

Juneteenth 2021

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

Rob Bonta, Attorney General
State of California
Office of the Attorney General
Attn: Anthony J. Tartaglio, Deputy Attorney General
455 Golden Gate Avenue, Suite 11000
San Francisco, CA 94102-7004
U.S.P.S. Certified Mail 7020 1810 0000 3292 6377

Re: Schmidt v. State of California, Case No. FCS056153,
Superior Court of California, County of Solano; No JOC? Set
Us Free!; Demand for release.

Dear Mr. Tartaglio:

The purpose of this letter is three-fold:

1. Notice of Lonnie G. Schmidt's (Plaintiff) intent to timely file Opposition to the State's Demurrer in the civil case Schmidt v. State of California, et al.; to request the State withdraw its Demurrer and agree to compromise (CCP § 998(b)) and allow judgment or confession of judgment (CCP § 1132(a)), in favor of Plaintiff for good cause;
2. To give you, as Attorney for Defendants in Schmidt v. State of California, et al., actual NOTICE of the illegal confinement of Lonnie G. Schmidt and all persons held as prisoners in the custody of Kathleen Allison, Secretary, California Department of Corrections and Rehabilitation (CDCR) in the absence of all authority: as set forth in the 12 page Treatise "No JOC? Then Set Us Free!..." and "No Judgment? No Prison..." attached hereto and incorporated herein; and,
3. To make formal Demand For Release of Lonnie G. Schmidt, victim aggrieved, and all persons imprisoned by CDCR for whom CDCR has no Judgment of Conviction (JOC) in it's files.

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

Schmidt v. State of California, et al.

Lest Deputy Attorney General Anthony J. Tartaglio (DAG Tartaglio) find himself defending the indisputable fraudulent actions of the State and it's Officers, Officials and Employees in the greatest government Civil Rights fraud ever perpetrated on the People of California- in an action in which the State cannot prevail on the merits under any circumstances; and in violation of his oath of office to support and defend both the State and Federal Constitutions -notice is given.

In the interest of justice, Plaintiff highly recommends immediate release of Plaintiff and settlement of damage claims.

DAG Tartaglio has had benefit of Plaintiff's Request for Admission of Five Defendants which establish the unlawful arrest, prosecution and imprisonment of Lonnie Glenn Schmidt and more than One Hundred Thousand (100,000) persons and their continuing imprisonment by the State in the absence of a Judgment of Conviction: a document required by law to be of Court record as the authority for CDCR Director Kathleen Allison to receive custody of a defendant, and a necessity for determination of the term of imprisonment.

Plaintiff and DAG Tartaglio spoke by phone Friday, June 18, 2021 at 1130 hours regarding these matters and the State's request for an extension of time to respond to the discovery.

Plaintiff granted the extension... in order for the State to be without excuse for failing to release Plaintiff and those prisoners similarly situated upon Demand, infra; and to settle the financial damages issue of the civil action.

Plaintiff also advised DAG Tartaglio of Plaintiff's willingness to meet personally to discuss and resolve the issues and correction of the State's error for the benefit of all. No firm response. The offer remains open.

Plaintiff also advised of intention to notify CCPOA State President Glen Stailey of the illegal custody issue in order he might advise his membership of the ramifications of aiding and abetting kidnaping and false imprisonment.

Notice of illegal imprisonment: No JOC!

The California Penal Code (PC) prescribes Crimes and Punishments, Criminal Procedure, and Imprisonment laws implemented by the Legislature in accordance with the due process provisions of the California and United States Constitutions: mandatory for use by the State in Criminal Actions. The Code requires a written judgment of conviction.

Judgment authorizes Director of CDCR to take custody.

PC § 1202a: "If the judgment is for imprisonment in the state prison the judgment [JOC] shall direct that the defendant be delivered into the custody of the Director of Corrections at the state prison or institution designated by the Director of Corrections as the place for the reception of persons convicted of felonies, except where the judgment is for death in which case the defendant shall be taken to the California State Prison at San Quentin." (Emphasis added.) Cross References: "Execution of judgment, see Penal Code § 1213 et seq."

Judgment must be filed in Superior Court records.

PC § 1207: "When judgment upon a conviction is rendered, the clerk must enter the judgment in the minutes, stating briefly the offense for which the conviction was had, and the fact of a prior conviction, if any. A copy of the judgment of conviction shall be filed with the papers in the case." (Emphasis added.) Cross References: "Copy to be furnished officer, see Penal Code § 1213."

JOC determines term of imprisonment.

PC § 2900: "The term of imprisonment fixed by the judgment in a criminal action commences to run only upon the actual delivery of the defendant into the custody of the Director of Corrections...". (Emphasis added.)

Every decision to retain a prisoner beyond a fictitious discharge date made by CDCR or by the Board of Parole based upon the term of imprisonment being calculated from a commitment consisting only of a history of the proceedings (see Memorandum: Abstract of Judgment, Minute Order, Sentencing Transcript, Felony Complaint) is in violation of CDCR Regulations Title 15, § 3075.2(a)(1) "Inmates shall not be retained beyond their discharge date" and void. You've got trouble DAG Tartaglio, right here in River City!

Judgment must exist, then be entered in Court records.

California Code of Civil Procedure (CCP) §§ 664, 668, 670(b): "In no case is a judgment effectual for any purpose until entered"; "Clerk must keep 'judgment book'... judgments must be entered"; "judgment roll... (b) copy of the judgment".

The Memorandum, Exhibit Five to the civil case (Schmidt v. State) referenced above, and, the last page of attached Treatise ("No JOC?") evidences what the State has; but not what the State needs: a JOC, the only statutory authorization for imprisonment of a felon in the state prison. CDCR records contain only a history of the proceedings.

No person so confined by CDCR is lawfully imprisoned under the laws of California or the United States.

"A commitment to the state prison which does not contain a certified copy of the judgment as entered in the minutes of the court, but which consists only of a history of the proceedings against the prisoner, is not merely defective but is wholly unknown to the law of this state." Ex parte Gibson (Cal. 1867), 3 Cal. 619 1867 Cal. Lexis 12. (Emphasis added.)

No judgment? No conviction. No custody. No imprisonment.

Therefore, there being no JOC in CDCR's files to authorize imprisonment or to confirm that the term fixed by the JOC has expired: RELEASE those who are wrongly imprisoned!

DEMAND FOR RELEASE

On behalf of the People of California, I, Lonnie G. Schmidt, One of the People, Captain, United States Army Reserve, Combat Veteran with Distinguished Service Record, Native Californian, Child of Almighty God, hereby DEMAND that Kathleen Allison, CDCR Secretary, within Ten (10) days of the Attorney General's receipt of this demand letter, produce a list of all CDCR prisoners who have no Judgment of Conviction in CDCR's files and deliver the list to Governor Newsom with "RELEASED: DEBT PAID IN FULL" written boldly across each page for his signature and, a copy promptly delivered to Rob Bonta, Attorney General, together with a copy of the Governor's Order to CDCR Secretary Allison to begin processing and releasing prisoners, forthwith.

Failure of the State to timely honor this Demand For Release is Kathleen Allison's declaration under oath individually and in her official capacity as CDCR Secretary that she has personal knowledge a Judgment of Conviction bearing the name Lonnie Glenn Schmidt and, a similar document bearing the prisoner's name exists for each and every prisoner in Kathleen Allison's custody as Secretary (Director) of CDCR, and that such Judgment is signed by a judge of the committing Court, is in the records of CDCR and was received on or about the time each person was delivered into the custody of a Director of Corrections (CDCR).

Mr. Tartaglio, in the matter of deciding to continue representation by yourself of Kathleen Allison and other defendants named and unnamed in the fraud now exposed, and your knowingly proceeding to delay and thus deny justice and liberty to those wrongly imprisoned or, your integrity demanding your stepping up to the plate and acknowledging the wrongdoing and, on behalf of the State and pledging to correct it... you are free to make any decision you wish, but you are never free to escape the consequences of your decisions.

Therefore, to him who knows to do good and does not do it, to him it is sin. James 4:17 NKJV.



Lonnie G. Schmidt
Captain USAR

¹ State of California; Gavin Newsom, Governor; California Department of Corrections and Rehabilitation; Kathleen Allison, Secretary CDCR; California State Prison Solano; Gigi Matteson, Warden, CSP Solano.

Encl.: "No JOC? Then Set Us Free!"; "No Judgment? No Prison... Home!"

Cc: Glen Stailey, State President, CCPOA
U.S.P.S. Certified Mail RRR No.: 7020 1810 0000 3292 6520
Board of Parole Hearings, Chief Deputy
Dave Patterson, Pastor, The Father's House
Lisa Gonzales, News Anchor, KCRA 3 TV
Wayde Harris, Harris v. State of California, et al., Superior Court,
County of Solano, FCS056147
Kenneth Jackson, Jackson v. State of California, et al., Superior
Court, County of Solano FCS056157