

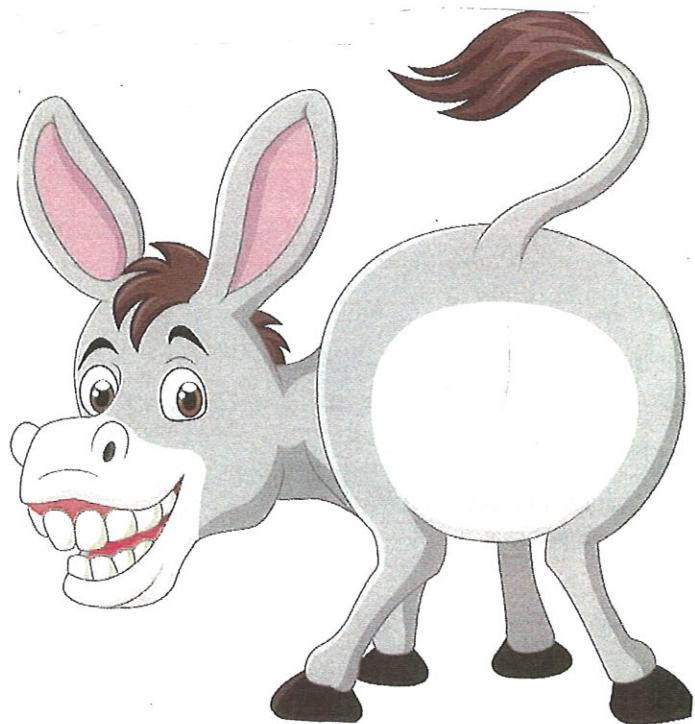
**U.S.
CONSTITUTION
R.I.P.**

VOLUME ONE

**CALIFORNIA COULD BE THE FIRST
SOCIALISTIC / COMMUNISTIC
STATE OF AMERICA**

**POORLY MANAGED
OVER TAXED
OVER REGULATED
AND
NEWSOM'S TOTAALITARIANISM**

I SAY CALIFORNIA KISS MY ASS



FREEDOM IS NOT FREE
IT BELONGS TO THOSE WHO ARE WILLING TO
FIGHT FOR IT

THE ONLY RIGHTS YOU HAVE ARE THE ONES YOU
ARE WILLING TO DEFEND

BELOW IS MY STORY AND WHAT HAPPENED WHEN
I STOOD UP AND REFUSED TO LET A
D.A. INTIMIDATE ME INTO TAKING A PLEA TO A
CRIME THAT I WAS NOT GUILTY OF
THEIR ONLY PATH TO A CONVICTION WAS
TO TOTALLY VIOLATE MY
CONSTITUTIONAL RIGHTS

US CONSTITUTION R.I.P.

Is the Constitution Dead,

This is my story from arrest, time held in Sacramento County jail, trial and conviction, it's my story about Sacramento county jail and the Superior Court if they follow the U.S. Constitution, the same constitution that I and many others defended while serving in the military, it's the same constitution that Sacramento denies the existence of, it appears that this is through out the whole of California, as far as the California courts are concerned when a person is arrested he is guilty, he is housed, fed, clothed, with prisoners that have already been convicted, his right to due process is whatever the court says it is, statutory time lines for court dates are not followed. At one court appearance I brought to the attention of my attorney my rights to be considered innocent until proven guilty, and constitutional rights to due process, my Public Defender's response was "you're watching too much court room TV". That's when It became clear that California judicial system does not recognize the constitutional rights of its citizens. (**Read my Habeas Corpus on the denial of the right to a speedy trial**).

(Denial of a speedy trial legal definition of Denial of a speedy trial; Reference, <https://www.thefreedictionary.com/denial+speedy+trial>) "A delay of at least one year in bringing a defendant to trial following arrest will trigger a presumption that the Sixth amendment has been violated, with the level of scrutiny increasing in direct proportion to the length of delay.

My name is Ronald Russell, and I spent 483 days in Sacramento jail waiting to prove my innocence. Understand a person has the right to be considered innocent until proven guilty. Your right to a speedy trial, means a speedy trial should be within 180 days of arrest, I understand that the 180 days is not a hard time line there can be mitigating circumstances. In court I refused to wave my right to a speedy trial, so the judge said

don't worry Mr. Public Defender I'll do it for him. Does that mean the judge has the right to override the US Constitution?

My constitutional rights were disregarded by the D.A., ignored by my Public Defender and their actions were supported by the Judge

My constitution states that you have the right to be considered innocent until proven guilty. If that's true, why was I held in jail for 483 days housed with guilty inmates, ate the moldy bread, drank the same sour milk, served the same cold food, housed with prisoners that got into fights daily. When you're locked up, you're treated the same as a guilty inmate., taken before the judge in jail clothes, and in handcuffs. I waited 483 days treated as a guilty inmate, waiting 483 days to prove my innocence. Where was my constitutional rights? (**Read my Habeas corpus on Factual and Actual innocence**).

My public defender, a Mr. Slaughter, considering the outcome of the trial his name fit him (**Read my Habeas Corpus on ineffective assistance of counsel**)

Ineffective Assistance of Counsel DEFINED; A claim raised by a convicted criminal defendant where the innocent defendant's legal counsel performed so ineffectively that it deprived the defendant of the constitutional right guaranteed by the Assistance of Counsel Clause of the Sixth Amendment to the United States Constitution. Having the benefit of counsel or assistance of counsel means that the criminal defendant has had a competent attorney representing them. **Competence is defined as:** Reasonable professional assistance and is defined in part by prevailing professional norms and standards. To prove they received ineffective assistance, a criminal defendant must show two things

1. **Deficient performance by counsel**
2. **Resulting prejudice, in that but for the deficient performance, the result of the proceeding would have differed.**

The judge and the district attorney based my bail on me being guilty and placed extreme demands for bail. However, I was under the standards set by law for O. R. I more than qualified for release on my own recognizance, but the district attorney said in court that my crimes were so heinous that I should never be released, (My charges were on a white-collar crime, nonviolent). He never referred to my charges as "**alleged**", that was a predisposition of guilt, guilty before trial, that was accepted by the judge, and uncontested by my public defender. (**Read my Habeas Corpus on prosecutorial misconduct**)

Reference: Innocence Project web site; In jurisprudence, prosecutorial misconduct is "AN ILLEGAL ACT OR FAILING TO ACT, on the part of a prosecutor especially an attempt to sway the jury to wrongfully convict a defendant or to impose a harsher than appropriate punishment.)

Judge Kosinski describes in detail the power that a prosecutor and his investigators have; "Prosecutors hold tremendous power, more than anyone other than jurors, and often much more than jurors because most cases don't go to trial. Prosecutors and their investigators have unparalleled access to evidence, both inculpatory and exculpatory, and while they are required to provide exculpatory evidence to the defense under Brady, Giglio, and Kyles v. Whitley, it is very difficult for the defense to find out whether the prosecution is complying with this obligation".

From the Washington Post, by Eugene Volokh, July 17, 2015;

JUDGE KOZINSKI ON PROSECUTORIAL MISCONDUCT (Article available on request).

Judge Kosinski further states “Prosecutors also have tremendous control over witnesses, they can offer incentives—often highly compelling incentives – for suspects to testify, this includes providing sweetheart plea deals to alleged co-conspirators and engineering jail-house encounters between the defendant and known informants.”

Moreover; “Sometimes they feed snitches non-public information about the crime so that the statements they attribute to the defendant will sound authentic. And, of course, prosecutors can pile on charges to make it exceedingly risky for a defendant to go to trial. There are countless ways in which prosecutors can prejudice the fact-finding process and undermine a defendant’s right to a fair trial.”

Judge Kosinski goes on to point out that this is not their job. Rather, as the Supreme Court has held “A prosecutor is in a peculiar and very definite sense the servant of the law, the twofold aim of which is that guilty shall not escape, or innocence suffer. He may prosecute with earnestness and vigor—indeed, he should do so. But, while he may strike hard blows, he is not at liberty to strike foul ones”

Judge Kosinski points out that there are disturbing indications that a non-trivial number of prosecutors—and sometimes entire prosecutorial offices—engage in misconduct that seriously undermines the fairness of criminal trials. The misconduct ranges from misleading the jury, to outright lying in court and tacitly acquiescing or actively participating in the presentation of false evidence by police.

Judge Kaminski also points how prosecutorial misconduct is a particularly difficult problem to deal with because so

much of what prosecutors do is secret. If a prosecutor fails to disclose exculpatory evidence to the defense, who is to know? Or if a prosecutor delays disclosure of evidence helpful to the defense until the defendant has accepted an unfavorable plea bargain, no one will be the wiser. Or if prosecutors rely on the testimony of cops they know to be liars, or if they acquiesce in a police scheme to create inculpatory evidence, it will take an extraordinary degree of luck and persistence to discover it—and in most cases it will never be discovered.

The judge goes on to site 3 cases that he was involved in, one where a certain senator was in an election campaign and falsely convicted of a crime that was later to be determined that prosecutorial misconduct took place, he lost his run for the senate seat, his name was tarnished, and it changed the balance of power in the senate.

The practice of the prosecutor's going in too many cases unchallenged leaving the defendant to spend time in prison innocent as in my case, I have spent more than 5 years pleading my innocence and will continue all the way to the U.S. Supreme Court if needed.

I believe that what needs to happen is when a prosecutor has been found to practice prosecutorial misconduct, he at the very least he should lose his license to practice law, depending on the severity of the case he should face fines and possibly spend time in the same prison he put the defendant into. At this point they are left to go on with their misconduct.

OUR BIGGEST THREAT TO LIBERTY COMES FROM THOSE WHO WE ELECT

KAMALA HARRIS WAS CALIFORNIA'S D.A. AT THE TIME OF MY TRIAL HER POLICY OF TOUGH ON CRIME ALLOWING LOCAL D.A.'S TO VIOLATE THE CONSTITUTIONAL RIGHTS OF ITS CITIZENS

NOW HARRIS IS THE VICE PRESIDENT

Here are the conditions that I and other inmates dealt with daily, held in jail innocent waiting on trial,

LIVING CONDITIONS, food served cold held at room temperature for extended periods of time up to an hour. Outside food service companies would be shut down, as food should be kept below 40 degrees or above 140 degrees, that is a food service standard. Their food practices are a health hazard.

COLD AIR, frigid air pumped into the inmate area is so cold that half the inmates either walk around with a blanket or just stay in bed all day.

UNSANITARY CONDITIONS, sinks plugged up so that an inmate cannot wash his hands after using the toilet, food served by inmates with AIDS, etc. with no regard to having a health certificate.

SLEEP DEPRIVATION, deputies wake up everyone approximately every two hours around the clock. This tactic is used as a form of mind control for POWs.

CANTEEN, canteen services for inmates to buy, everything from foods to needed soap, toothpaste etc. The county gives you only one vendor that has marked up the prices from 300 to 1000% and many of the inmates are with very low funds, if any at all. Talk about taking advantage of low income persons. Correct me if I'm wrong, but do we have laws about price fixing, price gouging, antitrust etc.? Just another example of how Sacramento violates the people that are in their charge.

The above statements are just a few of just how innocent people are treated in the care of Sacramento county jail. I understand security issues however Sacramento deputies promote cruel and unusual punishment. There is no way a person arrested and held in jail is considered innocent until proven guilty.

You might say "well he was guilty so it's ok ". Violating a person's rights is never ok. When someone is put in charge of another person, the person in charge has an obligation for his or her care, **(READ MY ENTIRE HABEAS CORPUS AND SEE IF I WAS EVER GUILTY OR WAS MY CONSTITUTIONAL RIGHTS SO VIOLATED THAT I SPENT 8 YEARS TRYING TO PROVE MY INNOCENCE).**

THE HABEAS CORPUS POSTED BELOW IS BASED ON COURT TRANSCRIPTS, CASE LAW AND MY US CONSTITUTIONAL RIGHTS

THIS WRIT OF HABEAS CORPUS HAS BEEN FILED IN THE U.S. DISTRICT COURT, EASTERN DISTRICT OF CALIFORNIA, FILED 12-27-2017, CASE NUMBER 2:17-cv-

the above mentioned constitutional violations, she spent the 2 plus years determining that the judge calculated the time served prior to sentencing incorrectly, ignoring the multiple constitutional violations (**READ MY HABEAS CORPUS ON INEFFECTIVE ASSISTANCE OF APPELLATE COUNSEL.**)

(My Habeas Corpus was written and all court proceedings were directed by Mr. Keith Higgins)

After a wasted 2 years on the Appellate Attorney I proceeded to file my first Habeas Corpus, as required by the courts one must first start with the California Superior Court, I received a blanket denial without comment. I then moved to the California Court of Appeal, and after some time passed, I received the same blanket denial without comment. Then moved the Habeas into the California Supreme court, and again received a blanket denial.

The courts never read the merits of the habeas, just held it for months and months then denied the Habeas, if that does not show California has a disregard for the constitution, the rights of its citizens, from my view California considers the constitution a hindrance, an obstacle for the California courts getting in the way of their mock justice.

U S Constitution Resurrected!!

Having exhausted all my California remedies I filed my habeas in the Federal courts, (U.S. District Court Eastern District of

California), this was filed on 11-19-18, within less time than any California court took to reject my Habeas I have had action with the Federal court.

On October 24, 2018 the Federal court ordered the attorney general to show cause, stating “**The court has examined petitioner’s petition as required by law, It does not plainly appear from the petition and any attached exhibits that petitioner is not entitled to relief.**” Order went out to the Attorney General to respond.

On December 24, 2018 the Attorney General responded with a motion to Dismiss, on the bases that I am no longer in custody, this motion included quotes from case law, however the AG only used half of the case law, and left out decisions from the 9th circuit court, in that a person is considered in custody if that person to be found unlawfully of personal deprived liberty.

On Feb 6, 2019, I filed my response showing the whole case law, showing the AG’s motion to Dismiss is in fact fatally flawed.

On Sept. 4, 2019, the federal Judge denied the AG’s motion to dismiss. In a 9 page answer to the AG’s motion using words like; “ Respondent has failed to meet his burden because he has not made an argument in his motion to dismiss that is both persuasive and supported by proper legal authority”, It appears Respondent misunderstands habeas law generally”, the court finds this argument flawed and unpersuasive” , the Respondent’s argument is completely without merit, as such, this court finds Respondent’s arguments here wholly unpersuasive”. It goes on and on from the judge, and comes down to the conclusion from the court; 1. Respondent’s motion to dismiss is denied; and 2. Within 60 days of the date of this order, respondent shall file an answer to petitioner’s petition for writ of habeas corpus.....TO BE CONTINUED

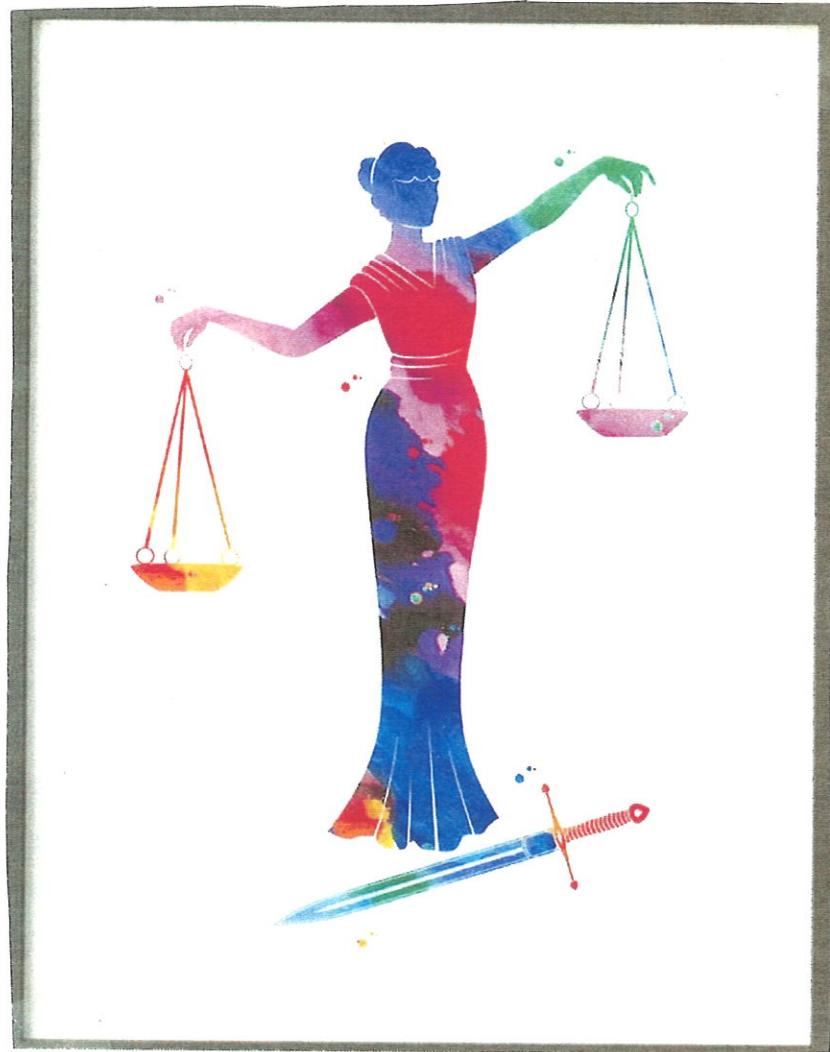
OUR BIGGEST THREAT TO OUR CONSTITUTION IS FOUND IN THE HALLS OF CONGRESS

Assistant District Attorney Dean Archabald know that he did not have a case he could win, so he violated my constitutional rights by dening me the right to a speedy trial, perjured testimony, 3 brady violations among other numerous unethical practices.

His practices are found much to offten in the courts of our country,

They say that justice is blind

**I say that justice is not blind
its only colored blind
and only see's the color
\$\$ GREEN \$\$**



**Up to this time I have represented myself as pro-se (without an attorney).
To continue to seek justice I will need help with legal fee's to take my case all
the way to the US Supreme court if needed,**

**With Your Help
I will Stand up for the Constitution
Prove My Innocents
Expose California's Corrupt Justice System
Giving Hope to other Wrongfully Convicted Californian's**