

Chapter Nine  
IS YOUR PUBLIC DEFENDER AND JUSTICE AN OXYMORON??

(WRITTEN WHILE I WAS IN COUNTY JAIL)

PUBLIC DEFENDERS ARE ASSIGNED CASES FROM THE COURT, IS THEIR LOYALTY  
TO THE COURT OR TO THEIR CLIENT

An oxymoron is defined as a figure of speech in which words of opposite meanings or suggestion are used together. In my opinion, my public defenders cannot be associated with justice. This is about my experience with two public defenders assigned to me by judges that new in advance their caseloads would not be able to defend my rights, as set forth in the U.S. Constitution.

This is not about my guilt or innocents with competent counsel I will establish my innocents. I was arrested back in September of 2012. It is now March 2013. Arrested on a three-year-old business plan that went bad. It was fully investigated by the Dept. of real Estate at the time of the event in which the D.R.E. found no cause to take any action, they are in fact the governing agency, after a six month very thorough investigation found no reason to suspend my license, issued no orders to cease or desist, which in fact is a normal response if they found any wrong doings.

I have never been charged with a crime, never been in jail, for anything, in fact after being in business for over 50 years with not so much as a complaint. So being arrested sent to jail took some adjusting on my part, I thought I would be ok after all I have a preponderance of evidence to prove my innocents. Evidence that will show it was just a bad business plan, bad timing or due to the bad economy. I felt I could prove that it should be at best a civil case.

I have been held in jail six months now and have to date not reviewed my case with my P.D. who in fact offered me a deal if I would plead guilty to this before any review of my files. I feel like I went to sleep in America, you know the land of the free, justice for all the right to be considered innocent until proven guilty by

court of law and woke up in jail in some 3<sup>rd</sup> world country, where justice is what they tell you it is.

Soon to realize I was not in Russia or China, I was in Sacramento County Jail I learned fast why the universal term for public defender among most all inmates is public pretender, a name well earned by those holding that job. Soon to discover that Sacramento's courts allow it's D.A.'s to violate the U.S. Constitution in areas as "Due Process" and violate statutory time lines for court dates that deprive ones right to a speedy trial. Deprive the accused of the right to be presumed innocent until proven guilty.

Bail amounts set in opposition to what is proscribed in the Constitution. The D.A.'s actions are supported by the judges and uncontested by the public defenders. In my opinion the only roll the P.D.' is to give the appearance to having counsel in court, while in truth their action or lack of action suggests that their support is only to the D.A. and judge. To support my claim here is a quote from the Criminal Law Handbook by NOLO 12<sup>th</sup> Edition, page 162.

- "Caseload guidelines are often incompatible with quality representation, even nationally approved caseload guidelines; one attorney may handle 150 felonies in addition to 400 misdemeanors, 200 juvenile cases, or 25 appeals in a year. Assuming compliance with these guidelines, indigent defendants may languish in jail for a week or more before they see an attorney, and high case loads often force court appointed lawyers to give short shift to individual cases, and pressure defendants to plead guilty. For example, even in an older study of convicted felons the author wrote, most defendants spent 5-10 minutes with their P.D., and the P.D.'s first words were "I can get you \_\_\_\_\_ if you plead guilty" (According to NOLO an attorney having 21 felony cases he would not have enough time to take them to trial, in court my P.D. told the judge he only had 22 cases and was doing a good job)

My first encounter was exactly as stated above. With my first P.D. Sue Carlton I spent 10 minutes with her in 30 days. At my bail hearing she requested O.R. and allowed the D.A. to state predisposition of guilt, guilty until proven innocent, P.D. Carlton made no objections to the judge and the judge sided with the D.A. denying my request for O.R.



According to the Constitution and interpreted by findings in the NOLO Criminal Law Handbook, the actions by the DA. supported by the judge and with no objection from my appointed counsel (P.D.) a condition of misfeasance exists one could go as far as to say they are guilty of culpable negligence also called criminal negligence.

I am not making that charge at this time; however, I am planning to pursue a civil rights suit. Their violations of my 6<sup>th</sup> and 8<sup>th</sup> Amendment Rights will be addressed in the near future. My story continues with assignment of a 2<sup>nd</sup> P.D. Mark Slaughter, his performance proved to me the actions of a P.D. are as stated as described in the NOLO Law Handbook, his actions include;

- Failure to keep me informed about the progress of my case, and only started to communicate after I pointed out to ABA Rule 4-3.8
- He withheld information about rights to make a new motion for a bail hearing, leading me to believe I was stuck with the first bail decision.
- He ignored my request to point out factual errors made by the D.A. In court.
- He made no objections to statements from the D.A. violating my right to be presumed innocent until proven guilty in a court of law.
- He did not object when the judge sided with the D.A.'s violation of "Due Process"
- He violated my rights to a speedy trial, having my evidence for five months; he made no effort in preparing my defense. A clear indication his case load does not allow time to prepare a defense for me and is a violation of my 6<sup>th</sup> Amendment rights.
- A request from me to submit a written motion for a new bail review, after trying to talk me out of the review he only made a verbal request, his presentation was weak ill prepared, entered no facts about me, and made no objection when the D.A. 's statement was a predisposition of my guilt, and he made no objection when the judge sided with the D.A. were of my guilt before trial.

Moreover, I had made it very clear both verbal and in writing I would not waive my rights to a speedy trial, his statements to the judge that he was not ready for trial prompt the judge to waive my 6<sup>th</sup> Amendment rights to a speedy trial. My

P.D. did this knowing that the D.A. had two trials scheduled at the same time. His actions should be proof that the D.A. and P.D. work together and it's not for the protection of an accused suspects rights, displaying a conscious and willful indifference to my rights, this action supported by the judge make's the judge guilty of misfeasance, i.e. the wrongful performance of a lawful act, wrongful and injurious exercise of lawful authority. Doing so their actions violated my 5<sup>th</sup>, 6<sup>th</sup>, and 8<sup>th</sup> Amendment rights.

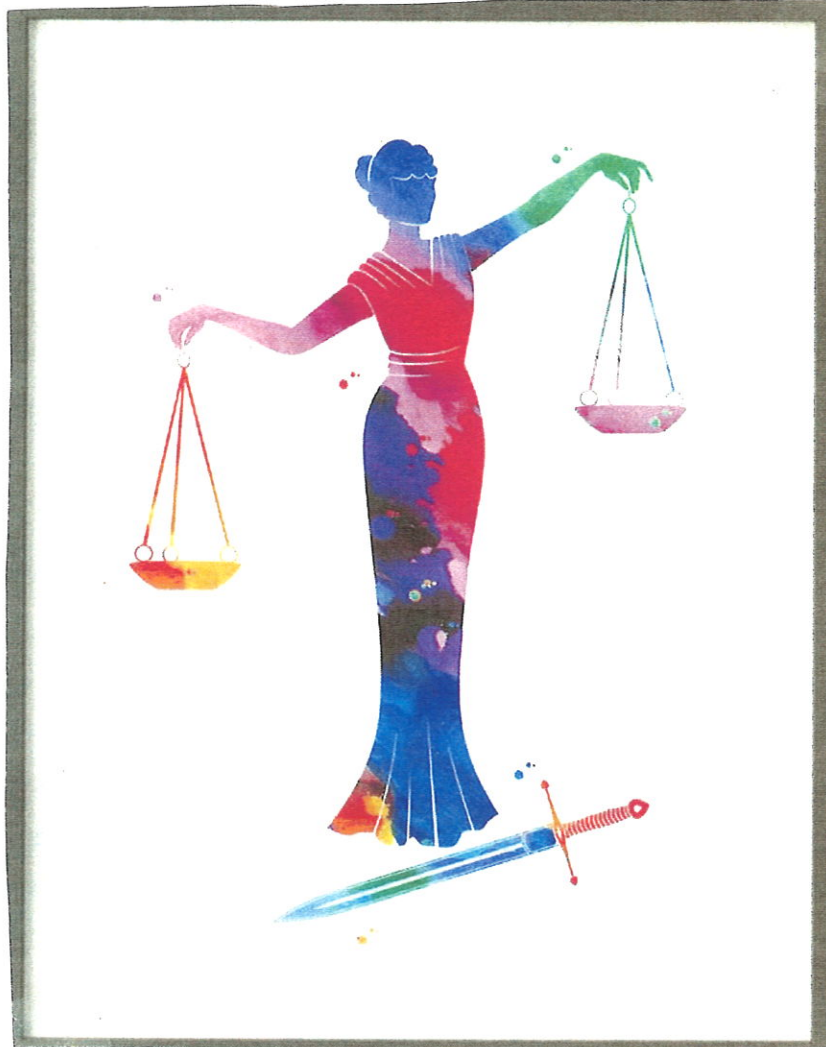
As stated in the NOLO Law Handbook. "The government (Judge) cannot delay legal proceedings while incarcerated suspects languish in jail" To addition in further states that, if the prosecution failure to adhere to statutory time requirements generally results in dismissal of the case. my attorney took no action on my behalf.

A quote from the A.C.L.U.'s website says "America's criminal justice should keep communities safe. Treat people fairly and use fiscal resources wisely." But more Americans are deprived of their liberty than ever before, unfairly and unnecessarily with no benefit to public safety.

Freedom is in the hands of the people, not in the hands of the government.

**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**