

California is illegally imprisoning tens of thousands of prisoners! Judicial error or conspiracy?

California and Federal law requires prison officials, in order to receive and detain a person convicted of a felony, to possess written authority signed by a judge and entered in records of the trial court... or prisoner must be discharged. California's prison officials have none for any prisoner. So what's really going on?

Citizen Complaint of illegal felony prosecutions via "complaint" by the State was filed with the California Attorney General (AG) Xavier Beccera who initiated an investigation (December 2019, File No.: 184136). AG confirms the State lacks authority to prosecute and imprison without lawful "indictment" or valid "information". Governor Gavin Newsom acknowledges illegal prosecutions and orders mass release of all unindicted prisoners (June 2020). California Department of Corrections and Rehabilitation (CDCR) Secretary Ralph Diaz acknowledges Order and also admits no authority to detain prisoners without a judgment of conviction (JOC) in CDCR case files (September 2020). No indictment, no JOC found in any of CDCR's prisoner's files... no releases. Who is negating the Governor's Orders?

The California Department of Justice, under the direction of the Attorney General, currently Rob Bonta, has thwarted the Governor and CDCR Secretary's attempts to release prisoners, declaring his opinion in open court that "CDCR may rely on an abstract of judgment to detain prisoners ... The defendant is committed to State prison based on an abstract of judgment, however, which is a document that memorializes an oral judgment ... a 'judgment of conviction' is a red herring."

The Attorney General is lying.

California law requires: "When trial by jury has been had, judgment must be entered by the Clerk, in conformity to the verdict within 24 hours after the rendition of the verdict... If the trial has been had by the court, judgment must be entered by the clerk, in conformity to the decision of the court, immediately upon the filing of such decision. **In no case is a judgment effectual for any purpose until entered.**" (Emphasis added.) California Code of Civil Procedure § 664.

A judgment is ineffectual until entered. Tulare Irrigation Dist. v. Superior Court of Tulare County (Cal. Dec. 28, 1925), 197 Cal. 649, 242 P. 725, 1925 Cal. LEXIS 273.

A judgment orally announced is ineffectual until entry. Marsh Bros. & Gardenier, Inc. v. United States Fidelity & Guaranty Co. (Cal. App. Mar. 12, 1929), Cal. App. 474, 275 P. 886, 1929 Cal. App. LEXIS 35.

A judgment is "entered" when it is actually entered in judgment book...and there can be no record of judgment until so entered...and until judgment is entered it is not effectual for any purpose. Wilson v. Los Angeles County Employees Assn. (Cal. App. Aug. 31, 1954), 127 Cal. App. 2d 285, 273 P.2d 824, 1954 Ca. App. LEXIS 1336.

Rendition of verdict is ineffectual until entered as judgment. Estate of Woehr (Cal. App. 2d Dist. Dec. 10, 1958), 166 Cal. App. 2d 4, 332 P.2d 818, 1958 Cal. App. LEXIS 1363.

A judgment is effectual for purposes of appeal when duly entered by the clerk. Lane v. Pellissier (Cal. Dec. 17, 1929), 208 Cal. 590, 283 P. 810, 1929 Cal. LEXIS 434.

There is no judgment entered in the record of any Superior Court nor CDCR pertaining to any prisoner detained by the State. Absent a judgment entered in the record, there is no effectual conviction, no jurisdictional basis for appeal and, no subsequent abstract thereof is effectual for any purpose. The Attorney General is wrong: CDCR may not rely on an abstract of judgment to detain prisoners.

Further, the "ABSTRACT OF JUDGMENT--RESTITUTION" CR-111/JV791 (attached hereto and incorporated herein) is the only abstract of judgment prescribed by the Judicial Council (Penal Code § 1213.5) for use in the Penal Code... and that for the benefit of a judgment creditor pursuant to a court order for restitution (not commitment to state prison) as part of the judgment...section 1214. The abstract of judgment delivered from the court to the Sheriff for delivery with the defendant to CDCR Director and upon which CDCR relies for authority is a fraudulent document with no basis in law or fact.

In any event, there is no law which allows imprisonment of any person pursuant to an "Abstract of Judgment"... and the AG knows this fact to be true.

The Attorney General is an Oath Breaker: inter alia, manufacturing false evidence. "A man cannot make evidence for himself by writing a letter containing the statements that he wishes to prove." A.B. Leach & Co. v. Peirson (1927) 275 U.S. 120, 128 (Holmes, J.). "if it is not in the record it did not happen." James v. Desta (2018) Cal. 5th 594, 09, Fn11 quoting Save Our Water v. County of Merced (2013) 110 Cal. App. 4th 362, 364.

So what's really going on!?

Full 30 page legal treatise "OATH BREAKERS" exposing the government fraud available at withoutoneplea.com.

Psssst!

Who's paying the bill for compensating all the illegally imprisoned? The People? Yep. How much? Good question, glad you asked!

The California Legislature provides \$140 per day for a person unlawfully imprisoned. Senate Bill 1134. However, in June 2020 at time of ordering mass release, Governor Newsom increased the daily amount to \$1,400. That is \$511,000 per year per prisoner. Now multiply times the average number of prisoners detained over the past 70 years (100,000) and multiply that times the average sentence (10 years)... you do the math. Bet your arithmetic makes Nancy Pelosi's 2020 stimulus prisoner funding request to Congress for One Trillion Dollars pale by comparison! Oh well, its only money! Wake up People! Stop the insanity and slavery! We the People are sovereign... government works for us! Just say "No more!" If you want God to bless America quit winking at sin!

Lonnie G. Schmidt January 23, 2022