

LONNIE GLENN SCHMIDT

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July 15, 2023

Jeffrey Macomber, Secretary
California Department of Corrections and Rehabilitation
1515 S Street, Suite 502
Sacramento, California 95811
Via U.S.P.S. Certified Mail RRR No.: 7018 1130 0001 5162 9087

Re: Continued imprisonment of LONNIE GLENN SCHMIDT (unlawful and without authority for want of commitment document: false imprisonment) – DEMAND FOR RELEASE.

IMPORTANT NOTICE: Public employees do not enjoy immunity from liability for false arrest or imprisonment. California Government Code § 820.4.

Secretary Macomber:

On February 22, 2023 I gave you notice via U.S.P.S. Certified Mail that you and other public employees are in violation of State and Federal law for the unlawful imprisonment of my person—unlawful for reason, inter alia, lack of a judgment in your possession to support the fraudulent “abstract of judgment” California Department of Corrections and Rehabilitation (CDCR) allegedly relies upon as authority to imprison my person –and made demand for my immediate and unconditional release from prison. **Notice Letter** attached hereto and incorporated herein.

On March 13, 2023 I was conditionally released from behind the walls of California State Prison Solano, Vacaville, California to the CDCR Division of Adult Parole Operations in Stockton, California via a CDCR Alternative Custody Program (ankle monitoring and curfew). I remain unlawfully restrained of my personal liberty.

Pursuant to law, in order for CDCR to enjoy authority to imprison any person in the state prison, the Secretary of CDCR must receive a commitment document with the delivery of such person to CDCR. The reception center or receiving institution Receiving and Release sergeant must verify the commitment document as valid and certified and make a print of the arrival’s right index finger on the commitment document. Absent CDCR providing from its records a valid finger printed commitment document, detention is unlawful and constitutes false imprisonment.

For more than 4 years I have made demand of the State and CDCR to produce a commitment document authorizing the imprisonment of my person, and to date, none has been forthcoming.

NOTICE OF PERSONAL LIABILITY FOR FALSE IMPRISONMENT

False imprisonment is a liability for which public employees do not enjoy immunity. “Nothing in this section exonerates a public employee from liability for false arrest or imprisonment.” California Government Code § 820.4.

“False imprisonment is the unlawful violation of the personal liberty of another, the inference being absolutely unlawful and without authority.” Jackson v. City of San Diego (Cal.App.4th District July 14, 1981) 121 Cal.App.3d 579 1981 Cal. App. LEXIS 1962.

“False arrest and imprisonment causes of action are viable actions against public employees pursuant to Government Code § 820.4, excluding public employees from any immunity for a cause of action for false arrest or false imprisonment.” Allison v. County of Ventura (Cal.App.2d Dist. Mar. 3, 1977) 68 Cal.App.3d 689 1977 Cal. App. LEXIS 1356.

DISCUSSION

On March 13, 2023 I published an article/legal treatise “**Jesus Nut**” confirming a CDCR Whistleblower’s exposure of the illegal imprisonment of “all persons in the state prison system”. My purpose was to provide analysis of the error in simple layman’s language for the benefit of CDCR public employees’ understanding and to bring public awareness to the fact that it is CDCR’s duty to imprison persons according to law and to take corrective measures upon discovering they have not done so; and that it is the duty of the People to ensure public servant compliance with the law. A copy of **Jesus Nut** is attached hereto and incorporated herein.

This is the first opportunity I have had to send you a copy of this researched article/legal treatise. I believe it is only fair to benefit you with opportunity to consider the contents, check out the law and correct the failure of CDCR staff to comply with CDCR policy. As in past years of correspondence attempting to bring this information to a listening ear in government, it has always been my intention to speak the truth in love.

So, spread out **Jesus Nut**, grab a cup of coffee, and let’s take a look together: Me, as One of the People and you, as an employee of the People sworn to defend and support both the state and federal Constitutions and to obey the laws, rules and regulations pertaining to the job in the state department (CDCR) for which you are employed.

I direct your attention to pages 3 and 4 of **Jesus Nut** and the footnotes and attached exhibits:

“CDCR DOM Initial Intake Procedure § 72020.1: departmental policy is to receive inmates (fn3) pursuant to authority of CCR Title 15 Initial Intake § 3075(e): Inmates received by the department (fn4) – pursuant to authority of PC § 1202a: If judgment is for imprisonment in the state prison...judgment directs defendant delivery into the custody of the Director of corrections (fn5) [page 3]; and

DOM §§ 72020.1: policy requires proper documentation and authorization must accompany inmate (fn11); 72020.4.1: receiving responsibility requires verification and certification of court order (judgment) (fn12) [page 4].”

As the Director (Secretary; Penal Code (PC) § 5050), Division of Adult Institutions you are responsible for promulgating California Code of Regulations (CCR) Title 15 and ensuring that the contents of California Department of Corrections and Rehabilitation Department Operations Manual (CDCR DOM), Chapter 7 – Adult Case Records Information, Article 4 – Initial Intake Procedure, are kept current and accurate. PC § 5058; CDCR DOM § 72020.7 (page 608).

To begin with, so we can both be on the same “page” literally, turn to the exhibits of law in **Jesus Nut**; reprinted pages 66, 67 of CCR Title 15 and pages 605 – 608 from the CDCR DOM, my comments appearing in []:

CCR Title 15 § 3075 Initial Intake; 3075(e) (pages 66, 67)–“Inmates [a term which applies to any person committed to the custody of the Director of Corrections: CCR 15 § 2000(a)(3) (PC § 1202a)] received by the department shall be accompanied [in addition to the commitment document (official order of the court: judgment) PC §§ 1202a, 1207, 1213] by either a copy of the minute order or an abstract of the judgment certified by the clerk of the court or judge [for use in preparation of case summary CDCR DOM § 72020.5] ... NOTE: Authority cited: Section 5058, **Penal Code**. Reference: **Section 1202a...**”

CDCR DOM § 72020.1 (page 605)–Policy: “Inmates [a term which applies to any person committed to the custody of the Director of Corrections: CCR 15 § 2000(a)(3)] received by the Department must be accompanied by proper documentation [certified copy of the commitment document: PC § 1207 judgment of conviction] and authorization [PC §§ 5058, 1202a, 2901; CCR 15 § 3075(e)].”

CDCR DOM § 72020.4.1 (page 605)–Receiving Responsibility: Receiving and Release (R&R) : “In processing arrivals the R&R sergeant shall: Verify that new/additional commitments [commitment documents; official orders of the court: judgment] are valid and certified. The **court order** [commitment document] is deemed certified if it has any two of the following: Original judge’s signature; Original county/court clerk’s signature; Original county seal. ... **Make a print of arrival’s right index finger on the commitment document.**”

The term “commitment document” appearing here in the CDCR DOM for the first time, apparently has confused the R&R sergeants of CDCR. It means in simple English: an official order that requires a defendant to be sent to prison to serve out their sentence. This document is issued by a court after a judgment has been made against the defendant. For example, if a person is found guilty of a crime and sentenced to five years in prison, the court will issue a commitment document that orders the defendant to be taken into custody and sent to prison for five years. It is an important document in the criminal justice system that ensures that justice is served and sentences are carried out.

So what we are looking for from you and CDCR as authority to receive and imprison a person is a document which the R&R sergeant has deemed to be a commitment document and **on it** has made a print of the arrival's right index finger. Once the document is produced by CDCR, using CDCR DOM § 72020.4.1 as a guide, it can easily be examined to determine whether or not it passes muster as a valid and certified court order. Make sense?

If it does not so pass, does it not seem reasonable to conclude that— absent a valid certified commitment document prima facie displaying the person's right index finger print being found in CDCR records —CDCR lacks jurisdiction of that person and continued detention is absolutely unlawful, without authority and constitutes false imprisonment? And, inasmuch as no court order authorizing my detention by you Mr. Secretary is to be found in your or CDCR's possession, is not the decision to release me yours alone? I believe so.

DECLARATION OF LONNIE GLENN SCHMIDT

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

On information and belief, and on that basis, I declare that no commitment document bearing the name Lonnie Glenn Schmidt and the print of my right index finger, is now or ever has been, in the possession of any CDCR Secretary, CDCR R&R sergeant, CDCR or the records thereof.

EXONERATION

Mr. Secretary, in order to avoid public employee personal liability for the past and continuing unlawful and without authority violation of my liberty, simply produce a valid certified commitment document bearing the name and right index finger print of Lonnie Glenn Schmidt which antedates the March 16, 2016 receipt and imprisonment of my person by CDCR.

Failure to produce a valid commitment document forthwith and to order the immediate unconditional release of my person from CDCR custody, is your acknowledgment and acceptance of liability in the amount set forth below, personally and on behalf of all involved public employees as an initial estimate of damages for the unlawful imprisonment of my person.

NOTICE VALUATION OF RIGHTS, FREEDOMS AND IMMUNITIES

I, Lonnie Glenn Schmidt, hereby give CDCR Secretary Jeffrey Macomber and all public employees of the State of California involved in the past, present and continuing imprisonment of Lonnie Glenn Schmidt, **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 TO THE AGENT IS NOTICE TO THE PRINCIPAL;
NOTICE TO THE PRINCIPAL IS NOTICE TO THE AGENT.**

DEMAND FOR RELEASE

I, Lonnie Glenn Schmidt, hereby demand that you, CDCR Secretary Jeffrey Macomber effect the removal of all CDCR restraint of my liberty, i.e., ankle monitor, curfew and order the unconditional release of my person from the custody of CDCR, Division of Adult Parole Operations, Stockton, California, and to the custody of none other, forthwith.

How much is a person's freedom worth? How long is any public employee willing to risk career, fortune and liberty in the support and defense of a lie? **Mr. Secretary, you ought not to hold me, nor anyone else similarly situated, any longer.**

Therefore and otherwise, conduct yourself accordingly.



Lonnie G. Schmidt, Captain USAR
One of the People

P.S. Please be advised that false arrest/imprisonment is first and foremost a criminal offense, liability for which no immunity exists.

Encl.: **Jesus Nut** article/legal treatise with attachments: February 22, 2023 Demand letter to CDCR Secretary Macomber; CDCR DOM § 72020.1 et seq., pages 605-608; and CCR Title 15 pages 66, 67 (total 16 pages).

Cc: Gavin Newsom, Governor (for CDCR Secretary accountability)
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Kamala Harris, Vice President of the United States (for California Governor accountability)
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Rob Bonta, California Attorney General (for CI&I referral)
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Howard Moseley, Chief Deputy General, Office of Secretary (for CCR Title 15 compliance)
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