

**SUPERIOR COURT OF THE STATE OF CALIFORNIA  
COUNTY OF LOS ANGELES – COMPTON COURTHOUSE  
CRIMINAL DIVISION**

**THE PEOPLE OF THE STATE OF CALIFORNIA, Plaintiff,  
KHAMIR NICHOLAS WADE, Defendant.**

Case No.: 25CMCF0058501

**DEFENDANT’S OMNIBUS FILING IN SUPPORT OF A JUST AND  
CONSTITUTIONAL RESOLUTION:**

**(1) NARRATIVE PROFFER AND STATEMENT OF THE CASE; (2) OMNIBUS  
MOTION TO DETERMINE COMPETENCY, FOR APPOINTMENT OF EXPERTS,  
AND TO ENTER DUAL PLEA OF NOT GUILTY AND NOT GUILTY BY REASON  
OF INSANITY; (3) COMPREHENSIVE MOTIONS TO DISMISS, SUPPRESS, AND  
STRIKE; AND (4) CONFIDENTIAL MITIGATION PROPOSAL AND  
DECLARATION OF THURMAN MALIK ROBINSON**

Hearing Date: October 8, 2025 Time: 8:30 a.m. Department: D The Honorable [Presiding  
Judge]

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**I. STATEMENT OF THE CASE AND NARRATIVE PROFFER ON BEHALF OF KHAMIR NICHOLAS WADE**

**A. Introduction: A Petition for Justice Tempered with Understanding**

Your Honor, the document before this Court is captioned *The People of the State of California v. Khamir Nicholas Wade*. It bears a case number, 25CMCF0058501, and alleges

a series of grave offenses under the California Penal Code. On its face, it is a charging document, a sterile recitation of statutes and allegations that initiates the formal, often impersonal, machinery of criminal justice. It tells the Court *what* Mr. Wade is accused of. It does not, however, tell the Court *who* Mr. Wade is. It does not speak to the relentless cascade of trauma, neglect, and systemic failure that has defined every year of his young life. It does not explain the profound psychological wounds that have shaped his reality, distorted his perceptions, and ultimately led him to this courtroom.

This filing is an attempt to bridge that cavernous gap between accusation and understanding. It is a petition, on behalf of a young man who lacks the capacity to articulate it for himself, for a form of justice that is not blind to the devastating context of his existence. It is a proffer of the overwhelming evidence that demonstrates that Khamir Wade is not the monster the prosecution's charges may suggest, but rather a profoundly damaged survivor of a world that has, at every critical juncture, failed him. He is the predictable, tragic outcome of a childhood devoid of safety, an adolescence defined by predatory exploitation, and a society that criminalizes the very symptoms of the trauma it inflicts.

The defense does not present this narrative to excuse harm. The gravity of the charges is understood and acknowledged. But to proceed with a prosecution of this magnitude without first comprehending the man in the dock would be a profound miscarriage of justice. It would be to ignore the very mitigating realities that our constitutional system, in its highest aspirations, demands we consider. The story of Khamir Wade is not an excuse; it is an explanation. It is an explanation so compelling, so deeply rooted in documented fact and psychological science, that it fundamentally reframes every aspect of this case—from his mental state and culpability to the very reliability of the evidence arrayed against him.

We will demonstrate that Khamir Wade's life has been a relentless procession of horrors. He was a child rendered homeless not once, but repeatedly, by a mother whose own documented

instability made a safe and nurturing home an impossibility. The official record of this Court, in the form of a civil case file documenting his mother's housing struggles (*Adilah Robinson v. LBC Holdco*, Case No. 20STCV42355), corroborates this foundational neglect, even detailing how utility shut-offs created medical emergencies for a young Khamir who relied on a nebulizer to breathe. This was not a home; it was a perpetual state of crisis.

It was from this state of crisis that he was ejected, a child cast onto the merciless streets of Los Angeles. There, he did not find freedom; he found predators. As a homeless, terrified, and vulnerable teenager, he became the target of an established criminal street gang. They did not offer him brotherhood; they offered him exploitation. They groomed him, manipulated him, and, in an act of unspeakable cruelty that would shatter the psyche of the strongest adult, they drugged and brutally sexually assaulted him on his sixteenth birthday. They documented their depravity, posting images of his violation online—a permanent, digital monument to his debasement. This was not an initiation; it was an indoctrination through terror. It was the calculated destruction of a boy's soul to ensure his absolute subjugation.

From that point forward, Khamir Wade was no longer a free agent. He was a captive, his will subsumed by the C-PTSD that would come to dominate his existence. The hallucinations he has long reported to his family—"seeing demons," as he describes them—are not malingering; they are the textbook manifestations of a mind fractured by trauma. The chronic substance abuse that began in his early adolescence was not recreational; it was a desperate, ongoing attempt to self-medicate, to silence the screaming ghosts of his past. He was, and is, a young man trapped in a waking nightmare, his perception of reality irrevocably warped by what he has endured.

This is the man who was interrogated by police. This is the man whose mental state the prosecution will be forced to contend with. His story is one that must be told, not in whispers in a mitigation report, but as a central, unavoidable fact of this case. It is relevant to his

competency to stand trial under Penal Code § 1368, as a mind so besieged may well be incapable of rationally assisting in his own defense. It is relevant to his plea of Not Guilty by Reason of Insanity under Penal Code § 1026, as his actions may have been the product of a profound mental disease or defect that rendered him incapable of understanding their nature or moral wrongfulness. It is relevant to any statement he may have made to law enforcement, as his psychological vulnerability raises profound questions about the voluntariness and reliability of any purported confession. And it is deeply, profoundly relevant to any just and proportional resolution of this case.

Therefore, this document is structured to provide the Court with a complete picture. It begins with an exhaustive narrative proffer, a detailed chronicle of Mr. Wade's life that lays the foundation for all the legal arguments that follow. It then proceeds through a series of comprehensive legal motions, each transformed into a veritable treatise on the controlling legal principles. Each motion begins with a scholarly exploration of the historical and philosophical underpinnings of the right at issue—be it the Fourth Amendment's shield against unreasonable searches or the ancient doctrine of competency—before providing an exhaustive survey of the controlling case law.

Crucially, each motion meticulously integrates the facts of Mr. Wade's life into the legal analysis, demonstrating not just what the law *is*, but why it *demand*s a specific outcome in *this* case. We will anticipate and systematically dismantle every conceivable argument the prosecution might raise, providing this Court with a bulletproof rationale for granting the relief sought. The packet culminates in the sworn, book-length declaration of his uncle, Thurman Malik Robinson—the evidentiary heart of this narrative—and a confidential mitigation proposal that offers the court a viable, humane, and restorative path forward.

This is an audacious filing, Your Honor, in its scope and its ambition. It is necessarily so. The stakes are too high, and the story too important, for anything less. We are not merely

litigating a criminal case; we are asking this Court to confront the devastating human cost of a broken system and a broken childhood. We are asking this Court to see Khamir Nicholas Wade in his totality—not just as the defendant named in an information, but as the boy who was failed, the teenager who was brutalized, and the man who now stands before you, a living testament to the enduring power of trauma. We ask for nothing more than the justice he has never known: a justice that is informed, compassionate, and whole.

**B. The Foundational Cracks: A Childhood Defined by Neglect and Instability (2000-2012)**

To understand the man who sits before this Court, one must first understand the boy he was, and the world into which he was born. Khamir Nicholas Wade entered this world on June 1, 2000, not into a cradle of stability and safety, but into a lineage of intergenerational trauma and a present reality of profound precarity. His early years were not marked by the predictable rhythms of a secure childhood but by the chaotic and damaging cadence of his mother's own struggles with mental health, housing instability, and an inability to provide the fundamental protections a child requires. This was not a foundation upon which a healthy life could be built; it was a series of foundational cracks that, over time, would destabilize the entire structure of his being.

The primary architect of his early environment was his mother, Adilah Robinson. It is crucial to state that this narrative is not presented to vilify her, but to provide a fact-based, documented account of the environment that shaped her son. Ms. Robinson was, herself, a victim of her own circumstances, struggling with forces that were often beyond her control. Yet, the undeniable result for Khamir was a childhood of profound and damaging neglect. The family's existence was nomadic, characterized by a constant churn of evictions, temporary housing, and the ever-present threat of homelessness. This was not a home; it was a series of temporary shelters, each one a reminder of their tenuous grip on stability.



This is not familial speculation; it is a matter of public record. The very files of the Los Angeles Superior Court contain a stark monument to this instability in the form of a civil lawsuit, *Adilah Robinson v. LBC Holdco*, Case No. 20STCV42355. While the case was filed when Khamir was an adolescent, the patterns of conduct it describes were not new; they were the culmination of a lifetime of housing insecurity. The complaint details a harrowing scenario where the landlord, during a dispute, shut off the family's utilities. For most, this is an inconvenience; for Khamir, it was a life-threatening emergency. As a child suffering from severe respiratory issues, he was dependent on an electrically powered nebulizer to breathe. The deliberate act of shutting off the power was, for him, an act of suffocation, a terrifying ordeal that imprinted upon him the visceral lesson that his home was not a sanctuary, but a place where his very survival was at risk.

This incident, memorialized in a court filing, is but a single, documented snapshot of a much larger, more pervasive reality. The chaos was constant. His uncle, Thurman Malik Robinson, would witness this firsthand. He recalls a childhood for Khamir marked by a constant state of flux, of being uprooted from schools, friendships, and any semblance of community. The psychological impact of such an upbringing cannot be overstated. Developmental psychologists have extensively documented the critical importance of stability and predictability for healthy childhood development. A stable home provides the secure base from which a child can explore the world, develop trust, and form a coherent sense of self. Without it, the world becomes a frightening and unpredictable place. The child learns that relationships are transient, that safety is illusory, and that they are fundamentally alone in navigating a hostile world. This was the core curriculum of Khamir Wade's early education. Compounding this instability was the emotional and psychological neglect that permeated his daily life. His mother, consumed by her own struggles, was often emotionally unavailable, unable to provide the consistent attunement, affection, and guidance that are as essential to a

child's development as food and shelter. The home was not a place of comfort, but of tension and unpredictability. It was in this environment that Khamir was first expelled from the family home. He was only eight years old.

Let the Court pause and contemplate that reality. An eight-year-old boy, cast out, forced to fend for himself. It happened again at age ten. And again at age twelve. These were not mere disciplinary actions; they were acts of abandonment. Each expulsion sent a clear and devastating message to a developing child: *You are a burden. You are unwanted. You do not belong here.* Each time, he was forced to navigate a world for which he was utterly unprepared, seeking shelter with whichever relative or acquaintance would take him in. This cycle of rejection and instability did more than just deny him a home; it systematically dismantled his sense of self-worth and taught him that he could not rely on the one person who should have been his ultimate protector.

His father, while present intermittently, was not a consistent stabilizing force. Custody arrangements shifted, but the underlying chaos remained. A brief period with his father introduced him to a stepfamily, but this new environment brought its own set of challenges and did not provide the lasting stability he so desperately needed. The fundamental deficit remained: there was no one in his life who consistently provided the safety, structure, and unconditional love necessary for a child to thrive.

This period, from birth to the cusp of adolescence, was the critical period in which the foundational cracks in Khamir Wade's psyche were formed. He entered his teenage years not as a well-adjusted child ready to navigate the challenges of adolescence, but as a deeply wounded and emotionally underdeveloped boy. He was primed for exploitation. His desperate need for belonging, his profound lack of self-worth, and his deep-seated distrust of conventional family structures made him the perfect target for the predatory forces that awaited him on the streets. The gang did not have to find him; his upbringing had been

systematically preparing him for them all along. He was a child conditioned to seek survival in the most desperate of places, and it was in that search that his descent into the next, even more horrific, chapter of his life would begin.

### **C. The Descent: Adolescence, Homelessness, and Predatory Exploitation (2012-2017)**

If Khamir Wade's childhood was defined by the slow, grinding pressure of neglect and instability, his adolescence was a cataclysm—a period of acute, violent trauma that would utterly shatter his sense of self and hijack the course of his life. The foundational cracks of his early years gave way to a complete and catastrophic collapse. He was cast out of his home for the last time at the age of sixteen, a final act of abandonment that propelled him from a state of chronic crisis into a world of acute survival. On the streets of Los Angeles, homeless, terrified, and alone, he ceased to be a child and became prey.

It is here that the narrative of Khamir Wade intersects with the calculated, predatory machinery of a criminal street gang. It is a common and tragically misguided belief that young men “choose” gang life. For Khamir Wade, there was no choice. There was only the illusion of one, offered by sophisticated predators who had honed their craft of identifying and exploiting the most vulnerable. They saw in him what anyone would see: a boy with no home, no protector, and no resources. They saw a desperate hunger for the very things his life had denied him: a sense of belonging, a promise of protection, and an affirmation of his worth. They did not offer him a family; they offered him a trap, baited with a grotesque caricature of one.

The grooming process was gradual and insidious. They provided him with food when he was hungry, a place to sleep when he was on the streets, and a sense of camaraderie he had never known. They also provided him with marijuana, alcohol, and other substances, initiating a pattern of self-medication that would become a central feature of his existence. This was not generosity; it was an investment. They were systematically breaking down his already fragile

defenses, fostering a dependency that would make him more compliant, more malleable, and ultimately, more controllable.

The culmination of this predatory process occurred on his sixteenth birthday, June 1, 2016. A sixteenth birthday should be a milestone, a celebration of the transition towards adulthood.

For Khamir, it became the site of his final, definitive destruction. Under the guise of a celebration, these older, more powerful gang members systematically drugged him. They plied him with a toxic cocktail of alcohol, marijuana, cocaine, and pills until he lost consciousness, blacking out completely.

In that state of utter helplessness, they brutally and repeatedly sexually assaulted him.

This was not a spontaneous act of violence. It was a calculated ritual of domination and debasement. It was designed to inflict the maximum possible psychological damage, to annihilate his sense of agency, his bodily autonomy, and his fundamental humanity. To ensure the permanence of his subjugation, they took photographs of the assault. They documented their depravity, capturing images of his unconscious, violated body, and posted them on the internet. This act transformed a private horror into a public humiliation, a permanent digital scar that would serve as a constant, inescapable reminder of his powerlessness. It was a clear and unequivocal message: *We own you. Your body is not yours. Your dignity is not yours. Your life is not yours. You are our property.*

From that moment on, Khamir Wade was no longer merely affiliated with a gang; he was its captive. The psychological devastation wrought by this event cannot be overstated. He was now a victim of drug-facilitated sexual assault, a form of trauma so profound that it frequently leads to severe, long-lasting psychological consequences, including Complex Post-Traumatic Stress Disorder (C-PTSD), major depression, anxiety disorders, and chronic suicidal ideation. The public nature of his humiliation added a layer of shame and degradation that would make healing nearly impossible.

His life became a textbook example of trauma bonding, a powerful psychological attachment that victims can form with their abusers as a survival strategy. His abusers were also his only source of food, shelter, and a perverse form of social connection. To defy them was to risk not only further violence but also a return to the absolute isolation of the streets. And so, he complied. He was forced to participate in the gang's criminal activities, not as a willing member, but as a trafficked and exploited asset. He was a victim of sex trafficking and labor trafficking, his life and actions dictated by the men who had systematically destroyed him.

His family, primarily his uncle, Thurman Malik Robinson, witnessed the terrifying transformation. They saw a boy who was once just troubled become a young man who was haunted. He was paranoid, detached, and increasingly lost in a world of substance abuse and apparent psychosis. He began to speak of "seeing demons," a chillingly apt metaphor for the very real monsters who now controlled his life, and a likely manifestation of the trauma-induced hallucinations that were taking root in his fractured mind. Any attempt to pull him away was met with failure. The gang's control was absolute. Mr. Robinson recalls instances where gang members would appear at his home within minutes of Khamir's arrival, as if he were being constantly monitored, a stark reminder that he was not free to leave.

This period of his life, from early adolescence to young adulthood, is the crucible in which the man who stands accused today was forged. He was not a willing participant in a criminal enterprise. He was a child victim of neglect, who became a homeless victim of predatory grooming, who became a victim of drug-facilitated sexual assault, who became a trafficked and traumatized captive of his abusers. His story is not an outlier; it is a tragic archetype, repeated in the lives of countless vulnerable youth who are failed by their families and ensnared by predators. To ignore this context, to treat him as a hardened criminal who freely chose his path, is to be willfully blind to the overwhelming evidence of his victimization. The crimes he is alleged to have committed cannot be viewed in a vacuum; they must be

understood as the potential downstream consequences of a life that was stolen from him long before he ever set foot in this courtroom.

#### **D. The Unraveling: Trauma, Psychosis, and the Criminalization of Survival (2017-2025)**

The years following his definitive capture and brutalization were not a period of recovery or adaptation, but of a slow, inexorable unraveling. The acute trauma of his sexual assault did not fade; it metastasized, infecting every aspect of Khamir Wade's mind, body, and soul. He entered young adulthood not as a man finding his place in the world, but as a ghost, haunted by the demons of his past and trapped in a present he could not control. His existence became a chaotic cycle of survival, self-medication, and the escalating symptoms of untreated, severe mental illness. It was during this period that the predictable consequences of his trauma began to manifest in ways that would inevitably draw the attention of the criminal justice system, a system tragically ill-equipped to recognize, let alone treat, the profound psychological wounds at the heart of his behavior.

The central, organizing principle of Mr. Wade's life during this time was the management of his C-PTSD. While a formal diagnosis would require the expert evaluation this motion requests, his life is a veritable checklist of the disorder's classic symptoms. He exhibited profound emotional dysregulation, an inability to manage the intense and overwhelming feelings of fear, shame, and rage that were the constant residue of his trauma. His relationships were unstable, marked by the deep-seated distrust of others that is the natural inheritance of betrayal. His self-concept was shattered, leaving him with a core sense of worthlessness and a feeling of being permanently damaged.

Most significantly, his perception of reality itself became distorted. The "demons" he reported seeing were not mere figures of speech; they were, in all likelihood, the terrifying visual and auditory hallucinations of a mind struggling to process unspeakable horror. This is a common, though often misunderstood, feature of severe trauma. The brain, unable to file

the traumatic memories away as part of a coherent past, allows them to intrude upon the present in the form of flashbacks, intrusive thoughts, and full-blown psychotic symptoms.

Mr. Wade was living in a world where the past was not past, where the threat of his abusers was an ever-present reality, a constant terror replayed in the theater of his mind.

To cope with this unceasing psychological agony, he turned to the only remedy he knew:

substances. His drug and alcohol use, which began as a tool of his groomers, became his own desperate survival strategy. It was not a quest for pleasure but a flight from pain. The substances offered a temporary reprieve, a fleeting moment of numbness that could dull the sharp edges of his anxiety and silence the cacophony of his intrusive thoughts. He was observed by family members crushing and snorting pills, a clear sign of a spiraling addiction that was both a symptom of his underlying illness and a compounding factor. The chronic use of stimulants, in particular, is known to exacerbate or even induce psychosis, creating a vicious feedback loop: the trauma caused the psychosis, the psychosis prompted the drug use, and the drug use intensified the psychosis. He was caught in a downward spiral from which there was no apparent escape.

His life under the control of the gang continued. He was not a shot-caller or a respected member; he was a pawn, a disposable asset to be used for robberies and other crimes that profited his abusers. His inability to refuse their demands stemmed from a complex interplay of fear, trauma bonding, and his own impaired mental state. He remained fundamentally a captive, his actions dictated by the ever-present threat of violence and the psychological chains forged on his sixteenth birthday.

His family's attempts to intervene were sporadic and ultimately futile, not for lack of caring, but due to their own life crises. A brief respite occurred in February 2024, when he stayed with his uncle, Thurman Malik Robinson, in Houston. It was a fleeting glimpse of a different possible life, a chance to be in a safe and structured environment. But this window of

opportunity was slammed shut by forces beyond their control. Mr. Robinson himself was facing an unlawful eviction, a housing crisis that rendered him homeless from September 2024 to March 2025. He was forced to make the agonizing decision to send Khamir back to Los Angeles, back into the very environment that was destroying him. It is a decision that haunts Mr. Robinson to this day, a stark reminder of how poverty and instability can shatter even the most determined efforts to save a loved one. The tragic irony is that Mr. Robinson's eviction mirrored the very instability that his sister, Adilah, had faced, as documented in her own lawsuit—a grim testament to the cyclical nature of the poverty and precarity that has plagued this family for generations.

It was upon his return to this toxic environment, with his mental state deteriorating and his support system once again removed, that the events leading to the present charges allegedly occurred. The defense does not yet have the full discovery from the prosecution, but the ultimate issue before this Court will not be a simple question of “did he or didn't he?” It will be a far more complex inquiry into his mental state, his capacity for intent, and the degree to which his actions were the product of a diseased mind and a will overborne by years of coercion and trauma.

The criminal justice system, in its typical fashion, has responded not with an inquiry into this devastating context, but with a charging document. It has labeled him a murderer, a gang member, a threat to be neutralized and caged. It has criminalized his survival. It has taken a young man suffering from the profound, predictable effects of a lifetime of abuse and has chosen to prosecute the symptoms while ignoring the disease. This legal proceeding represents the final, and perhaps most devastating, systemic failure in the life of Khamir Wade. It is the culmination of a journey that began in a broken home and led through the hell of the streets, and has now delivered him to a courtroom where his very life is at stake. This Court now has the opportunity, and the obligation, to break that cycle of failure. It can begin



by acknowledging the reality of the trauma that has defined him, and by allowing the comprehensive psychological evaluation that is so obviously and urgently required.

#### **E. The Legal Framework of Trauma: Understanding C-PTSD as a Mitigating Reality**

The narrative of Khamir Wade's life is not merely a collection of tragic anecdotes; it is a clinical history. The experiences he has endured—chronic childhood neglect, repeated abandonment, and the severe, prolonged interpersonal trauma of his sexual assault and exploitation—are the precise developmental pathways that lead to a recognized and severe psychiatric condition: Complex Post-Traumatic Stress Disorder (C-PTSD). Understanding the nature of C-PTSD is not an academic exercise; it is essential to a just and accurate assessment of every legal issue in this case, from competency and criminal responsibility to the voluntariness of statements and overall culpability.

C-PTSD is distinct from the more widely known Post-Traumatic Stress Disorder (PTSD).

While PTSD typically arises from a single traumatic event, C-PTSD is the result of prolonged, repeated trauma, especially during critical developmental periods in childhood and adolescence, where the victim is in a state of captivity, unable to flee. The core feature of C-PTSD is a fundamental disruption in the development of the self. The trauma is not just an event that happened *to* the person; it becomes a part of the very fabric of their personality and their perception of the world.

The leading authority in this field, Dr. Judith Herman of Harvard University, first articulated the diagnostic criteria in her seminal work, *Trauma and Recovery*. The symptoms of C-PTSD are typically grouped into several domains, and Mr. Wade's life history provides a textbook illustration of each one.

**1. Alterations in Emotional Regulation:** This is the hallmark of C-PTSD. Individuals like Mr. Wade do not experience emotions in a regulated way. They suffer from persistent and overwhelming dysphoria, chronic suicidal preoccupation, and explosive or extremely

inhibited anger. The family's description of his paranoia, his rages, and his profound depressions are not character flaws; they are the direct, neurological consequence of a brain that has been rewired by terror. His chronic substance abuse is not a moral failing; it is a desperate and predictable attempt to manage these unbearable internal states—a form of crude, self-administered chemotherapy for the cancer of his trauma.

**2. Alterations in Consciousness:** This domain includes the dissociative symptoms that are central to Mr. Wade's presentation. Dissociation is a survival mechanism; the mind detaches from reality to escape an experience that is too horrific to bear. For Mr. Wade, this likely began during his sexual assault and became a chronic coping strategy. It manifests as memory loss for traumatic events, feelings of unreality or detachment from one's own body, and episodes of reliving the trauma as if it were happening in the present. The "demons" he sees are a powerful example of this—his mind is projecting the internal horror of his past into his present perception. These are not feigned symptoms; they are the echoes of a psyche that has been shattered.

**3. Alterations in Self-Perception:** Victims of prolonged trauma internalize the messages of their abusers. They are left with a pervasive sense of helplessness, shame, guilt, and self-blame. They feel permanently defiled, different from other people. The public humiliation of having images of his assault posted online would have catastrophically amplified this symptom for Mr. Wade. This profound sense of worthlessness is critical to understanding his inability to extricate himself from the gang. A person who believes they are fundamentally worthless is far more susceptible to the control and manipulation of others.

**4. Alterations in Perception of the Perpetrator:** This is the foundation of the trauma bond. The victim develops a complex, often paradoxical, attachment to their abuser. They may rationalize the abuser's behavior, adopt their belief system, and feel a sense of gratitude for any small kindness, all while living in a state of constant terror. Mr. Wade's continued

association with the gang members who brutalized him is not evidence of his willing complicity; it is a tragic and classic manifestation of this psychological phenomenon. His survival depended on placating his captors, and his mind adapted accordingly.

**5. Alterations in Relations with Others:** A history of betrayal and abuse destroys the capacity for trust. Individuals with C-PTSD often alternate between social isolation and a desperate search for a rescuer, leading to a pattern of intense, unstable relationships. They live in a state of constant hypervigilance, scanning their environment for threats, unable to feel safe with anyone. This social alienation further entrenched Mr. Wade's dependency on his abusers, as they had successfully cut him off from any potential source of healthy connection.

**Legal Relevance:** The presence of C-PTSD is not merely a mitigating factor to be considered at sentencing. It is a fundamental reality that permeates every stage of this legal proceeding:

- **Competency (PC § 1368):** A defendant suffering from active psychosis, severe dissociation, and an inability to trust anyone (including his own counsel) may be fundamentally incapable of understanding the nature of the proceedings or rationally assisting in his defense. His reality is different from ours.
- **Insanity (PC § 1026):** The profound distortions in perception and consciousness associated with C-PTSD raise a substantial question as to whether, at the time of the alleged offense, Mr. Wade was capable of understanding the nature and quality of his act or its moral wrongfulness. Was his action driven by rational intent, or by a trauma-induced psychosis, a dissociative state, or a paranoid delusion that his life was in immediate danger?
- **Voluntariness of Statements:** When a person with Mr. Wade's psychological profile is placed in the inherently coercive environment of a police interrogation room, the concept of a "voluntary" waiver of rights becomes highly suspect. His history of

submitting to powerful, threatening authority figures, his impaired reality testing, and his emotional dysregulation make him extraordinarily vulnerable to suggestion, manipulation, and coercion.

- **Specific Intent:** The charges against Mr. Wade will require the prosecution to prove that he acted with a specific mental state, such as malice aforethought or the specific intent to benefit a criminal street gang. The evidence of his C-PTSD directly challenges the prosecution's ability to meet this burden. His actions may not have been the product of a calculated, criminal intent, but rather the impulsive, disorganized, and fear-driven behavior of a person whose capacity for rational thought was severely compromised by his mental illness.

In sum, the defense proffers that Khamir Wade is not simply a troubled young man; he is a clinical case. He is a survivor of the type of prolonged, horrific abuse that predictably and demonstrably causes a severe, debilitating, and recognized psychiatric disorder. To adjudicate this case without a thorough, expert evaluation of this condition would be akin to trying a case involving a blind witness without acknowledging their inability to see. It is the central, dispositive fact of this entire proceeding.

#### **F. Conclusion: A Call for a Trauma-Informed Resolution**

Your Honor, the narrative proffered in these pages is a difficult one. It is a story of profound failure—the failure of a family to protect its child, the failure of society to provide a safety net for that child, and the failure of a system to see a victim in the defendant's chair. Khamir Nicholas Wade is the living embodiment of these failures. He did not arrive in this courtroom by a path of his own choosing, but by a road paved with neglect, paved with abuse, and paved with the kind of trauma that fundamentally alters the human mind.

The purpose of this extensive proffer is to urge this Court to adopt a trauma-informed lens through which to view every subsequent motion and every piece of evidence in this case. We

ask the Court to see the connection between the eight-year-old boy cast out of his home and the teenager who was vulnerable to predators. We ask the Court to see the connection between the brutalized sixteen-year-old and the young man now plagued by hallucinations and paranoia. We ask the Court to see the connection between his C-PTSD and the core legal questions of competency, sanity, and intent that will dominate this proceeding.

This is not a plea for sympathy, but a demand for a justice that is sophisticated enough to recognize the profound impact of trauma on human behavior and culpability. The law, in its wisdom, has created pathways to address cases like this one—the competency hearing, the insanity defense, the consideration of mitigating circumstances. These are not legal loopholes; they are the essential safety valves of our justice system, designed to prevent the grave injustice of treating the mentally ill as if they were fully culpable rational actors.

The defense's immediate request is simple and clear: grant the motion to determine competency. Appoint qualified experts to conduct a thorough and comprehensive evaluation of Mr. Wade's mental state. Suspend the criminal proceedings until we can be assured that the man we are prosecuting has the basic, fundamental capacity to understand what is happening to him and to assist in his own defense.

This is the necessary first step on a path toward a just resolution. Whatever that resolution may be, it must be one that is grounded in the full and terrible truth of Khamir Wade's life. To do anything less would be to compound the tragedies that have already befallen him. It would be to ratify the failures of the past and, in so doing, to commit a fresh and profound injustice in the name of the People. The defense is confident that this Court will not allow that to happen.

## **II. OMNIBUS MOTION TO DETERMINE COMPETENCY TO STAND TRIAL (PENAL CODE § 1368) AND FOR APPOINTMENT OF QUALIFIED EXPERTS**

### **A. Notice of Motion and Motion**

**TO THE PEOPLE OF THE STATE OF CALIFORNIA AND THEIR ATTORNEY OF  
RECORD, THE DISTRICT ATTORNEY FOR THE COUNTY OF LOS ANGELES:**

PLEASE TAKE NOTICE that on October 8, 2025, at 8:30 a.m., or as soon thereafter as the matter may be heard in Department D of the above-entitled Court, located at 200 W.

Compton Blvd, Compton, California, Defendant Khamir Nicholas Wade will, and hereby does, move this Court for an order suspending the criminal proceedings and initiating a hearing to determine his present mental competency to stand trial, pursuant to California Penal Code §§ 1367 and 1368.

This motion is made on the grounds that, as a direct and demonstrable result of a lifetime of trauma, abuse, and untreated mental illness, including but not limited to Complex Post-Traumatic Stress Disorder (C-PTSD) with psychotic features, there is substantial evidence to doubt Mr. Wade's present ability to understand the nature of the criminal proceedings against him and to rationally assist his counsel in the conduct of a defense. A full competency evaluation is therefore required as a matter of constitutional due process under the Fourteenth Amendment to the United States Constitution and the corresponding provisions of the California Constitution.

This motion is based upon this Notice of Motion and Motion, the attached Memorandum of Points and Authorities, the extensive Factual Proffer contained in Section I of this omnibus filing, the forthcoming Declaration of Thurman Malik Robinson, any and all exhibits attached hereto, the files and records of this case, and upon such other and further evidence as may be presented at the hearing of this motion.

Dated: October 7, 2025

Respectfully submitted,

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**/s/ KHAMIR NICHOLAS WADE** Defendant, In Pro Se

## **B. Memorandum of Points and Authorities**

### **1. Issue Presented**

It is a bedrock principle of Anglo-American jurisprudence, enshrined in the Due Process Clause of the Fourteenth Amendment, that an individual who is mentally incompetent cannot be criminally prosecuted. The issue before this Court is whether the overwhelming evidence of Mr. Wade's profound psychological trauma, his documented history of psychosis and hallucinations, and his observed inability to communicate rationally about his case, are sufficient to raise a "doubt" as to his present mental competence. Where such a doubt exists, California Penal Code § 1368 and binding constitutional precedent mandate the immediate suspension of criminal proceedings and the initiation of a formal competency hearing, complete with the appointment of qualified mental health experts. The defense submits that the evidence proffered not only raises a doubt, but establishes a near certainty that Mr. Wade lacks the requisite capacity to stand trial, making a full competency evaluation both a statutory necessity and a constitutional imperative.

### **2. The Philosophical and Historical Foundations of the Competency Doctrine**

The prohibition against trying an incompetent defendant is not a modern legal invention or a procedural nicety. It is a principle so fundamental, so deeply woven into the fabric of our concept of justice, that its roots can be traced back through centuries of English common law to the very dawn of Western legal thought. Its endurance is a testament to a core societal value: the conviction that to subject an individual to the awesome power of a criminal trial when they lack the mental capacity to comprehend the proceedings or to defend themselves is not an act of justice, but an act of barbarism, a "judicial farce" repugnant to the conscience of a civilized society. To fully appreciate the gravity of the issue before this Court, a brief examination of this profound historical and philosophical lineage is warranted.

The principle emerged from the common law's deep-seated aversion to "trials in absentia." While this originally referred to the defendant's physical absence, jurists like Sir William Blackstone recognized that a defendant who was "mad" was, in effect, mentally absent, even if physically present in the courtroom. In his *Commentaries on the Laws of England* (1769), Blackstone articulated the now-classic rationale: a man who becomes "mad" after the commission of an offense should not be tried, "for he knows not how to plead to the indictment," and "is not of ability to make his defense." This was not a matter of mercy, but of procedural integrity. The trial itself, with its intricate rituals of pleading, presenting evidence, and cross-examination, was seen as a collaborative, albeit adversarial, process that required the defendant's meaningful participation. An incompetent defendant could not meaningfully participate; therefore, a valid trial could not occur.

Blackstone identified several key justifications for this prohibition, each of which resonates with undiminished force today:

- **The Inability to Assist Counsel:** The right to counsel is meaningless if the defendant cannot communicate with his lawyer. An incompetent defendant cannot recall facts, identify witnesses, or make critical strategic decisions about his defense (e.g., whether to testify, whether to accept a plea). To try such an individual would be to render his counsel a mere spectator.
- **The Inability to Testify:** The defendant is often the most critical witness in his own case. An incompetent defendant may be unable to take the stand and provide a coherent or credible account of his own actions and intentions, thus depriving the finder of fact of potentially exculpatory evidence.
- **The Dignity of the Process:** Beyond the practical considerations, there is a fundamental concern for the moral integrity and public perception of the justice system. To prosecute a person who is manifestly insane, who babbles incoherently, or



who is lost in delusion, is to degrade the solemnity of the judicial process. It makes a mockery of the search for truth and undermines public confidence in the fairness of the courts.

- **The Purposes of Punishment:** The goals of criminal punishment—retribution, deterrence, and rehabilitation—are rendered incoherent when applied to an individual who does not understand why they are being punished. Retribution requires that the defendant appreciate the moral connection between his act and his punishment. Deterrence is meaningless for someone who cannot rationally comprehend the consequences of their actions. Rehabilitation is impossible for someone whose primary need is not correction, but psychiatric treatment.

This common law principle was imported wholesale into the American legal system and, over time, was elevated from a matter of tradition to a command of constitutional law. The seminal case in the modern era is *Drope v. Missouri*, 420 U.S. 162 (1975). In *Drope*, a unanimous Supreme Court, speaking through Chief Justice Burger, unequivocally held that the “prohibition is fundamental to an adversary system of justice.” The Court traced the history of the rule back to Blackstone and affirmed that the conviction of an accused person while he is legally incompetent violates due process.

The Court in *Drope* also clarified the two-pronged test for competency, which had been earlier articulated in *Dusky v. United States*, 362 U.S. 402 (1960). The test is not whether the defendant is mentally ill, but whether he has: (1) “sufficient present ability to consult with his lawyer with a reasonable degree of rational understanding,” and (2) a “rational as well as factual understanding of the proceedings against him.”

This two-pronged test remains the constitutional standard today. It is a functional test, focused on the defendant’s *present* abilities in the context of the courtroom. The first prong—ability to assist counsel—is the more complex. It requires more than just the ability to answer

simple questions. It requires the capacity to engage in a rational dialogue, to process information, to weigh options, and to make decisions. It requires the ability to maintain focus, to manage the stress of the proceedings, and to trust counsel enough to engage in a collaborative defense.

The second prong—understanding the proceedings—requires the defendant to have a factual grasp of the key players and processes. He must know who the judge, prosecutor, and defense counsel are. He must understand the nature of the charges against him and the seriousness of the potential consequences. Crucially, this understanding must be not just “factual,” but “rational.” A defendant who factually knows he is charged with murder but irrationally believes the proceedings are a television show being broadcast to aliens does not have a rational understanding.

The historical and philosophical weight of this doctrine cannot be overstated. It serves as a vital gatekeeper, ensuring that the machinery of a criminal trial is only brought to bear on those who are mentally equipped to withstand its rigors. When the evidence before this Court is viewed through the lens of this profound legal tradition, the necessity of a competency hearing for Khamir Wade becomes not just apparent, but inescapable. The evidence of his fractured psyche, his detachment from reality, and his inability to communicate rationally speaks directly to the core concerns articulated by Blackstone centuries ago and affirmed by the Supreme Court. To proceed with this prosecution without first resolving the fundamental question of his competency would be to ignore this history and to risk committing the very constitutional error the doctrine was created to prevent.

### **3. Standard of Review: The Constitutional Mandate of *Drope* and *Pennington***

The threshold for triggering a competency hearing is not high, and for good reason. The law recognizes that the potential harm of trying an incompetent individual is so grave that any legitimate question about a defendant’s mental state must be resolved before the case can

proceed. The controlling standard is not whether the defendant is, in fact, incompetent, but whether there is “substantial evidence” that raises a “reasonable doubt” as to his competence. Once this low threshold is met, a full competency hearing is not a matter of judicial discretion; it is a matter of constitutional and statutory command.

The United States Supreme Court, in *Drope v. Missouri*, 420 U.S. 162 (1975), and *Pate v. Robinson*, 383 U.S. 375 (1966), established the constitutional floor. The Court held that a trial judge has a constitutional duty to conduct a competency hearing, *sua sponte* if necessary, whenever the evidence before the court raises a “bona fide doubt” as to the defendant’s competence. The evidence giving rise to this doubt can come from any source: the defendant’s irrational behavior in court, a prior medical opinion on competence, or the representations of defense counsel. The trial court’s failure to hold a hearing when a bona fide doubt exists constitutes a violation of due process that cannot be cured by a retrospective determination of competence. The conviction must be reversed.

The California Supreme Court has adopted and elaborated upon this standard. In the landmark case of *People v. Pennington*, 66 Cal. 2d 508 (1967), the court held that “substantial evidence” of incompetence is that which raises a “reasonable doubt” in the mind of the trial judge. Crucially, the *Pennington* court clarified what “substantial evidence” entails. It is not a matter of weighing the evidence or deciding which side is more credible. If the defense presents any evidence that is “substantial in character”—meaning evidence that a reasonable jurist could accept as true and that is not “patently frivolous”—then a doubt is deemed to exist as a matter of law, and the court *must* hold a hearing, even if there is also substantial evidence pointing to the defendant’s competence.

As the court in *People v. Welch*, 20 Cal. 4th 701, 738 (1999) explained, “Once a doubt has arisen as to the competence of the defendant, the trial court has no jurisdiction to proceed with the case against the defendant without first determining his competence in a section

1368 hearing.” Any subsequent proceedings, including a trial, conviction, or sentencing, are void.

What constitutes “substantial evidence” sufficient to trigger this mandatory duty? California courts have provided extensive guidance. It can include:

- **Psychiatric and Medical Reports:** A prior diagnosis of a serious mental illness, particularly a psychotic disorder like schizophrenia or a severe trauma disorder like C-PTSD, is highly probative.
- **Defense Counsel’s Representations:** The sworn statement of defense counsel that, based on their interactions, they believe the defendant is unable to rationally assist in the defense is, by itself, entitled to significant weight. *People v. Stankewitz*, 44 Cal. 3d 773 (1988). The law recognizes that defense counsel is in a unique position to observe the defendant’s functional abilities up close.
- **The Defendant’s Demeanor:** Irrational or bizarre behavior in the courtroom, incoherent statements, or a complete lack of emotional response to the gravity of the proceedings can all contribute to a doubt about competence.
- **The Defendant’s Life History:** A documented history of severe trauma, abuse, chronic substance use, and prior psychiatric hospitalizations are all relevant factors that a court must consider. *Drope v. Missouri*, 420 U.S. at 180 (noting the relevance of the defendant’s “history of irrational behavior”).

In the instant case, the defense is not presenting a single, isolated piece of evidence. It is presenting a veritable avalanche of evidence, drawn from every one of these categories, that converges on a single, unavoidable conclusion: there is, at a minimum, a profound and reasonable doubt as to Khamir Wade’s present mental competence. The extensive factual proffer details a life history that is a clinical blueprint for the development of severe, debilitating mental illness. The descriptions of his current mental state, including his ongoing

hallucinations and paranoid ideations, are not vague speculations but are based on the direct, long-term observations of his family.

When this evidence is measured against the “substantial evidence” standard of *Pennington*, the Court’s duty becomes clear. The defense is not asking this Court to definitively find Mr. Wade incompetent at this stage. We are simply asking the Court to acknowledge that the evidence presented is “substantial in character” and raises a “reasonable doubt.” Once that acknowledgment is made, the path forward is dictated by law. The proceedings must be suspended, experts must be appointed, and a full, fair, and thorough competency hearing must be held. To do otherwise would be to ignore the clear mandate of both California statute and the United States Constitution.

#### **4. Controlling California Authority: The Procedural Framework of Penal Code § 1367 et seq.**

While the right to a competency hearing is constitutionally grounded, the specific procedures for conducting that hearing in California are set forth in a detailed statutory scheme, beginning with Penal Code § 1367. This statutory framework provides the roadmap that this Court must follow once a doubt as to a defendant’s competency has arisen.

Penal Code § 1367(a) codifies the constitutional standard, stating: “A person cannot be tried or adjudged to punishment while that person is mentally incompetent. A defendant is mentally incompetent for purposes of this chapter if, as a result of a mental health disorder or developmental disability, the defendant is unable to understand the nature of the criminal proceedings or to assist counsel in the conduct of a defense in a rational manner.” This language mirrors the two-pronged test of *Dusky* and *Drope*.

The crucial, operative statute is Penal Code § 1368. This section outlines the mandatory, non-discretionary steps a trial court must take when a doubt arises:

- **§ 1368(a):** “If, during the pendency of an action and prior to judgment, a doubt arises in the mind of the judge as to the mental competence of the defendant, he or she shall state that doubt in the record and inquire of the attorney for the defendant whether, in the opinion of the attorney, the defendant is mentally competent.”
- **§ 1368(b):** “If counsel informs the court that he or she believes the defendant is or may be mentally incompetent, the court shall order that the question of the defendant’s mental competence is to be determined in a hearing which is held pursuant to Sections 1368.1 and 1369.”
- **§ 1368(c):** “Except as provided in Section 1368.1, when an order for a hearing into the present mental competence of the defendant has been issued, all proceedings in the criminal prosecution shall be suspended until the question of the present mental competence of the defendant has been determined.”

The language of the statute is clear and imperative. The verb is “shall,” not “may.” Once a doubt arises, the judge *shall* state it. If defense counsel opines that the defendant may be incompetent, the court *shall* order a hearing. When the order is issued, the proceedings *shall* be suspended. There is no room for judicial discretion or a weighing of the evidence at this preliminary stage. The statute’s purpose is to ensure that any legitimate question of competence is fully and formally litigated before the criminal case moves forward an inch. The subsequent sections of the code detail the procedures for the hearing itself. Penal Code § 1369 requires the court to appoint at least one, and typically two, qualified mental health experts—psychiatrists or licensed psychologists—to examine the defendant and submit a written report to the court. These experts are tasked with evaluating the defendant based on the two-pronged competency standard and providing their professional opinion on:

- The defendant’s present capacity to understand the proceedings.
- The defendant’s present capacity to rationally assist counsel.

- Whether the defendant is suffering from a mental disorder.
- If the defendant is incompetent, whether there is a substantial likelihood that he could be restored to competency with treatment in the foreseeable future.

The hearing itself is a special proceeding, not a criminal trial. The defendant is presumed competent, and the party claiming incompetence (in this case, the defense) bears the burden of proving incompetence by a preponderance of the evidence. *People v. Medina*, 51 Cal. 3d 870 (1990). The parties may present evidence, including the reports and live testimony of the appointed experts, as well as the testimony of other witnesses, such as family members or correctional officers, who have observed the defendant's behavior. The ultimate determination of competence is made by the trial judge or, if requested by the defense, a jury. If the defendant is found competent, the criminal proceedings are reinstated and resume from the point at which they were suspended.

If the defendant is found incompetent, the court must order him committed to a state hospital or other treatment facility for a period not to exceed the maximum term of imprisonment for the most serious charge against him. The goal of this commitment is not punishment, but restoration. The defendant receives treatment designed to restore him to competency. The facility must provide periodic reports to the court on the defendant's progress. If and when the defendant is restored to competency, he is returned to court, and the criminal proceedings are reinstated. If he cannot be restored, the law provides for other alternatives, including a conservatorship, to ensure both public safety and the defendant's ongoing care.

This comprehensive statutory scheme demonstrates the seriousness with which California law treats the issue of mental competency. It provides a clear, mandatory, and constitutionally sound procedure for resolving any doubts that may arise. The defense now invokes this procedure. The evidence proffered in the following section is designed to demonstrate that a

“doubt” as to Mr. Wade’s competence not only exists but is unavoidable, thus triggering the Court’s absolute duty to initiate this process.

## **5. Application to Defendant: The Overwhelming Evidence of Mr. Wade’s Incompetence**

When the legal standards governing competency are applied to the harrowing and well-documented facts of Khamir Wade’s life, the existence of a “reasonable doubt” as to his present competence is not merely a plausible argument; it is a clinical and legal inevitability. The evidence before this Court, drawn from his life history, his observed present behavior, and the nature of his psychological injuries, points overwhelmingly to a young man whose mind is so besieged by trauma and psychosis that his ability to meaningfully participate in his own defense is profoundly compromised. The defense presents the following specific factors as substantial evidence demanding the initiation of competency proceedings under Penal Code § 1368.

### **a. A Documented History of Severe, Prolonged Trauma Leading to C-PTSD with Psychotic Features:**

As detailed in the Narrative Proffer, Mr. Wade is not simply “troubled”; he is a survivor of a relentless series of traumatic events that constitute a clinical pathway to C-PTSD. This includes chronic childhood neglect and abandonment, and, most critically, the prolonged period of predatory grooming, drugging, and brutal sexual assault he endured as a homeless teenager. The scientific literature is unequivocal that such experiences rewire the developing brain, leading to severe deficits in emotional regulation, consciousness, and perception of reality.

His reported and observed symptoms align precisely with a diagnosis of C-PTSD with psychotic features. The most alarming of these are his chronic visual and auditory hallucinations—his reports of “seeing demons.” These are not the manipulative inventions of a malingerer; they are the terrifying intrusions of a mind that has lost its ability to distinguish



between past trauma and present reality. A defendant who is actively hallucinating cannot be expected to maintain the focus, concentration, and rational thought required to follow complex legal arguments, weigh the advice of counsel, or make life-altering decisions about his case. His mental energy is consumed by the battle being waged within his own mind.

**b. Impaired Ability to Rationally Assist Counsel:**

The first prong of the competency test—the ability to rationally assist counsel—is where Mr. Wade’s deficits are most apparent. Meaningful assistance requires more than passive presence. It requires a collaborative, trust-based relationship. Mr. Wade’s life experiences have systematically destroyed his capacity for trust. His primary caregiver abandoned him. The individuals who presented themselves as a surrogate family brutalized him. His worldview is, justifiably, one of profound paranoia and hypervigilance.

He is therefore unable to form the trusting, working alliance with counsel that is the absolute prerequisite for an effective defense. He cannot be expected to openly share the intimate, painful details of his past. He cannot be expected to believe that his attorney is acting in his best interest. His communications are likely to be guarded, disorganized, and colored by the paranoid ideations that stem from his C-PTSD.

Furthermore, his cognitive functioning is likely impaired. The same dissociative mechanisms that allowed him to survive his trauma now prevent him from accessing and organizing his own memories. He may be unable to provide a coherent chronological account of events, to identify potential witnesses, or to assess the accuracy of the prosecution’s evidence. This is not a matter of unwillingness, but of inability. His brain, as a matter of self-protection, has walled off the very information that is now critical to his defense. To force him to stand trial in this condition would be to deny him the very essence of the right to counsel.

**c. Impaired Ability to Understand the Nature of the Proceedings:**

While Mr. Wade may have a rudimentary, factual understanding that he is in court and facing serious charges, there is substantial evidence to doubt that his understanding is *rational*. The second prong of the *Dusky* test is not met if the defendant's understanding is filtered through a lens of psychosis or delusion.

A defendant who is actively hallucinating may perceive the courtroom not as a forum for justice, but as another threatening environment filled with his "demons." He may interpret the words of the judge or prosecutor through a paranoid filter, believing they are part of a conspiracy against him. He may be unable to appreciate the long-term consequences of his decisions, as his mind is trapped in the immediate, overwhelming reality of his psychological terror.

For example, can a young man who believes he is being tormented by supernatural beings truly make a rational decision about whether to accept a plea bargain that carries a sentence of decades in prison? Can he rationally weigh the risks and benefits of testifying when he cannot reliably distinguish between the real people in the room and the phantoms of his trauma? The answer is a clear and resounding no. A "factual" understanding is insufficient. The law requires a "rational" understanding, and the evidence strongly suggests that Mr. Wade's capacity for rational thought is, at present, severely compromised.

#### **d. The Representations of Family and Future Counsel:**

The observations of his uncle, Thurman Malik Robinson, provide crucial, long-term insight into his mental decline. Mr. Robinson's forthcoming declaration will detail his firsthand observations of Mr. Wade's paranoia, his dissociative states, his discussions of hallucinations, and his overall inability to function as a rational adult. These are not the observations of a clinician, but they are the invaluable, longitudinal observations of a concerned family member who has known Mr. Wade his entire life. They are substantial evidence.

Furthermore, Mr. Wade is currently proceeding in pro se, but should counsel be appointed, it is highly probable that any competent attorney, after a few meetings with Mr. Wade, would declare their own doubt as to his client's competence, providing yet another basis for a § 1368 hearing.

In conclusion, the evidence of Mr. Wade's incompetence is not speculative; it is substantial, multifaceted, and compelling. It is rooted in a documented history of unimaginable trauma, manifested in observable symptoms of severe mental illness, and results in clear functional impairments that directly impact his ability to meet both prongs of the competency standard. This Court is therefore faced with a clear and unavoidable duty. A reasonable doubt exists, and a competency hearing must be ordered.

## **6. Anticipated Prosecution Arguments and Defense Rebuttal**

The defense anticipates that the prosecution, in its zeal to move this case toward a conviction, may raise several standard arguments in opposition to a competency hearing. These arguments, however, collapse under the weight of the evidence and the controlling legal standards.

**Anticipated Argument 1: “The Defendant is malingering or exaggerating his symptoms to avoid trial.”**

**Defense Rebuttal:** This is a common but often baseless accusation. Firstly, the standard for a hearing is not whether the defendant is *actually* incompetent, but whether there is *substantial evidence* creating a doubt. The documented, multi-year history of trauma, neglect, and observed bizarre behavior is not something a defendant can invent. It is corroborated by objective evidence, including the civil court records of his mother's housing instability. Secondly, the question of malingering is precisely what a formal competency evaluation by trained experts is designed to determine. Forensic psychologists are highly skilled at using standardized tests and clinical interviews to detect feigned illness. To deny a hearing on the

*suspicion* of malingering is to put the cart before the horse. The prosecution cannot be allowed to pre-judge the very issue that the hearing is meant to resolve. The Court's role at this stage is not to determine the credibility of the symptoms, but to determine if the evidence of those symptoms is substantial enough to warrant an expert inquiry. Here, it clearly is.

**Anticipated Argument 2: “The Defendant’s problems stem from substance abuse, not a true mental illness.”**

**Defense Rebuttal:** This argument presents a false dichotomy. In Mr. Wade’s case, the substance abuse is not the cause of his mental illness, but a *symptom* of it—a desperate attempt at self-medication for his underlying C-PTSD. The scientific literature is replete with evidence of this “dual diagnosis” phenomenon. Furthermore, even if the symptoms are exacerbated by voluntary intoxication, that does not resolve the competency issue. The question is the defendant’s *present* ability to function in court. If his mind is so disordered—whether from a primary mental illness, chronic substance abuse, or the synergistic effect of both—that he cannot meet the *Dusky* standard, then he is incompetent. Finally, long-term, chronic substance abuse can, in itself, cause a persistent mental disorder (e.g., substance-induced psychosis) that renders a defendant incompetent. The origin of the symptoms is a matter for the experts to unravel; the existence of the incapacitating symptoms is sufficient to trigger a hearing.

**Anticipated Argument 3: “The Defendant is able to communicate; he may be difficult, but he is not incompetent.”**

**Defense Rebuttal:** This argument misunderstands the legal standard. Competency requires more than the mere ability to speak or answer simple questions. The standard is the ability to assist counsel with a “reasonable degree of *rational* understanding.” A defendant who can state his name and birthdate but who also believes his defense attorney is a demon sent to trick him is not rationally assisting counsel. A defendant who can listen to a plea offer but

whose paranoid delusions prevent him from rationally weighing its terms is not competent.

The evidence here points not to a defendant who is merely “difficult,” but to one whose entire perception of reality is distorted by psychosis and trauma. The quality of his understanding is what is at issue, and there is substantial evidence to suggest it is fundamentally irrational.

**Anticipated Argument 4: “A competency hearing will cause unnecessary delay.”**

**Defense Rebuttal:** This argument improperly prioritizes administrative convenience over a fundamental constitutional right. The due process right not to be tried while incompetent is absolute. Any delay caused by a competency hearing is not “unnecessary”; it is a constitutionally required pause to ensure the integrity of the entire judicial process. As the California Supreme Court has repeatedly affirmed, once a doubt as to competence arises, the trial court loses jurisdiction to proceed with the criminal case. Any attempt to move forward in the name of “efficiency” would result in a conviction that is void and certain to be reversed on appeal, leading to far greater delays and waste of judicial resources in the long run. The only efficient path forward is the constitutionally mandated one: to resolve the issue of competency now.

**7. Requested Relief**

Based on the foregoing points and authorities and the extensive factual record presented, Defendant Khamir Nicholas Wade respectfully requests that this Court:

1. Find that there is substantial evidence raising a reasonable doubt as to Mr. Wade’s present mental competence to stand trial.
2. State this doubt on the record, as required by Penal Code § 1368(a).
3. Issue an order immediately suspending the criminal proceedings in this matter, pursuant to Penal Code § 1368(c).
4. Order a hearing on the question of Mr. Wade’s mental competence, pursuant to Penal Code §§ 1368.1 and 1369.

5. Appoint two qualified and impartial mental health experts, preferably a psychiatrist and a forensic psychologist with expertise in complex trauma and psychosis, to examine Mr. Wade and report their findings to the Court.
6. Grant such other and further relief as the Court may deem just and proper.

Dated: October 7, 2025

Respectfully submitted,

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*/s/ KHAMIR NICHOLAS WADE* Defendant, In Pro Se

**C. Declaration of Thurman Malik Robinson in Support**

The full, book-length Declaration of Thurman Malik Robinson is provided in Section VIII of this omnibus filing and is incorporated herein by reference as if fully set forth.

**D. Proposed Order**

**SUPERIOR COURT OF THE STATE OF CALIFORNIA**

**COUNTY OF LOS ANGELES – COMPTON COURTHOUSE**

**THE PEOPLE OF THE STATE OF CALIFORNIA, Plaintiff,**

**KHAMIR NICHOLAS WADE, Defendant.**

Case No.: 25CMCF0058501

**PROPOSED ORDER SUSPENDING PROCEEDINGS AND INITIATING**

**COMPETENCY HEARING (PENAL CODE § 1368)**

The motion of Defendant Khamir Nicholas Wade for a hearing to determine his present mental competency came on regularly for hearing on October 8, 2025, in Department D of the above-entitled Court.

Having considered the moving papers, the extensive factual proffer, and the arguments presented, the Court finds that there is substantial evidence raising a reasonable doubt as to

the Defendant's present mental competence to stand trial within the meaning of Penal Code § 1367.

**IT IS HEREBY ORDERED THAT:**

1. Pursuant to Penal Code § 1368(c), all criminal proceedings in Case No. 25CMCF0058501 are immediately **SUSPENDED** pending a determination of the Defendant's mental competence.
2. A hearing on the question of the Defendant's mental competence is hereby set for [Date], at [Time], in this Department.
3. Pursuant to Penal Code § 1369, the Court appoints the following two qualified mental health experts to examine the Defendant and report their findings to the Court in writing:
  - Dr. [Name of Psychiatrist/Psychologist]
  - Dr. [Name of Psychiatrist/Psychologist]
4. The appointed experts shall evaluate whether the Defendant is able to understand the nature of the criminal proceedings and to assist counsel in the conduct of a defense in a rational manner.
5. The Defendant is ordered to cooperate with the appointed experts. The Los Angeles County Sheriff's Department is ordered to provide the experts with access to the Defendant for the purpose of their evaluation.

IT IS SO ORDERED.

Dated: \_\_\_\_\_

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Judge of the Superior Court

**E. Proof of Service**

A Master Proof of Service for all documents contained in this omnibus filing is provided in Section X.

**III. NOTICE OF INTENTION TO ENTER DUAL PLEA OF NOT GUILTY AND NOT GUILTY BY REASON OF INSANITY (PENAL CODE § 1026) AND MOTION FOR APPOINTMENT OF FORENSIC EXPERTS**

**A. Notice of Plea and Motion**

**TO THE PEOPLE OF THE STATE OF CALIFORNIA AND THEIR ATTORNEY OF RECORD, THE DISTRICT ATTORNEY FOR THE COUNTY OF LOS ANGELES:**

PLEASE TAKE NOTICE that Defendant Khamir Nicholas Wade, pursuant to California Penal Code §§ 1016 and 1026, hereby gives notice of his intention to enter a dual plea of **Not Guilty** and **Not Guilty by Reason of Insanity (NGI)** to all charges and allegations in the Information filed in this matter.

FURTHER, the Defendant moves this Court for an order, pursuant to California Evidence Code §§ 730 and 1017, appointing at least two qualified and impartial mental health experts (a forensic psychiatrist and a forensic psychologist) to examine him for the purpose of evaluating his mental state at the time of the alleged offenses. This evaluation is necessary to prepare and present his defense of Not Guilty by Reason of Insanity.

This motion is made on the grounds that, as a direct result of his documented history of severe psychological trauma and chronic mental illness, there is a substantial and credible basis to believe that, at the time of the acts alleged, Mr. Wade was suffering from a mental disease or defect such that he was incapable of knowing or understanding the nature and quality of his act and/or of knowing or understanding that his act was morally or legally wrong, pursuant to the standard set forth in *People v. Skinner*, 39 Cal. 3d 765 (1985).

This motion is based upon this Notice of Plea and Motion, the attached Memorandum of Points and Authorities, the extensive Factual Proffer contained in Section I of this omnibus



filing, the Declaration of Thurman Malik Robinson, the files and records of this case, and upon such other evidence as may be presented at the hearing of this motion.

Dated: October 7, 2025

Respectfully submitted,

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/s/ *KHAMIR NICHOLAS WADE* Defendant, In Pro Se

## **B. Memorandum of Points and Authorities**

### **1. Issue Presented**

The law does not punish those who, due to a profound mental disease or defect, are incapable of appreciating the moral or legal significance of their actions. The insanity defense, while often misunderstood by the public, is a fundamental expression of this moral principle. The issue before this Court is whether the overwhelming evidence of Mr. Wade's history of trauma-induced psychosis, chronic hallucinations, and impaired reality testing is sufficient to warrant the entry of an NGI plea and the appointment of expert evaluators. The defense submits that the evidence not only supports but compels such a course, as it raises a substantial and colorable claim that Mr. Wade's alleged actions were not the product of a criminal mind, but of a diseased one.

### **2. The Jurisprudential Evolution of the Insanity Defense**

The concept that a civil society should not hold the "mad" to the same standard of criminal culpability as the sane is one of the most ancient and deeply entrenched principles in our legal tradition. It reflects a fundamental moral intuition that blame and punishment are justly reserved for those who possess the capacity for free will and rational choice. To punish an individual whose actions are the product of a deluded or disordered mind, disconnected from the shared reality of his community, is seen as both cruel and pointless. The history of the

insanity defense is the story of the law's long and often difficult struggle to translate this profound moral concept into a workable legal standard.

The roots of the defense can be traced to at least the 12th century, but its modern form began to take shape in the English courts of the 18th and early 19th centuries. Early tests were crude; for instance, the "wild beast" test of 1724 asked whether the defendant had the capacity to understand no more than "an infant, a brute, or a wild beast." Over time, the law sought a more sophisticated standard, one that focused not on a general state of "madness," but on the defendant's cognitive capacity at the precise moment of the offense.

The watershed moment came in 1843 with *M'Naghten's Case*, 8 Eng. Rep. 718. Daniel M'Naghten, a Scottish woodturner suffering from paranoid delusions that he was being persecuted by the Tory party, attempted to assassinate Prime Minister Robert Peel, but instead killed Peel's secretary. At trial, the defense presented extensive evidence of M'Naghten's psychosis, and he was acquitted, sparking public outrage. In response, the House of Lords asked the judges of England to clarify the law, and their answer became the famous "M'Naghten Rule," which would dominate Anglo-American law for over a century. The M'Naghten Rule established a cognitive test for insanity, stating that a defendant could be acquitted if, at the time of the act, he was "labouring under such a defect of reason, from disease of the mind, as not to know the nature and quality of the act he was doing; or, if he did know it, that he did not know he was doing what was wrong."

This two-pronged test became the cornerstone of insanity jurisprudence. The first prong, "nature and quality of the act," refers to the physical character and consequences of the action. A defendant who, in a psychotic state, strangles a person believing he is squeezing a lemon, does not know the nature and quality of his act. The second prong, "knowledge of wrongfulness," is the moral and legal component. A defendant might know he is killing a

person but, due to a delusion (e.g., believing God has commanded him to do so), may be incapable of understanding that the act is morally or legally wrong.

For decades, American jurisdictions, including California, adhered strictly to the M’Naghten test. However, by the mid-20th century, the rule came under increasing criticism from the psychiatric community, which argued that its exclusive focus on cognitive impairment (what the defendant *knew*) ignored the critical role of volitional impairment (whether the defendant could *control* his behavior). This led to the development of alternative tests, most notably the “irresistible impulse” test, which supplemented M’Naghten by asking whether the defendant, even if he knew his act was wrong, was driven by an impulse he was powerless to resist.

In California, the legal standard has followed a winding path. For many years, the state adhered to M’Naghten. Then, in *People v. Drew*, 22 Cal. 3d 333 (1978), the California Supreme Court, persuaded by the criticisms of M’Naghten, abandoned it in favor of the American Law Institute (ALI) test. The ALI test was broader, providing that a person was not responsible if, as a result of mental disease or defect, he lacked “substantial capacity either to appreciate the criminality of his conduct or to conform his conduct to the requirements of law.” The second part of this test incorporated the concept of volitional control.

This broader standard, however, proved to be short-lived. Following the public outcry over the acquittal of John Hinckley, Jr. after his attempted assassination of President Reagan, there was a nationwide movement to narrow the insanity defense. In 1982, the voters of California passed Proposition 8, the “Victims’ Bill of Rights,” which included a provision that, on its face, sought to abolish the defense entirely. However, the California Supreme Court, in the critical case of *People v. Skinner*, 39 Cal. 3d 765 (1985), was tasked with interpreting this new law. The *Skinner* court performed a masterful act of judicial interpretation, concluding that while Proposition 8 had eliminated the volitional “irresistible impulse” part of the ALI

test, it had not—and constitutionally could not—eliminate the core cognitive principle of the defense.

The result of the *Skinner* decision was to reinstate a standard that was, in essence, the M’Naghten rule, but with a crucial clarification. The court held that the two prongs of the M’Naghten test—knowledge of the nature/quality of the act AND knowledge of its wrongfulness—were disjunctive. That is, a defendant only needed to prove *one* of the two prongs to be found insane. A defendant could be found NGI if he was incapable of knowing the nature of his act, **OR** if he was incapable of knowing its wrongfulness. This disjunctive standard remains the law in California today.

This history is relevant because it demonstrates that the insanity defense, in its current California form, is not a vague appeal to sympathy. It is a precise legal test, focused squarely on the defendant’s cognitive state at the time of the offense. The defense’s proffer of evidence regarding Mr. Wade’s psychosis, hallucinations, and trauma-induced dissociation is not a generalized plea for mercy; it is a direct and targeted presentation of evidence designed to meet the specific prongs of the *Skinner* standard. The appointment of experts is the necessary first step in marshalling the clinical evidence required to properly litigate this fundamental defense.

### **3. The M’Naghten Standard as Defined by California Law in *People v. Skinner***

As established in the preceding section, the controlling legal standard for insanity in California is a modernized version of the *M’Naghten* rule, as interpreted by the California Supreme Court in *People v. Skinner*. This standard is now codified in Penal Code § 25(b), which states: “In any criminal proceeding... in which a plea of not guilty by reason of insanity is entered, this defense shall be found by the trier of fact only when the accused person proves by a preponderance of the evidence that he or she was incapable of knowing or

understanding the nature and quality of his or her act and of distinguishing right from wrong at the time of the commission of the offense.”

While the statute uses the word “and,” the *Skinner* court definitively interpreted this language as creating a two-pronged, *disjunctive* test, holding that the voters who passed Proposition 8 did not intend to adopt a standard under which a defendant who was, for example, unaware of the nature of his act would still be found sane. Thus, to be clear, the defense need only prove *one* of the following two prongs by a preponderance of the evidence:

**Prong One: Incapacity to Know or Understand the Nature and Quality of the Act.**

This prong focuses on the defendant’s perception of the physical world and the direct consequences of his actions. It asks whether the defendant, due to a mental disease or defect, misunderstood what he was physically doing. The classic examples remain the most illustrative: the person who strangles a victim believing they are squeezing a lemon, or the person who cuts a victim’s throat believing they are slicing a loaf of bread.

In a more modern context, this prong is often met by evidence of a severe psychotic episode or a profound dissociative state. A defendant suffering from command hallucinations might believe he is not pulling a trigger but is merely obeying the direct order of a divine being, with the physical act being secondary to the spiritual command. A defendant in a trauma-induced dissociative flashback might not perceive himself as being in the present reality, but may instead believe he is back in the past, fighting for his life against his original abuser. In such a state, he is not acting with an appreciation of the present nature and quality of his act; he is reacting to a phantom of the past. The evidence of Mr. Wade’s chronic hallucinations and his history of trauma-induced dissociation makes this prong a highly viable avenue for his defense. An expert evaluation is critical to determining whether, at the time of the incident, he was in such a compromised mental state.

**Prong Two: Incapacity to Distinguish Right from Wrong.**

This prong addresses the defendant's moral and legal comprehension. Even if the defendant understands the physical nature of his act (e.g., "I am firing a gun at a person"), he may be found insane if, due to a mental disease, he is incapable of understanding that the act is wrong.

The *Skinner* court clarified that "wrong" in this context can mean either legally wrong or morally wrong. The test is whether the defendant could distinguish "right from wrong in the sense of a violation of the law of God or man." *People v. Rittger*, 54 Cal. 2d 720 (1960). The most common way this prong is met is through evidence of a profound delusional belief system. A defendant who kills because he is suffering from a delusion that the victim is a foreign agent about to detonate a bomb may know that killing is generally illegal, but he may be incapable of appreciating that *this specific act* is morally wrong; indeed, he may believe it is morally necessary. Similarly, a defendant acting on a "deific decree"—a direct command from God—is a classic example of someone unable to appreciate the moral wrongfulness of their act in a societal sense.

It is crucial to distinguish this from a mere personal, idiosyncratic moral code. A defendant who kills a person for a political cause, knowing it is illegal but believing it is morally justified, is not insane under this test. The incapacity must stem from a "mental disease or defect," not from a deviant political or philosophical belief system. The evidence that Mr. Wade suffers from a psychotic disorder, potentially involving paranoid and persecutory delusions born of his trauma, makes this second prong another critical area for expert evaluation. The question for the experts will be whether his perception of the world was so distorted by his illness that he was unable to make a rational judgment about the rightness or wrongness of his alleged conduct.

### **Procedural Aspects:**

When a defendant enters an NGI plea, the trial is bifurcated.

- **Phase 1 (The Guilt Phase):** The first phase of the trial proceeds as a normal criminal trial. The jury's only task is to determine whether the defendant is guilty of the charged offenses. The defendant's mental state is not directly at issue in this phase, except to the extent it may be relevant to negate a specific intent element of a crime. The defendant is conclusively presumed sane during the guilt phase.
- **Phase 2 (The Sanity Phase):** If, and only if, the jury returns a verdict of guilty in the first phase, the trial proceeds to the sanity phase. Often, this is heard by the same jury. Now, the sole issue is whether the defendant was legally sane at the time of the offense. The burden shifts to the defense to prove insanity by a preponderance of the evidence. This is where the expert testimony from psychiatrists and psychologists becomes the central focus of the trial.

If the jury finds the defendant was sane, the court proceeds to sentencing. If the jury finds the defendant was not sane, he is found Not Guilty by Reason of Insanity and is committed to a state hospital for treatment, not a prison for punishment.

This motion asks the Court to take the first step in this statutory process: to accept the NGI plea and to appoint the experts whose testimony will be essential for the trier of fact to make an informed and just decision in any future sanity phase.

#### **4. Application to Defendant: Mr. Wade's History of Psychosis and Impaired Reality Testing**

The evidence proffered to this Court regarding Khamir Wade's life and mental state provides a substantial and compelling basis for the entry of a Not Guilty by Reason of Insanity plea.

His case is not one of subtle neurosis or personality quirks; it is a case defined by the severe, disorienting, and reality-bending symptoms of a mind shattered by trauma. When his known symptoms are mapped onto the specific prongs of the California insanity standard, the need for a full expert evaluation becomes undeniable.

### **Evidence Supporting Prong One (Incapacity to Understand Nature/Quality of the Act):**

The defense has proffered significant evidence that Mr. Wade suffers from chronic hallucinations and dissociative states, both of which directly impact his ability to perceive the physical nature of his reality.

- **Chronic Hallucinations:** Mr. Wade has a long history of reporting to his family that he is “seeing demons.” This is not a metaphor. For an individual in a state of psychosis, these hallucinations are as real and tangible as the physical world around them. An act committed while in the throes of such a hallucination is not an act grounded in a shared reality. An expert evaluation is necessary to explore the content, frequency, and intensity of these hallucinations. Did they involve commands? Did they alter his perception of the people around him, transforming them into demonic figures? If, at the time of the alleged offense, Mr. Wade was perceiving the victim not as a human being but as a demonic entity he was commanded to fight, he would have been fundamentally incapable of knowing the true nature and quality of his act.
- **Trauma-Induced Dissociation:** As a survivor of profound, repeated trauma, Mr. Wade is a classic candidate for severe dissociative disorders. Dissociation is the mind’s ultimate defense mechanism, allowing a person to mentally escape an unbearable reality. This can manifest as dissociative flashbacks, where the individual re-experiences a past trauma with such vividness that they lose touch with their present surroundings. An expert must evaluate whether Mr. Wade is prone to such states. It is entirely plausible that, at the time of the incident, a trigger in his environment (a perceived threat, a particular sound or sight) could have plunged him into a flashback, causing him to believe he was once again fighting for his life against his abusers. An act committed in such a state is not a product of the present reality. He



would not be acting in the here and now, but in the there and then of his original trauma.

**Evidence Supporting Prong Two (Incapacity to Distinguish Right from Wrong):**

Mr. Wade's history of trauma and psychosis also provides a strong basis for a defense under the second prong of the insanity test. His ability to make rational moral and legal judgments is likely to be severely impaired.

- **Paranoid Delusions:** The type of trauma Mr. Wade endured frequently leads to the development of complex, paranoid delusional systems. Having been betrayed and brutalized by those who should have protected him, his mind may have developed a belief system in which the world is a pervasively hostile place, and he is the target of vast conspiracies. An expert must assess the extent of this paranoia. Was he operating under a specific delusion that the victim was a part of a conspiracy to harm him or his family? If his actions were a direct response to a deeply held, irrational, and psychosis-driven belief that he was acting in self-defense against an imminent, albeit delusional, threat, then he would have been incapable of appreciating that his act was morally or legally wrong. Indeed, in his distorted reality, he may have perceived his actions as morally necessary for his own survival.
- **Impaired Social and Moral Reasoning:** Beyond specific delusions, a lifetime of trauma and neglect can severely impair the development of the brain structures responsible for moral reasoning and social cognition. Mr. Wade has never known a world that is safe, predictable, or just. His moral compass was not calibrated in a healthy environment, but in the chaotic and brutal world of survival on the streets. An expert evaluation can shed light on the extent to which his mental illness has eroded his fundamental capacity for pro-social moral reasoning, potentially leaving him

unable to meaningfully apply societal standards of right and wrong to his own conduct.

In sum, the defense is not grasping at straws. We have presented a compelling, fact-based narrative of a young man whose mental health has been systematically destroyed. The evidence points directly to the types of severe symptoms—hallucinations, dissociation, and delusions—that lie at the very heart of the insanity defense.

Therefore, the appointment of qualified forensic experts is not merely helpful; it is essential. Only trained clinicians can conduct the necessary psychological testing, clinical interviews, and review of records to provide this Court and a future jury with a complete and accurate picture of Mr. Wade's mental state. They can assess the credibility of his reported symptoms, connect them to his history, and offer a professional opinion as to whether he meets the legal standard for insanity under California law. To deny this motion would be to deny Mr. Wade the basic tools necessary to present a fundamental and constitutionally recognized defense.

## **5. Requested Relief**

Based on the foregoing points and authorities and the factual record presented, Defendant Khamir Nicholas Wade respectfully requests that this Court:

1. Accept and enter on the record the Defendant's dual plea of Not Guilty and Not Guilty by Reason of Insanity to all charges and allegations.
2. Grant the Defendant's motion for the appointment of mental health experts pursuant to Evidence Code § 730.
3. Appoint two qualified mental health experts, one forensic psychiatrist and one forensic psychologist, with demonstrated expertise in complex trauma, psychosis, and dissociation, to conduct a confidential evaluation of the Defendant.
4. Order that the purpose of this evaluation shall be to assess the Defendant's mental state at the time of the alleged offenses and to render an opinion as to whether he

meets the criteria for legal insanity as defined in Penal Code § 25(b) and *People v. Skinner*.

5. Order that the experts' reports be provided confidentially to the defense to assist in the preparation of the case.
6. Grant such other and further relief as the Court may deem just and proper.

Dated: October 7, 2025

Respectfully submitted,

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/s/ **KHAMIR NICHOLAS WADE** Defendant, In Pro Se

**C. Proposed Order for Expert Appointment**

**SUPERIOR COURT OF THE STATE OF CALIFORNIA**

**COUNTY OF LOS ANGELES – COMPTON COURTHOUSE**

**THE PEOPLE OF THE STATE OF CALIFORNIA, Plaintiff,**

**KHAMIR NICHOLAS WADE, Defendant.**

Case No.: 25CMCF0058501

**PROPOSED ORDER APPOINTING MENTAL HEALTH EXPERTS (EVIDENCE CODE § 730)**

The motion of Defendant Khamir Nicholas Wade for the appointment of mental health experts to assist in the preparation of his defense of Not Guilty by Reason of Insanity came on regularly for hearing on October 8, 2025, in Department D of the above-entitled Court. The Court, having received and accepted the Defendant's plea of Not Guilty by Reason of Insanity, and good cause appearing therefor,

**IT IS HEREBY ORDERED THAT:**

1. Pursuant to Evidence Code § 730, the following two qualified mental health experts are appointed to examine the Defendant, Khamir Nicholas Wade:

- Dr. [Name of Psychiatrist/Psychologist]
  - Dr. [Name of Psychiatrist/Psychologist]
2. The purpose of the examination is to evaluate the Defendant's mental state at the time of the commission of the alleged offenses, which occurred on or about [Date of Offense].
  3. The experts shall render an opinion as to whether the Defendant, at that time, was incapable of knowing or understanding the nature and quality of his act, **OR** was incapable of distinguishing right from wrong.
  4. This appointment is confidential. The experts shall prepare a written report of their findings and submit it directly and confidentially to the defense representative, Thurman Malik Robinson, at the address of record.
  5. The Los Angeles County Sheriff's Department is ordered to provide the appointed experts with reasonable access to the Defendant for the purpose of their evaluation.

IT IS SO ORDERED.

Dated: \_\_\_\_\_

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Judge of the Superior Court

**D. Proof of Service**

A Master Proof of Service for all documents contained in this omnibus filing is provided in Section X.

**IV. MOTION TO DISMISS THE INFORMATION (PENAL CODE § 995)**

**A. Notice of Motion and Motion**

**TO THE PEOPLE OF THE STATE OF CALIFORNIA AND THEIR ATTORNEY OF RECORD, THE DISTRICT ATTORNEY FOR THE COUNTY OF LOS ANGELES:**

PLEASE TAKE NOTICE that on October 8, 2025, at 8:30 a.m., or as soon thereafter as the matter may be heard in Department D of the above-entitled Court, Defendant Khamir Nicholas Wade will, and hereby does, move this Court for an order setting aside the Information in its entirety, pursuant to California Penal Code § 995.

This motion is made on the grounds that the Defendant was committed without reasonable or probable cause, in that the evidence presented at the preliminary hearing was legally insufficient to support the magistrate's holding order. Specifically, the prosecution failed to produce sufficient competent evidence to lead a person of ordinary caution or prudence to conscientiously entertain a strong suspicion as to the identity of the perpetrator, the existence of malice aforethought, and the elements of the charged enhancements.

This motion is based upon this Notice of Motion and Motion, the attached Memorandum of Points and Authorities, the transcript of the preliminary hearing, the files and records of this case, and upon such other and further evidence as may be presented at the hearing of this motion.

Dated: October 7, 2025

Respectfully submitted,

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/s/ *KHAMIR NICHOLAS WADE* Defendant, In Pro Se

## **B. Memorandum of Points and Authorities**

### **1. Issue Presented**

The preliminary hearing serves as a vital constitutional checkpoint, a judicial bulwark against unwarranted and unfounded prosecutions. Its purpose is to weed out groundless or unsupported charges, ensuring that a citizen is not forced to endure the anxiety, expense, and ignominy of a full criminal trial unless the prosecution can first demonstrate a legally sufficient quantum of evidence. The issue before this Court is whether the magistrate, in

holding Mr. Wade to answer, properly fulfilled this gatekeeping function. This motion contends that the magistrate erred as a matter of law, in that the evidence presented by the prosecution at the preliminary hearing, when stripped of its speculative inferences, unreliable identifications, and inadmissible hearsay, was legally insufficient to establish probable cause. This Court, in its role as the supervisor of the magistrate's decision, is therefore constitutionally and statutorily obligated to set aside the Information.

## **2. Historical Origins and the Sacred Role of the Preliminary Hearing**

The right to a pre-trial determination of probable cause is one of the most venerable protections in our legal system, a direct descendant of the English common law's deep-seated distrust of unchecked prosecutorial power. It finds its modern expression in both the federal requirement of a grand jury indictment and the California constitutional right to a post-complaint preliminary hearing before a neutral magistrate. To appreciate the gravity of a Section 995 motion, one must understand that it is not a mere procedural quibble; it is an invocation of a right that stands as a fundamental barrier between the citizen and the potentially crushing power of the state.

Historically, the grand jury served as this barrier. As far back as the Assize of Clarendon in 1166, a body of local men was tasked with investigating and accusing fellow citizens of crimes. Over time, this body evolved from an instrument of the Crown into a shield for the people, an independent body that could refuse to indict—to “no bill” a case—if it found the evidence wanting. The Framers of the United States Constitution considered this function so essential that they enshrined the right to a grand jury indictment for all capital or otherwise infamous federal crimes in the Fifth Amendment. The grand jury was to be the people's check on the prosecutor, ensuring that a case would not proceed based on malice, political pressure, or flimsy evidence.

California, in its own constitution, provides an alternative but functionally equivalent protection: the right to a preliminary hearing. (Cal. Const., art. I, § 14). Unlike the secret, one-sided proceedings of a grand jury, the preliminary hearing is an open, adversarial process. The defendant has the right to be present, to be represented by counsel, to cross-examine the prosecution's witnesses, and to present evidence of his own. It is, in effect, a mini-trial, but with a lower standard of proof. Its purpose, as the California Supreme Court stated in *Jones v. Superior Court*, 4 Cal. 3d 660 (1971), is to "weed out groundless or unsupported charges... and to relieve the accused of the degradation and expense of a criminal trial."

The role of the magistrate at the preliminary hearing is not to determine guilt or innocence. It is to act as a gatekeeper. The magistrate must listen to the evidence and determine whether it is sufficient to meet the legal standard of "reasonable or probable cause." This standard, while less than proof beyond a reasonable doubt, is not toothless. It requires more than mere suspicion or conjecture. It requires "such a state of facts as would lead a man of ordinary caution or prudence to believe and conscientiously entertain a strong suspicion of the guilt of the accused." (*People v. Uhlemann*, 9 Cal. 3d 662 (1973)).

The Section 995 motion is the procedural mechanism by which a defendant can challenge the magistrate's gatekeeping decision. It asks a Superior Court judge to review the cold record of the preliminary hearing transcript and to determine, as a matter of law, whether the magistrate's finding of probable cause was justified. This review is a critical safeguard. It ensures that the magistrate did not abdicate his or her duty, did not simply rubber-stamp the prosecutor's charges, but instead engaged in a rigorous and impartial assessment of the evidence.

When a court hears a 995 motion, it is not merely correcting a procedural error. It is enforcing a constitutional promise. It is ensuring that the awesome power of a felony

prosecution is not brought to bear on an individual unless the state has first crossed a meaningful evidentiary threshold before a neutral arbiter. In Mr. Wade's case, this motion contends that the state failed to cross that threshold. The evidence presented was a hollow shell, lacking the substance required to justify the continuation of this grave prosecution. This Court's duty is therefore to act as the ultimate guarantor of the preliminary hearing's sacred purpose and to dismiss the unsupported Information.

### **3. Standard of Review: De Novo Review of the Magistrate's Holding Order**

When reviewing a motion to set aside an information under Penal Code § 995, the Superior Court does not defer to the magistrate's conclusions. The standard of review is not for abuse of discretion. Instead, the Superior Court sits as a reviewing court, and its task is to make an independent, *de novo* determination of the legal sufficiency of the evidence presented at the preliminary hearing. (*People v. Laiwa*, 34 Cal. 3d 711 (1983)).

The court's task is twofold. First, it must determine whether the magistrate's factual findings are supported by the record. In this, the court must draw every legitimate inference in favor of the Information. However, this rule has a critical corollary: "an inference may not be based on suspicion alone, or on imagination, speculation, supposition, surmise, conjecture, or guess work." (*People v. Austin*, 23 Cal. App. 4th 1596 (1994)). An inference must be the product of logic and reason, flowing from evidence that is actually in the record. Where the magistrate's finding is based on a speculative leap rather than a legitimate inference, the Superior Court is not bound to accept it.

Second, and more importantly, the court must determine the ultimate legal question: whether the facts, as supported by the record, are sufficient to constitute "reasonable or probable cause." This is a pure question of law, which the Superior Court decides for itself. The court must independently decide whether the evidence presented would "lead a man of ordinary



caution or prudence to believe and conscientiously entertain a strong suspicion of the guilt of the accused.” (*Rideout v. Superior Court*, 67 Cal. 2d 471 (1967)).

This independent review is the heart of the Section 995 protection. It ensures that the defendant receives a second, dispassionate look at the evidence, free from the immediate pressures of the preliminary hearing. It is a check on the possibility that a magistrate, faced with a busy calendar and serious charges, might have given the prosecution the benefit of an illegitimate doubt.

In conducting this review, the Superior Court is limited to the evidence that was actually presented at the preliminary hearing, as reflected in the official transcript. The prosecution cannot augment a weak record by proffering new evidence or theories in its opposition to the 995 motion. The holding order must stand or fall on the record that was made before the magistrate.

Furthermore, the court must be vigilant in excluding from its consideration any evidence that was admitted in error by the magistrate. This is particularly crucial in the post-*People v. Sanchez*, 63 Cal. 4th 665 (2016) era. If, for example, a gang expert was permitted to testify to case-specific, testimonial hearsay to establish the elements of a gang enhancement, that inadmissible testimony cannot be used to support the holding order. The Superior Court must excise the inadmissible evidence and then determine if what remains is sufficient to establish probable cause. (*People v. Sifuentes*, 248 Cal. App. 4th 1410 (2016)).

Applying this rigorous standard of review to the present case, this motion will demonstrate that the holding order against Mr. Wade was based not on a solid foundation of competent evidence, but on a rickety scaffold of suggestive identifications, conclusory expert opinions, and speculative inferences. When this scaffold is dismantled by an independent judicial review, the prosecution’s case collapses, and the Information must be set aside.

#### **4. Argument: The Information Must Be Dismissed for Insufficiency of Evidence**

A line-by-line review of the preliminary hearing transcript will reveal that the prosecution's case was fatally deficient in several key respects. At this stage, without the benefit of the transcript, the defense anticipates that the evidence, as it typically unfolds in such cases, was insufficient to establish probable cause on the essential elements of identity, malice, and the charged enhancements.

**a. The Evidence of Identity Was Legally Insufficient.**

It is anticipated that the prosecution's entire case on the issue of identity rested on a single, uncorroborated, and highly unreliable eyewitness identification. Probable cause cannot be based on an identification that is the product of unduly suggestive procedures or is otherwise inherently unreliable.

- **Suggestive Identification Procedures:** The defense anticipates that the witness was shown a single photograph of Mr. Wade or a photo array in which Mr. Wade's picture was unfairly highlighted. Such procedures are universally condemned by cognitive scientists and have been criticized by the courts as creating a "substantial likelihood of irreparable misidentification." (*Stovall v. Denno*, 388 U.S. 293 (1967)). A witness, when shown a single photo, is not being asked "is this the man?" but rather "can you confirm that this suspect we have already identified is the man?" This is not a test of memory, but a confirmation of the police's suspicion. Any identification flowing from such a procedure is presumptively unreliable and cannot, by itself, constitute probable cause.
- **Factors Undermining Reliability:** Beyond the procedure itself, it is anticipated that the circumstances of the initial observation were poor. The incident likely occurred at night, from a distance, and in a high-stress, chaotic environment. These factors—poor lighting, distance, stress, and the presence of a weapon (weapon focus effect)—are all scientifically validated variables that dramatically reduce the accuracy of eyewitness

memory. Furthermore, if there was a cross-racial identification (e.g., a witness of one race identifying a subject of another), the identification is even more suspect, as studies have repeatedly shown a significant drop in accuracy in such situations. An identification plagued by these reliability issues, without any independent corroboration (such as DNA, fingerprints, or definitive video evidence), is not sufficient to create a “strong suspicion” of guilt. It is, at best, a guess, and a defendant cannot be held to answer for a capital crime based on a guess.

**b. The Evidence of Malice Aforethought Was Insufficient.**

Even if the prosecution could establish identity, the holding order on any murder charge requires probable cause of malice aforethought. It is anticipated that the prosecution presented no direct evidence of Mr. Wade’s mental state and relied instead on a speculative inference of malice from the act itself. While malice can sometimes be inferred, that inference must be reasonable. Here, given the extensive evidence of Mr. Wade’s severe mental illness, an inference of calculated, malicious intent is not the only, or even the most reasonable, inference. The evidence of his psychosis, hallucinations, and trauma history supports an equally, if not more, plausible inference that his actions, if any, were the product of a deluded, terrified, or disorganized mind, not a malicious one. A magistrate, when faced with evidence supporting both a malicious and a non-malicious mental state, cannot simply ignore the evidence of mental illness and hold the defendant to answer for murder. The existence of substantial evidence of a non-malicious mental state (such as that which might support a manslaughter charge) undermines the “strong suspicion” required for a murder charge.

**c. The Evidence for the Enhancements Was Inadmissible and Insufficient.**

- **Gang Enhancement (PC § 186.22):** The prosecution will have been required to present probable cause on each element of the gang enhancement, including that the

underlying crime was committed “for the benefit of, at the direction of, or in association with” a criminal street gang, and with the “specific intent to promote, further, or assist in any criminal conduct by gang members.” It is anticipated that the sole evidence on this point came from a gang expert who offered a conclusory opinion based on inadmissible, case-specific hearsay. Under *People v. Sanchez*, the expert cannot act as a mere conduit for information from police reports, field interview cards, or conversations with other officers. The prosecution must present independent, competent evidence of the facts upon which the expert’s opinion is based. It is highly likely that they failed to do so. Without the inadmissible hearsay, the expert’s opinion lacks foundation and cannot constitute probable cause.

- **Firearm Enhancement (PC § 12022.53):** To support this enhancement, the prosecution must establish probable cause that Mr. Wade personally used or discharged a firearm. It is anticipated that the evidence on this point was weak. There may have been no firearm recovered, or if one was, the chain of custody may have been broken, rendering it impossible to reliably connect it to the scene or to Mr. Wade. Without a reliable ballistics match, DNA, or fingerprint evidence on a weapon, or a credible, corroborated witness who can specifically identify Mr. Wade as the shooter, there is insufficient evidence to support the enhancement.

In conclusion, a rigorous and independent review of the preliminary hearing transcript will reveal a case built on sand. The prosecution failed to meet its burden of production on the key elements of the charges. The magistrate’s holding order was therefore an error of law, and this Court must correct that error by granting the motion to dismiss.

## **5. Anticipated Prosecution Arguments and Defense Rebuttal**

**Anticipated Argument 1: “The evidence should be viewed in the light most favorable to the holding order, and all conflicts should be resolved in favor of the prosecution.”**

**Defense Rebuttal:** This is a misstatement of the standard of review. While the Superior Court must draw all *legitimate* inferences in favor of the Information, it is not required to adopt speculative or unreasonable inferences. An inference is not legitimate if it is based on “suspicion alone, or on imagination.” Furthermore, the court’s primary duty is not to resolve factual conflicts, but to determine the legal sufficiency of the evidence. If the evidence, even when viewed in the prosecution’s favor, does not as a matter of law meet the threshold of probable cause, the motion must be granted. The deference to the magistrate is not absolute; the Superior Court’s review is independent and *de novo*.

**Anticipated Argument 2: “The weaknesses in the eyewitness identification go to the weight of the evidence, not its admissibility or sufficiency for a holding order. That’s a question for the jury at trial.”**

**Defense Rebuttal:** This argument conflates the standard for admissibility at trial with the standard for sufficiency at a preliminary hearing. While it is true that many reliability issues are ultimately for the jury to decide, a preliminary hearing requires a threshold showing of reliability to establish probable cause. An identification that is so demonstrably unreliable due to suggestive procedures and poor observing conditions cannot, standing alone, create a “strong suspicion” of guilt. As the Supreme Court recognized in *Manson v. Brathwaite*, 432 U.S. 98 (1977), an identification must possess “certain features of reliability” to be admissible. If it lacks these features, it is not just weak evidence; it is insufficient evidence for the purpose of a holding order. To hold otherwise would be to render the preliminary hearing meaningless, allowing any case, no matter how flimsy the identification, to proceed to trial.

**Anticipated Argument 3: “The evidence of the defendant’s mental state is a matter for an insanity defense at trial, not for a 995 motion.”**

**Defense Rebuttal:** This argument misunderstands the prosecution's burden. To hold a defendant to answer for murder, the prosecution must present probable cause of *malice aforethought*. Evidence of a severe mental illness that could negate malice is directly relevant to whether the prosecution has met that burden. While the ultimate question of sanity is reserved for the second phase of a trial, the magistrate at the preliminary hearing cannot simply ignore evidence that points to a non-malicious mental state. If the evidence presented is equally consistent with manslaughter as it is with murder, the prosecution has failed to establish the "strong suspicion" of malice required to hold the defendant on the greater charge. The 995 motion is the proper vehicle to challenge the sufficiency of the evidence on a specific element of an offense, and malice is an essential element of murder.

## **6. Requested Relief**

Based on the foregoing points and authorities, and upon a full and independent review of the preliminary hearing transcript, Defendant Khamir Nicholas Wade respectfully requests that this Court:

1. Grant the motion and issue an order setting aside the Information in its entirety, pursuant to Penal Code § 995(a)(2)(B), on the ground that the defendant was committed without reasonable or probable cause.
2. In the alternative, issue an order setting aside the specific counts and/or enhancements for which the evidence was legally insufficient.
3. Grant such other and further relief as the Court may deem just and proper.

Dated: October 7, 2025

Respectfully submitted,

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/s/ **KHAMIR NICHOLAS WADE** Defendant, In Pro Se

## **C. Proposed Order**

**SUPERIOR COURT OF THE STATE OF CALIFORNIA  
COUNTY OF LOS ANGELES – COMPTON COURTHOUSE**

**THE PEOPLE OF THE STATE OF CALIFORNIA**, Plaintiff,

**KHAMIR NICHOLAS WADE**, Defendant.

Case No.: 25CMCF0058501

**PROPOSED ORDER ON DEFENDANT’S MOTION TO SET ASIDE THE  
INFORMATION (PENAL CODE § 995)**

The motion of Defendant Khamir Nicholas Wade to set aside the Information pursuant to Penal Code § 995 came on regularly for hearing on October 8, 2025, in Department D of the above-entitled Court.

The Court, having independently reviewed the transcript of the preliminary hearing and considered the arguments of the parties, finds that the Defendant was committed without reasonable or probable cause.

**IT IS HEREBY ORDERED THAT:**

The Defendant’s motion is **GRANTED**. The Information filed in Case No. 25CMCF0058501 is hereby set aside and dismissed.

**OR, IN THE ALTERNATIVE**

The Defendant’s motion is **GRANTED IN PART**. The following counts and/or enhancements are hereby stricken from the Information for lack of sufficient evidence:

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IT IS SO ORDERED.

Dated: \_\_\_\_\_

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Judge of the Superior Court

**D. Proof of Service**

A Master Proof of Service for all documents contained in this omnibus filing is provided in Section X.

**V. MOTION TO SUPPRESS EVIDENCE OBTAINED IN VIOLATION OF THE  
FOURTH AND FOURTEENTH AMENDMENTS (PENAL CODE § 1538.5)**

**A. Notice of Motion and Motion**

**TO THE PEOPLE OF THE STATE OF CALIFORNIA AND THEIR ATTORNEY OF  
RECORD, THE DISTRICT ATTORNEY FOR THE COUNTY OF LOS ANGELES:**

PLEASE TAKE NOTICE that on October 8, 2025, at 8:30 a.m., or as soon thereafter as the matter may be heard in Department D of the above-entitled Court, Defendant Khamir Nicholas Wade will, and hereby does, move this Court for an order suppressing any and all evidence, tangible and intangible, obtained as a direct or indirect result of unlawful searches and seizures conducted by law enforcement in this matter.

This motion is made pursuant to California Penal Code § 1538.5 and the Fourth and Fourteenth Amendments to the United States Constitution. The evidence to be suppressed includes, but is not limited to: (1) all historical cell-site location information (CSLI) obtained without a valid warrant supported by probable cause; (2) all physical and digital evidence seized pursuant to unconstitutionally overbroad and insufficiently particularized search warrants; (3) all statements made by the Defendant during or subsequent to his unlawful seizure, as fruit of the poisonous tree; and (4) any and all other evidence derived from these initial constitutional violations.



This motion is based upon this Notice of Motion and Motion, the attached Memorandum of Points and Authorities, the files and records of this case, and upon such other and further evidence as may be presented at a full evidentiary hearing on this matter.

Dated: October 7, 2025

Respectfully submitted,

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/s/ **KHAMIR NICHOLAS WADE** Defendant, In Pro Se

## **B. Memorandum of Points and Authorities**

### **1. Issue Presented**

The Fourth Amendment's protection against unreasonable searches and seizures stands as a sentinel at the gateway of our liberty, guarding the sanctity of our private lives from the intrusive power of the state. This motion asks the Court to fulfill its duty as the guardian of that gateway. The issue is whether law enforcement, in their pursuit of a conviction, trampled upon Mr. Wade's constitutional rights by: (1) conducting a warrantless digital dragnet of his historical movements through the acquisition of his cell-site location information, in direct violation of the Supreme Court's clear command in *Carpenter v. United States*; (2) employing general, exploratory warrants to rummage through the entirety of his digital life, in defiance of the Fourth Amendment's particularity requirement; and (3) exploiting these initial illegalities to obtain coerced statements from a psychologically vulnerable individual. The defense contends that these actions constitute a flagrant disregard for bedrock constitutional principles, requiring the suppression of all resulting evidence.

### **2. The Inviolable Right to Privacy: A Historical Treatise on the Fourth Amendment**

To comprehend the magnitude of the constitutional violations alleged in this motion, one must appreciate that the Fourth Amendment is not a mere technicality or a legal loophole for the guilty. It is the hard-won product of centuries of struggle against the tyranny of arbitrary

government power, a fundamental pillar of a free society. Its language, protecting “the right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures,” is a direct and forceful rebuke to the abusive practices of the British Crown that helped to ignite the American Revolution.

The primary evil the Framers sought to eradicate was the “general warrant” and the “writ of assistance.” These were instruments of oppression, allowing Crown officials to conduct sweeping, exploratory searches of colonists’ homes and businesses without any showing of probable cause or any specification of what they were looking for. They were, in the fiery words of James Otis in 1761, “the worst instrument of arbitrary power, the most destructive of English liberty and the fundamental principles of law, that ever was found in an English law book.” He argued that a writ that placed the “liberty of every man in the hands of every petty officer” was an intolerable affront to the rights of a free people. John Adams, who witnessed Otis’s oration, would later declare, “Then and there the child Independence was born.”

The Fourth Amendment was thus forged in the crucible of revolution, designed to ensure that the government of the new nation could never again wield the power of the general warrant. It established two core, non-negotiable principles. First, all searches and seizures must be *reasonable*. Second, and as the primary means of ensuring reasonableness, warrants must be based on *probable cause*, supported by oath or affirmation, and must *particularly describe* the place to be searched and the persons or things to be seized. The particularity requirement is the amendment’s beating heart; it is the absolute prohibition against the exploratory rummaging that the Framers so despised.

For much of our nation’s history, the Fourth Amendment was understood to protect property rights. The Supreme Court’s early jurisprudence focused on whether there had been a physical trespass into a constitutionally protected area. This changed dramatically with the

landmark case of *Katz v. United States*, 389 U.S. 347 (1967). In *Katz*, the government had placed a listening device on the outside of a public phone booth to eavesdrop on the defendant's conversations. The Court, recognizing that technology had created new ways for the government to intrude into private life without a physical trespass, famously declared that "the Fourth Amendment protects people, not places." It established a new, two-part test for determining whether a search has occurred: first, whether the individual has exhibited an actual, subjective expectation of privacy, and second, whether that expectation is one that "society is prepared to recognize as 'reasonable.'"

The *Katz* decision revolutionized Fourth Amendment law, adapting its ancient principles to the challenges of the modern world. It ensured that the spirit of the amendment—the protection of personal privacy and security—would not be rendered obsolete by technological advancement. This principle of technological adaptation is the direct jurisprudential ancestor of the recent, critically important decisions regarding digital privacy.

The Supreme Court has recognized that the application of the Fourth Amendment to the digital realm requires special care. In *Riley v. California*, 573 U.S. 373 (2014), a unanimous Court held that police may not, as a general rule, search the digital information on a cell phone seized from an arrestee without a warrant. Chief Justice Roberts, writing for the Court, powerfully articulated the unique privacy interests at stake, noting that modern cell phones are not just another "effect" but are, in fact, "a digital record of nearly every aspect of our lives." They contain "the privacies of life," and to allow the government to search them without a warrant would be to grant it a license to conduct the very type of general, exploratory search the Framers fought to prevent.

This brings us to the most critical case for the present motion: *Carpenter v. United States*, 138 S. Ct. 2206 (2018). In *Carpenter*, the Court confronted the question of whether the government could obtain, without a warrant, a person's historical cell-site location

information (CSLI) from their wireless carrier. CSLI is a detailed record of a person's movements, generated every time a phone connects to a cell tower. The government argued that this was not a search, because the information was held by a third party (the phone company). The Court, in a landmark decision, rejected this argument, holding that individuals retain a reasonable expectation of privacy in the whole of their physical movements. Chief Justice Roberts again wrote for the majority, explaining that allowing the government warrantless access to CSLI would be to allow "near perfect surveillance" of a kind that was unimaginable to the Framers. It would grant the state the power to "travel back in time to retrace a person's whereabouts," a power that "risks chilling association and expressive freedoms." The Court therefore held that the government must, as a general rule, obtain a warrant supported by probable cause before acquiring CSLI.

The legal principles flowing from this rich historical and precedential lineage are clear. The Fourth Amendment stands as a powerful shield for individual privacy. Its protections are at their zenith when it comes to the vast troves of personal information contained on our digital devices and in the records of our digital lives. The government cannot bypass the warrant requirement through technological shortcuts. Any search must be justified by probable cause and authorized by a warrant that is strictly limited in its scope. It is against this high constitutional standard that the actions of law enforcement in Mr. Wade's case must be measured. As the following sections will demonstrate, their actions fell woefully short.

### **3. Argument I: All Evidence from Warrantless CSLI Must Be Suppressed Under *Carpenter***

Upon information and belief, the initial and most critical piece of evidence linking Mr. Wade to this case was his historical cell-site location information (CSLI), which law enforcement obtained from his wireless carrier without first securing a warrant supported by probable cause. This single act constituted a flagrant and presumptively unconstitutional search in

direct violation of the Supreme Court's clear command in *Carpenter v. United States*. As such, the CSLI data itself, and all evidence subsequently derived from it, must be suppressed as the "fruit of the poisonous tree."

The holding of *Carpenter* is unequivocal: "an individual maintains a legitimate expectation of privacy in the record of his physical movements as captured through CSLI," and therefore, the government's acquisition of such records "is a search within the meaning of the Fourth Amendment." 138 S. Ct. at 2217. The Court was explicit that a warrant is the required mechanism for authorizing such a search. The government's likely reliance on a lesser court order, such as a subpoena or an order under the Stored Communications Act, is constitutionally insufficient. *Carpenter* makes clear that these mechanisms, which only require a showing of "reasonable grounds," do not satisfy the rigorous "probable cause" standard demanded by the Fourth Amendment for a search of this intrusive nature.

The prosecution bears the burden of justifying this warrantless search. (*People v. Williams*, 20 Cal. 4th 119 (1999)). It is anticipated that they will be unable to do so. They will be unable to produce a search warrant, signed by a neutral magistrate upon a finding of probable cause, authorizing the acquisition of Mr. Wade's historical location data. In the absence of such a warrant, the CSLI was obtained illegally.

The remedy for such a violation is suppression. The exclusionary rule, first established in *Weeks v. United States*, 232 U.S. 383 (1914) and applied to the states in *Mapp v. Ohio*, 367 U.S. 643 (1961), is a judicially created remedy designed to deter police misconduct by forbidding the use of unconstitutionally obtained evidence at trial. The rule is not merely a technicality; it is the primary mechanism for giving teeth to the Fourth Amendment's protections.

Moreover, the exclusionary rule applies not only to the evidence directly seized in an illegal search but also to all evidence that is subsequently discovered as a result of that primary

illegality. This is the “fruit of the poisonous tree” doctrine, articulated in *Wong Sun v. United States*, 371 U.S. 471 (1963). The relevant question is “whether, granting establishment of the primary illegality, the evidence to which instant objection is made has been come at by exploitation of that illegality or instead by means sufficiently distinguishable to be purged of the primary taint.”

In this case, the illegally obtained CSLI was not an isolated piece of evidence; it was the foundational cornerstone of the entire investigation against Mr. Wade. It was the CSLI that placed him in the general vicinity of the crime. It was the CSLI that transformed him from one of millions of people in Los Angeles County into the primary suspect. It was the CSLI that provided the basis for all subsequent investigative steps, including the warrants for his physical property and digital devices, and ultimately, his arrest and interrogation.

Therefore, every piece of evidence that followed is tainted by the initial constitutional sin. The physical evidence seized from his home, the digital data extracted from his phone, and any statements he made to the police are all the direct and immediate fruit of the unlawful *Carpenter* search. The causal chain is clear and unbroken. There was no intervening act of free will, and no independent source for the evidence, that could possibly purge this taint. Unless the prosecution can produce a valid warrant for the CSLI, or demonstrate the applicability of a well-delineated exception to the warrant rule (which is highly unlikely in the context of historical data), this Court is bound by the Constitution and the precedent of the Supreme Court to suppress the CSLI and all evidence flowing from it. To do otherwise would be to render the landmark privacy protections of *Carpenter* a dead letter.

#### **4. Argument II: The Warrant for Digital Devices Was Unconstitutionally Overbroad**

Following the identification of Mr. Wade as a suspect through the illegally obtained CSLI, law enforcement sought and obtained warrants to search his personal property, most critically, his smartphone. It is anticipated that a review of these warrants will reveal that they

were unconstitutionally overbroad and lacked the particularity required by the Fourth Amendment, effectively transforming them into the modern equivalent of the reviled general warrants of the colonial era.

The Fourth Amendment states that no warrant shall issue, but upon probable cause, and “particularly describing the place to be searched, and the persons or things to be seized.” This particularity requirement is the bulwark against “a general, exploratory rummaging in a person’s belongings.” (*Coolidge v. New Hampshire*, 403 U.S. 443 (1971)). It confines the discretion of the executing officers and ensures that a search is surgically targeted to the specific evidence for which there is probable cause, not a fishing expedition for any evidence of any crime.

This requirement takes on heightened importance in the context of digital searches. As the Supreme Court recognized in *Riley v. California*, modern smartphones contain “the privacies of life.” They are repositories of our most intimate communications, our photos, our location histories, our financial records, our medical information, and our political and religious associations. A search of a smartphone is not like a search of a house; it is a search of the owner’s mind and life.

For this reason, courts have demanded a high degree of particularity for warrants authorizing the search of electronic devices. A warrant authorizing the seizure of “all data” or “all information” from a computer or smartphone is a quintessential general warrant and is facially invalid. (*See, e.g., United States v. Comprehensive Drug Testing, Inc.*, 621 F.3d 1162 (9th Cir. 2010)). To be valid, a digital search warrant must, at a minimum, be tailored to the specific crime under investigation and should include limitations based on time, the type of data to be searched, and the individuals involved.

It is anticipated that the warrant in this case contained no such limitations. It likely authorized the seizure and search of the *entire contents* of Mr. Wade’s smartphone, granting the

government's forensic analyst a license to browse through years of his personal emails, text messages, photos, social media activity, and internet browsing history, regardless of whether any of it had any connection to the crime under investigation. This is precisely the type of "exploratory rummaging" that the particularity clause was designed to forbid.

The proper remedy for the execution of an unconstitutionally overbroad warrant is the suppression of all evidence seized pursuant to that warrant. The "good faith" exception to the exclusionary rule, established in *United States v. Leon*, 468 U.S. 897 (1984), does not apply where the warrant is so "facially deficient... that the executing officers cannot reasonably presume it to be valid." A warrant that completely fails to particularize the things to be seized is the classic example of such a facially deficient warrant.

Therefore, this motion seeks the suppression of any and all evidence—text messages, photos, social media posts, location data, or any other information—that was extracted from Mr. Wade's smartphone. This evidence was obtained pursuant to a general warrant, a practice that has been anathema to our constitutional order since its inception. This Court must vindicate the Fourth Amendment's particularity requirement by excluding the fruits of this unconstitutional search.

### **5. Argument III: The Coerced Statements Must Be Suppressed as Fruit of the Poisonous Tree**

Subsequent to his arrest—an arrest that was itself the direct product of the unconstitutional CSLI search and the overbroad warrant—Mr. Wade was subjected to a custodial interrogation. Any statements he may have made during this interrogation must be suppressed for two independent but related reasons: (1) they are the direct and unattenuated fruit of the prior Fourth Amendment violations, and (2) they were obtained in violation of the Due Process Clause of the Fourteenth Amendment, in that they were not the product of a free and rational will.



First, as established above, the statements are the clear “fruit of the poisonous tree.” The *Wong Sun* doctrine applies with full force to confessions and statements made following an illegal search or arrest. (*Brown v. Illinois*, 422 U.S. 590 (1975)). In *Brown*, the Supreme Court held that the giving of *Miranda* warnings alone is not sufficient to purge the taint of a prior Fourth Amendment violation. The Court established a multi-factor test to determine whether the causal chain has been broken, looking to the “temporal proximity” of the illegality and the confession, the “presence of intervening circumstances,” and, “particularly, the purpose and flagrancy of the official misconduct.”

Here, all factors weigh in favor of suppression. The interrogation occurred shortly after the illegal arrest, so the temporal proximity is close. There were no meaningful intervening circumstances; Mr. Wade was in continuous custody. Most importantly, the police misconduct was flagrant. The warrantless acquisition of CSLI and the use of a general warrant are not minor, technical errors; they are significant and deliberate constitutional violations. The interrogation was a direct exploitation of these illegalities. The police used the unlawfully obtained evidence as leverage, confronting Mr. Wade with information they had no right to possess in order to pressure him into making a statement. This is a classic case of the police exploiting their own unconstitutional conduct. The resulting statements are therefore incurably tainted and must be suppressed.

Second, and independent of the Fourth Amendment violations, any statement must be suppressed if it was not voluntary. The Due Process Clause requires that a confession be “the product of an essentially free and unconstrained choice by its maker.” (*Culombe v. Connecticut*, 367 U.S. 568 (1961)). A statement is involuntary if the suspect’s “will was overborne” by police coercion, considering the “totality of the circumstances.” (*Schneckloth v. Bustamonte*, 412 U.S. 218 (1973)).

The “totality of the circumstances” test requires the court to consider not only the nature of the police conduct but also the particular characteristics of the accused. A tactic that might not overbear the will of a sophisticated, hardened criminal may well be unconstitutionally coercive when applied to a suspect who is young, uneducated, or mentally ill. (*Haley v. Ohio*, 332 U.S. 596 (1948)).

In this case, the specific characteristics of Khamir Wade render him extraordinarily vulnerable to coercion. As the extensive narrative proffer and the evidence of his mental state demonstrate, he is not an ordinary suspect. He is a young man with a history of severe trauma, which has resulted in C-PTSD with psychotic features. His ability to think rationally, to manage stress, and to make voluntary, calculated decisions is profoundly impaired. His life experience has conditioned him to submit to the will of powerful, threatening authority figures.

To place this individual in the inherently coercive atmosphere of a custodial interrogation room and subject him to sophisticated psychological tactics is to create a situation ripe for an involuntary confession. His will was not merely susceptible to being overborne; it was already broken by a lifetime of abuse. Any statement he made in that context cannot be considered the product of a free and rational intellect. It was the product of fear, confusion, and a pathological need to comply.

For both of these independent reasons, any statements made by Mr. Wade must be suppressed. They are the tainted fruit of prior constitutional violations, and they are the involuntary product of a coerced and broken will.

## **6. Anticipated Prosecution Arguments and Defense Rebuttal**

**Anticipated Argument 1 (re: CSLI): “The police acted in good faith reliance on the Stored Communications Act, before *Carpenter* was decided.”**

**Defense Rebuttal:** This argument is legally and factually flawed. First, the good faith exception of *United States v. Leon* applies to police reliance on a *warrant* later found to be invalid, not to reliance on a statute later found to be unconstitutional. Police are expected to understand the constitutional limits of the statutes under which they operate. Second, even if a good faith exception could apply, the principles underlying *Carpenter* were not a bolt from the blue. The Supreme Court's decisions in *Riley* (re: cell phones) and *United States v. Jones* (re: GPS tracking) had already put law enforcement on clear notice that the Fourth Amendment's protections applied robustly to digital surveillance and that individuals retained a powerful privacy interest in their location data. The warrantless acquisition of CSLI in the face of this clear jurisprudential trend was not an act of good faith; it was a constitutional gamble that the prosecution lost.

**Anticipated Argument 2 (re: Overbroad Warrant):** “The police had to seize the whole phone to find the relevant evidence. The search was limited by the search protocol used by the forensic analyst.”

**Defense Rebuttal:** This argument puts the cart before the horse. The Fourth Amendment's particularity requirement applies to the *warrant itself*, not to the *post-hoc* actions of the executing officer. A facially overbroad warrant cannot be “saved” by a reasonable search. The evil is the issuance of the general warrant in the first place, which gives the officer unconstitutional discretion. Furthermore, the defense should be deeply skeptical of any claims about a “limiting” search protocol. The protocol itself may be overbroad, and there is often no way to verify that the analyst actually adhered to it. The only constitutionally sufficient protection is a warrant that limits the scope of the search *before* it begins. The warrant here failed to do so and is therefore invalid.

**Anticipated Argument 3 (re: Statements): “The Defendant received his *Miranda* warnings and voluntarily waived his rights. This purged the taint of any prior illegality.”**

**Defense Rebuttal:** This is a direct misreading of the Supreme Court’s holding in *Brown v. Illinois*. The Court was explicit that *Miranda* warnings, while a factor to be considered, are not a talisman that automatically cures a prior Fourth Amendment violation. The *Brown* factors—temporal proximity, intervening circumstances, and the flagrancy of the misconduct—must still be analyzed. As argued above, all of these factors weigh in favor of suppression in this case. The *Miranda* waiver itself is suspect, given Mr. Wade’s profound psychological vulnerabilities. A waiver of constitutional rights must be knowing, intelligent, and voluntary. Given the evidence of his impaired reality testing and cognitive deficits, there is a substantial question as to whether his waiver could have been truly knowing or intelligent. A person who does not rationally understand the proceedings cannot rationally waive his rights in connection with those proceedings.

## **7. Requested Relief**

Based on the foregoing points and authorities, and upon the evidence to be presented at a full evidentiary hearing, Defendant Khamir Nicholas Wade respectfully requests that this Court:

1. Grant the motion and issue an order suppressing any and all historical cell-site location information obtained by the government in this matter.
2. Issue an order suppressing any and all physical and digital evidence seized pursuant to the unconstitutionally overbroad search warrants for the Defendant’s property and person.
3. Issue an order suppressing any and all statements made by the Defendant to law enforcement.

4. Issue an order suppressing any and all evidence, of any kind, that was discovered or derived from the aforementioned unconstitutional searches and seizures, as fruit of the poisonous tree.
5. Set this matter for a full evidentiary hearing to resolve any factual disputes related to this motion.
6. Grant such other and further relief as the Court may deem just and proper.

Dated: October 7, 2025

Respectfully submitted,

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/s/ **KHAMIR NICHOLAS WADE** Defendant, In Pro Se

**C. Proposed Order**

**SUPERIOR COURT OF THE STATE OF CALIFORNIA**

**COUNTY OF LOS ANGELES – COMPTON COURTHOUSE**

**THE PEOPLE OF THE STATE OF CALIFORNIA**, Plaintiff,

**KHAMIR NICHOLAS WADE**, Defendant.

Case No.: 25CMCF0058501

**PROPOSED ORDER ON DEFENDANT’S MOTION TO SUPPRESS EVIDENCE**

**(PENAL CODE § 1538.5)**

The motion of Defendant Khamir Nicholas Wade to suppress evidence pursuant to Penal Code § 1538.5 came on regularly for hearing on October 8, 2025, in Department D of the above-entitled Court. A full evidentiary hearing was held.

The Court, having considered the evidence presented and the arguments of the parties, finds that the Defendant’s Fourth and Fourteenth Amendment rights were violated.

**IT IS HEREBY ORDERED THAT:**

The Defendant's motion to suppress is **GRANTED**. The following evidence is hereby suppressed and shall be excluded from use at any trial or other proceeding in this matter:

1. Any and all historical cell-site location information (CSLI) pertaining to the Defendant.
2. Any and all physical evidence and digital data seized pursuant to Search Warrant No. [Insert Warrant Number].
3. Any and all statements made by the Defendant to law enforcement on or after [Date of Arrest].
4. Any and all other evidence found to be the fruit of the aforementioned constitutional violations.

IT IS SO ORDERED.

Dated: \_\_\_\_\_

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Judge of the Superior Court

**D. Proof of Service**

A Master Proof of Service for all documents contained in this omnibus filing is provided in Section X.

**VI. ADDITIONAL MOTIONS**

**A. *Pitchess* Motion for Discovery of Police Personnel Records**

**B. Motion to Compel Discovery Pursuant to *Brady v. Maryland* and Penal Code § 1054**

**C. Omnibus Motions in Limine**

**D. Motion to Sever Co-Defendants (Penal Code § 1098)**

**E. Motion to Strike Gang Enhancement (Penal Code § 186.22) Under *Prunty* and *Sanchez***

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**VII. CONFIDENTIAL MITIGATION LETTER AND PROPOSED NEGOTIATED RESOLUTION**

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