

June 16, 2022

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

Howard Moseley, Chief and Associate Director,  
Office of Appeals - Division of Correctional Policy  
Research and Internal Oversight  
California Department of Corrections and Rehabilitation  
P.O. Box 942883  
Sacramento, CA 94283-0001  
U.S.P.S. Certified Mail RRR No: 7020 1810 0000 3292 6513

Re: Appeal Claims Decision Response: Log #000000123932 - **Wrong Decision!**; Notice: False Imprisonment, **DEMAND FOR RELEASE**, Valuation of Rights, Freedoms, and Immunities, Intent to Publish Statement of Chief Moseley.

Dear Chief Moseley:

**Breaking News!** streaked across the airwaves on May 24, 2022. A mass shooting in an elementary school in Texas has left 19 children and 2 teachers dead. The tragedy perhaps unforeseeable, possibly initially unstoppable, but the carnage certainly curtailable and lives saved; had the one law enforcement officer in charge, Chief of Police Pete Arrendondo<sup>1</sup>, not made the wrong decision... delaying intervention for over an hour.<sup>2</sup>

Now, questions are being asked: "Was the Chief's conduct criminal?" and "Could more have been done by involved officials to save lives?"<sup>3</sup>

Chief Moseley, sir-- as the law enforcement officer in charge of deciding the continued imprisonment or liberty of State prisoners presenting their legal cause for release via CDCR Form 602 Appeals Claim --you now find yourself in a similar situation to Chief Arredondo.

As Chief, you have the duty to act and follow the law which mandates the release of persons who have not been legally committed to the custody of the Director of the California Department of Corrections and Rehabilitation (CDCR).

However, in my case, you decided to feign ignorance of the law, CDCR regulations, my Civil Rights and your oath of office and to continue my imprisonment-- not withstanding presentation of indisputable evidence that I have not been legally committed to CDCR's custody --without Legislative and/or Judicial authority to do so. You made the wrong decision.

If not for the liberty of so many being at stake, I would have written you a shorter letter, but I didn't have the time.

In your October 25, 2021 response to my appeal, denying my release, you cited no legislative or judicial authority for your "Rules and References, A. Controlling Authority" or faulty "III. Reasoning and Decision" and made the claim that simply because of your decision "there is no applicable remedy."

Subsequently, I did the one thing you least expected-- I read the "controlling authority" you did cite: California Code of Regulations (C.C.R.) Title 15 § 3075(e) and researched your mythical "Abstract of Judgment" claimed as sufficient to support your decision. My, oh my, oh my! What a tangled web you weave!

As a result of my research, I wrote and published<sup>4</sup> a 30 page legal analysis "OATH **BREAKERS**" dated December 7, 2021 and a two page legal paper "Attorney General Chokes On Red Herring!" dated January 23, 2022 exposing the Attorney General and CDCR's illegal conduct of false imprisonment and debunking their's and your same faulty reasoning that "The Abstract of Judgment is the Judgment of Conviction for imprisonment in state prison...". I documented with points and authorities that the legal requirement, Penal Code (P.C.) § 1202a), to authorize reception and detention of a person by CDCR is a judgment of conviction committing a defendant to the custody of the Director.

Neither legal treatise has been disputed or rebutted by anyone at any time... nor can be nor will be... for the truth is: If there is no Judgment of Conviction -- there is no commitment of a defendant to the custody of the Director of CDCR, and thus, no legal cause for imprisonment in the state's prisons and no other document, e.g. an abstract of judgment, matters.

Now questions being asked: "Is such conduct on your part criminal?", "What more can be done to save lives and set at liberty myself and those 100,000 plus persons who are also wrongly imprisoned?" and "What is the liability for the state and those involved public employees relying on CDCR's unsupportable and indefensible decision?".

On April 24, 2022, I was tested for Covid 19 and informed I was being transferred. Reasoning that if CDCR doesn't have authority to legally detain my person, CDCR certainly doesn't have authority to transfer me to another prison, I filed a 602 Grievance Complaint with Associate Warden Popovich, CSP Solano, requesting action to cancell/override the pending transfer and demanding release from custody. I attached a copy of your Claims Decision Response of October 25, 2021 referenced above, which is date stamped April 25, 2022, and returned to me; a copy of which is attached hereto and incorporated herein.

In order to afford you opportunity to view firsthand the gravity of the liability jeopardy in which your decision has placed yourself and subordinate CDCR staff now considering my 602 Complaint (Log #000000249046) and those of other "inmates" soon to follow, I restate my April 24, 2022 CDCR 602 (available to you with referenced Exhibits in my Central File).

"Nature of Complaint: Request cancellation/override of transfer for good cause: No legal authority to detain inmate; or transfer without consent. March 22, 2022 at Annual Committee hearing, Program Complex, D Yard. Counselor Hintz, a Captain and two other gentlemen, CDCR employees, were present who can support my complaint. I tried to informally resolve my complaint by presenting legal authority to support my claim of false imprisonment by CDCR which was refused "We can't accept anything from inmates": "OATH BREAKERS", "ATTORNEY GENERAL CHOKES ON RED HERRING!" "CLAIMANT APPEAL CLAIMS DECISION RESPONSE", attached hereto and incorporated herein.

I requested copies of decision and papers I had signed: none received. Rules and authority relied upon to make this complaint: Title 15 § 3075(e), Penal Code § 1202a, Code of Civil Procedure § 664. Specific action to resolve complaint: Immediate and unconditional release from prison. Alternatively, cancellation of transfer to avoid further liability to CDCR and involved Public Employees; noting Public Employees have no immunity and are not exempt from liability for false arrest/imprisonment (Government Code § 820.4).

Attention Associate Warden Popovich:

Before you throw up your hands and say "This is a legal matter, take it to the court", be advised you are the CDCR Officer I am reaching out to with the truth and you have authority to override/cancel transfer.

April 12, 2022 I filed a Habeas Corpus Petition in the Solano Superior Court # FCR363056 raising the issue: without a judgment of conviction as required by law (Penal Code § 1202a), CDCR has no authority to detain my person. The Court advises the writ will issue or be heard within 60 days; I need proximity to the Court for appearance. I exhausted all administrative remedies through CDCR ending with the October 25, 2021 preposterous response from Chief H. Moseley, attached and referenced as follows:

Chief Moseley mischaracterizes my complaint as an allegation "that the Department did not consult the Judgment of Conviction in appellant's [my] court file...". The request was to consult CDCR's files. On the contrary, there is NO "Judgment of Conviction" in any of my court or CDCR files, which might serve as authority for the Department or Executive Branch to accept and hold my person in custody - period.

It is of course impossible to "consult" a document which does not exist. **If there is no Judgment of Conviction -- nothing else matters.**

Also, the Administration Regulation you cited as controlling authority (15 C.C.R. § 3075(e)) is totally misinterpreted as somehow a superior authority to the Legislative intent embodied in Penal Code § 1202a -- referenced in 15 C.C.R. § 3075(e) as enabling statutory authority (ignored by Chief Moseley) -- which requires a Judgment of Conviction. Rather, Chief Moseley references Penal Code §§ 1213 and 1213.5, neither of which appear as authority in 15 C.C.R. 3075(e). **If there is no Judgment of Conviction -- nothing else matters.**

This seems a most embarrassing response by the Chief with the potential for future exposure should the matter become subject to litigation. Not to mention civil and criminal liability for those Public Employees involved (Government Code § 820.4) and have notice of lack of authority and no consent from me to continued detention of my person."

Chief Moseley:

You reference a jurisdictional regulation as "Controlling Authority" 15 C.C.R. § 3075(e): "Inmates received by the department..."<sup>5</sup> yet fail to acknowledge that the "Statutory Authority" upon which said Section and subdivision rely requiring a judgment, is posted conspicuously at the conclusion of Section 3075, P.C. § 1202a: "If the judgment is for imprisonment in the state prison the judgment [of conviction] shall direct that the defendant be delivered into the custody of the Director of Corrections...". Penal Code § 1202a is the only authority provided by the Legislature authorizing the Director (Secretary) of Corrections to take custody of a defendant. Refusal by CDCR to enforce P.C. § 1202a might be a violation of Article III, § 3.5 of the California Constitution.

**Therefore**, if it is true that intake of "inmates" by the department is restricted by regulation to persons who are or have been committed to the custody of the Director of Corrections (15 §§ 2000(3), 3075(e)), and, if it is true that a judgment directing that the defendant be delivered into the custody of the Director of Corrections (P.C. § 1202a) must be filed with the papers in the case and a copy delivered the Director (P.C. §§ 1207, 1213); then it must also be true that without a judgment so directing the defendant's disposition, the Director does not enjoy custody and CDCR lacks jurisdiction (authority) to receive and detain any person (defendant) under C.C.R. 15 § 3075(e). Imprisonment of a person without authority is unlawful and commonly known as false arrest and false imprisonment; liability for which public employees do not enjoy immunity. Government Code § 820.4.

The most blatant error is your faulty "reasoning" that "The Abstract of Judgment is the Judgment of Conviction for imprisonment in state prison with the California Department of Corrections and Rehabilitation." No California statute, rule, regulation or case law is cited for this obviously erroneous position, because none exists.

To the contrary, the California Supreme Court has observed "The Court of Appeal first noted that an abstract of judgment "is not a judgment of conviction" or even "an order of the court" but is merely "a form prepared and signed by the clerk of the court" that cannot add to or modify the judgment which it purports to digest or summarize." People v. Mitchell (2001) 25 Cal.4th 181, 186 2001 Cal LEXIS 4596.

But it should be obvious to the most casual observer unlearned in the law, that an "abstract" (summary/digest) of some judgment cannot have validity when there is no underlying judgment entered on any court record.<sup>6</sup> See "OATH BREAKERS" and "RED HERRING" for full explanation of fallacious "abstract of judgment" theory and points and authorities debunking it as a commitment document.

Absent a judgment, no abstract thereof and no custody of a person by the Director can exist. It is fundamental that the Department (an administrative agency) may not exercise a power not granted to it by the Legislature. CDCR-- without production of a judgment directing that Lonnie Glenn Schmidt be delivered into the custody of the Director of Corrections as required (P.C. § 1202a) --can show no legal cause for the imprisonment of my person; and must discharge Lonnie Glenn Schmidt from the custody under which I am held.<sup>7</sup>

#### **DEMAND FOR RELEASE**

I, Lonnie Glenn Schmidt, victim aggrieved, One of the People of the United States, California native, resident, and Veteran with distinguished service record, Captain, United States Army Reserve, for reason of, inter alia, imprisonment in the absence of any lawful authority, specifically without a judgment of conviction specifying imprisonment in the state prison and directing my delivery into the custody of the Director of Corrections, hereby demand that Howard Moseley, Chief and Associate Director, Office of Appeals, CDCR, Kathleen Allison, Secretary (Director) of CDCR or GiGi Matteson, Warden, CSP Solano, individually or severally, effect the immediate and unconditional release of my person from prison and from the custody of CDCR and to the custody of none other.

Failure to release my person within ten (10) days of the date of this letter of demand is Howard Moseley, Chief, Kathleen Allison, Secretary, and Warden Gigi Mattessons' acceptance in their individual and official capacity, of the financial obligation set forth below and of any other liability incurred for reason of the false arrest and false imprisonment of my person, with the understanding that for State agencies and public employees, no immunity from such liability exists. (Government Code §§ 815.2(a), 815.6, 820.4).

## Valuation of Rights, Freedoms, and Immunities

I, Lonnie Glenn Schmidt, hereby give notice that I value my rights, freedoms, and immunities in the amount of One Hundred Million (100,000,000) United States dollars, and for each and every day of continued deprivation thereof, an additional and not less than, amount of One Hundred Thousand (100,000) United States dollars, per day.

### NOTICE OF INTENT TO PUBLISH STATEMENT OF CHIEF MOSELEY

Howard Moseley, having opportunity to review, modify or change the text of the following statement proposing a change to CDCR Regulations agrees to publish the statement through CDCR's inter-agency and public information resources, and Howard Moseley's failure to so publish the statement or notify Lonnie Glenn Schmidt of specific objections, alterations, changes or modifications to the text of the statement within ten (10) days of the date of this demand letter, is Howard Moseley's consent to the statement's publication by Lonnie Glenn Schmidt or at his direction. Statement, to wit:

Howard Moseley, Chief and Associate Director,  
Office of Appeals - Division of Correctional Policy  
Research and Internal Oversight  
California Department of Corrections and Rehabilitation (CDCR)

Subject: Change to Regulations and Release of Affected Persons.

To: Governor Gavin Newsom, CDCR Secretary Kathleen Allison,  
CDCR Employees and all Inmates, Prisoners and Parolees  
in the custody of CDCR.

The Correctional Policy Research and Internal Oversight Management Branch of CDCR has been made aware of the delivery to, and imprisonment of, persons without the document required by law evidencing a legal commitment of the person to the custody of CDCR. This oversight is believed traceable to an ambiguous regulation regarding the intake of inmates which has been misinterpreted. It is for the purpose of clarifying the offending regulation and effecting remedy for those persons adversely affected that the following change to the regulation is proposed.

### Department of Corrections and Rehabilitation NOTICE OF CHANGE TO REGULATIONS

**Section:** 3075, subdivision (e)  
**Publication Date:** July 1, 2022

**NCR Number:** TBD  
**Effective Date:** TBD

This Notice announces the proposed amendment of Section 3075(e) of the California Code of Regulations (CCR), Title 15, Crime Prevention and Corrections, Division 3, Chapter 1, Article 6.5 Section 3075 Initial Intake, Subdivision (e).

## **INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW**

Heretofore, CDCR has received inmates accompanied "either by a minute order or an abstract of the judgment" per regulation 15 § 3075(e) but without the required documentary evidence of a person's commitment to the Director of Corrections as required by Penal Code § 1202a. Statutory Authority: None.

Hereafter, inmates delivered to, and received by, CDCR, shall be accompanied by a copy of the judgment signed by the judge and certified by the clerk of the court as entered in the record. Statutory Authority: Penal Code §§ 1202a, 1207, 1213, 1216, 2900. The proposed change to the regulation will incorporate the Legislative statutory authority enacting the regulation.

### **This action will:**

Provide legal authority for the department to receive "inmates" as that term is constructed in the regulations, "Inmate" ... applies to any person who is or has been committed to the custody of the Director of Corrections...". 15 § 2000(3).

Identify the specific instrument required by law providing legal authority for the delivery of persons to the department and the necessary accompanying documents.

Prevent inadvertent acceptance of a person not legally committed to the department.

Provide legal basis for determining release date or calculating an EPED.

### **SPECIFIC BENEFITS ANTICIPATED BY THE PROPOSED CHANGE**

Clarifying the process for the reception by the department of persons legally committed by superior courts to the Director of Corrections benefits inmates, victims and other involved participants because each stakeholder will have a better understanding of when to prepare for an inmate's release or initial or subsequent parole consideration hearing and limits CDCR and CDCR employees' exposure to liability for false arrest and false imprisonment.

### **AUTHORITY AND REFERENCE**

Government Code Section 12850 provides that the secretary of each agency has the power of general supervision over, and is directly responsible to the Governor for, the operations of each department, office, and unit within the agency.

Penal Code (PC) Section 5058 authorizes the Secretary to prescribe and amend rules and regulations for the administration of prisons and for the administration of the parole of persons.

## TEXT OF PROPOSED REGULATION CHANGE

In the following text, [ ] indicates deleted text, and underline indicates added text.

### 15 § 3075(e).

Inmates received by the department shall be accompanied by [either a copy of the minute order or an abstract of the judgment] a copy of the judgment signed by the judge and certified by the clerk of the court or judge to be a copy of the judgment entered. The judgment and [C]confidential medical/mental health documents indicating that the inmate is medically capable for transport are required upon delivery. The inmate's identity shall be verified by staff from the judgment to prevent inadvertent acceptance of a person not legally committed to the department.

## INITIAL STATEMENT OF REASONS

The California Department of Corrections and Rehabilitation (CDCR or the department) proposes to amend subdivision (e) of section 3075, of the California Code of Regulations (CCR), Title 15, Division 3, Chapter 1, Article 6.5 regarding Initial Intake.

## INTRODUCTION AND PROBLEM STATEMENT

In California, the State prisons are under the jurisdiction of CDCR. The head of the department is the Secretary who is directly responsible to the Governor for the administration of the State's prisons. The Governor is ultimately responsible to ensure the legal imprisonment of all persons committed to the custody of the Director.

The Governor, notified of the illegal imprisonment of California's prisoners has ordered the Director to take action to remedy the condition and effect the expeditious release of those persons unlawfully imprisoned.

In a criminal case, the law mandates that a written judgment signed by a judge be entered in the court's records shortly after the verdict or court decision is rendered and in no case is a judgment effectual for any purpose until entered.

If the judgment is for imprisonment in the state prison, in order to transfer the defendant from county (jail) to state (prison) jurisdiction, the law requires the Director (Secretary) of CDCR receive from the Sheriff of the County with delivery of the defendant to prison, a certified copy of the judgment ("judgment of conviction" [a legal document signed by a judge]) specifically directing that the defendant be delivered into the custody of the Director of CDCR.

A judgment is jurisdictional. There is no document other than a judgment of conviction upon which the Director of CDCR may rely for authority to receive custody of a person and for the department to receive an inmate. If the department is not able to produce the judgment upon demand, the prisoner must be discharged from custody.

Penal Code § 1202a, cited in the regulation as authority enacting subdivision (e) of section 3075, has not been, and is not now, being enforced by CDCR, notwithstanding the fact that the language in PC § 1202a specifies that if the judgment is for imprisonment in the state prison the judgment shall direct delivery of defendant into the custody of the Director. Penal Code § 1202a has not been declared unconstitutional.

California Constitution, Article III, Section 3.5 provides that a State agency may not declare a statute unconstitutional or refuse to enforce a constitutional statute.

In order to avoid conclusion that CDCR has declared Penal Code § 1202a unconstitutional or that CDCR has refused to enforce the statute by failing to require a copy of the judgment with the delivery of a defendant to CDCR as a condition precedent to intake, requires the amendment of regulation 3075(e).

#### MATERIALS RELIED UPON

In interpreting and making specific the requirement for receipt of a judgment by the department in section 3075(e) of the proposed amendment, the department relies on the following court decision:

Ex parte Gibson (Cal. 1867), 31 Cal. 619, 622-623

#### **CONTACT PERSONS**

##### Primary Contact

D. Kostyuk  
Telephone: (916) 445-2276  
Regulation and Policy  
Management Branch  
P.O. Box 942883  
Sacramento CA 94283-0001

##### Back-Up

Y. Sun  
Telephone: (916) 445-2269  
Regulation and Policy  
Management Branch  
P.O. Box 942883  
Sacramento, CA 94283-0001

#### Release of Affected Persons

Under the Federal and State Constitutions and codified in the California Penal Code, a person unlawfully imprisoned may prosecute a writ of habeas corpus to inquire into the cause of his or her imprisonment or, use any other remedy; and if no legal cause is shown for such imprisonment, a court or judge or offending custodian must discharge the party from the custody under which he is held.

Therefore, at such time written demand for release is made to the custodian (CDCR/Warden) by, or on behalf of, the person for whom no judgment of conviction is found in the custodian's files, and inasmuch as it cannot be shown by CDCR that the person is in custody by virtue of process of any Court of this State, or Judge or officer thereof, the Secretary of CDCR will stipulate to and not contest the written demand for release, but will honor the demand, to the end expeditious release of the prisoner by CDCR will be effected, civil rights preserved, liability to the State limited, and justice served.

Howard Moseley, Chief

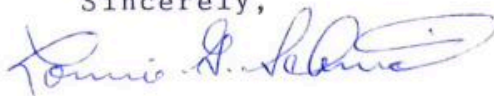
End of Statement.

**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 and pay the amount set forth above, I now give you every reason to believe and understand that assent by yourself Howard Moseley, Chief and Associate Director, Office of Appeals - Division of Correctional Policy and Research, CDCR ("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 Lonnie Glenn Schmidt 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, a necessary condition precedent for the Director/CDCR to receive and detain persons.

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

Therefore and otherwise, conduct yourself accordingly.

Sincerely,



Lonnie G. Schmidt, Captain USAR

Encl: October 25, 2021 Claimant Appeal Claim Response  
Cc: Gavin Newsom, Governor, Kathleen Allison, CDCR Secretary  
Gigi Matteson, Warden as represented in this matter  
by their attorney:  
Rob Bonta, Attorney General of the State of California  
Ying Sun, Associate Director, Regulations and Policy  
Management, CDCR  
Donna Weaver, CVO and CEO, Human 2 Human Technologies  
Dave Patterson, Pastor, The Father's House

## NOTES

- 1 Pete Arredondo, Consolidated Independent School District Chief of Police, Uvalde, Texas.
- 2 "Of course it wasn't the right decision. It was the wrong decision. Period." ... "there were plenty of officers to do whatever was needed to be done." Steven McCraw, Texas Department of Public Safety Director; LA Times National May 28, 2022.
- 3 All major news sources since May 24, 2022.
- 4 [www.withoutoneplea.com](http://www.withoutoneplea.com)
- 5 "Inmate" - Any person who is or has been committed to the custody of the Director of Corrections. C.C.R. 15 § 2000(3). Note: Title 15 Regulations do not apply to any person **NOT** committed to the custody of the Director, thus a "defendant" is not an "inmate" until a judgment directs he be so committed. The Director is the only "door" through which a person may enter state prison and the judgment is the key. CDCR is an exclusive Club: **No judgment - no prison. Period.**  
On a personal note: Heaven is an exclusive Club. Jesus is the only "door" for entry and faith is the key. **No Jesus - No Heaven. Period.** John 14:6; Romans 10:9-13 (Holy Bible NKJV). If you doubt your status with Him, check out the Authority--God's Word. Life is short, eternity is real. I'm sure you'll want to make the right decision as to where you'll spend it!
- 6 "In no case is a judgment effectual for any purpose until entered." California Code of Civil Procedure § 664; Phillips v. Phillips (Cal. Dec. 24, 1953), 41 Cal. 2d 869, 874.  
I do wish you, Chief Moseley, had consulted a lawyer on the matter, as, not a lawyer myself, I have studied federal and state jurisdiction for over 30 years and this issue intensely for well over three years but would prefer not to burden taxpayers with the cost of litigation over a fundamental matter so repeatedly settled in my favor and, utterly without exception, by every court confronted with this issue from the 1860s until today.
- 7 No court in state history has ever held that a warden may imprison or otherwise accept or maintain custody of any human without "entry on record" of a "judgment of conviction", a certified copy of which **MUST** accompany any prisoner upon delivery of the body "to a [custodian] warden." The law has always demanded release when the unthinkable "no judgment" does occur, as it has in my case. Ref: Ex parte Gibson (Cal 1867), 31 Cal. 619, 622-623; People v. Mendoza (2009) 171 Cal.App.4th 1142, 1150; and federal alignment: United States v. Arpaio (9th Cir. 2020) 951 F.3d 1001, 1004.



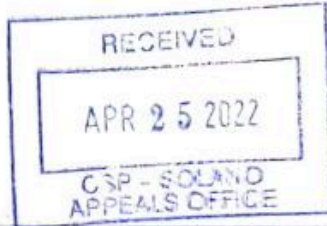
**CLAIMANT APPEAL CLAIMS DECISION RESPONSE**

Re: Appeal Claims Decision Response

**Offender Name:** SCHMIDT, LONNIE GLENN  
**CDC#:** AZ3544  
**Current Location:** SOL-Facility D

**Date:** 10/25/2021

**Current Area/Bed:** D 021 1 - 003004L



Log #: 000000123932

**Claim # 001**

**Institution/Parole Region of Origin:** California State Prison, Solano

**Facility/Parole District of Origin:** SOL-Facility D

**Housing Area/Parole Unit of Origin:**

**Category:** Offender Case Records

**Sub-Category:** Date Calculation

**I. ISSUE ON APPEAL**

Appellant alleges that the Department did not consult the Judgment of Conviction in appellant's court file, in which the Judgment of Conviction states "without a JOC CDCR must discharge inmate forthwith," and thus held appellant beyond appellant's Earliest Possible Release Date.

**II. RULES AND REFERENCES**

**A. CONTROLLING AUTHORITY**

Title 15, section 3075(e); Penal Code, sections 1213, 1213.5, and 1216

**B. DOCUMENTS CONSIDERED**

CDCR Form 602-1 Log #123932 and attachments; CDCR Form 602-2 Log #123932 and attachments; Abstract of Judgement; Minute Order

**III. REASONING AND DECISION**

The Abstract of Judgment is the Judgment of Conviction for imprisonment in state prison with the California Department of Corrections and Rehabilitation. In appellant's file, there is an Abstract of Judgement for case #C1348325 dated October 25, 2016, and an amended Abstract of Judgement for case #13F07578 dated November 16, 2020 and case #FCR317874 dated September 4, 2018. Appellant is serving a prison sentence of 23 years and 8 months. Appellant's Earliest Possible Release Date is August 31, 2025. As the Department appropriately reviewed and abide by appellant's Abstract of Judgement/Judgment of Conviction, and has not retain appellant in state prison beyond appellant's Earliest Possible Release Date, this claim is denied.

**IV. REMEDY**

Your claim has been denied. Therefore, there is no applicable remedy.

**Decision: Denied**

After a thorough review of all documents and evidence available at the time of this written decision, it is the order of the Office of Appeals that this claim is denied. This decision exhausts the administrative remedies available to the claimant within CDCR.

Staff Signature	Title	Date/Time
H. Moseley [MOHO002]	Chief	10/24/2021

June 19, 2022

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

To: Governor Gavin Newsom, CDCR Secretary Kathleen Allison, CSP Solano Warden Gigi Matteson by and through their attorney in this matter Attorney General Rob Bonta, attention Deputy Attorney General Anthony J. Tartaglio; CDCR Associate Director, Regulations and Policy Management, Ying Sun, CVO and CEO Donna Weaver, Human 2 Human Technologies, and The Father's House Pastor, Dave Patterson.

COVER LETTER

Re: Proposed CDCR Change To Regulations and Release of Prisoners Requiring Your Notice.

Enclosed is a copy of my June 16, 2022 letter to CDCR Office of Appeals Chief Howard Moseley of which you are named as being copied.

The proposed change eliminates the confusion experienced for over 70 years by the public employees of the California Department of Corrections and Rehabilitation (CDCR), its predecessor agencies and wardens as to the legal documentation required for reception of persons by CDCR for imprisonment in the State's prisons. The confusion has resulted in the unlawful imprisonment of tens of thousands of persons. The change will also provide a legal basis for future imprisonment of offenders and limit the State's liability for false arrest and false imprisonment.

Chief Moseley offers immediate relief for those persons currently in the custody of CDCR unlawfully by simply making written demand for release to CDCR. Simplifying the release process by avoiding the courts— who failed to provide the required documentation (judgment of conviction) in the first instance —will provide a significant cost saving to the State, reduce congestion in the courts and the extended deprivation of the liberty of affected persons.

The relief offered to the affected persons by Chief Moseley as spokesperson for CDCR is sound and avoids litigation in which CDCR cannot prevail under any circumstances; inasmuch as this matter has been repeatedly settled in favor of the requirement for a "judgment of conviction" to precede imprisonment and, utterly without exception, by every court confronted with this issue from the 1860s' until today. No court in state history has ever held that a warden may imprison or otherwise accept or maintain custody of any human without "entry on record" of a "judgment of conviction", a certified copy of which MUST accompany every person upon delivery of the body "to a [custodian] warden." The law has always demanded release when the unthinkable "no judgment" does occur. Ref: Ex parte Gibson (Cal 1867), 31 Cal. 619, 622-623; People v. Mendoza (2009) 171 Cal.App.4th 1142, 1150; and federal alignment: United States v. Arpaio (9th Cir. 2020) 951 F.3d 1001, 1004.

The first step on the road to recovery from a disastrous miscarriage of justice of constitutional magnitude and statewide significance such as is now facing the California criminal justice system, is the admission of the error. Then, finding the cause and fixing the problem.

With the exception of Mr. Ying Sun, I have had communication with each of you concerning this matter in the past. Each of you are in a position of influence in the government, business or religious communities. Those in government have a sworn duty to actively engage in correcting the unlawful conduct. Those of us who are not, as their employers, our duty is to hold them accountable to do so. The common denominator for all of us is, as One of the People, our desire for truth, justice and due process of law for all.

It's decision time. Are we going to step up and fix the problem, or, delay intervention? Uvalde, Texas has recently given example of the consequences of delayed intervention. If not us then who? If not now then when?

Please feel free to voice objections to the plan to release affected persons, stating your reasons and proposing an alternative plan. If I do not receive a response from you within ten (10) days from the date of this letter, I will presume you approve of, and will support, the plan.

Respectfully,

A handwritten signature in blue ink, appearing to read "Lonnie G. Schmidt", with a stylized flourish at the end.

Lonnie G. Schmidt

Encl: June 16, 2022 Letter to Chief H. Moseley, CDCR