SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES
VAN NUYS COURTHOUSE

THE PEOPLE OF THE STATE OF CALIFORNIA,
Plaintiff,

v.

KEVIN PERELMAN,
Defendant.

Case No.: LA099813
Court of Appeal Case No.: B343120

DEFENDANT KEVIN PERELMAN'S RESENTENCING MEMORANDUM

I. INTRODUCTION

Defendant Kevin Perelman respectfully submits this memorandum in advance of resentencing following remand from the Court of Appeal.

The Court of Appeal did not remand this matter because the sentence was too lenient, because additional punishment was required, or because new aggravating findings were made. The remand was based on a legal sentencing-structure issue involving the prior sentence and the use of mandatory supervision.

Accordingly, the resentencing hearing should remain focused on correcting the legal structure of the sentence. It should not become a second trial, a general character hearing, or a proceeding based on hearsay, labeling, speculation, community hostility, uncharged allegations, or unsupported claims that Mr. Perelman is a "public nuisance" or "unstable."

Mr. Perelman respectfully asks the Court to impose a lawful, proportional sentence that is no harsher than necessary, gives full credit for all applicable time and compliance, and does not punish him for exercising his right to appeal.

II. THE REMAND IS NARROW

The Court of Appeal reversed and remanded for resentencing because the sentence imposed was legally improper in structure.

The appellate decision did not state that Mr. Perelman was under-punished. It did not direct the trial court to impose a harsher sentence. It did not authorize a broader character proceeding or a renewed attempt to litigate unrelated allegations.

The proper scope of this hearing is therefore limited: the Court must now impose a lawful sentencing structure for the counts of conviction.

Mr. Perelman respectfully submits that the Court should not allow this limited resentencing hearing to expand into a broad proceeding about reputation evidence, neighborhood disputes, subjective community dissatisfaction, alleged personality traits, speech, signs, websites, marketing materials, or unproven claims unrelated to the convictions.

III. MR. PERELMAN SHOULD NOT BE PUNISHED FOR EXERCISING HIS RIGHT TO APPEAL

Mr. Perelman exercised his lawful right to appeal. The Court of Appeal agreed that the prior sentence contained legal error. The fact that Mr. Perelman obtained partial appellate relief should not result in a harsher sentence or the appearance of punishment for appealing.

A more severe sentence after appeal would require careful justification based on objective and lawful sentencing factors, not generalized frustration, negative labeling, community dislike, unsupported allegations, or disagreement with Mr. Perelman's decision to challenge the judgment.

The defense respectfully requests that the Court make clear that resentencing is being conducted to correct the legal structure identified by the Court of Appeal, and not to punish Mr. Perelman for seeking appellate review.

IV. THE COURT SHOULD NOT RELY ON HEARSAY, LABELING, SPECULATION, OR UNPROVEN CHARACTERIZATIONS

Mr. Perelman respectfully requests that resentencing remain tied to the convictions, the appellate remand, and reliable sentencing information.

The defense objects to any attempt to increase punishment based on vague labels, unsupported hearsay, generalized reputation claims, or speculative characterizations such as claims that Mr. Perelman is "unstable," "dangerous," "a public nuisance," "unpredictable," or otherwise deserving of greater punishment based on opinion rather than reliable evidence.

The issue before the Court is not whether certain individuals dislike Mr. Perelman, disagree with his speech, object to his website, dislike his signs, dislike his business cards, or wish to characterize him negatively. The issue is the lawful correction of the sentencing structure identified on appeal.

If the prosecution seeks to rely on any alleged conduct outside the record of conviction, the defense requests that the Court require a clear showing of reliability, relevance, and connection to lawful sentencing factors before giving such material any weight.

Unproven claims, subjective fears, mental-health labeling, neighborhood hostility, or broad accusations should not be used as a substitute for lawful sentencing analysis.

V. DISPUTED OR UNPROVEN ALLEGATIONS SHOULD NOT BE USED TO INCREASE PUNISHMENT

The defense respectfully requests that the Court distinguish between proven facts and unproven allegations.

A complaint is not a conviction.
A police contact is not a conviction.
An accusation is not a finding.
A subjective opinion is not reliable sentencing evidence.
A label is not proof.

If the prosecution attempts to rely on any disputed allegation, the defense requests that the Court require specificity and reliability before considering it. Resentencing should not be based on rumor, inflammatory characterization, or untested claims.

Mr. Perelman should not receive a harsher sentence because of generalized accusations, community dislike, or unsupported descriptions of his character.

VI. COMMUNITY HOSTILITY OR GENERALIZED “PUBLIC NUISANCE” CLAIMS SHOULD NOT CONTROL RESENTENCING

The defense anticipates that the prosecution may attempt to characterize Mr. Perelman as a continuing “public nuisance” or as someone disliked by certain members of the community.

That framing should not drive resentencing.

This case involves specific convictions. It does not authorize a broad referendum on Mr. Perelman's reputation, personality, speech, signs, website, business cards, neighborhood disputes, or the subjective feelings of people who are not presenting reliable, specific, and legally relevant information.

The Court should sentence based on lawful factors tied to the convictions and the appellate remand, not on generalized community dislike, speculation, or inflammatory characterizations.

The defense respectfully asks the Court not to treat social isolation, community hostility, or lack of broad public support as evidence of dangerousness, instability, or noncompliance. A defendant should not be punished more severely because others hold negative opinions about him or because others wish to label him in a particular way.

VII. THE COURT SHOULD CONSIDER THAT THE TRIAL NARRATIVE WAS INCOMPLETE

Mr. Perelman maintains that important context was not adequately presented at trial, including evidence bearing on witness credibility, prior disputes, and the broader circumstances surrounding the alleged incidents.

For purposes of resentencing, the defense does not ask the Court to retry the case. However, the defense does ask the Court to be cautious before accepting any one-sided prosecution narrative that portrays Mr. Perelman as the sole source of conflict.

The defense intends to submit mitigation materials showing that the prosecution's simplified narrative does not capture the full context of the events and that certain witness-related issues were not adequately developed before the jury.

This matters at resentencing because the Court should not increase punishment based on an inflated, incomplete, or one-sided version of the underlying events.

VIII. MR. PERELMAN HAS ATTEMPTED TO COMPLY AND AVOID FURTHER ESCALATION

Since sentencing, Mr. Perelman has attempted to comply with court requirements and avoid further legal conflict. To the extent the prosecution attempts to rely on disputed allegations, the defense respectfully requests that the Court distinguish between proven noncompliance and unproven accusation.

Mr. Perelman asks the Court to consider whether there are any proven new convictions, adjudicated probation violations, or reliable findings that would justify harsher treatment.

Disputed allegations, police contacts, subjective complaints, and negative labels should not be treated as proof that prior leniency failed.

The defense submits that resentencing should be based on the actual record, the convictions, the appellate remand, and reliable information — not speculation, labels, or reputation-based claims.

IX. REQUESTED SENTENCE

Mr. Perelman respectfully requests that the Court impose a lawful sentence that:

1. corrects only the sentencing-structure issue identified by the Court of Appeal;
2. does not punish Mr. Perelman for exercising his right to appeal;
3. gives full custody credits and all applicable credits;
4. avoids additional custody unless legally required;
5. avoids relying on hearsay, labels, speculation, or unproven allegations;
6. limits any probation or supervision terms to clear, lawful, reasonable conditions directly related to the convictions;
7. rejects attempts to transform resentencing into a broad character proceeding;
8. avoids treating community hostility, social isolation, or disagreement with Mr. Perelman's speech as aggravating sentencing factors.

Mr. Perelman respectfully requests continued release and a lawful, proportional sentence consistent with the limited purpose of the remand.

X. CONCLUSION

The Court of Appeal remanded this case for resentencing because the prior sentence was legally misstructured. The remand should not be used as an opportunity to increase punishment based on unproven allegations, neighborhood hostility, disputed claims, hearsay, labels, speculation, or generalized claims that Mr. Perelman is a public nuisance.

Mr. Perelman respectfully asks the Court to impose a lawful, proportional sentence consistent with the limited purpose of the remand and to avoid any sentence that could appear to punish him for exercising his appellate rights.

Respectfully submitted,

Dated: _____

Kevin Perelman
Defendant In Pro Per

