



Advocates | Legal Researchers
P.O. Box 2298 Lodi, California 95241
(209) 420-8369 info@withoutoneplea.org
WithoutOnePlea.org

Re: Information Concerning Your Confinement

Dear:

This letter is an initial outreach from **Without One Plea**.

We are writing because we have reviewed information related to your confinement and determined that there may be issues worth examining further. This letter is provided for introduction purposes only.

Without One Plea (WOP) is an organization dedicated to assisting individuals who are confined in the state prison without lawful authority; a civil rights violation. Our work focuses on identifying jurisdictional, procedural, and custody defects that render continued imprisonment unlawful. And on applying lawful accountability and commercial processes to effect remedy.

This letter serves as an introduction to the enclosed materials. The documents included in this packet explain our legal logic, process, and engagement options in detail. Read everything carefully as it does require action on your part to start.

What Is Included in This Packet

This Introduction Letter – Provides context for who WOP is, why you are receiving this mailing, and how the enclosed materials fit together.

Without One Plea is Fighting 4 Freedom – A step-by-step explanation of the WOP process, including visual illustrations, legal concepts, and how accountability and custody defects are identified and documented. It is designed to clearly explain the process of effecting remedy for those without legal training. Especially those serving long determinate, life and life without parole sentences.

Fatal Jurisdictional Defect – A brief educational publication explaining two foundational jurisdictional defects affecting most California felony cases. It outlines why courts lack authority when not following required procedures and cites controlling constitutional, statutory, and case law. This document may be read, shared, or used independently.

WOP Client Agreement – Contains everything you need to enroll as a client with WOP, including overview of the commercial process, Limited Power of Attorney, required documentation for you to provide, and terms of enrollment.

Our role is to identify the public employee responsible for your false arrest/imprisonment, document, establish government accountability and demand release from custody and damages compensation from the state by using lawful processes.

No Obligation — Information First

Some individuals choose to study the materials and check the references in the law library. Others share them with family. Some apply the information independently. As the process is challenging, others choose to let WOP do the work. Should you choose WOP, you will receive copies of all correspondence and certified mailings made on your behalf. The result will be proof of your unlawful imprisonment, establishment of valuation of your rights, freedoms and immunities for your unlawful imprisonment, a claim against the public employee responsible and the state for monetary damages for your unlawful imprisonment.

Your outside support, family and friends can view a digital copy of this letter (WOP Complete Packet.pdf) on our website withoutoneplea.org/resources.

Inasmuch as your life and liberty are at stake, whatever you decide, you are encouraged to read these materials carefully and share them with your fellow confined people and trusted loved ones.

Without One Plea Is Fighting 4 Freedom

WOP extends our warm regards and encouragement to you. We recognize that many confined individuals in California have been deeply wronged by a criminal justice system that has, in far too many cases, failed to follow the lawful procedures required by the California Constitution, Penal Code, and established court precedent to prosecute and imprison felony cases. Our purpose is to bring clarity, hope for freedom and lawful remedy to those who have been unlawfully prosecuted and imprisoned. We encourage everyone who can seek the truth, to do so: “So then each of us shall give an account of himself to God” Romans 14:12.

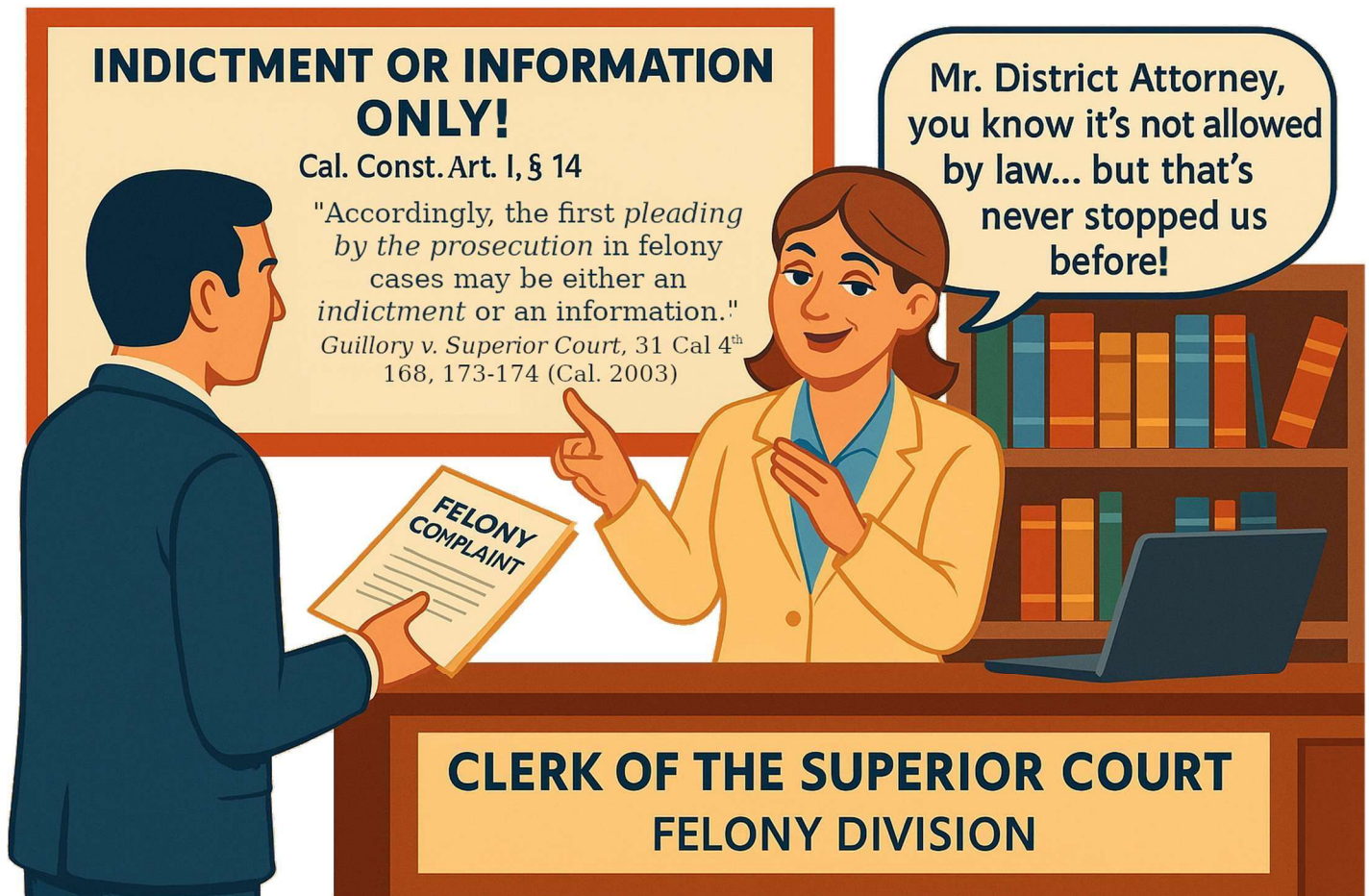
At WOP, we are committed to providing each client with the focused attention their case deserves, which is why we accept only a limited number of individuals at a time. WOP prepares and serves the preliminary notices, claims, and completes the administrative steps that create the legal basis for release and monetary liability against the responsible officials and agencies. Failure of the responsible public employee(s) to act by producing authority to accept and maintain custody of our client constitutes false arrest/imprisonment; and waives their personal and the state’s immunity from liability (Government Code § 820.4).

WOP helps our clients secure a claim against the responsible parties (public employee and state). The average claim for a WOP client is Thirty million dollars (\$30,000,000), varying based on the length of unlawful confinement. Acknowledgment by the state of liability for financial damages makes continued confinement unlawful.

Our process equips clients with everything needed to demonstrate how they were wronged and identify who is responsible. This documentary evidence has made our clients eligible for release, and we stand ready to help you pursue the same opportunity.

Through diligent research, documented evidence and lawful commercial processes, we help illuminate the defects that make continued imprisonment unlawful. As more clients participate and complete the process, the pressure on individuals in positions of authority and their agencies/departments to recognize and remedy the illegal prosecution and imprisonment problem, increases. This pressure also presents additional opportunities for WOP to use as leverage for the release and compensation of our clients.

Understanding the Legal Foundation



Unlawful Access

California's Constitution (Article 1, section 14) and Penal Code clearly define how felony prosecutions must begin. Under Penal Code (PC) §§ 682, 737, and 951, a felony case must start with either an **indictment** or an **information**. These documents form the very foundation for the court's jurisdiction. Without them, no lawful prosecution can begin.

Unfortunately, since the 1950s, district attorneys have frequently initiated prosecutions using unauthorized documents, such as a Felony Complaint—a fraudulent document and the filing of it a violation of PC § 115(a). As confirmed by the California Supreme Court in *Guillory v. Superior Court* (2003) 31 Cal.4th 168, 173-174 and *Dix v. Superior Court* (1991) 53 Cal.3d 442, such cases are void from inception. No lawful indictment or information means no lawful trial, no lawful conviction, and no lawful imprisonment.

The simplest way for a person unlearned in the law to verify that the felony complaint is unauthorized, is to see PC §§ 1002, 1016 which authorizes the pleas available to a defendant to an accusatory pleading brought by the state. There is **none** for a felony complaint. For the state to demand a plea to a document charging a felony for which no plea exists, strains the confines of credulity.

The Custody Defect



Access Denied

Even where a conviction is claimed, the CDCR must receive the individual lawfully. State and federal law require that a valid court order or judgment of conviction be furnished to the Sheriff and accompany the prisoner before CDCR can accept custody. See PC §§ 1202a, 1207, 1213, 1213.5, and CCR Title 15 § 3273: “Wardens and superintendents must not accept or surrender custody of any prisoner under any circumstances, except by valid court order or other due process of law.”

For decades, CDCR has violated this process, accepting people from county sheriffs without either a court order or signed judgment of conviction from the presiding judge. Instead, only an “Abstract of Judgment” signed by the clerk of the court is used. But an abstract is not a judgment of conviction or court order—it is merely a summary prepared by a clerk, as confirmed by the California Supreme Court in *People v. Mitchell* (2001) 25 Cal.4th 181, 186. Without a certified judgment (court order), CDCR’s acceptance and imprisonment of the prisoner is unlawful, see CDCR Department of Operations Manual §§ 72020.1, 72020.4.1.

Your Rights and Remedy

Under long-established law, when a person is held without lawful authority, that imprisonment is void and discharge is required. See *Ex parte Gibson* (1867) 31 Cal. 619, 623 and *Walberg v. Israel* (7th Cir. 1985) 776 F.2d 134, 136. WOP assists clients in documenting these fatal jurisdictional and custody defects and pursuing their lawful release. Our team uses commercial processes and civil remedies to hold public officials accountable for false arrest/imprisonment, including preparation of claims under the California Tort Claims Act, a pre-requisite for filing a lawsuit against the state.

What We Do for You

Our process begins with gathering client documents — typically your **Abstract of Judgment**, the original **Complaint**, and your completed **Without One Plea Agreement**. Once payment is received, we prepare, serve and file the necessary notices and claims to compel the individuals responsible and agencies to either produce a lawful judgment/court order authorizing your detainment, or to release you. Without lawful written authority, your continued imprisonment cannot stand. In the absence of production of authority to confine you, monetary damage amounts are established and voluntarily accepted by the individuals responsible and on behalf of the state. This process usually takes approximately 150 days to complete once all materials are received.

A Message of Hope

We understand the weight of what you are enduring. At WOP, we believe truth and persistence will prevail. Our mission is to provide knowledge, process, and faith-driven action to establish justice where it has been denied. Every person is entitled to lawful due process under the guarantees of both the California and United States Constitutions. Innocence or guilt is irrelevant when the process is unlawful. Release and compensation are the lawful remedy.

Taking the Next Step

Please complete the **WOP Agreement** (be sure to have your Power of Attorney witnessed) enclosed with this letter. Include copies of your **Abstract of Judgment** and your **Complaint** (if available) and mail them to the address provided above. Because we accept only a limited number of clients at a time, your case will be assigned and completed in the order your materials are received. Our standard processing fee is \$5,000 payable by check to WOP. In hardship cases, 5 monthly payments of \$1,000 are acceptable.

This fee covers the substantial preparation, notices, filings and administrative procedural steps necessary for the process. Once our process is completed, clients will have documented proof of their unlawful imprisonment, identification of the officials responsible, and fully established grounds for release under Government Code §§ 820.4, 8656; CCR Title 15 § 3273, and related authority.

WOP has recently established a Sponsorship Program, where in exchange for a percentage of client funds received at time of settlement/judgment, an investor (sponsor) will pay all the fees. It is important to understand that you are giving up potentially several million dollars for a small investment. Once accepted into the Sponsorship Program, you are placed in line waiting for a sponsor, first come-first served. You will be notified when you are matched with a sponsor and WOP processing of your case begins. Please be patient. All clients of WOP are priority for our additional efforts to secure remedy through negotiations with state officials on behalf of our entire client base.

After receiving your processing fee of \$5,000 or sponsorship funds, our profit is earned only when you succeed. WOP receives 50% of recovered compensation/damages for client false arrest/imprisonment only after they receive their funds. WOP does not profit until our clients are paid, ensuring our incentives remain fully aligned with client freedom and compensation.

Frequently Asked Questions

Q. How many people have been released from prison and received compensation through the efforts of WOP?

A. None. Why? Completion of the WOP process requires an attorney to represent the client in a civil proceeding to present the claim for release and compensation against the state to the court for litigation. WOP's first client prepared for litigation is currently represented and the claim filed in the Federal court. Settlement or summary judgment is anticipated as the state lacks documentary evidence to defend against the claim of false arrest/imprisonment.

Q. Why does WOP believe the state will settle or the court rule in WOP's clients favor?

A. What the California Supreme Court decides for one, applies to all similarly situated persons. The California Supreme Court has consistently held, since 1867, that a judgment entered on the record is the final process in a criminal case and, that a certified copy of the judgment must be furnished to the officer whose duty it is to execute the judgment and must accompany the prisoner to the state prison. If such judgment does not appear to have been furnished to the officer, the prisoner is entitled to release, and it has been so ordered. *Ex parte Gibson*, 31 Cal. 619, 622-623 (1867). **No judgment/court order has been entered on your record. If it's not in the record, it doesn't exist.**

The Warden of the state prison is not authorized to accept or surrender custody of a person without a court order (judgment). *California Code of Regulations* Title 15 Section 3273. The court order judgment does not appear in the court or state prison's records and did not accompany the prisoner to the state prison; **but the Warden accepted and maintained custody.**

Q. How does the WOP Sponsor Program work?

A. As WOP has progressed over the past two years, and our clients have completed our 5-month process and secured claims against the state for their false arrest/imprisonment, interest has been generated in the hearts of individuals willing to invest (sponsor) documented illegally confined persons and receive compensation by investing in our client's freedom;

The program is simple: A investor (sponsor) will pay all fees necessary (currently approximately \$50,000) to take a WOP client's case through actual filing in court and entry of judgment in exchange for a portion of the compensation a client will receive as damages for their false arrest imprisonment when the judgment is enforced against the state or sold to a third party; and

A client entering the Sponsor Program agrees to relinquish one-third (33 1/3%) of the 50% of the settlement judgment dollar amount client receives, to the Sponsor Program (WOP receives the other 50% of the total 100%); for example: an average WOP client's established claim is Thirty million (\$30,000,000) dollars. Fifty percent (client's portion) is Fifteen million (\$15,000,000) dollars and one-third of that amount is Five million (\$5,000,000) dollars. WOP uses this one-third percentage to attract, provide, service and pay the investor (sponsor).

WOP encourages every recipient to **study** and share this information with another unlawfully imprisoned person so that they have an opportunity for freedom and compensation, and so that the wheels of truth, freedom and accountability continue to turn. Our goal is to ensure that as many people as possible have access to a real and lawful pathway home. We are fighting this battle from a position of victory! How so? No **indictment**, no **judgment** mandates no confinement: **it's the law!**

Ask your family and friends to go to **withoutoneplea.org** for more information or they may contact us directly. We welcome all who are interested in learning more or having questions to give us a call. Yes, we accept calls from confined persons 9am-5pm PST, M-F.

Thank you for your courage and perseverance. God bless you.

Lonnie G. Schmidt, President

CALIFORNIA CRIMINAL JUSTICE SYSTEM'S FATAL JURISDICTIONAL DEFECT

Felony Prosecution

California law requires the District Attorney (DA) to follow specific procedures when initiating a felony prosecution. If the DA does not, a court has no jurisdiction to try the accused. The law requires an **indictment** or an **information** to be the **first pleading filed in a felony case. This has not been the DAs' practice for decades.**

In 98% of felony cases since 1951, DAs have chosen neither indictment nor information, but an unlawful, fictitious document to be the **first** pleading filed. The filing is fraudulent and felonious (violation of Penal Code (PC) § 115(a)); therefore, the prosecution and conviction is void. Upon discovery of this jurisdictional defect in any case, **the prisoner must be released.**

As stated above, felonies must be prosecuted by **indictment** or **information**:

PC § 682: "In pertinent part: Every public offense must be prosecuted by indictment or information, except: 3. Misdemeanors and infractions; 4. A felony to which the defendant has pleaded guilty to the complaint before a magistrate, where permitted by law."

PC § 737: "All felonies shall be prosecuted by indictment or information, except as provided in Section 859a."

PC § 951: "An indictment or information may be in substantially the following form: The people of the State of California against A.B. In the superior court of the State of California, in and for the county of _____. The grand jury (or the district attorney) of the county of _____ hereby accuses A.B. of a felony (or misdemeanor), to wit: (giving the name of the crime, as murder, burglary, etc.), in that on or about the ____ day of _____, 19____, in the county of _____, State of California, he (here insert statement of act or omission, as for example, "murdered C.D.")" **No form is available for any other manner of pleading.**

The **California Supreme Court** has confirmed the law: "The California Constitution specifies that felonies [shall] be prosecuted either by 'indictment or, after examination and commitment by a magistrate, by information.' (Cal. Const., art. I, § 14.) Penal Code section 949 reads in pertinent part, 'The first pleading on the part of the people in the superior court in a felony case is the indictment, information, or the complaint in any case certified to the superior court under [Penal Code] Section 859a.' The People of the State of California are the plaintiff in every criminal proceeding (Pen. Code, § 684), and the public prosecutor has the sole responsibility to represent the People of the State of California in the prosecution of criminal offenses. (*Dix v. Superior Court*, (1991) [*supra*,] 53 Cal.3d 442, 451 [279 Cal.Rptr. 834, 807 P.2d 1063].) Accordingly, 'the **first pleading by the prosecution** in felony cases may be either an **indictment** or an **information**.' (4 Witkin Epstein, Cal. Criminal Law (3d ed. 2000) Pretrial Proceedings, § 169, p. 374, italics added." *Guillory v. Superior Court*, 31 Cal.4th 168, 173-174 (Cal. 2003). (Bold emphasis added.)

Therefore, the **first** pleading on the part of the people filed by the DA in order to lawfully begin the prosecution of a felony offense, can be, by law, **only** an indictment or an information (Government Code (GC) § 26502):

GC § 26502: "Indictments and informations. The district attorney shall draw all indictments and informations."

The rule for interpreting statutory law is the Latin term *expressio unius est exclusio alterius*: "A principle in statutory construction: when one or more things of a class are expressly mentioned others of the same class are excluded." *Webster's Dictionary; Thomas Reuters Practical Law*. The district attorney **has not** been given authority by the Legislature to draw (create) any other accusatory pleading for prosecuting a felony.

[Fact: As a practical reality, an information **cannot** be the **first** pleading filed by the DA in a felony case, inasmuch as PC § 738 requires a preliminary examination of the case and an order to hold the accused; and the examination must establish probable cause of commission of a felony (PC § 866(b)), **before** an information may be filed:

PC § 738: "**Before an information is filed** there must be a preliminary examination of the case against the defendant and an order holding him to answer made under Section 872. The proceeding for a preliminary examination must be commenced by written complaint, as provided elsewhere in this code.";

PC § 866(b): "It is the **purpose of a preliminary examination** to establish whether there exists probable cause to believe that the defendant has committed a felony. The examination shall not be used for purposes of discovery." (Emphasis added.)]

A plea is available to the defendant for an indictment or an information, but **none** for any other mode of felony pleading (PC § 1016).

PC § 1002: "The only pleading on the part of the defendant is either a demurrer or a plea."

PC § 1016: "There are six kinds of pleas to an indictment or an information, or to a complaint charging a misdemeanor or infraction." **No plea is available to any other mode of accusatory pleading charging a felony**

Under California and federal law, no court can acquire jurisdiction to try a person for an offense unless he is charged in the particular form and mode required by law. And, a person may not be punished for a crime without a formal and sufficient accusation. *Albrecht v. United States*, 273 U.S. 1, 8 (1927); *People v. Vasilyan*; (2009) 174 Cal.App.4th 443, 449-50.

(This information is an excerpt from *Fatal Jurisdictional Defect*, Withoutoneplea.org ... continued on reverse.)

CALIFORNIA CRIMINAL JUSTICE SYSTEM'S FATAL JURISDICTIONAL DEFECT

In sum, a valid information being unavailable to the prosecutor, only an **indictment** may initiate a felony prosecution. In any event, if an indictment (or information) is not the first pleading filed by the prosecution in a felony case —as required by the California Constitution, Penal Code, interpreted and held by the California Supreme Court, e.g., *Guillory v. Superior Court*, supra— **any other accusatory “pleading”** filed by the prosecution is fraudulent and an illegal filing, confers no jurisdiction upon the court, is a violation of the State and Federal Constitutions’ guarantee of due process, and, exposes the People and the Peoples’ representatives to harm, the State to civil liability and the District Attorney and involved public employees to both civil and criminal liability for false arrest/imprisonment, for which there is no immunity (GC § 820.4).

Judgment of Conviction

What should be obvious to the DA, is that **without jurisdiction**:

- there can be no written judgment entered on the record (Code of Civil Procedure § 664) and any “judgment” rendered orally is void:

California Supreme Court: “What shall be final process in criminal actions is prescribed in the four hundred and sixty-third section of the Act which regulates proceedings in criminal cases. It is a certified copy of the **judgment** as entered in the minutes of the Court.” *Ex parte Gibson*, 31 Cal. 619, 622 (Cal. 1867); (PC § 1207) (emphasis added).

“A void judgment is not entitled to the respect accorded a valid adjudication, but may be entirely disregarded, or declared inoperative by any tribunal in which effect is sought to be given to it. It is attended by none of the consequences of a valid adjudication. It has no legal or binding force or efficacy for any purpose or at any place. It is not entitled to enforcement. All proceedings founded on the void judgment are themselves regarded as invalid.” 30A Am Jur Judgments 44, 45.

No Indictment? No Judgment? No Prison!

The executing officer (Sheriff) without a certified copy of a valid judgment from the court clerk, acts without authority when transporting any person from a county jail to a state prison (California Department of Corrections and Rehabilitation (CDCR)) (PC §§ 1202a, 1207, 1213):

- “when a judgment has been pronounced, a certified copy of the entry thereof in the minutes shall be forthwith furnished to the officer whose duty it is to execute the judgment, and no other warrant or authority is necessary to justify or require the execution thereof, except when judgment of death is rendered.” ... “the writ does not contain a certified copy of the judgment, nor does it appear that such copy was furnished to the officer whose duty it was to execute the judgment. The prisoner is therefore entitled to his discharge, and it is so ordered.” *Gibson*, supra at 623;
- the Director (Secretary) of CDCR has no authority to accept custody of any person without a **judgment** (PC § 1202a; Ca.Cd.Reg. 15 § 3273);
- the Receiving Sergeant of CDCR has no authority to accept delivery of any person without a court order (**judgment**), and may not imprison any person without affixing the print of the right index finger of the person on the commitment order/**judgment** (CDCR DOM § 72020.4.1);
- the CDCR Legal Processing Unit cannot process the case and calculate the term without a **judgment** (CDCR DOM § 72020.5.4.1); and

“Unconditional release” appropriate if “there is no jurisdiction to detain the applicant.” *Walberg v. Israel*, 776 F.2d 134, 136 (7th Cir. 1985).

CDCR “Inmates” may prove the above true by asking the prison Records Unit to produce an Indictment and a court order/(judgment) (signed by the judge and bearing the inmate’s fingerprint) from CDCR’s records. Not there? Hmmm. **Demand release!** Go home.

Family and friends may prove the above true by going to the Superior Court in the county of “conviction” and getting from the Clerk a certified copy of the first pleading charging a felony (Indictment or Information) and a copy of the judgment. Not there? Hmmm. **Demand their release!** If not *you*, then who?

DAs, Sheriffs and involved CDCR employees being *noticed* by inmate, family and friends; by simply reading and finding the above to be true, ought immediately to **demand** the Court release the inmate: or face the consequences for malicious false arrest/imprisonment.

Innocence or guilt **is not** relevant. The proper Constitutional application of due process guarantee of lawful arrest, trial and imprisonment **is** relevant and required by law. When those guarantees are not provided, the remedy is release of the prisoner.

For additional confirming information, law, points and authorities see: www.givesendgo.com/f4fwop & www.withoutoneplea.org.

Without One Plea

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Welcome to Without One Plea (WOP) and thank you (Client) for taking the steps necessary to cancel and recapture any restitution paid as deemed owed on your Abstract of Judgment (AOJ) and, to establish priority status for collection of financial compensation for damages once CDCR acknowledges your illegal imprisonment. As with most things, the first in time is the first in line.

Our services include certified demand letters to CDCR, et al, for:

- return of any restitution seized from you by CDCR pursuant to the AOJ; and
- your release from prison/parole and financial damages for false imprisonment.

The demand letter contains the following:

- demand for the authority/court order authorizing imprisonment and payment of restitution;
- a demand for your immediate release from prison and return of restitution seized;
- principal sum of financial damages established and daily damages until release; and
- notice of state and public employee liability for false arrest and imprisonment.

The fee: \$5,000 plus 50% of recovered restitution and damages received for false imprisonment.

For services rendered, by my signature below, I agree to pay the initial \$5,000 fee and to split any recovered restitution and/or compensation/damage funds received for false arrest/imprisonment, at time of receipt, at a rate of 50% to me and 50% to WOP or designee. I understand that if my fee is paid by a sponsor, I agree to pay the sponsor one-third (33 1/3%) of the 50% I am to receive and authorize my representative named in the Power of Attorney below, to make said payment to sponsor. I understand that this agreement and Limited Power of Attorney (LPOA) must be signed by me and received by WOP before service begins; and, that the service will be commenced within 10 days from WOP's receipt of the LPOA, required information on the reverse side of this page, and fee.

Client Signature: _____ Date: _____
Printed name: _____

LIMITED POWER OF ATTORNEY

I hereby give Lonnie G. Schmidt, President, WOP, or designee, power to sign my name to demand letter and letters derivative thereof and all documents necessary for purposes of terminating my custody status with CDCR. And to negotiate, settle and receive payment on my behalf—from CDCR and/or State of California or their authorized representative or otherwise—for the unlawful seizure of restitution from my inmate trust account and financial damages for the false arrest/imprisonment of my person.

Dated: _____ Client Signature: _____
Printed name: _____

Witness: _____ Date: _____

Witness: _____ Date: _____

Free those who are wrongfully imprisoned. Isaiah 58:6

Without One Plea

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Client Name: _____ CDCR#: _____

Mailing Address: _____

Date of birth: _____

Outside contact: _____

Address: _____

Phone: _____ Email: _____

Criminal Complaint (Felony Complaint) # _____

(Include copies of **Complaint** and **Abstract of Judgment**).

Date of arrest: _____ Total time served to date: Years _____ Days _____

Restitution seized: \$ _____

WOP Use Only

Valuation of Rights, Freedoms and Immunities (VRFI) — In County/State custody:

Less than 10 years _____ (10M + daily); more than 10 years _____ (daily + 10M).

Total: Years and days _____ Total Claim: _____

Received: LPOA _____

Complaint _____

AOJ _____

Fee: _____

Demand Letters: _____ Cert. Mail RRR No.: _____

_____ Cert. Mail RRR No.: _____

Restitution Claim: _____

Sponsor: WOP

Comments: _____

Free those who are wrongfully imprisoned. Isaiah 58:6