

Chapter Two

PRE-TRIAL SUMMARY OF EVENTS AS OF 4-10-2013

Listed below is a series of actions I believe to be violations of my rights to a fair trial the results of having to rely on a Public Defender.

Reference materials: The US Constitution with interpretations from the Criminal Law handbook, NOLO 12th edition.

Violations against me and, I am sure against many others include:

MALPRACTICE – Official misconduct, violations of public trust or duty.

GROSS NEGLIGENCE- Negligence that is marked by conduct that presents an unreasonable high degree of risk to others by failing to exercise even the care needed in protecting them from it, and that is sometimes associated with **“CONSCIENCE AND WILLFUL INDIFFERENCE TO THEIR RIGHTS”**

CULPABLE NEGLIGENCE (criminal Negligence), A gross deviation from the standard of care expected of a reasonable person that manifest in failure to protect others from risk deriving from one's conduct and that renders one criminally liable.

MALPRACTICE: Negligence, misconduct, lack of ordinary skill or breach of duty in the performance of professional service resulting in injury or loss. (I believe that the actions of the Sacramento County Justice system are described in all the above charges)

MISFEASANCE – The wrongful performance of a lawful act, wrongful exercise of lawful authority

Violation of my 5th Amendment Rights as in “due process” District attorney Dean Archibald’s statement before the court that was a predisposition of guilt before violated my right to be presumed innocent until proven guilty

Due process is violated if the government’s unexplained delay in charging a defendant with a crime substantially impairs a defendant’s ability to a defense. The District attorney charges are on an event that dates back over three years and was fully investigated by the California Department of Real Estate (DRE) who found no cause for any disciplinary action was needed, and said in pre-trial that I did not violate any regulations

Due process is violated if the district attorney’s arguments include repeated factual errors and are so angry and temperate that they prevent the process of a fair trial. The district attorney’s testimony in court was very different from his discovery given to me and my Public Defender

Violation of my 6th Amendment Right – Statutory dates for trials are, Pre-trial is to be in 30 days from the date of arrest, mine was 90 days, trial is to start 60 days from pre-trial, mine was scheduled 125 days and did not start for over 483 days, even after me stating that I would not wave my rights to a speedy trial

These dates are a violation of my right to a speedy trial, a right that I never waived and in fact insisted, both verbally and in writing, that I would not agree to. Furthermore, my public defender had knowledge that the district attorney had two other trials scheduled within days of each other and could not do both at the same time.

My public defender told the Judge that I would not waive my right to a speedy trial and that he, my public defender was not ready for trial (he had my case for at least 1 year at that time), so the judge waived my rights for me. According to the Criminal Law Handbook, NOLO, 12th edition, “the government cannot delay proceeding while incarcerated

suspects languish in jail", when I brought this to my public defender's attention he took no action. Moreover, the prosecution's failure to adhere to the statutory time requirement generally results in dismissal of the case. When I brought this to my attorney's attention he asked me to describe "generally ", his actions to me seem to CLEARLY SHOW A CONSCIENCE AND WILLFUL INDIFFERENCE TO MY RIGHTS "(Gross Negligence)

Both of my public defender Sue Carlton and Mark Slaughter, have violated the right of counsel by not following the ABA Rule 4-3,8 failure to comply to reasonable requests and to keep me informed in the progress of my case (I saw Sue Carlton a total of 10 minutes, and Mr. Slaughter about 4 hours in 483 days), I made a request for Mr. Slaughter to present a written motion before the court but he failed to do so instead giving only a weak ill prepared verbal presentation

Mr. Slaughter has had my evidence for 5 months and has not discussed my case with me. He has additional discovery from the district attorney and has not shared that with me. It's clear to me that Mr. Slaughter's case load does not allow him to give full attention to my case.

It is clear the district attorney is not ready for this case, he continues to give new discovery to my attorney showing that he is still working on his case, this is grounds for dismissal. My attorney has failed to protect my rights to a speedy trial. Their actions are clearly grounds for dismissal or at the very least for a pre-trial release.

The 8th Amendment right to bail, and the guide lines set forth state that bail shall not be excessive and only enough to ensure that a person will show up for trial, bail in the Sacramento Courts does not even come close to the standards set forth in the U.S. Constitution.

I have had 2 bail hearings with both of my public defenders, neither have made any objections to district attorney Archibald's statements denying me my right to be assumed innocents until proven guilty before a court. The judge's agreement with district attorney Archibald's statements was in my opinion, "arbitrarily invalid "

his decision was, in my opinion, "a predisposition of guilt and was not based on information about me to which neither of my public defenders objected.

Both of my public defenders are guilty of, in my opinion of gross negligence and the "conscious and willful indifference to my rights. Both my public defenders led me to believe that I was stuck with the judge's decision at my first bail hearing, neither advised me that I could file a new bail motion. When I learned this ,on my own, I requested that Mr. Slaughter file a written motion to the court but he tried to talk me out of it, since I insisted that he file the motion, he gave an ill prepared verbal request and once again allowed the district attorneys statement of guilt before trial to go without objection, the district attorneys statement " YOUR HONOR MR. RUSSELL'S CRIMES ARE SO HAINOUS THAT HE SHOULD NOT EVER BE RELEASED", NO MENTION THAT MY CRIMES WERE AT THAT TIME ALLEGED CRIMES, in fact my so called crime was a white collar crime, and I had never been charged in any prior case.

Based on the above violations, I put in a demand to have my public defender file a motion to have all charges dismissed, whereas the prosecution is not ready for trial. I further told my public defender that if he could not support me in clear violations of my rights he should have himself removed as my attorney, My public defender would not file any motions to dismiss, he did put a request to the judge for me to be assigned a new attorney, additionally I presented all of the above information to the judge, my attorney who made no objection in the statements of the district attorneys no objections to the prior actions of the judge, did finally speak up in court assuring the judge of how great of a job he was doing on my case and the judge denied my request for a new attorney. He pointed out to the judge that he only had 22 cases, in the NOLO Law handbook it states that an attorney having 21 cases would not have time to go to trial, my case was a very large case and needed full time from my attorney, I received approximately 4 hours in 483 days, (reed my Habeas Corpus on ineffective assistance of counsel)

That leaves me with an attorney that has a disregard for my statutory rights to time lines for trial dates, failed to protect my rights to a speedy

trial, no objection to the district attorney's violations of Due Process and not adhering to my right to be presumed innocent until proven guilty. and made no objections when the judge's decisions were not based on my rights under the constitution.

I CONSIDER THE ACTIONS OF MY ATTORNEY, THE DISTRICT ATTORNEY AND THE JUDGE, AS MENTIONED ABOVE TO FALL INTO ONE OR ALL OF THE FOLLOWING CATEGORIES:

MALFEASENCE

GROSS NEGLIGENCE

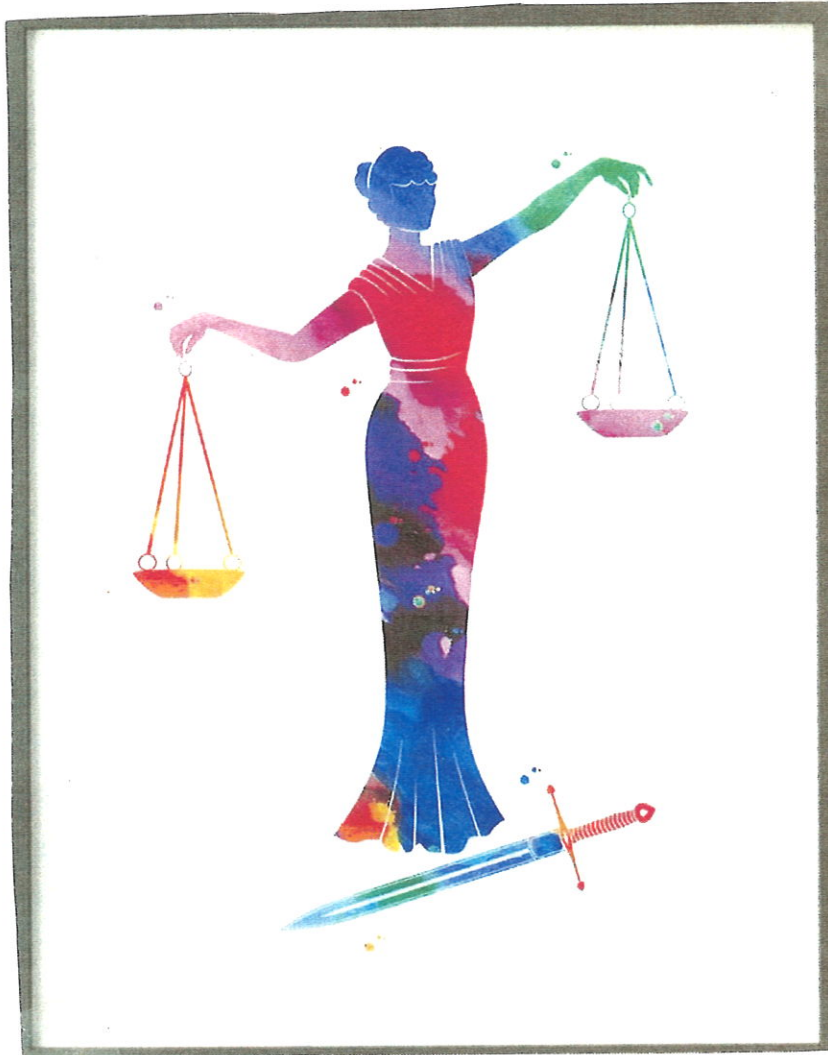
CULPABLE NEGLIGENCE (CRIMINAL NEGLIGENCE)

MALPRACTICE

MISFEASANCE

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**