

August 17, 2020

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

Ralph Diaz, Secretary
California Department of Corrections and Rehabilitation
1515 S Street
Sacramento, California 95814
U.S.P.S. Certified Mail RRR No. 7019 2280 0001 4629 4511

Re: You're the man! Papers, please.

Dear Brother Diaz:

The purpose of this letter is four-fold:

- 1) to thank you for promptly responding to the Governor's June 26, 2020 Order to commence releasing unindicted prisoners;
- 2) to caution you not delay release of any person for which CDCR cannot confirm a written **Judgment of Conviction** authorizing the Secretary of CDCR to receive and hold the prisoner;
- 3) make personal and intercessory demand for release; and,
- 4) give notice of intent to publish CDCR statement to inmates concerning illegal confinement and release plan.

Thank You!

I thank and commend you on your expeditious handling of the Governor's Order to commence processing for release all illegally held persons. A lot of us are wanting to know where we appear on CDCR or our Warden's release list, and of course, how and when we collect our "back pay". I'm enclosing a copy of the short request letter regarding these questions we've sent to Warden G. Matteson, CSP Solano, and copied to the Governor and yourself. We anticipate a prompt response.

CAUTION! DANGER AHEAD! DO NOT DELAY RELEASE!

CBS Channel 13 TV News, Thursday, August 6, 2020:
"California officials say as many as 17,600 inmates may be released'...'a total that victims and police say includes dangerous criminals'...'prison officials say Corrections Secretary Ralph Diaz is likely to block the release of about 5,500, in part because many are serving life sentences."

Brother Diaz, you're walking into a trap! Notwithstanding the Governor's order, which deals with illegal prosecutions and convictions, you, as Secretary of CDCR, for want of required paperwork, are without authority to receive and hold almost all inmates, regardless of the length of sentence!

Therefore, as Secretary of CDCR, you have NO authority to block the release of those "serving life sentences"!

To warn you is why I'm writing. "A prudent man foresees evil and hides himself,..." (Proverbs 22:3 NKJV).

I recently reviewed an article concerning illegal confinement of California's prisoners, an issue near and dear to my heart. I believe the premise to be true and correct: my research in the subject of jurisdiction for the past 37 years confirms it is. Grab a cup of coffee, read carefully; 15 minutes could save... lives, the state a lot of money and, your career!

"Every individual convicted and sentenced in the State of California, who does not have a "Judgment of Conviction" signed by a California Superior Court judge is being held in direct violation of State and Federal law, and are being restrained in a limbo of involuntary servitude, in direct violation of the 13th Amendment, unlawfully and illegally!"

Dr. Sean-David Morton, PhD, KSJ The American's Sovereign Bulletin, March/April 2012.

No Judgment of Conviction? Detention is illegal. Slavery?

The Governor's June 26, 2020 statement "Immediate Release!" (enclosed) points out how unlawful imprisonment of individuals can result in the criminal prosecution of the involved state officers.

The factual issue I now bring to your attention directly impacts yourself, CDCR staff and employees. Proper paperwork is required to legally confine a person: a "Judgment of Conviction." And CDCR has none.

Absent a written judgment of conviction signed by the judge and entered on the Superior Court record by the Clerk, an abstract of the judgment cannot legally exist; and the abstract entered on the Court record and held by CDCR, is null and void.

The Clerk of the Superior Court commits a crime by certifying and filing a bogus Abstract of Judgment: fraud (§ 115(a))¹.

Delivery by the executing officer of the convict to CDCR or the warden, receipt by CDCR or the warden and confinement in the state's prisons of the convict, pursuant to a Minute Order and/or bogus Abstract of Judgment is unlawful.

Continued confinement of individuals by state officers and employees subsequent to actual notice of the lack of a Judgment of Conviction, and that any abstract of judgment relied upon for authority to confine the individual is bogus, is a crime: False imprisonment (§ 236).

Involved state officers and employees are guilty of criminal conduct and are candidates for trading places with those individuals now unlawfully imprisoned. They are without excuse. The "I was just following orders" defense didn't work at Nuremberg and it won't work now.

Discussion

Judgment of conviction.

"The written record of a criminal judgment, consisting of the plea, the verdict or findings, the adjudication, and the sentence. Fed. R. Crim. P. 32(d)(1)." Black's Law Dictionary, Abridged 7th Edition, p. 680.

Notice is hereby given that no written "Judgment of Conviction" signed by a judge exists on the Superior Court Clerk's Record in any of my three cases: Sacramento County Case 13F07578, Santa Clara County Case C1348325, or Solano County Case FCR317874.

On information and belief, and on that basis, I declare that no written judgment of conviction signed by a judge exists on any Superior Court Clerk's Record in any non-capital case of any person currently confined by the state of California in the state's prisons.

¹ Undesignated statutory references are to the California Penal Code

Failure of a written judgment of conviction to be entered on the Court's record as required by law (§ 1207; F.R.Cr.P. Rule 32(k)) constitutes a statutory violation mandating release of the prisoner.

"Our circuit has held that a collateral attack based on a violation of a state rule of criminal procedure will succeed, and a due process violation will be found when the petitioner shows that he was prejudiced or that his rights were affected thereby." (Emphasis added.) Carter v. McCarthy, 806, F.2d 1373, 1376 Fn2 (9th Cir. 1986).

Individuals are prejudiced, as absent a written judgment of conviction, the individual is denied protection of the Bill of Rights, e.g., the Due Process Clause of the 5th Amendment.

For example: An individual completes a valid sentence term in the state's prisons. Unfortunately, he finds himself accused of the same offense and is arrested. This time, the state seeks and obtains an indictment from the grand jury. Without a judgment of conviction signed by a judge on file in a court, there is nothing to prevent a second prosecution for the same offense.

However, with a judgment of conviction on file, the Double Jeopardy Clause of the Fifth Amendment establishes several distinct protections (not all of which are raised by a plea of once in jeopardy). But in this case, such plea may be raised: Prosecution for the same offense after a conviction. (U.S. v. Dixon (1993) 509 U.S. 688, 125 L. Ed. 2d 556, 113 S.Ct. 2849; and protection afforded. No detention, no trial.

The Federal Rules of Criminal Procedure (F.R.Cr.P.) are compliant through the 5th Amendment. F.R.Cr.P. 32(k) Judgment. (1) In General; states in relevant part: "In the judgment of conviction, the court must set forth the plea, the jury verdict or the court's findings, the adjudication, and the sentence. ...The judge must sign the judgment and the clerk must enter it." (Emphasis added.) "Judgment of conviction is one signed by the judge." Payne v. Madigan (1990 CA 9 Cal) 274 F.2d 702, affmd (1961) 366 U.S. 761, 6 L Ed 2d 853, 81 S.Ct. 7, re. den. (1961) 368 U.S. 871, 7 L. Ed 3d 72, 82 S.Ct. 2 et seq.

As set forth in the case of Swift v. Daniels, 2nd Dist. 103 Cal. App. 3d 263, 162 Cal. Rptr. 863: "A signed judgment is deemed indispensable to the validity of a judgment and that it be signed by a judge." (46 Am Jur 2d § 90, Signature).

Historically, American judicial procedure finds root in Roman jurisprudence. Wherein, the requirement for a written judgment of conviction signed by the judge is absolute.

This can best be illustrated in the trial and crucifixion of Christ conducted by Procurator Pontius Pilate.

"Now Pilate wrote a title and put it on the cross. And the writing was: JESUS OF NAZARETH, THE KING OF THE JEWS' ...'Pilate answered, "What I have written, I have written.'" (John 19:19, 22 NKJV.)

The California Penal Code, Section 1207 mandates: "...a copy of the judgment of conviction shall be filed with the papers in the case."

Executing the judgment: "When judgment of imprisonment is regularly entered, it becomes the clerk's duty, unless otherwise directed by the court, to make forthwith a certified copy of the judgment certified by him and the judge and delivered to the proper officer." People v. Sourisseau, (1994) 62 CA 2d 145 P. 2d 916.

The statute from which the Penal Code (§ 1207) is derived, has always required that a judgment of conviction be reduced to writing and that it be signed by a judge, entered by the clerk, delivered with the convict to, and filed by, the warden. as stipulated in People v. Howard, (1925) 72 C 561, 237 P. 780: "A certified copy of judgment of conviction delivered with the convict and filed by the warden of the state prison, as commitment may be held by reasonable construction of the language of public writing in California CCP § 1888, and within a class of such writings designated as 'other official documents' in CCP § 1894 sub d." (Emphasis added.)

Inasmuch as no judgment of conviction exists, it is understandable why it is not delivered to, and filed by, the warden. This is not looking good for CDCR!

Part of the 5th Amendment deals with "Procedural Due Process" and "Substantive Due Process" and certain essential guarantees must be adhered to as shown in United States v. Battista (1969 CA 3 Pa) 1418 F.2d 572, which mandates the following: "Since the order of the court below was not a final appealable order, and since no judgment of conviction or sentence in accordance with Rule 32, Court of Appeals' judgment as to that order, was void, since the court was without jurisdiction to adjudicate the appeal."

Absent a judgment of conviction in its inmate Central files, CDCR is without authority to hold an individual.

There exists no judgment of conviction on any court record and none in CDCR's Central files in my case. In my and most inmates' cases, CDCR's files hold only delivery documents: a minute order and/or an "abstract of the judgment" (§ 1216). The abstract of the judgment which CDCR does hold, sans a Judgment of Conviction document, is a fraudulent instrument.

It appears that since at least 1951, Directors of CDCR have been accepting and holding individuals without the proper papers. Minute orders and abstracts of judgment are not the proper papers. Only a Judgment of Conviction signed by the Judge and entered upon the Court Clerk's Record will suffice.

Abstract of Judgment.

As defined in Black's Law Dictionary, 5th Edition, an Abstract of Judgment is: "A copy or summary of a judgment that, when filed with the appropriate public office, creates a lien on the judgment debtor's non-exempt property." People are exempt.

An "Abstract of Judgment" is not a judgment or judgment of conviction as originally stated in an original jurisdiction court in the case of People v. Hartsell, (1973) 34 CA 3d 8, 109 Cal. Rptr. 627 "The Abstract of Judgment is not the judgment of conviction. By its very nature, definition, and terms, it cannot add or modify the judgment which it purports to digest or summarizes." Abstract of judgment is not signed by a judge.

The "Felony Abstract of Judgment - Determinate" possessed by CDCR (CR-290(A) revised July 1, 2012, p. 2, paragraph 17) states: "The defendant is remanded to the custody of the Sheriff to be delivered to the reception center designated by the director of the CDCR." CR-292 "Abstract of Judgment - Prison Commitment - Indeterminate" (effective January 1, 1993) states at paragraph 10: "Defendant is remanded to the custody of the Sheriff, to be delivered: into custody of the Director of Corrections."

Minute Order.

Black's Law Dictionary 5th Edition defines the "Minute Order" as: 1) An order recorded in the minutes of the court rather than directly on the case docket. Although practices vary, traditionally, when a trial judge is sitting officially, with or without a court reporter, the clerk or the deputy clerk keeps minutes. It is therefore a Minute Order. Also termed a "Minute Entry."

2) A court order not directly relating to a case, such as an order adopting a local order of the court.

There can be variations between oral sentences and written judgments as defined in the case of Meredith v. Gough, (1948 C AS Cal) 168 F.2d 193, cert den. (1948) 335 U.S. 873, 93 L. Ed 417, 69 S.Ct. 166: "Clerk's minutes, signed by a judge, is the unimpeachable record of the sentence imposed which the appellate court must regard as true, if oral sentence does not conform to the written sentence signed by the judge, the trial court alone has the power to make this record conform to the truth, if it does not already do so."

Minute orders are transfer documents only (1216). Those possessed by CDCR state: "Defendant is committed to the custody of the Director of Corrections (that's you Brother Diaz, you're the man). CDCR possesses NO Minute Order committing an individual to CDCR custody signed by a judge.

In all, documents, orders, contracts or instruments that require some type of enforcement of a right, and agreement or stipulation, it is an indispensable part of such a document that it be memorialized and signed in order for the document, order, contract or instrument to have any vitality. (Corbin on Contracts.) (Emphasis added.)

The courts will not even accept unsigned pleadings or an unsigned declaration or sworn affidavit that is not signed and notarized by a State approved and licensed Notary.

So why would the California courts permit an unsigned "abstract of judgment" which has not been authenticated by a California Superior Court judge who presided over the case, to be filed in the court Clerk's record (docket) and delivered to the executing officer (§ 1216) as authority to transport a convict?

In my humble opinion...plausible denyability. The Judge, knowing that no judgment of conviction was prepared and signed by him, can claim lack of authority to sign an abstract of judgment, or to cause its entry on the record. The Clerk becomes the fall-guy and takes the heat, if and when it comes, to protect the judge and status quo of the scheme.

Why no judgment of conviction to be found? Perhaps because the violated statutes require punishment in "the state prison" which would, of necessity, need be stated in the sentence portion of the written judgment of conviction. For example, 17 which defines felonies, "A felony is a crime that is punishable with death, by imprisonment in the state prison," (Emphasis added.) The Cross References of § 17 state: "Prison or state prison defined for purposes of this Code, see Penal Code § 6081." The terms "prison" and "state prison" are clearly defined in § 6081 as being limited to one specific prison: "include the California Institution for Women." As used in this Section, the word "include" is one of limitation: ("include" [To contain as a part of something; Black's law Dict. Abridged 7th Ed., p. 611].

Any crime where the punishment is prescribed as imprisonment in the "state prison" (e.g, §§ 18, 115(a)), 187, 190, et seq.) requires punishment as stated in the statute.

Expressio unius est exclusio alterius [Law Latin] A cannon of construction holding that to express or include one thing implies the exclusion of the other, or of the alternative. Black's Law Dict. 7th Ed. p. 476.) Hmmm, interesting.

Evidently the named institution in § 6081 is not under the jurisdiction of CDCR, or it would have been included in those prisons which are, per § 6082.

Sentencing a lot of male individuals to a women's institution just might raise some eyebrows...and expose the judiciary to some uncomfortable questioning. So, better to remain silent and be thought a fool, than for the judge to put it in writing and remove all doubt? But let's leave that argument for another day, ok?

In any event, it is the Abstract of Judgment (CR-290, 292) upon which CDCR relies upon for authority to receive individuals (§ 1216) and to hold an individual in the state's prisons (§§ 1213, 1213.5, 2901). Section 1213. Probationary order or judgment other than death; copy of abstract furnished to executing officer. This section states in relevant part: "a copy of the entry of the judgment, or, if the judgment is for imprisonment in the state prison".

The implementing authority of this section is entirely drawn from § 1207 "Entry of Judgment; filing with papers in the case", which mandates in relevant part: "A copy of the **judgment of conviction** shall be filed with the papers in the case." (Emphasis added.)

The Director of CDCR, for many years, has been accepting delivery of individuals from the Superior Courts of California with only an unsigned minute order or unsigned abstract of judgment as authority. An abstract of judgment, signed or unsigned and unsupported by a written judgment of conviction provides no authority to CDCR to receive and hold an individual.

An easy way to detect the fraudulent abstract of the judgment held in CDCR's Central files, is to note that it is not signed by a judge or the Clerk as an original, independent document. However, it is certified by the Clerk of Court: "I hereby certify the foregoing to be a correct abstract of the judgment made in this action." Absent a written judgment of conviction of record, this is a false statement and violates the law when it is filed in the Court Clerk's Record (Docket)².

The Clerk prepares the false written instrument (Abstract of Judgment) with the intent that it be accepted by the court, the defendant, Director of CDCR (Ralph Diaz) and the warden of the state's prisons as a genuine and true instrument. However, the bogus abstract is not sufficient to satisfy the requirements of §§ 1207, 1213, 1213.5, 1216, 2901 nor to validate the fraudulent criminal prosecution and conviction and effect the transfer of the convict to, and confinement in, the state's prisons.

Now, it appears, that upon delivery and receipt of the "convict" via the bogus abstract of judgment, that the Director is receiving stolen property from the Superior Court.

Title to the "property" (individual) ostensibly comes from the Judgment of Conviction (oops) and even a valid abstract creates only a lien...and people are not lien-able. See, the Declaration of Independence, July 4, 1776 "We hold these truths to be self-evident, that all men are created equal; that they are endowed by their Creator with certain UN-A-LIEN-ABLE rights and that among these are life, liberty and the pursuit of happiness." (Emphasis added.)

So what's really going on? When the judicial officers (Clerk and Judge) conspired together to prepare and file the abstract of judgment, with knowledge that no judgment of conviction existed to support the abstract, they perverted and obstructed justice, acted maliciously and without authority³ and effectively joined the public officers' (District Attorney, Defense counsel) conspiracy to imprison individuals under color of law, in violation of §§ 182(a) (1-5), 236; 18 U.S.C. §§ 241, 242.

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

"We [judges, attorneys] 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).

As the Governor has so adroitly articulated (see "Immediate Release!") and I'm sure you now know, the public officers obtained neither an indictment nor a valid information at the outset of any case as commanded by law: a condition precedent to the court acquiring jurisdiction of the action and necessary for prosecution and confinement of any individual in the state's prisons.

Assuming arguendo a valid prosecution and conviction in the first instance, the neglect of the officers to follow the law and obtain the required written judgment of conviction instrument signed by the judge of the Superior Court - prior to causing the transport and imprisonment of my Person and those thousands of individuals currently confined in the state's prisons - 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. (§§ 96.5, 98 (see Fn3), 661; Government Code ("GC") § 1222.)

"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.

Certainly, Brother Diaz, you and CDCR staff do not want to be party to the above revealed criminal conspiracy by accepting delivery of any additional individuals from the Superior Courts, via minute order or abstract of judgment, without confirmation of a supporting judgment of conviction.

Certainly Brother Diaz, you and CDCR staff do not want to continue unlawfully and illegally detaining individuals absent proper papers - proof of judgment of conviction supporting the abstract of the judgment - in CDCR's Central files do you?

Verification of the existence of written filed judgments of conviction in each case may be obtained from the Clerk of the Superior Court, within minutes. Suggest the look in the case docket for an entry just prior to the Abstract of Judgment.

How long will CDCR continue to confine individuals absent such verification? Let's do a trial run...start with me.

PERSONAL DEMAND FOR RELEASE

I, Lonnie Glenn Schmidt, victim aggrieved as one confined in the state's prisons without indictment and without a written judgment of conviction on record, hereby demand that Ralph Diaz, Secretary of CDCR produce or order G. Matteson, Warden, CSP Solano, Vacaville, California to produce, a certified copy of a written Judgment of Conviction signed by a judge of the Superior Court Sacramento County bearing the name Lonnie Glenn Schmidt and ante-dated my receipt by CDCR March 16, 2016, and confinement in the state's prisons.

Failure of Secretary Ralph Diaz or Warden G. Matteson to produce a valid, authenticated Judgment of Conviction within 72 hours of receipt of this demand letter, is an admission that G. Matteson, Warden, and Ralph Diaz, Secretary of CDCR, do not possess a Judgment of Conviction from any of my cases and are unlawfully and illegally detaining my Person against my will and over my demands for release and, that as a matter of law, must effect my immediate release for want of authority to confine my Person. And if such be the case, I demand the immediate and unconditional release of my Person from the state's prisons and custody of CDCR and to the custody of none other.

I declare under penalty of perjury under the laws of California that the foregoing is true and correct. Executed at Vacaville, California this 17th day of August, 2020.


Lonnie G. Schmidt

INTERCESSORY DEMAND FOR RELEASE

Further, inasmuch as I am an American, Native Californian, Captain in the U.S. Army (Reserve) and never released from my oath to defend both state and federal Constitutions against all enemies, foreign (RVN 1967-68) and domestic (injustice in government) and as a victim aggrieved by unlawful prosecution, conviction and confinement, I enjoy standing to intercede and make demand that all persons confined by the Director of CDCR in the state's prisons for whom a Judgment of Conviction cannot be produced from the Inmate's Central file and/or the files of CDCR and, in conjunction with Governor Newsom's June 26, 2020 order, to be immediately processed for release; and notified within 10 days of receipt of this letter, the anticipated date of release.

NOTICE OF INTENT TO PUBLISH CDCR STATEMENT

In the event California Department of Corrections and Rehabilitation, led by yourself, Ralph Diaz, Secretary, fails to effect the unconditional release of my person and, publicly announce the eminent release of other wrongly imprisoned persons from the state's prisons within Ten (10) days of your receipt of this letter, you, Ralph Diaz, Secretary, CDCR, agree to the following publication as your personal statement and intentions regarding this matter and to its release to the public and to make no objection thereto, to wit:

"California Department of Corrections and Rehabilitation
Office of the Secretary
P.O. Box 942883
Sacramento, CA 94283-001

To all incarcerated people:

On June 26, 2020, Governor Newsom, acknowledging widespread government wrongdoing in criminal prosecutions, apologized and initiated sweeping prison reform. He gave direction to myself as Secretary of CDCR to commence processing for release, prisoners "for whom no True Bill of indictment initiating the case under which they are held may be found."

This action came as a result of illegal felony prosecutions by the District Attorneys in California's 58 counties and the Judges of the Superior Courts exercising a jurisdiction they do not have. CDCR is now reviewing inmate files and processing for release, the first cohort of 17,600 began in August.

I have just recently been made aware that because of the Court's malfeasance, it appears that the paperwork necessary for your transfer to, receipt and detention by CDCR, a written Judgment of Conviction, has not been created by the sentencing Judge and filed in the Court as required by law. Essentially, this means the Abstract of Judgment in CDCR's files, and upon which CDCR has relied for authority, is unsupported by a judgment. In simple terms, CDCR is without authority to confine you any longer.

I have ordered that all inmate files be reviewed again to ascertain the facts in each case.

Please understand the logistics of the task we have undertaken to begin out-processing over 100,000 people takes a certain amount of time. I am committed to expediting your release as soon as each case is reviewed and CDCR confirms no Judgment of Conviction exist. You will be notified of your anticipated release date as soon as possible, but no later than September 30, 2020. Until your release, the money due each of you will continue to accrue at the per diem rate promised by the Governor, \$3,400 per day from July 4, 2020 until you are released. While this will in no way make up for the years of impact to your lives and those of your loved ones, its the best we can do at the moment.

Let's recognize God's hand in this unprecedented release as an extension of His grace. He is giving us all a second chance for an abundant life, to go...and sin no more.

We can honor Him and get through this time of transition with understanding, patience and support.

With gratitude,

Ralph Diaz, Secretary" End of statement.

NOTICE: Pursuant to Section 69, Subdivision (1)(b) of the Restatement of Contracts where silence or inaction operates as acceptance of the obligation to perform the act set forth above, I now give you every reason to believe and understand that assent by yourself Ralph Diaz, Secretary of the California Department of Corrections and Rehabilitation ("offeree"), may be manifested by silence or inaction and the offeree by remaining silent and inactive intends to make no objection to the publication of the above statement as though made by offeree in the first person; for reason of the unlawful imprisonment and continuing illegal confinement of my person and those persons similarly situated, that is, those persons for whom no Judgment of Conviction may be found in the records of the committing Superior Court or Central files of CDCR necessary to support the Abstract of Judgment upon which CDCR relies for authority.

NOTICE TO THE AGENT IS NOTICE TO THE PRINCIPAL;
NOTICE TO THE PRINCIPAL IS NOTICE TO THE AGENT.

SUMMARY

Brother Diaz: I've approached you as a Christian brother with whom I will spend eternity. I've followed Matthew 18:15 and brought the illegal prosecutions by Felony Complaint mandating release of unindicted prisoners to your and the Governor's attention. The onus for remedy and restructure is on the Governor. He has ordered you to commence processing us for release.

I have now brought to your attention the fact that you as Secretary (Director) of CDCR, in your dealings with the Courts, do not have the necessary legal documents to accept delivery and confine myself and the majority, if not all, individuals in the state's prisons. What to do?

Josiah comes to mind (2 Chronicles 34).

As he, I believe you have tried your best to do what was right in the sight of the Lord in your state position as Secretary of CDCR. Life was good!

Then along came Lonnie who, falsely imprisoned, looked into the Book of the Law (Penal Code) and under God's tutelage deciphered it...and brought his findings to you.

"Thus it happened, when the king heard the words of the Law, that he tore his clothes." And cleaned house!

Now, perhaps you didn't tear your clothes, but maybe pulled a few hairs upon realizing the impact of holding so many for so long without any authority to so do. Time to clean the government's house!

District Attorneys, Defense Counsel and Judges of California have been "caught in the very act" of participating in the false imprisonment of citizens under color of law. That's them.

You now have opportunity to separate yourself as an honest government employee from the stigma of the corruption.

From my perspective, CDCR can, at best, be accused of negligence. And you have moved quickly to remedy the problem.

Confirm your information, bring it to the attention of your superiors; and refuse to accept any additional "convicts" from the Superior Courts sans a Judgment of Conviction and, immediately notify all inmates for which you do not hold a Judgment of Conviction that they will be released on a date certain with sufficient advance of funds against accruing state debt owed them, to start a new life.

Recent correspondence I and others have sent you has been returned, and staff here at CSP Solano's Memo says "CDCR does not have the authority to release you." Well, CDCR doesn't have the authority to hold us either. Check. Its your move.

Let freedom ring! "Free those who are wrongly imprisoned." (Isaiah 58:6 NLT.)

Thanks to your integrity and resolve (Micah 6:8) I am confident this travesty of justice is soon coming to an end for all concerned! To God be the glory!

I would have written you a shorter letter, but I didn't have the time! Therefore and otherwise, conduct yourself as an Ambassador of Christ.

Yours in His service,



Lonnie G. Schmidt

Encl.: Immediate Release!

Cc: G. Matteson, Warden CSP Solano
Xavier Becerra, Attorney General (File No. 184136)
Gavin Newsom, Governor
Carl Specht, Chaplain, Chapel of the Good Shepherd
Dave Patterson, Pastor, The Father's House

NOTES

2 Acts of commission. The public officers violated the prohibitions of the law when they conspired to unlawfully imprison persons illegally convicted of a crime; the overt act being, in the absence of a judgment of conviction signed by a judge, the preparation, offering in evidence, certification and filing of a false and forged instrument (abstract of judgment) in a public office. (§§ 182(a)(1-5), 115(a), 132, 134).)

§ 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.)

§ 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.)

Entry of judgment of conviction and abstract of judgment following felony prosecutions are proceedings authorized by law. The offering of the bogus written instrument (abstract of judgment) in evidence as a genuine and true digest or summary of a non-existent commitment instrument is fraud.

The instrument is known by the public officers (Clerk of the court and the judge) to be forged.

§ 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.)

3 § 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."