The Right To Proper Councel

Kevin Perelman
26500 Agoura Rd, Ste 102
Calabasas, CA 91302
312-259-3686
10/17/2025

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT, DIVISION FOUR

The People of the State of California,
Plaintiff and Respondent,
v.
Kevin Perelman,
Defendant and Appellant.

Case No. B343120

MOTION FOR APPOINTMENT OF NEW COUNSEL
(REQUEST FOR SUBSTITUTION OF APPOINTED ATTORNEY)

TO THE HONORABLE COURT OF APPEAL, SECOND APPELLATE DISTRICT:

Defendant and Appellant Kevin Perelman respectfully moves this Court for the appointment of new appellate counsel. This motion is based on the following grounds:

1. **Right to Effective, Conflict-Free Counsel:**
Pursuant to the **Sixth Amendment of the United States Constitution** and Article I, Section 15 of the California Constitution, "In all criminal prosecutions, the accused shall enjoy the right…to have the Assistance of Counsel for his defence."
California law requires that appointed counsel must provide effective and conflict-free assistance at all critical stages of the proceedings. (**People v. Marsden** (1970) 2 Cal.3d 118; **California Penal Code § 987.2**.)

2. **Grounds for Substitution:**
A defendant is entitled to new counsel if there is a conflict of interest, a breakdown in the attorney-client relationship, ineffective assistance, or loss of trust or confidence in current counsel. (See **Marsden**, supra; **People v. Smith** (1993) 6 Cal.4th 684, 696; **People v. Ortiz** (1990) 51 Cal.3d 975.)

3. **Specific Basis for Request:**
Appellant has experienced a breakdown in the attorney-client relationship, "failure to investigate/appellate issues, conflicts of interest, lack of communication, and loss of trust".

See Attachment Letter:

4. **Request for Hearing:**

Appellant requests that the Court conduct a hearing to consider this request for substitution of counsel, as required by **People v. Marsden, supra**.

WHEREFORE, for the reasons stated above, Appellant respectfully requests:

- That the Court grant this motion,
- That new appellate counsel be appointed, and
- For any other relief the Court deems just and proper.

Respectfully submitted,

Kevin Perelman, Appellant

Legal Authority

- Sixth Amendment, U.S. Constitution; Cal. Const., Art. I, § 15
- Cal. Penal Code §§ 987, 987.2
- People v. Marsden (1970) 2 Cal.3d 118
- People v. Smith (1993) 6 Cal.4th 684, 696–697
- People v. Ortiz (1990) 51 Cal.3d 975

Letter

To California Appellate Project

Refusal Acknowledge My Requests

Kevin Perelman
26500 Agoura Rd, Ste 102
Calabasas, CA 91302
312-259-3686
10/16/2025

California Appellate Project – Los Angeles
Attn: Executive Director Jennifer Peabody (or Supervising Attorney)
520 S. Grand Ave, 4th Floor
Los Angeles, CA 90071
Phone: (213) 243-0300
Fax: (213) 243-0303
Email: Capdocs@lacap.com

Re: Request for Appointment of New Appellate Counsel and Formal Complaint – Case No. B343120

To Whom It May Concern:

I urgently reiterate my request for the appointment of new appellate counsel and submit this formal complaint regarding the ongoing mishandling and oversight of my appeal, Case No. B343120.

Conflict of Interest, Prejudice, and Attorney Selection Concerns
My trial attorney, Shep Alan Zebberman (#155478), was privately retained and provided ineffective assistance of counsel. My current appellate counsel, Yisrael Gelb (#344924), is a rabbi and presents a clear religious identity. I am Jewish myself, but I have observed a troubling pattern in which nearly all attorneys assigned to me—either by the courts or CAP—share the same tight-knit community affiliation, sometimes with visible religious leadership roles. This pattern raises concerns that attorney selection, rather than being impartial and neutral, may be influenced by factors risking divided loyalty and bias. I firmly believe that religion and law should remain strictly separate in professional legal assignment. I request oversight and transparency to ensure fairness and diversity in attorney assignment.

Inexperience of Appointed Counsel
Yisrael Gelb, according to state bar records, has only been licensed for approximately two years. This minimal experience is deeply concerning, as my appeal involves complex constitutional issues, alleged judicial and prosecutorial misconduct, and a significant impact on my future. It is simply not appropriate for a case with these stakes to be assigned to an attorney this inexperienced.

Omission from CAP-LA Directory
Upon reviewing the official CAP-LA staff/panel listing (see Attachment 1), I found that Mr. Gelb does not appear as a staff or recognized panel attorney. I respectfully request an explanation of how he was assigned and whether standard CAP-LA procedures have been followed.

Lack of Notice or Communication
For the record, I have **never received any official notice, written correspondence, or other communication by mail** regarding the appointment or substitution of appellate counsel, relevant deadlines, or any related matters in this case from CAP-LA or the court. All information I have obtained has come from my own online docket research or direct inquiry. This highlights a serious breakdown in due process and communication affecting my rights.

CAP-LA Communication (Rick Lennon Email) and Inferred Denial of New Counsel
Attachment 2 is an email from Rick Lennon of CAP-LA, dated September 14, 2025. While Mr. Lennon does not expressly deny my request for new counsel, he makes it clear that CAP-LA intends to keep Mr. Gelb on my case despite my repeated, written objections. The substance of the email disregards my concerns about conflict of interest, the importance of habeas expertise, and procedural fairness.

Case Docket Irregularities
Attachment 3 contains screenshots of the state court docket showing a "replace appointed counsel" notice dated 10/15/2025. I was never contacted by a new attorney, no substitution took place, and there are proofs of service filed with dates set in the future (see Attachment 4). This raises further concerns about transparency, accuracy, and reliability in my case record.

Systemic Pattern and History in Prior Cases
This is not the first time I have experienced such issues in Los Angeles County. I have had two prior criminal cases—Case No. 3PY03498 and Case No. 7VW04099—where similar problems occurred. Lawyers with community or religious ties, or a disposition toward prejudice or coordinated adverse action, resulted in unfair or ineffective representation. I respectfully submit that these repeated problems indicate a broader, systemic issue with how representation is being assigned and overseen in my matters. (See Attachment 5 for detailed summary.)

Comprehensive Record of Documented Complaints and Habeas Petition
In addition, please see:

- **Attachment 6:** My initial written request for new counsel (August 4, 2025), which has not been addressed, and a record that an opening statement was filed on 10/13/2025 instead.
- **Attachment 7:** Statement of Ineffective Assistance of Counsel and Petition for Writ of Habeas Corpus, summarizing my legal arguments and supporting evidence.
- **Attachment 8:** Ineffective Assistance, Misconduct & Corruption Statement – Trial Judicial Misconduct – Notes, providing additional detail on courtroom and systemic misconduct.

Request for Immediate Action
For all these reasons, I respectfully and urgently request:

- Immediate appointment of new appellate counsel, independent from prior attorneys, fully vetted, and with no close community or religious ties to previous defenders.
- Written clarification of CAP-LA's process for assigning Mr. Gelb to my case, why his name does not appear on your staff/panel directory, and what supervisor-level review (if any) has been conducted.
- Assurance that no actions are taken in my appellate matter until impartial, conflict-free, and sufficiently experienced counsel has been assigned, and a supervisor has confirmed full review and corrective action in my file.

Thank you for your immediate attention. Please ensure this letter and all supporting attachments are made part of my official appellate file. I respectfully request a formal, written response as soon as practicable.

Attachments:
1. CAP-LA Attorney/Staff Directory, October 2025 printout
2. Email from Rick Lennon (CAP-LA), September 14, 2025
3. Appellate court docket screenshots ("replace appointed counsel")
4. Proof of Service Date 10/20/2025 instead of 10/15/2025 inconsistencies
5. Criminal cases (now including 3PY03498 and 7VW04099)
6. Prior request for reassignment of appellate counsel (August 4, 2025)
7. Statement of Ineffective Assistance of Counsel and Trial Notes
8. Ineffective Assistance, Misconduct & Corruption Statement – Trial Judicial Misconduct – Notes

Sincerely,
Kevin Perelman

Attachment 1

CAP-LA Attorney/Staff Directory, October 2025 printout

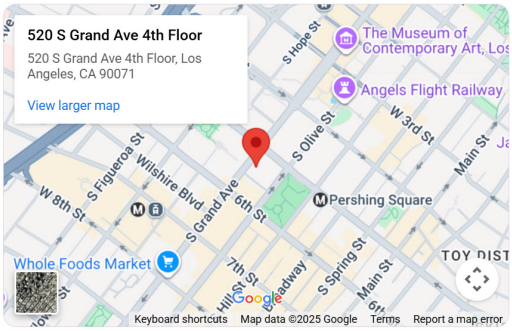
Contact



Location & Phone

520 S. Grand Ave, 4th Floor
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phone (213) 243-0300
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Our telephone hours are 9 a.m. – 5 p.m.



Executive Director

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Assistant Director

Jay M. Kohorn

Administrator

Amy C. Griffin

Systems Administrator

George A. Vergara

Staff

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Bridget Botto
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Attorneys

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Kathy C. Caverly
Tanya Dellaca
Dee Hayashi
Jennifer Hansen
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Ann Krausz
Nicole Kronberg
Richard Lennon
Cheryl Lutz
Kristie Lutz
Mary Carmel Manuel
Olivia Meme
Maria Morrison
Larry Pizarro
Anna Rea
Merrill Toole
Andre Toscano
Pamela Tripp
Keilana Truong
Ellen Wiley

Where is Yisreal Gelb's Name?
The Public Defender Forcing himself on me?

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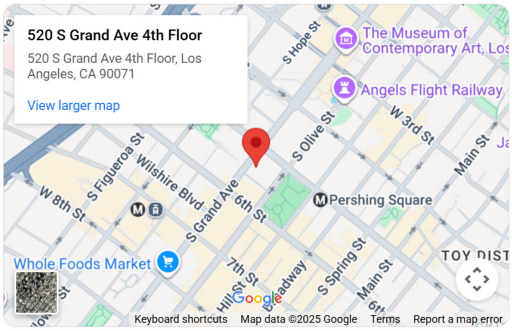
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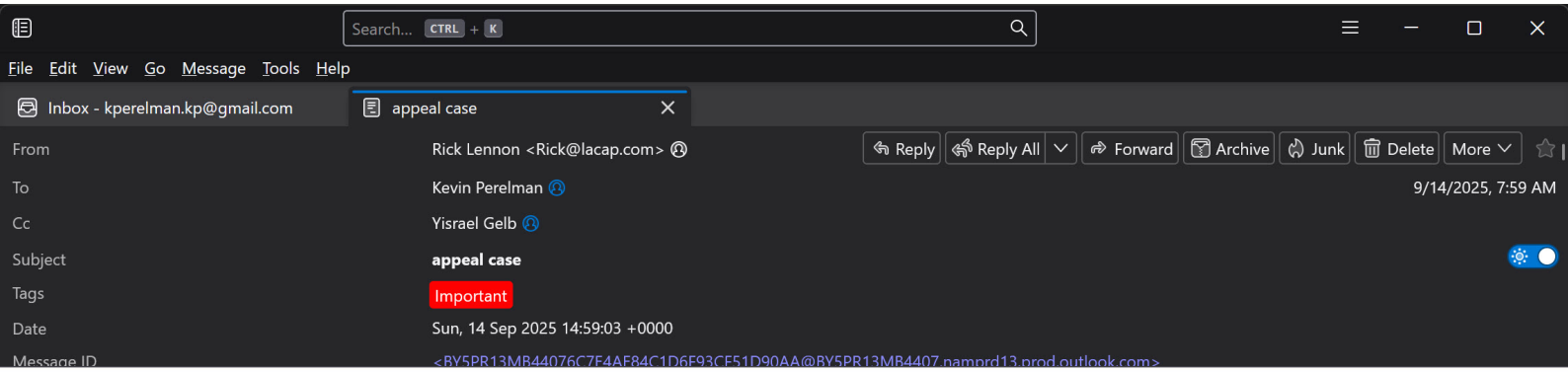
Attorneys

David Andreasen
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Attachment 2

Email from Rick Lennon (CAP-LA), September 14, 2025



I received your email. First, Mr. Gelb told you correctly—appeals are based solely on the record of what actually occurred in the trial court. As you seem to recognize from what you sent to us, if you want to challenge a conviction based on things that were not presented in the trial court, you have to file a habeas corpus petition which brings in both the argument and the evidence supporting that argument. You can file a habeas petition at any time. Mr. Gelb is not appointed by the appellate court to handle your habeas complaints. He is solely appointed to handle the appeal which is solely based on the transcription of what occurred in the trial court.

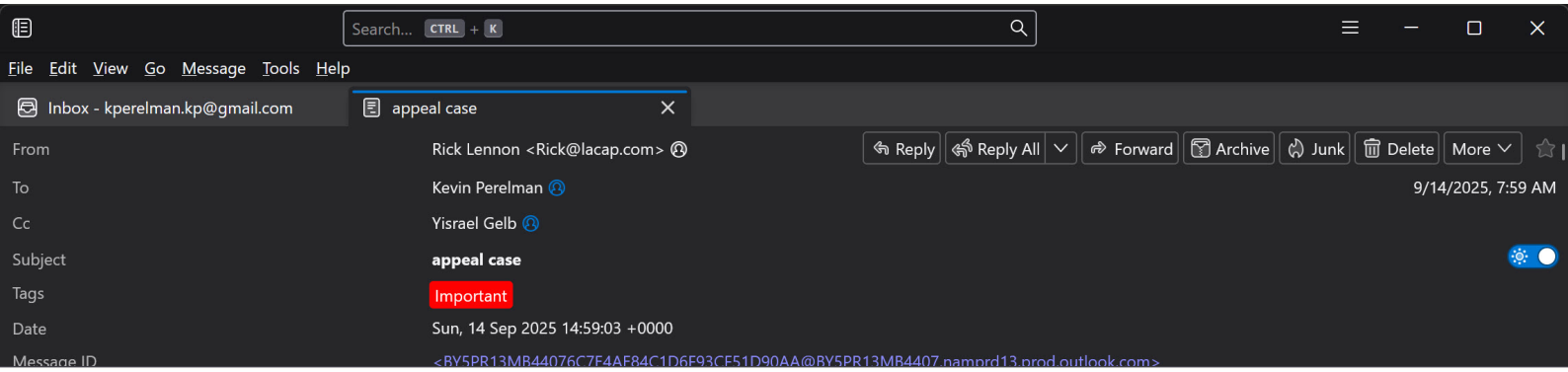
Moreover, I fail to see any basis for your contentions. You were charged with vandalism of several things. The prosecution put on evidence mainly of videos showing your presence in the areas of the vandalism. There was no police testimony of your acts—but only of receiving the videos. Thus, your defense had to be solely whether the videos were enough to prove your responsibility.

Whether the police or community members harassed you or anyone else is irrelevant to the case. Whatever was "done" to you is not a defense to the charges; that is, no acts of others gives you some right to vandalize cars or buildings.

So I fail to see any basis for arguing IAC on the part of trial counsel.

Rick Lennon

I requested a new attorney which isn't a conflict of interest that knows the law. Rick is trying to force Yisreal to represent me which doesn't appears to not even be part of CAP



I received your email. First, Mr. Gelb told you correctly—appeals are based solely on the record of what actually occurred in the trial court. As you seem to recognize from what you sent to us, if you want to challenge a conviction based on things that were not presented in the trial court, you have to file a habeas corpus petition which brings in both the argument and the evidence supporting that argument. You can file a habeas petition at any time. Mr. Gelb is not appointed by the appellate court to handle your habeas complaints. He is solely appointed to handle the appeal which is solely based on the transcription of what occurred in the trial court.

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Rick Lennon

Attachment 3

Appellate court docket screenshots (“replace appointed counsel”)

Appellate Courts Case Information

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2nd Appellate District

Change court

Case Summary	Docket	Briefs	Scheduled Actions
Disposition	Parties and Attorneys	Trial Court	

Future Scheduled Actions

The People v. Perelman
Division 4
Case Number B343120

Description	Due Date	Notes
Replace appointed counsel. (re: dfc notice)	10/15/2025	

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Attachment 4

Proof of Service Date 10/20/2025 instead of 10/15/2025 inconsistencies

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The People v. Perelman
Division 4
Case Number B343120

Description	Due Date	Notes
Respondent's brief.	11/12/2025	
Filed proof of service.	10/20/2025	Amended proof of service of opening brief on the defendant

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Docket (Register of Actions)

The People v. Perelman
Division 4
Case Number B343120

Date	Description	Notes
01/03/2025	Notice of appeal lodged/ received (criminal).	NOA filed January 02, 2025 - - Kevin Perelman
01/03/2025	Appellant notified re: right to counsel.	
01/03/2025	Financial affidavit sent.	
01/21/2025	Mail returned and re-sent.	USPS returned Financial Affidavit form, noted on envelope "Return to Sender" Resending Financial Affidavit to Mr. Perelman to known mailing address.
02/03/2025	Financial affidavit filed.	
02/19/2025	N/A sent to CAP for appointment recommendation.	w/ financial affidavit
02/27/2025	Record on appeal filed.	ONE: Clerk (225 Pages), NINE: reporters, ONE: probation report.
06/05/2025	Counsel appointment order filed.	THE COURT: Pursuant to appellant's request for appointment of counsel, and under the authority of Penal Code Section 1240, subdivision (a) (1), the following attorney is appointed counsel for appellant on this appeal: Yisrael Gelb. Appellant's opening brief shall be filed within thirty days from the date of this order. Appellant is directed to keep the court informed of his/her mailing address at all times. If you move, you MUST notify the clerk of this court immediately; otherwise you may not receive important notices concerning your appeal
07/02/2025	Requested - extension of time	
07/07/2025	Granted - extension of time.	
09/15/2025	Default sent to court appointed counsel.	
10/13/2025	Returned document for non-conformance.	Appellant's opening brief received October 12, 2025 rejected this date for lack of bookmarks-All briefs must include electronic bookmarks to each heading, subheading and component of the document. California Rules of Court, rule 8.74 https://live-jcc-appellate.pantheonsite.io/sites/default/files/appellate/default/2023-09/dcasc-bookmarks-and-pagination.pdf and https://live-jcc-appellate.pantheonsite.io/sites/default/files/appellate/default/2023-09/dcasc-adobe-pdf-bookmark-zoom-settings.pdf
10/13/2025	Appellant's opening brief.	Defendant and Appellant: Kevin Perelman Attorney: Yisrael Gelb

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10/13/2025	Appellant's opening brief.	Defendant and Appellant: Kevin Perelman Attorney: Yisrael Gelb

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Attachment 1

criminal cases (now including 3PY03498 and 7VW04099)

Van Nuys Courthouse Cases with Judicial Misconduct:

criminal cases:

3PY03498
7VW04099

Attachment 6

Prior request for reassignment of appellate counsel (August 4, 2025)

To
California Appellate Project
Phone: Phone: (213) 243-0300

Fax: (213) 243-0303

Email: Capdocs@lacap.com
AppellateBranch@pubdef.lacounty.gov

Adress: 520 South Grand Avenue, 4th Floor
Los Angeles, CA 90071

August 4, 2025

To Whom It May Concern:

The People v. Kevin Perelman, Case No. B343120 Court of Appeal, Second Appellate District, Division Four

Dear Supervising Attorney,

I am writing to formally request the reassignment of new appellate counsel in my case, The People v. Kevin Perelman, Case No. B343120, currently before the Court of Appeal, Second Appellate District, Division Four.

I have serious concerns about a potential conflict of interest that could affect my representation. While my current appointed appellate attorney has not acknowledged any conflict, I feel there is a strong likelihood of one due to community affiliations and the circumstances of my case. Both my previous trial attorney and the current appellate attorney are members of the same small, close-knit community (the Jewish community), and my current appellate attorney is also a Rabbi. I am concerned these community connections may create both the appearance and reality of divided loyalty, and possibly an unwillingness to fully pursue claims involving another member of the same community.

Additionally, I am concerned about my appointed appellate attorney's limited experience (approximately two years since passing the bar), which I believe is insufficient for a case of this seriousness and complexity. As an inexperienced lawyer, he may not possess the necessary knowledge or familiarity with habeas corpus proceedings. He has told me directly that he believes he is limited to what is included in the trial transcripts and docket, even though filing a writ of habeas corpus is often necessary to address ineffective assistance of counsel based on facts outside the transcript and docket.

It is especially important to note that my case may also involve significant judicial and prosecutorial misconduct. My concerns include, but are not limited to, fraudulent police reports, improper investigative practices, potential bias or unfair treatment from both the prosecution and the trial court, and witnesses conspiring with police in illegal operations. I am deeply concerned that these issues have substantially impacted the integrity and fairness of my trial, and that they warrant careful and impartial review on appeal. I believe my current appellate counsel is not adequately positioned, either in terms of experience or independence, to thoroughly investigate and argue these matters, especially where those issues involve or are intertwined with claims of ineffective assistance of counsel.

For these reasons, I respectfully request that a new appellate attorney —one with no prior professional or personal association with my previous legal counsel, not a member of the same religious or social network, and who is highly experienced with both direct appeals and habeas corpus claims—be assigned to handle my appeal. It is critically important to me that my appellate representation is impartial and fully qualified to pursue all necessary legal remedies, including direct challenges to judicial or prosecutorial misconduct and the involvement of witnesses in illegal conduct.
I trust that you will carefully review my concerns and take timely action to ensure fair representation as required by law.
Thank you for your attention to this urgent and sensitive matter.

Sincerely,
Kevin Perelman

Kevin Perelman
Appellant

26500 Agoura Rd, STE 102
Calabasas, Ca 91302

312-259-3686
Kevin@KevinPerelman.com

Attachment 7

Statement of Ineffective Assistance of Counsel and Trial Notes

To

California Appellate Project

Phone: Phone: (213) 243-0300

Fax: (213) 243-0303

Email:Capdocs@lacap.com

AppellateBranch@pubdef.lacounty.gov

Adress: 520 South Grand Avenue, 4th Floor

Los Angeles, CA 90071

To Whom It May Concern:

The People v. Kevin Perelman, Case No. B343120 Court

of Appeal, Second Appellate District, Division Four

Petition for Writ of Habeas Corpus

Ground: Ineffective Assistance of Counsel — Presentation of New and Extrinsic Evidence

I. Petitioner's Claim: Ineffective Assistance of Counsel
Petitioner, Kevin Perelman, respectfully seeks habeas corpus relief based on egregious ineffective assistance of counsel by Shep Zebberman, as demonstrated by facts both in and outside the trial record. This claim is supported by the following:

II. Legal Standard (Strickland v. Washington)
Relief is warranted when:
1. Counsel's performance was constitutionally deficient;
2. There is a reasonable probability that, but for counsel's unprofessional errors, the result would have been different.

III. Statement of Facts & New Extrinsic Evidence

1. Discriminatory and Prejudicial Conduct

- Shep Zebberman made prejudiced statements and failed to advocate for me due to personal and community bias, as described in my declaration and corroborated by third-party witnesses and community records.

2. Failure to Investigate, Prepare and Present Defense

- Did not review or present extensive video evidence of mobbing, vandalism, and ongoing harassment in conspiring methods and events with LAPD.
- Refused to meet with me to discuss my side of events, relying solely on prosecution evidence.

3. Failure to Investigate or Call Available Witnesses

- Never investigated, interviewed, or subpoenaed witnesses who could have testified on my behalf, including:

- Eyewitnesses to harassment, vandalism, and provocation;
- Neighbors and community members familiar with false allegations by Officer Dinse, Terrance Scroggins, Pedram Espinoza, and others;
- Victims of Officer Dinse's similar misconduct (e.g., federal lawsuit by Rex Schillenberger);
- Experts in police procedure and community mobbing.

- **Failure to hire or consult with any private investigator** who could have interviewed witnesses, gathered additional exculpatory statements, or tracked social media campaigns against me.
- **Evidence:** Declarations from available witnesses, statements from those never contacted by defense, my own sworn declaration, investigator reports (if available), and a list of potential witnesses with what their testimony would have shown.
- **Failure to** introduce events of police harassments, intimidation, as well as witness harassment, intimidation, before and during the trial.

4. Failure to File Key Motions and Argue Self-Defense

- Did not file a Pitchess motion against Officer Dinse, despite his documented history of similar misconduct.
- Refused to argue self-defense even with documentary/video evidence of years-long provocation by community and police.

- Did not challenge fabricated restitution claims or expose documented blackmail efforts by prosecution witnesses. Working with their friends in the court house to pose as FBI agents for intimidation.

5. Conflict of Interest & Coercion Toward Insanity Plea

- Prioritized relationships with trial judges over client defense.
- Pressured me to accept Not Guilty by Reason of Insanity (NGI) without legal/medical basis.

6. Failure to Seek Change of Venue or Protect Against Community Harassment

- Ignored repeated, documented attempts by Officer Dinse and neighborhood watch to incite community bias, including via Facebook and public statements.
- Did not move to change venue despite mass prejudice, nor did he advise or assist with seeking restraining orders against harassers.

7. Failure to Impeach Prosecution Witnesses

- Did not challenge (impeach) perjured or contradictory testimony from key witnesses, and did not present readily available impeachment material (videos, letters, reports).

8. Failure to Protect Defendant from Direct Courtroom Intimidation

- Did not object or seek mistrial when **individuals impersonating FBI agents appeared in the courtroom with Prosecutor Orbelli** to intimidate me in the presence of the judge and jury—egregious misconduct designed to prejudice my defense, create an unfair environment, and reinforce false government narratives.
- Failed to raise the issue of **prosecutorial collusion** with these individuals and did not seek judicial intervention or police report to expose this unlawful intimidation tactic.

- **Evidence:** My declaration, affidavits from anyone who witnessed or heard about the "FBI" presence, court security reports, and any correspondence with court staff about these incidents.

9. Additional Examples of Evidence Outside the Trial Record

- Newly available police records or Bar complaints showing patterns of misconduct not included in trial evidence.
- Social media posts by Officer Dinse or others, including deleted/archived content recovered through subpoenas.
- Expert opinions now available but not sought by defense (e.g., on police procedure, mobbing, prejudice).

IV. Prejudice: Strickland Standard Satisfied
Because of the above errors:

- The jury never heard or saw critical exculpatory evidence or witness testimony that would have undermined the prosecution's case.
- Lack of a private investigator, lack of witness interviews, and failure to object to intimidation fundamentally denied me a fair trial.
- The outcome would likely have been different had defense counsel met even minimal professional standards.

V. Prayer for Relief and Request for Evidentiary Hearing

Petitioner respectfully requests:
1. An order to show cause and/or evidentiary hearing to receive this new, extrinsic evidence.
2. Vacation of conviction and/or outright dismissal due to cumulative constitutional error.

VI. Evidence to be Attached (Example)

- Declaration of Kevin Perelman (listing all witnesses I requested or identified, complaints re: FBI impersonators, failure to investigate)
- Declarations/affidavits from uninvestigated witnesses, neighbors, and potential experts
- Affidavit from (or record of attempted contact with) a private investigator, if available

- Videos and audio not introduced at trial
- Screenshots/archived copies of relevant Facebook/social posts
- Security/court incident reports regarding presence of FBI agents or intimidation efforts
- Insurance, restitution, and any financial records relating to blackmail/extortion claims
- Copies of relevant Bar complaints, police records, or civil complaints

Attachment 8

Trial Judicial Misconduct - Notes

To

California Appellate Project

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Los Angeles, CA 90071

To Whom It May Concern:

The People v. Kevin Perelman, Case No. B343120 Court

of Appeal, Second Appellate District, Division Four

Ineffective Assistance of Counsel and courtroom misconduct – Shep Zebberman

Specific Accusations:

- **Discriminatory and Prejudicial Comments**
- Sheps Statement to me, right before the verdict **"You might get away with this"** Showing from day one, he was acting as a judge, not a Lawyer. And was never going to represent me fairly and was involved in a **conspiracy** to lock me away no matter how innocent. No matter how much proof. He wasn't even going to try to prove my innocence.
- Everything asked he give an opposite answer, and disinformation, showing anger. I asked about change of venue. like change of venue, he lied stating their was not grounds for. While was friends with a lot of the Judges. Being provoked and harassed by witness Terrance Scroggins during trial. Would not help with filing restraining orders or use the information to show in the court at any time that Terrance was always the aggressor or impeach the witnesses properly jumping from lawyer to lawyer.
-

  - **Penal Code § 147:** Willful deprivation of a client's rights

- **Failure to Investigate/Prepare/Defend**

- Did not review Kevin's exculpatory video evidence or ask for Kevin's version of events. - Relied on fabricated reports and prosecution narrative. - **Penal Code § 1054.9:** Failure to seek or present exculpatory evidence

- **Failure to File Key Motions**

- Judge Dohi, refused to file Pitchess motion for LAPD Officer Charles Sean Dinse, despite Dinse's federal lawsuits for similar behavior. - Would not request change of venue or move for mistrial, nor file dismissal. Even with the events happening in the court room - **Penal Code § 1054.5:** Withholding of motions/evidence

- **Conflict of Interest**

- Admitted being friends with Judge Gregory A. Dohi and Judge Stephen Marcus, failed to zealously advocate for client. - Potentially took $50,000 under false pretenses (with influence from Arnold Silber, Kevin's stepfather). - **Penal Code § 182(a)(5):** Conspiracy to obstruct justice

- **Coercion Toward Insanity Plea (NGI)**

- Tried to pressure client to plead NGI to "get you out of this," abusing attorney's power/trust. Stating "I can get you out of this" I know some Psychology People - **Business & Professions Code § 6068:** Duty to act with honesty and loyalty

- **Refusal to Provide Self-Defense Argument**

- Refused to present documented mobbing/stalking history; said self-defense not possible for vandalism despite clear evidence of gangstalking and conspiracy amongst mass stalking groups with LAPD with an Agenda to setup or frame the defendant. - **Penal Code § 692-694:** Legitimacy of self-defense argument

Judicial Corruption & Misconduct
Specific Accusations:

- **Bias and Prejudice**

- Judge Stephen Marcus: **"I'll squeeze you out of your place."**
- Judge Gregory A. Dohi: Fabricated mental health diagnoses, belittled and intimidated defendant ("Come on down!") treating court rooms and trials like fun game shows, denied defense motions for Pitchess; colluded in systemic prejudice.
- **Penal Code § 96 & 96.5:** Judicial officers acting corruptly, maliciously, or with conflict of interest

- **Van Nuys Court Reporter who owns property adjoining my wall Misconduct – Debbie Wollman**

- Spread false rumors about Kevin's mental health to court staff and judges; owned property adjoining defendant (conflict of interest). - Omitted critical exculpatory phrases from transcripts (e.g., "Every Miata is modified"). - **Penal Code § 134:** Preparing false evidence (tampered transcript) - **Penal Code § 182:** Conspiracy

Police Corruption – Officer Charles Sean Dinse
Specific Accusations:

- **History of Lawsuits and Misconduct**

- Used Facebook to incite neighborhood harassment against Kevin; earlier federally sued by Rex Schillenberger.
- Publicly posted "How do we FORCE people into mental facilities," inciting community intimidation/hate/Stalking groups.
- **Penal Code § 182:** Conspiracy to violate civil rights
- **Penal Code § 135:** Destroying/concealing evidence

- **Fabrication of Claims and Evidence**

- Lied about Kevin following him with Prosecutor Orbell to use as amo for increased sentencing, staged incidents to provoke legal trouble. - Seized art computer (falsely called a "hard drive"), made misleading claims about data. - **Penal Code § 118:** Perjury - **Penal Code § 141:** Planting/tampering with evidence

- **Intimidation and Collusion**

- Orchestrated use of "fake FBI agents" to intimidate Kevin in courtroom right before trial day. - Colluded with Prosecutors Lisa Orbelli and Detective Ruiz, and Charles Sean Dinse.
- **Penal Code § 136.1:** Witness/victim intimidation - **Penal Code § 182:** Conspiracy

Witness and Community Misconduct

Specific Accusations:

- **Terrance Scroggins (Neighbor/Witness):**

- Engaged in continuous harassment/provocation before and during the trial(240+ videos), staged vandalisms with neighbors, Provokings, submitted false restitution claims (colluded with USAA Insurance to repaint entire car, then sought extra $5,000 after USAA paid for repairs).

- Left blackmail threats in writing demanding DIRECT restitution money.
- **Penal Code § 518:** Extortion
- **Penal Code § 118:** Perjury

- **Pedram Espinoza (Neighbor/Witness):**

- Provided knowingly false testimony about his time at the property and his encounters with Kevin. - **Penal Code § 118:** Perjury. No impeaching the witness with Pedram on video stating I'm not allowed at my townhouse complex. Or that I take pictures of kids. Showing he's defaming my name and has motive to get rid of me. Shep kept the argument in the context to make it look like I was loitering around his house, in the common areas of our complex. A Juror had to ask the Judge how long I lived their he picked up one the one sided stories.

- **Community Members ("Yosi," Jason Ryan Fishman, etc.):**

- Participated in organized surveillance/harassment; repeated slander ("not a real Jew," "mentally ill"), acted at direction of Officer Dinse and neighborhood watch. - **Penal Code § 653.2:** Electronic/cyber harassment - **Penal Code § 182:** Conspiracy to harass. Showing linked events within the Jewish Community.

Prosecutorial Misconduct
Specific Accusations:

- **Lisa Orbelli & Detective Ruiz (Prosecutors):**

- Collaborated with police and witnesses to create "incidents" for prosecution; made false claims and permitted intimidation tactics in and around the courthouse.
- Permitted/introduced false evidence, allowed staged intimidation (fake FBI agents and courthouse staff).
- **Penal Code § 118:** Subornation of perjury
- **Penal Code § 182:** Conspiracy
- **Penal Code § 96.5:** Misconduct by officers of the court

Transcript, Records, and Restitution Tampering
Specific Accusations:

- Omitted or altered evidence/testimony in trial transcripts (Debbie Wollman).
- Docket/minute orders contained unexplained errors or clerical manipulation (split sentence, "no probation" issues), possibly at the direction of corrupt clerks and neighbor/court reporter Debbie Wollman.

- Restitution awarded based on fraudulent insurance claims and blackmail tactics (Terrance Scroggins).
- **Penal Code § 134:** Preparing false documentary evidence
- **Penal Code § 115:** Filing false instruments

Overarching Constitutional and Civil Rights Violations

Specific Accusations:

- **Constitutional:**

- Denial of due process (U.S. Const. Amend. XIV)
- Denial of effective assistance/counsel (U.S. Const. Amend. VI; Strickland v. Washington)
- Denial of fair trial and equal protection (California Const. Art. I, §§ 7, 15)

- **Pattern of Systemic Government Abuse:**

- Collusion among judges, defense, prosecutors, police, and community.
- Tampering, intimidation, and long-term targeting that makes fair retrial impossible.
- **Penal Code § 182:** Criminal conspiracy
- **Civil Remedies:** 42 U.S.C. § 1983 (federal civil rights suit for deprivation of rights under color of law)

J**udicial Corruption—Grounds for Dismissal Overlooked**

- **Repeated Judicial Bias:**

- Judge Stephen Marcus made overtly hostile comments toward Defendant ("I'll squeeze you out of your place"), demonstrating clear personal animosity and prejudice contrary to impartial adjudication required by law.
- Judge Gregory Dohi fabricated "mental illness" labels for Defendant with no clinical basis, belittled Defendant during proceedings, and denied valid defense motions (e.g., Pitchess motion for Officer Dinse), demonstrating pattern of prejudiced rulings.
Legal Basis: Judicial bias and partial are grounds for mistrial or dismissal:
- *Caperton v. A.T. Massey Coal Co.*, 556 U.S. 868 (2009) (extreme judicial bias may violate due process).
- Cal. Penal Code § 96, § 96.5 (corrupt conduct by judicial officers).

- **Court Reporter Misconduct & Transcript Tampering:**

- Debbie Wollman, with a direct conflict of interest, fabricated negative mental health rumors about Defendant to judges and staff, and altered the official record (omitting exculpatory testimony such as "Every Miata is modified"). **Legal Basis:** Cal. Penal Code § 134 (preparing false evidence), § 182 (conspiracy to pervert justice).

Police Officer Corruption—Grounds for Dismissal Overlooked

- **Officer Charles Sean Dinse's Documented Corruption:**

- Used his Facebook account to incite community mobbing ("How do we FORCE people into mental facilities"), was previously federally sued for similar actions.
- Lied under oath about Defendant following him with Prosecutor Orbelli for increased sentencing, fabricated incidents, and seized Defendant's computer misrepresenting both its contents and evidentiary value.
- Regularly engaged in provocation and intimidation designed to escalate Defendant's legal peril.

Legal Basis:
- Cal. Penal Code § 118 (perjury), § 141 (evidence tampering), § 182 (conspiracy), § 147 (officials depriving rights).
- Cal. Evidence Code § 1043 et seq. (Pitchess motion—officer history of dishonesty/abuse is grounds for discovery, impeachment, and, where egregious, dismissal).

Prosecutorial Misconduct—Compelling Grounds for Dismissal Ignored

- **Fabrication, Coll, and Use of False Evidence:**

- Prosecutors Lisa Orbelli and Detective Ruiz collaborated with Dinse, Scroggins and others, knowingly presenting false or uninvestigated claims to the court.
- Prosecutors enabled and facilitated courtroom intimidation—**including the appearance of people posing as FBI agents during trial**—creating an atmosphere of threat and unlawfulness.
- Prosecutors injected irrelevant hearsay and prejudicial evidence into the record, repeatedly straying from the charges to paint Defendant as dangerous or unstable, manipulating judicial perception and deliberation.

Legal Basis:
- *People v. Batts* (2003) 30 Cal.4th 660, 693 (dismissal appropriate in egregious government misconduct).
- Cal. Penal Code § 118 (subornation of perjury), § 182 (conspiracy), § 96.5 (prosecutorial misconduct).

- **Admission of Hearsay/Irrelevant Allegations:**

- Prosecutors repeatedly introduced and relied on one sided prejudicial statements and hearsay incidents—**statements, rumors, alleged threats, and unrelated community disputes**—irrelevant to the charged offenses, used solely to inflame and manipulate the judge and jury. - Defense counsel failed to object or move to strike these prejudicial and improper references, compounding the miscarriage of justice. **Legal Basis:** - Cal. Evidence Code § 1200 (hearsay inadmissibility), - *People v. Fuiava* (2012) 53 Cal.4th 622 (admission of repeated, irrelevant misconduct evidence is reversible error).

Cumulative Misconduct Clearly Justified Dismissal

- **Pattern of Collusion:**

- Combined judicial, police, and prosecutorial bias, evidenced by intimidation, tampering, and fabrication, destroyed any pretense of fair trial.
- Egregious conduct rises to the constitutional standard where "the only appropriate remedy is dismissal," as retrial would merely replicate injustice.

- **Missed Opportunities for Relief:**

- At each stage—pretrial (based on evidence fabrication/transcript tampering), during trial (judicial bias, police perjury, prosecutorial hearsay, intimidation), and post-trial (restoration of rights, clerical errors)—counsel declined to move for dismissal.

Grounds for Dismissal (Relief Requested):

- Cumulative due process violations.
- Systemic government misconduct and collusion.
- Prejudice so severe retrial would be unjust and constitutionally insufficient.
- Legal authorities: US and California Constitution, People v. Batts (2003), Strickland. Washington (4), Caperton v. Massey (2009), Penal Code §§ 96, 96.5, 147, 182.