

Something's Wrong, Something's Wrong

by

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RFB - Proverbs 21:31

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God speaks in "a still small voice."
(1 Kings 18:12)

1967, Republic of Viet Nam. "Thunderbird One", Flight Leader for the 118th Assault Helicopter Company, Thunderbirds. Flying Bell Iroquois "Huey" UH-1D aircraft, responsible for 10 "ships" lifting troops and 4 gunships escorting, as a young Army Warrant Officer I had my hands full on combat assaults. Additionally assigned as our Company Instructor Pilot "IP", I frequently had a student pilot with difficulties riding right seat as co-pilot on "pigs and rice" supply missions supporting the troops on single-ship sorties.

This particular day, my co-pilot was an officer who had developed "tunnel vision" and my job was to work with him to get back to a basic scanning (keep your head moving looking outside) habit. Sky was overcast, solid clouds at about 2,500' altitude (just outside of small arms range) and we had the rotor blades biting into the base of the clouds. Our Huey was olive-drab green. Flying over green jungle with a green mountain range to the North, we headed West for Bien Hoa and the "Birdcage" late in the afternoon. Co-pilot flying, we were both tired after a day of constant reminder "keep your head out" coming from me and him trying to comply. Somewhere between my helmet headphones and brain I heard a quiet voice "Something's wrong, something's wrong." Normal scan pattern from the left seat is to look outside to the left and around to the right through the wind-screen and out the co-pilot's door window. Reversed from the right seat.

However, for some reason, I glanced first at the instrument panel. All instruments checked out in the "green". I looked at the co-pilot who stared straight ahead, past him and out his door window ... OK, and then out his wind-screen, mine and as I turned to my left for a look ... a fighter jet dropped out of the clouds at my eye level approximately 30 yards away aimed right at my door! I knocked the controls (collective and cyclic) out of co-pilot's hands and put the ship into a dive! Glancing at the jet, I saw the nose lift just enough to clear our rotor system by inches as the dirty, oil streaked belly slid overhead. The jet pilot's visor on his helmet was up and our eyes met ... his as wide as I'm sure mine were! Thank You Lord! was my first thought as I let out my breath! A too-close-for-comfort object lesson for my friend with tunnel vision. Thinking back over the event ... what if I had followed my normal scan pattern and looked left first? What if I had shrugged off the still small voice? The what if game. This one thing I know ... God loves us, He always has and He always will. He just wants us to be sensitive to His voice. I learned that first hand that day.

2017, CSP Solano (California State Prison), I'd been here and in custody since December 2013 ... trying to make sense of my white-collar "crime" conviction and sentence of 29 years. So I called on my personal legal counsel Who said in His Word "Call to Me and I will answer you, and show you great and mighty things which you do not know." (Jeremiah 33:3 (NKJV).) I have learned to trust His guidance and listen when He speaks over the last 52 years.

What He revealed is nothing short of amazing! And will help exonerate me in three cases and most of California's incarcerated in challenging and correcting unlawful convictions and getting home to our families.

I've written three research articles on the subject since February 2018 "The Truth, The Whole Truth ... And Nothing But", "Without One Plea" and "Handling the TRUTH" and a Habeas Corpus petition with Grounds and points and authorities; and a letter to Senator Kamala Harris (former California Deputy District Attorney, District Attorney, Attorney General) U.S.P.S. Certified Mail with copies to Governor Newsom and President Trump. This and other information is posted at withoutoneplea.com.

The truth revealed? California's District Attorneys have been prosecuting felonies by means of felony complaint, an unauthorized (illegal) mode of charging an offense. A felony complaint does not confer jurisdiction on the Superior Court. The Superior Court in every county in California has no authority (jurisdiction) to hold an accused for trial, ask for and accept a plea, or enter judgment of conviction based on such complaint. Any judgment issuing pursuant to a felony complaint is void and may be challenged at any time. As a matter of law, regardless of the crime charged, violent or not, or length of sentence or when imposed, the prisoner is entitled to immediate and unconditional release.

How many persons are affected by this fundamental constitutional error? According to Placer County Superior Court Judge J.S. Penny, "It should be pointed out 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 the petitioner's argument, virtually every felony conviction and every pending felony prosecution in the state is invalid." (May 2018, see "Handling the TRUTH", p. 7 for citation.)

It is clear that the error revealed, prosecution of felonies by the state via complaint, has enormous implications that are unquantifiable: impacting hundreds of thousands of persons who have been, are being and who will continue to be, unlawfully imprisoned, absent intervention. This practice must stop now!

Someone once said "The only people who still have faith in the system are those who have yet to experience it."

The District Attorneys run for election on a "Tough on crime" platform and re-election touting a 98% conviction rate! How long would you play against a team, in any sport, that won 98% of the time? You might get suspicious and begin looking into the rules and noting whether the team made the rules, provided the referees, playing field, equipment and did not follow the league's policy of playing with a particular type of ball.

California law requires that all felonies be prosecuted by either one of two modes: indictment or information (California Constitution Article I, § 14) ... something's wrong.

So what changes have I made during my incarceration? God answers prayer ... when I called on Him, He answered. He honors His Word, the Bible. He has never failed and He never will. I've determined to know Him better by studying His Word and prayer. I've changed my focus and priorities, from me to Him.



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