



Superior Court of California County of Napa

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January 8, 2020

Kecia Lind
Deputy District Attorney
Napa County District Attorney
1127 First Street, Suite C
Napa, CA 94559

Re: People vs. Coleman, Wendell
Trial Case Number(s): CR183644, CR184602, CR183654

Dear Ms. Lind:

The Court has received a written comment from one of the jurors that heard evidence in the above cases. Per Judge Ortiz's instructions I am forwarding you and Mr. Nguyen a copy of the comment. (see attachment).

If you have any questions, please do not hesitate to contact me at 707.299.1128.

Sincerely,

A handwritten signature in black ink, appearing to read "Debra E. Cravea", is written over a circular stamp or seal.

Debra E. Cravea
Deputy Jury Commissioner

cc. Sang Nguyen
Deputy Public Defender

Telephone
(707) 299-1100

Historic Courthouse
825 Brown Street
Napa, CA 94559-3031
FAX: (707) 299-1250

Criminal Courthouse
1111 Third Street
Napa, CA 94559-3001
FAX: (707) 253-4673

Juvenile Courthouse
2350 Old Sonoma Road
Napa, CA 94559-3703
(site address only -
no mail delivery)

RECEIVED

JAN 09 2020

NAPA COUNTY
DISTRICT ATTORNEY

ADDITIONAL COMMENTS:

I have served on 2 juries - The first made me question our trial system and this one caused me to lose complete faith in it. I found the judge was not impartial and felt forced to bring a guilty verdict because something was technically true. Horrible experience. I have no faith in how our justice system works.

Please Mail to: Napa Superior Court
Jury Commissioner
825 Brown St
Napa, CA 94559 Or

12/16/2019 CR183654 EO

Complete this survey on our website at: <https://www.surveymonkey.com/r/JURYSERVICE>

- The above document from a local Napa Juror states "I have served on 2 juries – The first made me question our trial system and this one caused me to lose complete faith in it. I found the judge was not impartial and felt forced to bring a guilty verdict because something was technically true. Horrible experience. **I HAVE NO FAITH IN HOW OUR JUSTICE SYSTEM WORKS.**"
- Public defender Sang Ngyuen filed a motion to reveal the juror, and investigate. Now JUDGE Kecia Lind opposed the motion and explained to Judge Ortiz exactly what the juror was thinking (while disclosing the juror without due process). IMPARTIAL Judge Elia Ortiz denied the motion to investigate preventing the Juror from being able to come forward and explain what took place between the jurors. **Why would Judge Ortiz rule on a motion about a juror who stated she was impartial? How would now JUDGE Kecia Lind know what the juror was thinking? Is this justice?**
- This is from case 18CR003654. Wendell Coleman was deemed incompetent to stand trial **without a cause in any record**. Wendell Coleman was sent to the SHU while waiting for psych evaluation for eight months while dozens of other inmates received evaluation. Prosecutors fought for **forced medication**, but it was denied. Wendell Coleman was deemed competent by Dr. J. Shields, and within one week at Napa State Hospital and **NEVER took any medication**.
- This is the first case a juror had to speak out against IMPARTIAL Judge Elia Ortiz. **Elia Ortiz ordered restitution without a hearing over 10k, Elia Ortiz denied Wendell Coleman the RIGHT to private counsel. Elia Ortiz participated in Jury misconduct.. not once, but TWICE!!**
- The population for African Americans in Napa is 2%, but in the Jail it is over 35%. African Americans, Hispanics, and economically challenged Caucasians statistically get longer sentences in Napa.

JURY SERVICE EXIT QUESTIONNAIRE

Your Answers To The Following Questions Will Help Improve Jury Service.

ALL RESPONSES ARE VOLUNTARY AND CONFIDENTIAL.

1. First Date of Service 11-10-2020
2. Who was the judicial officer that presided over the case? Elia Ortiz
3. Enter the case name and number that you were on the jury for. Please refer to the letter received from the Court.
(e.g., People vs. Smith, John: CR123456 or Acme, Inc. vs ABC Banking: 17CV000123)
19CR003647
4. How many days did you report to the courthouse? 2
5. How much of your time was spent waiting in the Jury Assembly Room prior to going to a courtroom? 15 min
6. Including this time, how many times have you been called for jury duty before in Napa County? 2
7. Were jury instructions as read to you by the Judge, complete and easy to understand? Yes ☒ No ☐

8. HOW WOULD YOU RATE THE FOLLOWING ITEMS? PLEASE ANSWER ALL QUESTIONS

INITIAL ORIENTATION: Excellent ☐ Good ☒ Adequate ☐ Poor ☐ N/A ☐

TREATMENT BY COURT PERSONNEL: Excellent ☐ Good ☒ Adequate ☐ Poor ☐ N/A ☐

PHYSICAL COMFORTS IN THE JURY ASSEMBLY ROOM: Excellent ☐ Good ☒ Adequate ☐ Poor ☐ N/A ☐

PHYSICAL COMFORTS IN THE JURY DELIBERATION ROOM: Excellent ☐ Good ☐ Adequate ☐ Poor ☐ N/A ☒

PARKING: Excellent ☐ Good ☒ Adequate ☐ Poor ☐ N/A ☐

JURY CALL IN MESSAGE: Excellent ☐ Good ☒ Adequate ☐ Poor ☐ N/A ☐

JURY WEBSITE: Excellent ☐ Good ☒ Adequate ☐ Poor ☐ N/A ☐

RETURNED PHONE CALLS/EMAIL: Excellent ☐ Good ☐ Adequate ☐ Poor ☐ N/A ☒ Napa Superior Court

9. GENDER: ☐ FEMALE ☒ MALE

10. AGE: ☐ 18-20 ☐ 21-24 ☐ 25-34 ☐ 35-44 ☒ 45-54 ☐ 55-64 ☐ 65-over

11. OCCUPATION: Finance Accounting HR

12. After reporting for jury duty, what is your impression? ☐ FAVORABLE ☒ UNFAVORABLE

ADDITIONAL COMMENTS:

Racism was observed. See attached letter.

Please Mail to: Napa Superior Court
Jury Commissioner
825 Brown St
Napa, CA 94559 Or

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11/09/2020 19CR003647 EO

People vs Coleman, Wendell
19CR003647

December 5, 2020

Elia Ortiz, Judge
825 Brown Street
Napa, CA 94559-3001

RE: People vs Coleman, Wendell Case 19CR003647
Subject: Copy Machine Protocol -- Company Internal Control -- Not a crime

Dear Honorable Justice Elia Ortiz

I am writing to express my concern over the guilty decision in the case of People vs. Wendell. Please excuse any nomenclature errors pertaining to the intent of the law or the case we are referring to. I was the 13th Juror as the alternate Juror in case.

Wendell is being charged with three counts of misdemeanor petty theft for making unauthorized photocopies with aggregated penalties up to 18 months in prison. I believe that the defendant, Wendell, an African American citizen living in Napa, CA, is wrongly accused and wrongly charged with the crime for multiple reasons.

- 1) Racism
- 2) Dismissal of the facts and circumstance
- 3) Failure to provide leniency in courtroom proceeding for a defendant representing themselves.

Racism: Jury Selection: The African American was not judged by his peers. In the summons room, the Jury Proctor addressed the entire group that was summoned that Jury selection is based on those individuals who Vote and who have Driver's License. This selection process inherently denies underprivileged individuals who may not have a driver's license. There was not one African American in the summoned room and thus to have even a remote option to have a peer of similar race or cultural background present was not possible. I move to deem the case a mistrial.

Dismissal of the facts and circumstances: Theft vs. allowance: During the trial it was declared that independent contractors can use the printer. However, it was testified that Wendell was a contractor and not an independent contractor and thus not allowed to use the printer. The distinction of work relation status is a complicated but well defined one. Providing Tools and Equipment -- ideally, an independent contractor should not use any tools or equipment belonging to the company, but rather use only the tools and equipment that belong to the independent contractor. Surely, if all independent contractors are using the printer then they must also be contractors just like Wendell Jones; otherwise, they would be in violation of the independent contractor laws. There is an obvious reason to draw a conclusion that the printer use is available to contractors. I move to deem the case a mistrial.

Racism and Failure to provide leniency: Jury Selection: I was an obvious choice as a Juror for the defendant based upon the questioning. During the jury selection process, the defendant struck 4 of 5

Jurors and waived the right to strike 1 of the selections as the defendant looked around the room, seeing me along with the other potential Jurors, and replied I'm comfortable with the Jury selection. When the defendant was asked by the Judge if I was approved as the "alternate" Juror, the defendant was caught off-guard and requested to reclaim the waiver he previously used in order to move myself into the Jury Selection process. The request was denied by the Judge. The Judge followed up with the same question of me being an alternate Juror, and Wendell replied, yes, he's great. There was no leniency provided to the defendant or self-representation during the Jury selection. I move to deem the case a mistrial.

Dismissal of the Facts and Circumstances: Utility: The printer is likely a leased machine and not owned by Sotherby's as this is common in today's printer business. Therefore, the printer is paid on a pay by use or per page basis. Water is another pay by use scenario. The more gallons you use the more it costs. Therefore, using a toilet or using the faucet to get a glass of water without permission is considered Petty theft. A retailer who does not want to pay the cost of water for someone else to use the toilet usually puts up a sign prohibiting the use. I did not view in any of the video exhibits a sign that indicated who was or was not permitted to use the printer. Therefore, it would be expected that the printer is available for all contractors as well as employees. Therefore, Sotherby's granted implied use of the printer and did not expressly deny its use and thus it is not a theft. I move to deem the case a mistrial.

Under the same notion, the defendant was deemed stealing electricity used to power the printer. Again, if an individual commits petty theft each time one is unauthorized to flush a toilet or flip a switch to turn on lights, then we are all criminals. The District Attorney should then swarm our courts with allegations of this nature to be unbiased, fair, and impartial.

However, if the argument in the paragraph above hold true and the printer is considered a utility like a faucet or toilet then the cost of the approx. 5,000 sheets of paper is \$50.00. Based on the three occasions that the defendant is charged approximately for this is \$16.66 cost per occurrence. This value of the theft is not a misdemeanor and would be an infraction. Therefore, the charge of the accused defendant is inaccurate. I move to deem the case a mistrial.

When the trial ended and the jurors moved to deliberation, the jurors were asked to leave their notes at their assigned seat. I am unsure if the jurors were provided access to their notes during deliberation.

In Summary, The defendant was African American with no peers on the jury and was not allowed leniency to defend himself.

Here is a summary of the Racism that occurred:

- 1) Racism occurred when the S employee singled out and tracked the only black man for using the printer.
- 2) Racism occurred when the Police officer told the defendant he better keep his nose clean.
- 3) Racism occurred when the one of the summoned potential jurors who was dismissed but he set "the tone" in the case that the defendant was Guilty by just sitting in the defendant's chair.
- 4) Racism occurred when one of the jurors, me, was not allowed to move into the 12 Juror selection and when asked to reclaim the waiver to strike a juror, it was denied.

- 5) Racism occurred with persistent with sustained objections from the District Attorney's office prosecuting attorney. In addition the prosecuting attorney required all jurors to make a promise before the case even started which proceeded with relentlessly making approximately 50 objections of the defendants questions, that were sustained by the Judge, throughout the case thwarting the defendants ability to reasonably defend his case and question witnesses.
- 6) Racism occurred when many questions posed by the defendant were objected and sustained with pressure from the Judge to: "Just ask the question" would have frazzled most people.
- 7) Racism occurred when the lack of corporate internal control at Sotherby's relating to printer control, access to buildings, policies, and procedures, and instead used a black man as a victim rather than setting their own internal control and taking responsibility.

I have lived in Napa, CA for 20 years. I never really believed that racism existed in our town until now. I am a white middleclass man with a typical life. I pretty much do everything available to me and when I do it without the thought of simple things such as using a toilet or turning on the lights or using a printer being considered a crime. Life is a bliss for me here in Napa. I believe it's a very different picture for an African American man establishing a life here in Napa where he is watched like a hawk and reported to the police rather than have a civil conversation over what appropriate work boundaries are.

The next steps that should be taken:

- A) Appeal the decision.
- B) Deem the trial a mistrial and relocate the trial with a jury of peers.
- C) Change the charge from Misdemeanor to infraction, at the very least.

The next steps I am taking:

- 1) Present my letter to Wendell Coleman, Pro Se
- 2) Present my letter to District Attorney, Allison Haley
- 3) Present my letter to the National Association for the Advancement of Colored People
- 4) Present my letter to the Black Lives Matter Global Network Foundation

On an important note, the last time I was called to Jury the defendant was also a local Napa black man. African Americans make up only 0.8% of Napa's population. The chance that I have had two black defendants in two separate cases that I am randomly summoned for is 0.0064%. There is an obvious trend that is not fair and impartial, even if asked expressly in trial. So who are the criminals, the jurors and witnesses who perjured themselves by swearing under oath that they would be fair and impartial or the black man awaiting a 18 month imprisonment for making photo copies at [redacted] has non-existent corporate rules, lack of corporate internal control, and obvious violations of adhering to contractual relationships that were presented in court.

People vs Coleman, Wendell
19CR003647

I would like to propose that the State of California assess this case.

On a final note: The law requires a female on a board of Directors of a publicly traded company. Why do we not require the same balance relating to a jury of peers to having a peer of the same race on the jury?

Sincerely,



Alternate Juror In People vs Wendell

- This case is 19CR003647. Wendell Coleman was accused of theft by Napa Prosecutors NOT the party who owned the Copy machine.
- This case was prosecuted by Lance Hafenstein who in his opening statement requested the jury PROMISE him a conviction. At once point LH worked as a defense Atty at Jefferson Law firm, which several attorneys pretty much share an empty building at 845 Jefferson.
- Wendell Coleman was prosecuted without any pro per benefits. The police officer determined the value of the "INK" based on the "street value", Wendell Coleman never got access to discovery. Wendell Coleman was denied the right to call witnesses. Wendell Coleman was not able to show the receipts from the paper he purchased and the ink that was used for said copies.
- This is the second time a Juror had to write into the jury commissioner, but this good Samaritan took it a step further, and wrote the DA, Black Lives Matter, and emailed me a copy. RACISM IS a very active issue in Napa. Sgt. Cole retired early for making racist and homophobic remarks (took two investigations 6 months apart, two separate incidents), M. Boessenecker has an M/O of being an active racist (google this online and look at his sentencing history), and the "N" word was used in Judge Wood courtroom during my trial where she stated "the burden of proof is low in a probation violation, had this been a criminal proceeding the burden would not have been met, but I'm finding you guilty on all charges and allegations. RACISM, SEXISM, MONETIZED PROSECUTIONS, ECONOMIC DISCRIMINATION!!
- Napa Jail Staff refused to allow Wendell Coleman to file an appeal by refusing to timely take the mail / process the request.

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