county jail and state prison and continuing imprisonment resulted from the unlawful actions of said public and judicial officers. And so finding, return an indictment of those public and judicial officers violating the law to the appropriate court, state or federal, for prosecution therein. And, notify the Governor of California to order the immediate cessation of prosecution of felonies by the state in this county via mode and form of complaint. Immediate action and notification thereof to Complainant within 10 days of receipt is demanded.

The foregoing is true and correct.



Lonnie Glenn Schmidt,  
Complainant,  
Victim Aggrieved,  
One of the People,  
Native Californian.



## FOOTNOTES

- 2 "It should be pointed out that as a practical matter almost all felony prosecutions in the state are initiated through the filing of a complaint signed by a deputy district attorney. According to petitioner's argument, virtually every felony conviction and every pending felony prosecution in the state is invalid." Honorable J. S. Penny, Superior Court County of Placer, Placer County California. In re Brooks, (May 18, 2018) Case WHC-1611 Order Denying Petition for Writ of Habeas Corpus.
- 3 "No one is above the law. We learn from a young age to do things right and that there are consequences when we do things wrong. You have to play by the rules. You cannot do something wrong and move the goal-post to make it seem right." Attorney General Xavier Becerra, November 12, 2019, 4 o'clock KCRA 3 television news.
- 4 See articles "The Truth, The Whole Truth...And Nothing But", "Without One Plea", "Handling The Truth" and "Something's Wrong" at [www.withoutoneplea.com](http://www.withoutoneplea.com). (Click on "State".)
- 5 Esther 4:14 (NKJV).
- 6 "I, (Attorney General, District Attorney, Deputy District Attorney et al.,) do solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the Constitution of the State of California against all enemies, foreign and domestic; that I will bear true faith and allegiance to the Constitution of the United States and the Constitution of the State of California; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter."

Thanksgiving day, 1967, Republic of Vietnam; 118th Assault Helicopter Company, Thunderbirds. As Flight Leader "Thunderbird One" of a 10 ship UH1 "Huey" formation, at twilight we were flying back to the "Birdcage" at Bien Hoa. Tired, after a full day of combat insertion and extraction of troops into "hot" landing zones, the FM radio was tuned to "easy listening" Saigon. Crew Chief and Door Gunner sprawled among spent brass on the floor of the aircraft, and Co-pilot resting, I was thinking of home...and the turkey dinner awaiting our arrival at the base. Abruptly, the emergency radio frequency crackled to life with "May day, may day, may day" the pilot giving his call sign and location, and calmly saying "I've just lost my main rotor system. Goodbye, good luck and God bless you all." Then silence. And again I remember...freedom is not free.

Mr. Attorney General, many veterans are among the 130,000+ persons illegally prosecuted and...imprisoned on your watch. We did our duty honoring Country, the Constitution and our oath...now its time for you to do yours. Do it right: indict.

"Therefore to him who knows to do good and does not do it, to him it is sin." James 4:17 (NKJV).



DECLARATION OF LONNIE GLENN SCHMIDT IN SUPPORT OF  
CITIZEN COMPLAINT TO THE ATTORNEY GENERAL OF CALIFORNIA

I, Lonnie Glenn Schmidt, declare, under penalty of perjury under the laws of the state of California, that the following is true and correct, that:

1. I am a person over the age of seventy-five years and, if called upon to testify, could testify competently to the following matters.

2. On or about October 2, 2019, I placed a 9" x 12" envelope bearing my return address and addressed to "Santa Clara County Grand Jury, 191 North First Street, San Jose, California 95113" and marked "CONFIDENTIAL CORRESPONDENCE", into the United States Mail at CSP Solano, 2100 Peabody Road, Vacaville, California, 95696.

3. The envelope contained an 8 page CITIZEN COMPLAINT (letter) at the top of the first page addressed to the "Santa Clara County Grand Jury", and 50 pages of exhibits and attachments evidencing willful misconduct in office of officers and employees of the Santa Clara County District Attorney's Office: violations of state and federal law, a copy of which is attached hereto and incorporated herein as **Exhibit "1"**.

4. I have not received an acknowledgment of receipt of Exhibit 1 nor any other correspondence from the Santa Clara County Grand Jury.

5. On or about October 21, 2019, I received a letter dated October 16, 2019 from Assistant Presiding Judge Theodore C. Zayner, Santa Clara County Superior Court, stating:

"I have received and reviewed your eight page 'Citizen Complaint'...'I have also reviewed the exhibits and attachments which accompany the complaint' 'these materials have been forwarded to me' ... 'You do not claim misconduct by any judicial officer of this Court. As your submission does not raise any specific complaint about any judicial officer, and does not allege judicial misconduct, I have no authority in this matter. I will take no further action and will consider this matter closed'", a copy of which is attached hereto and incorporated herein as **Exhibit "2"**.

6. I did not authorize Judge Theodore C. Zayner nor any person other than the addressee (Santa Clara Grand Jury) to open, read and/or review the letter and materials (Exhibit 1) addressed to the Santa Clara County Grand Jury.

7. I did not submit Exhibit 1 to, or request Judge Zayner's or the Santa Clara County Superior Court's assistance for review of, and comment on, Exhibit 1, which I intended for the Grand Jury's eyes only.

And further, declarant sayeth naught.

Dated: November 26, 2019



Lonnie Glenn Schmidt,  
Declarant

Executed at Vacaville, California 95696 this 26th day of November, 2019.



Lonnie Glenn Schmidt

EXHIBIT 1

EXHIBIT 1

October 2, 2019 8 page letter and 50 pages of evidence  
addressed to the  
Santa Clara County Grand Jury

EXHIBIT 1

**CITIZEN COMPLAINT**  
Santa Clara County Grand Jury  
191 North First Street  
San Jose, California 95113

October 2, 2019

**Complainant:** Lonnie Glenn Schmidt AZ3544  
CSP Solano 21-3-4L  
2100 Peabody Road  
P.O. Box 4000  
Vacaville, CA 95696

**Complaint concerns:** Office of the District Attorney, Santa Clara County and officers and employees thereof. Specifically, District Attorney Jeff Rosen, Deputy District Attorney Kimberly Connor and District Attorney Criminal Investigator Jamie Gauthier (hereinafter "public officers").

**Nature of Complaint:** Imprisonment of Complainant in the jail of the county without benefit of indictment or information. Willful misconduct in office by the above named public officers.

**Authority of the Grand Jury.**

The grand jury may inquire into all public offenses committed or triable within the county, and present them to the court by indictment. Penal Code § 917(a)<sup>1</sup>.

The grand jury may inquire into the case of every person imprisoned in the jail of the county on a criminal charge and not indicted. § 919(a).

The grand jury shall inquire into the willful or corrupt misconduct in office of public officers of every description within the county. § 919(c). (Dist. Attys: §§ 935, 936.5(a),(b).)

**§ 15 "Crime" and "Public offense" defined.**

"A crime or public offense is an act committed or omitted in violation of a law forbidding or commanding it, and to which is annexed, upon conviction, either of the following punishments: 1. Death; 2. Imprisonment; 3. Fine; 4. Removal from office; or, 5. Disqualification to hold and enjoy any office of honor, trust, or profit in this State." (Emphasis added.)

**Unlawful deprivation of Complainant's personal liberty.**

Complainant was imprisoned in the Santa Clara County Jail on a criminal charge from December 12, 2013 until January 7, 2014 and June 14 2016 until October 2, 2016 and not indicted nor was an information filed. The criminal charge was by mode of an illegal charging instrument filed by the state (District Attorney) on behalf of the people of the state of California in the superior court: an unauthorized pleading in a felony case; filing of false instrument and false imprisonment.

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<sup>1</sup> Undesignated references are to the California Penal Code.

### Willful misconduct in Office.

Acts of omission. The public officers violated commands of the law to prosecute felonies in the manner required by law. The state is commanded to prosecute felonies by mode and form of indictment or, after examination and commitment by a magistrate, by information. (California Constitution Article I, § 14; §§ 682, 737, 738, 949.)

### § 949 First pleading on part of the people.

"The first pleading on the part of the people in the superior court in a felony case is the indictment, information, or the complaint in any case certified to the superior court under Section 859a." (Emphasis added.)

The public officers obtained neither an indictment nor an information at the outset of the case as commanded by law: a condition precedent to prosecution and imprisonment of Complainant. The neglect of the officers to follow the law and obtain the required legal charging instrument (indictment or information) prior to causing the imprisonment of Complainant in the county jail constitutes willful omission to perform their duty and violates their oath of office. Such malfeasance is a public offense punishable by imprisonment and removal from office. (§§ 182(a)(1-5), 236, 661; Government Code (GC) §§ 1222, 3060 et seq.; Business and Professional Code (B&P) § 6068.)

Acts of commission. The public officers violated the prohibitions of the law when they conspired to unlawfully imprison Complainant; the overt act being the filing of a false instrument in a public office.

### § 115(a) Procuring or offering false or forged instrument for record; violations; punishment.

"(a) Every person who knowingly procures or offers any false or forged instrument to be filed, registered, or recorded in any public office within this state, which instrument, if genuine, might be filed, registered, or recorded under any law of this state or of the United States, is guilty of a felony." (Emphasis added.)

### The Prosecution's Breach of Duty Violates Due Process Rights.

The prosecutor (District Attorney) has a duty to support the law, maintain respect for the court and maintain only legal and just actions and, not to mislead the judge by any false statement or artifice. (B&P § 6068.)

"It is the duty of an attorney to do all of the following:

(a) To support the Constitution and laws of the United States and of this state.

(b) To maintain the respect due to the courts of justice and judicial officers.

(c) To counsel or maintain such actions, proceedings, or defenses only as appear to him or her legal or just, except the defense of a person charged with a public offense.

(d) To employ, for the purpose of maintaining the causes confided to him or her such means only as are consistent with truth, and never to seek to mislead the judge or any judicial officer by any artifice or false statement of fact or law." (Emphasis added.) (B&P § 6068.)

Complainant was imprisoned pursuant to an illegal (false) charging instrument (felony complaint). See, Felony Complaint, Case No. C1348325 as "Attachment 1" to "PETITIONER'S CONFINEMENT VIOLATES THE CONSTITUTION AND LAWS OF THE UNITED STATES" attached hereto and incorporated herein as "Exhibit A"; Noting: the term "Petitioner" includes "Complainant" as used herein and means Lonnie Glenn Schmidt. Exhibit A (pages 3.1-3.19) sets forth the violations of due process and law with supporting facts, cases, rules and other authorities. And proves the legal position that a felony complaint is an illegal charging instrument incapable of conferring jurisdiction on the court; rendering the judgment of conviction obtained thereby, void.

Complainant was unlawfully imprisoned in the Santa Clara County Jail and is now unlawfully confined in CSP Solano as a direct result of the willful misconduct of the public officers named herein; i.e., the officers' failure to obtain an indictment in the first instance and, prosecuting Complainant pursuant to a bogus charging instrument. Such criminal conduct is punishable by imprisonment and removal from office. (§§ 682, 737, 949; 115(a), 182(a)(1-5), 236, 661.)

As each person of this Grand Jury has taken an oath to support both the state and federal constitutions (§ 911), so have each of the public officers named herein. It is axiomatic that public officers are not above the law and may not violate the commands and prohibitions of the law in order to enforce the law. And when warnings, notice and opportunity to correct their aberrant behavior and uphold their oath of office (such as set forth below by Exhibits B-E) are given and ignored, public officers maliciously and willfully violate their oath of office, the Constitution and laws of the United States. Dare we call such conduct treason [violation of the allegiance owed to one's sovereign or state]? (Webster's New World Dictionary, Third Edition 1991, page 1424.)

The conspiracy and overt acts.

On or about January 18, 2013, District Attorney Jeff Rosen, Deputy District Attorney Kimberly Connor and District Attorney Criminal Investigator Jamie Gauthier conspired together to prepare, procure and offer false instruments (felony complaint and Declaration; Case No. C1348325, Exhibit A, Attachment 1), to be filed in a public office (Superior Court of California, County of Santa Clara) for the purpose of depriving Complainant of his liberty without benefit of due process of law, in violation of §§ 182(a), 115(a), 817(b); California Constitution Article I, §§ 7, 15; United States Constitution ~~§§~~ 5, 14.

On or about January 18, 2013, District Attorney Criminal Investigator Jamie Gauthier offered "Felony Complaint" Case No. C1348325 to be filed in a public office (Superior Court, Santa Clara County) a violation of § 115(a), an overt act in furtherance of the conspiracy. See, Exhibit A, Attachment 1 (Felony Complaint) Case No. C1348325.

On or about January 18, 2013, Criminal Investigator Jamie Gauthier, caused to be offered for filing in the Superior Court, Santa Clara County, the felony complaint, alleging an instrument styled "Declaration In Support of Probable Cause for Arrest" for the arrest of Complainant was "attached" to said complaint, but was not, and when "discovered" in August 2016 by DDA Conor, was false for want of oath as commanded by law (§ 817(b)), an overt act in furtherance of the conspiracy in violation of § 115(a),(b), a felony. See, Santa Clara Superior Court Clerk's Record Case No. C1348325 for "Declaration" (August 2016).

On or about March 8, 2018, Jeff Rosen, Santa Clara County District Attorney, furthered the conspiracy when, after being advised of his subordinates' malfeasance and notice to cease and desist prosecutions via felony complaint and demand to abate and mitigate damages, he failed to take the demanded or any action.

In November 2018, Complainant made request for records to authorize prosecution by felony complaint.  
See, Exhibits A, B, and D, infra.

Persons and agencies contacted about this complaint and result.

"A servant will not be corrected by mere words; for though he understands, he will not respond." Proverbs 29:19 (NKJV).

March 8, 2018 letter to Jeff Rosen, District Attorney, Santa Clara County, Re: People v. Schmidt, Case No. C1348325, Cease and Desist All Prosecutions Via Felony Complaint; Rescind and Annul Complaint No. C1348325; Notice To Abate and Mitigate Damages. Copies to Xavier Becerra, Attorney General, Chief Public Defender Santa Clara County, Lisa Gonzales, KCRA 3 News. Letter attached hereto and incorporated herein as Exhibit B. Result: No response.

April 28, 2018 e-mail to Sacramento, Solano and Napa County District Attorneys' Office, Xavier Becerra, Attorney General and Attorney General's Office, California Re: Joseph DeAngelo, alleged East Area Rapist; Illegally Charged by DA??. E-mail (sender's address deleted for privacy; available upon request) attached hereto and incorporated herein as Exhibit C. Result: No response.

November 7, 2018 letter to Custodian of Records, Santa Clara County District Attorney's Office re: People v. Schmidt, Case No. C1348325 Complaint; Request for Record [authority to prosecute felonies via complaint]. Letter attached hereto and incorporated herein as Exhibit D.  
Result: Non-responsive.

February 10, 2019 letter to Senator Kamala Harris Re: On Your Watch! California's felony convictions via complaint: none are valid, no not one; Malfeasance In Office. NOTICE FELONY; DEMAND FOR RELIEF. Letter sent by U.S.P.S. Certified Mail and certified copies to Donald Trump, President, Gavin Newsom, Governor; regular mail copies sent to William Barr, U.S. Attorney General, William Shubb, Judge, United States District Court, Eastern District of California, Jay Sekulow, Chief Counsel, American Center for Law and Justice and Lisa Gonzales, KCRA 3 News, attached hereto and incorporated herein as Exhibit E.  
Result: No response.

May 13, 2019 letter to Heather E. Williams, Federal Defender, Eastern District of California, Re: California's felony convictions via complaint ... none are valid, no not one.

Result: Response May 17, 2019 from Assistant Federal Defender Ann McClintock confirming prosecutions reviewed were all initiated by complaint (violation of § 949). "In every case that I have reviewed, the initial complaint was used to arrest the defendant and either an Information was filed after a preliminary hearing or an Indictment was filed after a grand jury signed off on it." Letters attached hereto and incorporated herein as Exhibit F.

Observation: The federal response highlights the state's fundamental Constitutional error: initiating felony prosecutions via complaint in direct disobedience to the Constitution and Penal Codes' command to prosecute by indictment or information. Further, the filing of a felony complaint by a government officer is disobedience to a direct standing order of the Attorney General: "Government may not even be involved in the preparation, investigation and filing of a felony complaint" Bill Lockyer, Attorney General, People v. Viray, (2005) 134 Cal.App.4th 1186, 1201. This conduct is willful failure to follow orders and perform a duty as a sworn public officer. This criminal conduct may not be condoned by this grand jury.

The fundamental jurisdictional error: The California Supreme Court has held "A felony complaint, unlike a misdemeanor complaint, does not confer trial jurisdiction." Serna v. Superior Court, (1985) 40 Cal.3d 239, 257. Without jurisdiction, the judgment of conviction is void. (See, Exhibit A for authorities.) Subsequent filing of an indictment or information cannot restore jurisdiction which never existed and is a nullity.

No clever arrangement of rotten eggs will ever make a good omelet. (C. S. Lewis.)



**Summary of violations of state law within Santa Clara county.**

Failure of the District Attorney to initiate a felony prosecution via indictment or information as required by law (§§ 682, 737, 949) is a willful omission to perform a duty and a violation inter alia, of GC §§ 1222, 3060; B&P § 6068.

The District Attorney and Investigator's filing of false or forged instruments (felony complaint, declaration) in a public office is commission of a felony offense. (§ 115(a); B&P § 6068.)

When two or more persons conspire to commit any crime, falsely and maliciously to procure another to be charged or arrested for any crime, falsely to move or maintain any action or proceeding, to cheat and defraud any person of any property, by means which are in themselves criminal, or to obtain money or property by false pretenses and commit acts injurious to the public health, to public morals, or to pervert or obstruct justice, or the due administration of the laws, those persons commit an act in violation of a law commanding or forbidding it (§§ 682, 737, 817(b), 949; 115(a), 182(a)(1-5); B&P § 6068), and a public offense is committed.

The imprisonment of Complainant in the county jail and state prison in the absence of an indictment or valid information is a violation of state and federal law, due process, civil rights and is false imprisonment (§ 236; BP § 6068; 18 U.S.C. §§ 241, 242.)

Complainant's research<sup>2</sup> reveals that the illegal prosecution of felonies via felony complaint has been practiced for many years by the Sacramento County District Attorney. Long standing practice notwithstanding, "It is obviously correct that no one acquires a vested or protected right in violation of the Constitution by long use, even when that span of time covers our entire National existence and even predates it." Walz v. Tax Commission of New York City, 397 U.S. 664, 678 (1970).

This unlawful practice by our public servants must stop, now!

"Whoever sows injustice reaps calamity, and the rod they wield in fury will be broken." Proverbs 22:8 (NIV).

Scoffing at the Constitution's command to prosecute felonies by indictment and the grand jury's sole authority to indict, the district attorneys have planted injustice in the soil of liberty ... and we the people reap the calamity of an almost 100% "conviction" rate. By the people allowing the practice of a single government officer to target whomever he or she may choose (profiling?), and without a complaining injured party, to prepare and file a felony complaint- bypassing the grand jury safeguard of indictment by 14 persons investigating facts -based upon suspicion, we abdicate our responsibility and rightfully feel the government's rod of fury. It can and must be broken.

Unless such conduct is checked by this grand jury- and who knows but that this jury has been chosen to serve for such a time as this<sup>3</sup> -absolute power will continue to corrupt absolutely. Next thing we know, government prosecutors will be charging you (yes, you) with crimes of your thoughts... alleging "on information and belief" you were thinking of committing the crime of ??? And, by simply filing a felony complaint, prosecuting and convicting and imprisoning you to serve massive terms of confinement, such as 300 years! The frightening fact is Napa County District Attorney Allison Haley has recently perfected this practice<sup>4</sup>.

#### **Duty of the Grand Jury.**

Jurors take an oath to "support the Constitution of the United States and of the State of California, and all laws made pursuant to and in conformity therewith, will diligently inquire into, and true presentment make, of all public offenses against the people of this state, committed or triable within this county, of which the grand jury shall have or can obtain legal evidence." § 911 (excerpt from grand juror's oath). Complainant respectfully reminds this grand jury of the oath taken by each member, as, it is apparent, the public officers named herein have forgotten theirs. This grand jury has an obligation to support both the state and federal Constitutions and, "when justice is done, it brings joy to the righteous but terror to evildoers." Proverbs 21:15 (NIV). However, were the grand jury to tolerate the misconduct of the officers named herein, the grand jury would effectively be a party to the abuse and, a willing participant.

#### **Anticipated proper outcome of the Grand Jury involvement in this complaint.**

That this Grand Jury perform its duty and determine that the public officers named herein do not now and never did, enjoy lawful authority to initiate prosecution of a criminal action charging a felony by mode and form of complaint. And determine that the public officers, by not obtaining an indictment, committed a public offense of omission and, an offense of commission by filing a felony complaint in a public office and prosecuting Complainant pursuant thereto. And offense being found, determine Complainant's imprisonment in the county jail and state prison resulted from the unlawful actions of said public officers. And so finding, return an indictment of those public officers found to have violated the law to the appropriate court, state or federal, for prosecution therein. And, notify the Governor of California to order the immediate cessation of prosecution of felonies by the state in this county by mode and form of complaint.

The foregoing is true and correct. Complainant is ready, willing and able<sup>3</sup> to appear before this Grand Jury and provide testimony to the truth of the facts stated herein.



Lonnie G. Schmidt  
Complainant,  
Victim Aggrieved,  
Captain USAR,  
One of the People,  
Native Californian.

#### END NOTES

- 2 See articles "The Truth, The Whole Truth ... And Nothing But", "Without One Plea", "Handling The Truth" and "Something's Wrong" at [www.withoutoneplea.com](http://www.withoutoneplea.com). (Click on "state".)
- 3 Esther 4:14 (NKJV).
- 4 Complainant has personal knowledge and will so testify.
- 5 Considering Complainant's present circumstances of confinement at CSP Solano, a subpoena may be in order.

All Scripture references are to the Bible: New King James Version (NKJV); New International Version (NIV).

EXHIBIT A

EXHIBIT A

PETITIONER'S CONFINEMENT VIOLATES THE CONSTITUTION  
AND THE LAWS OF THE UNITED STATES

ATTACHMENT 1 - FELONY COMPLAINT

Please go to main menu [www.withoutoneplea.com](http://www.withoutoneplea.com)  
**Grounds for Relief**  
(Pages 3.1 - 3.19)

## ATTACHMENT “1”

ATTACHMENT “1”

SUPERIOR COURT OF CALIFORNIA  
COUNTY OF SANTA CLARA  
HALL OF JUSTICE

COMPLAINT FOR ARREST WARRANT  
LONNIE GLEN SCHMIDT ECB530

THE PEOPLE OF THE STATE OF CALIFORNIA,  
Plaintiff,

vs.

LONNIE GLEN SCHMIDT (11/17/1944),  
4891 KENNETH AVE FAIR OAKS CA 95628

Defendant.

C 1348325  
FELONY COMPLAINT

DA NO: 130101293

CEN  
LGS WARR

**FILED**

JAN 18 2013

DAVID H. YAMASAKI  
CLERK OF SUPERIOR COURT  
BY: [Signature] DEPUTY

The undersigned is informed and believes that:

**COUNT 1**

On or about January 4, 2010, in the County of Santa Clara, State of California, the crime of RECORDING FALSE INSTRUMENT, in violation of PENAL CODE SECTION 115, a Felony, was committed by LONNIE GLEN SCHMIDT who did knowingly procure and offer a false and forged instrument, Substitution of Trustee #20564216, to be filed, registered and recorded in a public office within the State of California, which instrument if genuine, might be filed, registered and recorded under the laws of the State of California and of the United States.

**COUNT 2**

On or about January 4, 2010, in the County of Santa Clara, State of California, the crime of RECORDING FALSE INSTRUMENT, in violation of PENAL CODE SECTION 115, a Felony, was committed by LONNIE GLEN SCHMIDT who did knowingly procure and offer a false and forged instrument, Reconveyance #20564217, to be filed, registered and recorded in a public office within the State of California, which instrument if genuine, might be filed, registered and recorded under the laws of the State of California and of the United States.

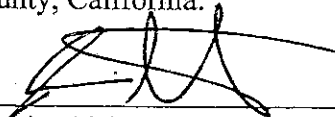
**COUNT 3**

On or about January 4, 2010, in the County of Santa Clara, State of California, the crime of RECORDING FALSE INSTRUMENT, in violation of PENAL CODE SECTION 115, a Felony, was committed by LONNIE GLEN SCHMIDT who did knowingly procure and offer a false and forged instrument, Notice of Rescission #20564218, to be filed, registered and recorded in a public office within the State of California, which instrument if genuine, might be filed, registered and recorded under the laws of the State of California and of the United States.

Complainant therefore requests that the defendant be dealt with according to law.

I certify under penalty of perjury that the above is true and correct.

Executed on January 18, 2013, in SANTA CLARA County, California.



Gauthier 106

(Gauthier 106)

ODA BOI (408) 299-7400 ODA

LIM/ D553/ FELONY/vm

Cash or Bond \$ 100,000  
Date: 1/18/13

Warrant Received for Service by:

  
#106

on 01/18/2013

  
JUDGE OF THE SUPERIOR COURT

Defendant's Name: **Lonnie Glenn Schmidt**  
PFN:  
CEN:  
DA Investigator Case#: **B20100703065**

### **DECLARATION IN SUPPORT OF PROBABLE CAUSE**

THE UNDERSIGNED HEREBY DECLARES:

1. That he is an Investigator at the Santa Clara County District Attorney's Office, San Jose, California;
2. That the contents of this declaration provides probable cause to believe the above-named defendant committed the following offenses:
  - a. Nineteen counts Penal Code § 115
  - b. Two counts Penal Code § 530.5(a)
  - c. Two counts Penal Code § 470(d)
  - d. Two counts Civil Code § 1695.6(b)
  - e. One count Civil Code § 2945
  - f. One count Penal Code § 484-487(a)
3. I declare under information and belief that the following is true and correct:

From January 4, 2010 through March 21, 2011, defendant Lonnie Schmidt (hereinafter "defendant") ran a foreclosure rescue scam in which he filed false documents without authorization that purported to wipe out existing Deeds of Trust on homes and cancel the foreclosure process. In fact, the false documents merely clouded title to each property. Defendant filed false documents on six different properties in Santa Clara County.

#### **Counts 1-4: 16855 Oak Glen Avenue, Morgan Hill**

In January 2010, the home at 16855 Oak Glen Avenue in Morgan Hill was facing foreclosure. On January 4, 2010, defendant signed and recorded with the Santa Clara County Recorder a "Substitution of Trustee" (*Count 1*), a "Reconveyance" deed (*Count 2*), and a "Notice of Rescission" (*Count 3*) against the property without the permission of the bank which had instituted the foreclosure. On January 21, 2010, defendant signed and recorded with the Santa Clara County Recorder a "Mortgage" (*Count 4*). Defendant signed his notarized name on each document. Each document was false because defendant was not authorized to execute any of the documents.

#### **Counts 5-11: 363-A Via Loma, Morgan Hill**

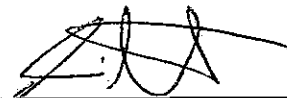
In January 2010, the home at 363-A Via Loma in Morgan Hill was facing foreclosure. On January 4, 2010, defendant signed and recorded with the Santa Clara County



**Counts 24-26: 760 Fourth Street, Morgan Hill**

In April 2010, the home at 760 Fourth Street in Morgan Hill was facing foreclosure. On April 26, 2010, defendant had the owner of the property sign a "Quitclaim Deed" over to his control while the home was in foreclosure, in violation of Civil Code section 1695 (*Count 24*). On November 8, 2010, defendant signed and recorded with the Santa Clara County Recorder a "Mortgage" (*Count 25*). All the documents were recorded against the property without the permission of the bank which had instituted the foreclosure. Defendant signed his notarized name on each document. Each document was false because defendant was not authorized to execute any of the documents. Defendant also collected \$6,000 from the owner of the house for his services on the false promise that he could reverse the foreclosure process. (*Count 26 and 27*).

Dated: January 10, 2013, at San Jose, California

  
Investigator Jamie Gauthier

**CERTIFICATE OF PROBABLE CAUSE**

The Court, upon the review of this declaration, hereby

\_\_\_\_\_ Finds \_\_\_\_\_ Does Not Find

good cause to detain the above-named individual.

Date: \_\_\_\_\_

Time: \_\_\_\_\_

\_\_\_\_\_  
Magistrate of the Superior Court

EXHIBIT B

EXHIBIT B

March 8, 2018 letter to Jeff Rosen,  
District Attorney Santa Clara County

LONNIE GLENN SCHMIDT  
One of the People  
AZ3544 2-131  
CSP Solano  
P.O. Box 4000  
Vacaville, CA 95696

March 8, 2018

Jeff Rosen, District Attorney, Santa Clara County  
County Government Center, West Wing  
70 W. Hedding Street  
San Jose, California 95110  
U.S.P.S. Certified Mail RRR No.: 7002 0510 0003 4496 4876

Re: People v. Schmidt, Case No.: C1348325; CEASE AND DESIST ALL  
PROSECUTIONS VIA FELONY COMPLAINT; RESCIND AND ANNUL COMPLAINT  
NO. C1348325; NOTICE TO ABATE AND MITIGATE DAMAGES.

Dear Mr. Rosen:

On January 18, 2013 you, in your capacity as District Attorney, caused to be filed in the Superior Court of California, County of Santa Clara, Felony Complaint DA NO: 130101293 as Case No. 1 C1348325, wherein Lonnie Glen Schmidt was named as defendant. (CT-1).

In said complaint, Santa Clara Criminal Investigator Jamie Gauthier 106 (Gauthier 106) is Complainant and Declarant; complaint is made upon information and belief and under penalty of perjury. Mr. Gauthier claims a declaration in support of probable cause "which the complainant believes establishes probable cause for the arrest of defendant" is "attached and incorporated by reference." However, no such declaration is attached to the complaint. (CT 1-9.)

An arrest warrant issued solely pursuant to the Complaint, (CT-9) I was arrested September 25, 2013 pursuant thereto, and prosecuted pursuant to the Felony Complaint. On September 28, 2016 I plead nolo contendere to 6 Counts of the Felony Complaint (CT-245) and sentenced to 5 years 4 months in state prison (CT-247).

The declaration in support of probable cause referenced by Complainant first made appearance in the file July 16, 2016 as an attachment to Deputy District Attorney Kimberly Connors "Opposition to Demurrer" (CT-108; 130-132).

I suppose congratulations are due you for almost completing a term in office as District Attorney of the great County of Santa Clara. How you respond to this letter may well determine whether you enjoy another term, or a longer term in the warm embrace of California Department of Corrections and Rehabilitation.

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1 References to Clerk's Transcript on Appeal (CT).

After today, plausible deniability for the violation of my, and other citizens civil rights by agents of your office, will no longer be a viable option. Penal Code § 26(4)<sup>2</sup>.

"What? What have I done?" you remonstrate. "I'm a good person and my staff are too! We do our job ... we fight crime! Look ... we have a 98% conviction rate!"

Yes ... and so did your predecessor and those D.A.s before him ... filling our prisons to overflowing! And the majority (99% of your claimed 98%) ultra virus any lawful authority.

Tired of hearing from the Feds about prison overcrowding and demands for prison population reduction? Well, hold on ... buckle-up ... the prison gates are about to swing wide open!

And you, Mr. Rosen, District Attorney, sworn to defend the Constitution and uphold the law ... and enforce the Fourth Amendment and Due Process rights of myself and citizens of Santa Clara County, must now choose to be part of the solution or continue to be the problem.

After being treated to a sampling of your criminal justice practice and procedure, I recalled the plaque which had hung in my office since the early 80s' inscription "The only people who still have faith in the system are those who have yet to experience it."

Puzzled by what manner or means Jamie Gauthier, whom I don't recall meeting or contracting with prior to court in this case, could be an injured party entitled to accuse me of a felony offense and seek my arrest and prosecution, I requested assistance of the ultimate Counsel. He says in Psalm 50:15 of the final authority<sup>3</sup> on truth and justice "Call on Me in the day of trouble; I will deliver you and you shall glorify Me" ... "Call to Me, and I will answer you, and show you great and mighty things, which you do not know" in Jeremiah 33:3 and, ... again in Psalm 32:8 "I will instruct you and teach you in the way you should go; I will guide you with My eye."

Here's what I learned and believe to be true:

The California Penal Code provides you with authority, based on the California Constitution, Article I, §§ 7, 13, 14, and 15, to prosecute felonies by only two methods: Indictment or information (§§ 682, 737). Prosecution commences when either the indictment or information is filed (§ 804) and either becomes the first pleading ~~on the part of the People (§ 949).~~

As in my case, prosecution of a person pursuant to a complaint charging a felony is not authorized by the Code. Period.

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<sup>2</sup> All references are to the California Penal Code unless otherwise stated.

<sup>3</sup> God's Word; Holy Bible. References are from the New King James Version.

The Complaint you filed (CT-1) is styled "THE PEOPLE OF THE STATE OF CALIFORNIA" indicating it to be the first pleading on the part of the People; in violation of § 949 for lack of authorization. You have committed fraud on the court, to my prejudice.

Further the Complaint (CT-1) was void ab initio for the following reasons, to wit:

1. It was made by a representative of your office, Investigator Gauthier, not a private person as required for a complaint before a magistrate (§ 806). See Rupley v. Johnson, (1953) 120 Cal.App.2d 548, 552.
2. The Complaint is not sworn as required by §§ 806 and 959 and is therefore per se insufficient.
3. The Complaint names myself as a "defendant" and you, knowing that the Code provides no plea for a defendant named in a complaint charging a felony (§§ 1002, 1016) again commit fraud on the court and in concert with the magistrate, commit fraud in the inducement by offering and accepting my plea of nolo contendere.
4. Obviously the case never began as there is no authority in the Code for the commencement of a prosecution pursuant to a complaint charging a felony. (§ 804.)

And, lest we forget the "Declaration In Support Of Probable Cause" vehemently alleged by the prosecutor to have been attached to the Complaint at time of filing (CT 105-133), it is not sworn nor made under penalty of perjury, and therefore per se insufficient (§§ 817(b), 959).

THEREFORE, you and your office were without authority when requesting arrest warrant and filing complaint charging felony subscribed under penalty of perjury by one of your staff and I am irreparably harmed thereby.

Inasmuch as there is NO provision in the Penal Code by which any Superior Court of California, in any County, may enjoy subject matter jurisdiction when the first pleading on the part of the People in a criminal case is a complaint charging a felony (§ 949) ... which is not sworn (§§ 806, 959) ... for which no plea is available to the defendant (§§ 1002, 1016) and no provision exists for the commencement of a prosecution pursuant thereto (§ 804), your actions in my case are ultra virus any authority and violate my right as guaranteed by both state and federal Constitutions to due process of law.

How many other persons have you and your office put in prison by use of the same unauthorized complaint charging a felony? Isn't doing so a violation of your oath of office? But, you may say ... "That's the way we've always done it!"

Well ... guess what? Long standing practice notwithstanding, the prosecution by the courts and officers thereof of persons by complaints charging a felony subscribed under penalty of perjury by state actor is not authorized by state or federal law and violates the Constitution. "It is obviously correct that no one acquires a vested or protected right in violation of the Constitution by long use, even when that span of time covers our entire National existence and even predates it." Waltz v. United States 493 U.S. 343.

CEASE AND DESIST ALL PROSECUTIONS VIA FELONY COMPLAINT, FORTHWITH.

In my capacity as One of the People, Native Californian, Captain, USAR; and victim aggrieved, I demand you and your officers as sworn officers of the Court cease and desist in the prosecution of any person by complaint charging a felony subscribed under penalty of perjury by a state agent as the first pleading on the part of the People. And, that you take remedial action on behalf of those persons unlawfully prosecuted by you and your office by such unauthorized complaint, forthwith.

RESCIND AND ANNUL COMPLAINT NO. C1348325.

I hereby demand, for the reasons set forth above evidencing the Complaint (CT 1) is fatally jurisdictionally defective, that you rescind and annul said complaint and cause the record to be expunged, forthwith.

NOTICE TO ABATE AND MITIGATE DAMAGES.

At time of filing Demurrer to Complaint (CT 64) July 5, 2016, I gave notice of my valuation of my rights, freedoms and immunities (CT 88). Said valuation was, is and remains, to be One Hundred Million (100,000,000) United States dollars and for every day of continued deprivation thereof, an additional and not less than, amount of One Hundred Thousand (100,000) United States dollars, per day.

Santa Clara County has no accrued a debt in excess of One Hundred Sixty Million (160,000,000) United States dollars as of this date for failure to dismiss the case and discharge my Person from custody.


NOTICE: Pursuant to Section 69, Subdivision (1)(b) of the Restatement Second of Contracts where silence or inaction operates as acceptance of the obligation to pay the amounts set forth in the above and afore noticed valuation, I now give you every reason to believe and understand that assent by yourself as District Attorney for Santa Clara County ("offeree") may be manifested by silence or inaction and the offeree by remaining silent and inactive intends to accept the valuation as set forth above and referenced afore (CT 88) and to make payment without objection in accordance therewith, which may be pursued, upon successful litigation in favor of myself or my heirs or assigns, for reason of my false arrest/imprisonment, civil rights violations, libel, etc., resulting from the above referenced case and complaint (CT 1). Therefore and otherwise, conduct yourself accordingly.

NOTICE TO THE AGENT IS NOTICE TO THE PRINCIPAL:  
NOTICE TO THE PRINCIPAL IS NOTICE TO THE AGENT.

In any event, my rights under the Due Process Clauses of both the state and federal Constitutions have been violated and I am unlawfully arrested and detained pursuant to an illegal arrest warrant and imprisoned pursuant to an unlawfull felony complaint. It is the duty of all officers, and particularly those involved with my case, to enforce the 4th Amendment right of myself to be secure in my Person, and when error such as set forth herein is evidenced, to take positive remedial action. "It is the duty of courts and all officers of government to enforce rights guaranteed by the 4th Amendment." People v. Martin, (1942) 382 Ill 192, 46NE 2d 997; see also U.S. v. Black 707 F.3d 531, 542 (2013 CA NC) "Court must ensure that the Fourth amendment rights of all individuals are protected." (Emphasis in original.)

Therefore and otherwise, to all to whom these presents come, conduct yourselves accordingly.

Sincerely,



Lonnie G. Schmidt, One of the People,  
Native Californian, Captain, USAR;  
Victim Aggrieved.

Cc: Xavier Becerra, Attorney General  
Chief Public Defender, Santa Clara County  
Lisa Gonzales, KCRA 3 News

EXHIBIT C

EXHIBIT C

April 28, 2018 E-mail Re: Joseph DeAngelo,  
Alleged East Area Rapist; Illegally Charged By DA??



----- Forwarded message -----

From: Brenda

Date: Sat, Apr 28, 2018 at 4:52 PM

Subject: Illegally Charged?

To: daoffice@sacda.org, solanoda@solanocounty.com, da@countyofnapa.org

Cc: coxsen@solanocounty.com, sgonzalez@kcra3news.com, xbecerra@ca.gov, attgen@cagov.org, "Rubinger, Andy" <andy.rubinger@countyofnapa.org>

Disclaimer Statement:

This message with is being sent to you from Lonnie G.Schmidt. This email contains Mr. Schmidt's opinions. I am sending this to you at his request. I am not the author, only the messenger.

Brenda

**Joseph DeAngelo, alleged East Area Rapist; Illegally Charged by DA??**

**Illegally Charged?:**

In the event the Accusatory Pleading is a Complaint charging a felony, the question can only be answered in the affirmative.

*To require a person to plea to a Complaint for which no plea exists, strains the confines of credulity.*

**No plea exists for a defendant named in a Complaint charging a felony.**

The California Penal Code, "PC", does not prescribe a Complaint charging a felony, as a form of pleading sufficient to serve as a first pleading on the part of the people. (PC sec. 948, sec. 949), nor does it provide for a plea thereto. (PC sec.1016).

California Law mandates all felonies be prosecuted by indictment or information, (Article I, sec. 14 of the California Constitution, PC sec. 682, sec. 737).

In the absence of authority and plea, the court lacks jurisdiction and any judgment is void. The defendant's right to due process of law is denied, and he/she is entitled to release. (See attachment "The Truth, the Whole Truth...and Nothing But"), for additional points and authorities.

Each of you have received a certified letter from me, demanding you cease and desist prosecuting felonies by Complaint. Yet you persist.

Either prosecute according to Law (Indictment or Information), or turn in your badge.

*"Therefore, to him who knows to do good, and does not do it, to him it is sin."  
James 4:17; (Holy Bible, NKJV)*

And be prepared to explain to the people you serve, how releasing DeAngelo and his ilk, is in the best interest of justice and not a violation of your oath of office, actionable under PC sec. 24, sec. 115 and sec. 182.

Lonnie G. Schmidt  
One of the People  
Captain USAR  
Victim Aggrieved as Thrice Charged by Felony Complaint

EXHIBIT D

EXHIBIT D

November 7, 2018 Letter to Custodian of Records,  
Santa Clara District Attorney's Office

November 7, 2018

Lonnie G. Schmidt AZ3544  
CSP Solano 21-3-4L  
P.O. Box 4000  
Vacaville, CA 95696

Custodian of Records  
Santa Clara County District Attorney's Office  
County Government Center, West Wing  
70 W. Hedding Street  
San Jose, CA 95110

Re: People v. Schmidt, Case No. C1348325 COMPLAINT; Request for  
Records.

Dear Custodian of Records:

Under the California Public Records Act (CPRA) § 6205 et seq., I am requesting an opportunity to obtain a copy of the public record(s), writing(s), regulation(s), rule(s), statute(s) or any other authority upon which the District Attorney of Santa Clara County relied to initiate formal prosecutorial proceeding by mode of complaint charging a felony in the above referenced case.

Also, please provide a copy of the Penal Code Section which authorizes a plea to a complaint charging a felony available to a person named as a defendant therein when the complaint is brought by the people as a first pleading in the superior court in a felony case.

If there are any fees for searching or copying these records, please inform me if the cost will exceed \$25.00. However, I would also like to request a waiver of all fees in that the information requested and its disclosure is in the public interest and will contribute significantly to the public's understanding of the manner and means by which felonies are prosecuted by an accusatory pleading apparently not specifically authorized by law. This information is not being sought for a commercial purpose.

The CPRA requires a response within ten business days. If access to the records I am requesting will take longer, please contact me with information about when I might expect the requested records.

If you deny any or all of this request, please cite each specific exemption you feel justifies the refusal to release the information and notify me of the appeal procedures available to me under the law.

Thank you for your consideration of this request.

Sincerely,

  
Lonnie G. Schmidt

EXHIBIT E

EXHIBIT E

February 10, 2019 Letter to Senator Kamala Harris

Please go to main menu [www.withoutoneplea.com](http://www.withoutoneplea.com)

EXHIBIT F

EXHIBIT F

May 13, 2019 Letter to Heather E. Williams, Federal Defender

May 13, 2019

Lonnie G. Schmidt AZ3544  
CSP Solano 21-3-4L  
P.O. Box 4000  
Vacaville, CA 95696

Heather E. Williams, Federal Defender  
801 I Street, 3rd Floor  
Sacramento, CA 95814

Re: California's felony convictions via complaint ... none are valid, no not one.

Dear Ms. Williams:

I bring to your attention the recent discovery of a fundamental constitutional error prevalent in almost every felony prosecution brought by the state in the past sixty years: invalidating all.

It is clear that this discovery has enormous implications that are unquantifiable: impacting thousands of persons who have been, are being and who will continue to be, unlawfully prosecuted and imprisoned, absent intervention.

The error: the government (state, District Attorney), absent any authority, has initiated criminal actions by mode and form of felony complaint.

The law requires all felonies shall be prosecuted by indictment or information. (CA Const. Art. I, § 14; CA Penal Code §§ 682, 737, 739, 917, 949); People v. Wallach, 79 Cal.App. 605, 608 (1926); "the first pleading by the prosecution, in felony cases may be either an indictment or an information." Guillory v. Superior Court, (2003) 31 Cal.4th. 168, 173-174 (emphasis in original).

A complaint charging a felony is not a mode or form of charging an offense required by law. The court in which such complaint is filed acquires no jurisdiction; judgment of conviction is void. Albrecht v. United States 273 U.S. 1 (1927).

"A person may not be punished for a crime without a formal and sufficient accusation even though he voluntarily submits to the jurisdiction of the court. Such is the undisputed law in all jurisdictions." Albrecht, id.

California's chief law officer, the Attorney General, has publicly declared "the government may not even be involved with the preparation, investigation and filing of a felony complaint." People v. Viray, (2005) 134 Cal.App.4th 1186, 1201.

We owe it to our God, Country, family and selves to expose the error and hold government accountable for the cessation and correction thereof. We want our family home together ... and since we are right on this point of fact supported by law, we are so entitled. As are 117,000 other California prisoners similarly situated.

And so we come to you. "In the multitude of counselors there is wisdom." Proverbs 11:14 (NKJV).

Please refer to [www.withoutoneplea.com](http://www.withoutoneplea.com) for more information on the issue (click on "state"). The web site is designed for layman understanding of the issue and best understood by reviewing: "The Truth, The Whole Truth ... And Nothing But" and "Without One Plea"; letter to Kamala Harris (copies to President and CA Governor) [no response from anyone]; and Habeas Corpus with Grounds for relief.

Although primary blame lies with the District Attorney for filing felony complaints without authority, the judges of every superior court in every county in California are equally culpable. Upon presentment with an unauthorized pleading, the judge should sua sponte dismiss the complaint for want of jurisdiction. The judges' failure to do so has resulted in filling the prison system to overflowing with more than 117,000 unlawfully imprisoned persons currently, and untold hundreds of thousands in the past. It is time to STOP the due process violations of our rights ... and require the prosecutors to follow the law: do it right ... indict!

Our purpose is to STOP unlawful prosecutions by exposing the current practice as being violative of due process and thus ultimately unsustainable under our state and federal Constitutions. Remedy for false arrest/imprisonment is available by Habeas Corpus ... providing the courts address the issue (which 10 Superior Courts have failed to do as of this date). However, application for relief should be as simple as presenting a copy of the bogus complaint to the prosecutor who caused the problem and demand he/she move the court to dismiss the felony complaint and order the prisoner be discharged. Senate Bill 1134 already provides for a Habeas Petition based on new evidence (jurisdiction may be raised at any time) and \$140 per day of false imprisonment is already legislated as compensation for the error.

Since March 2018 letters have been sent by U.S.P.S. Certified Mail to various District Attorneys (see Without One Plea) outlining the issue and demanding cessation of prosecution via felony complaint. No response; prosecutions continue. A fraud and conspiracy between the Executive and Judicial branches of government of major proportions? "Silence can only be equated with fraud where there is a legal and moral duty to speak and where an inquiry left unanswered would be intentionally misleading." U.S. v. Tweel, 550 F2d 297, 300 (1977).

Food for thought: How can the DAs charge the public as criminals for statutory offenses when they are committing wholesale Constitutional due process violations in order to do so?

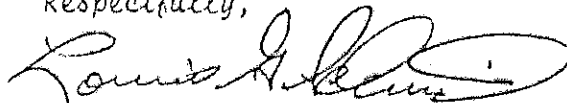
The prosecution and imprisonment of persons pursuant to a felony complaint, absent any and all authority, may be considered by some as criminal conduct under color of law and actionable under Penal Code §§ 661, 115(a), 182(a)(1-5) and federal law Title 18 U.S.C. §§ 241, 242.

Questions: How do we best present this issue of statewide significance and Constitutional magnitude to the authorities responsible for correcting the error? How do we make them listen and respond with affirmative action? What are your recommendations? To what extent are you willing to be involved? How can we help?

"To him who knows to do good and does not do it, to him it is sin." James 4:17.

Anticipating a response in accord with your interest in justice, I look forward to your reply.

Respectfully,



P.S.

Re: Troy Stratos - 2015 re "No Rules", "It Is Written", "Rules, Lies & Alibis".  
find them now on web page (first publication, April 4, 2019) click on "federal".





**OFFICE OF THE FEDERAL DEFENDER**

Eastern District of California

801 I Street, 3<sup>rd</sup> Floor

Sacramento, California 95814-2510

(916) 498.5700

Toll Free: (855) 328.8339

FAX (916) 498.5710

HEATHER E. WILLIAMS  
Federal Defender

BENJAMIN D. GALLOWAY  
Chief Assistant Defender

May 17, 2019

**CONFIDENTIAL LEGAL MAIL**

LONNIE G. SCHMIDT  
AZ3544, 21-3-4 LOW  
CSP SOLANO  
PO BOX 4000  
VACAVILLE, CA 95696-4000

RE: *Letter of May 13, 2019*

Mr. Schmidt:

Your letter regarding the limitations of complaints was given to me for a response. I am returning your letter. In every case that I have reviewed, the initial complaint was used to arrest the defendant and either an Information was filed after a preliminary hearing or an Indictment was filed after a grand jury signed off on it.

Very truly yours,

ANN McCLINTOCK

Assistant Federal Defender

*enc.*

EXHIBIT 2

EXHIBIT 2

October 16, 2019 Letter from Santa Clara County Superior Court,  
Assistant Presiding Judge Theodore C. Zayner

EXHIBIT 2

**Superior Court of California  
County of Santa Clara**

191 North First Street  
San José, California 95113  
(408) 882-2700

Chambers of  
HON. THEODORE C. ZAYNER, Assistant Presiding Judge



October 16, 2019

Lonnie Glenn Schmidt  
CDCR #: AZ3544  
CSP Solano 21-3-4L  
P.O. Box 4000  
Vacaville, CA 95696-4000

Re: Citizen Complaint Received October 11, 2019

Dear Mr. Schmidt:

I have received and reviewed your eight-page "Citizen Complaint," which is dated October 2, 2019 and was received by our court on October 11. I have also reviewed the exhibits and attachments which accompany the complaint.

These materials have been forwarded to me for consideration in my role as Assistant Presiding Judge. One of my duties in this capacity is to investigate and respond to complaints of misconduct by our Judicial Officers and Temporary Judges.

Please be advised that I have no authority to overrule or to change a judicial decision by any judicial officer or to attempt to affect the outcome in a particular case pending before another judicial officer. Also, you must independently investigate any appeal remedies you may have to address your conviction and confinement.

The stated basis for your complaint is that you are imprisoned without benefit of indictment or information. On the first page of your complaint, you state that the complaint concerns the Office of the District Attorney, and you specifically reference District Attorney Jeff Rosen, Deputy District Attorney Kimberly Connor and District Attorney Criminal Investigator Jamie Gauthier. You allege willful misconduct in office by these named public officers. You do not claim misconduct by any judicial officer of this Court.

As your submission does not raise any specific complaint about any judicial officer, and does not allege judicial misconduct, I have no authority in this matter. I will take no further action and will consider this matter closed.

Sincerely,

A handwritten signature in black ink, appearing to read "T. Zayner", written over a horizontal line.

Theodore C. Zayner  
Assistant Presiding Judge  
Santa Clara County Superior Court