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 In Pro Per,

Case No. LA099813

DEFENDANT KEVIN PERELMAN'S MOTION TO DISMISS PURSUANT TO PENAL CODE SECTION 1385 IN FURTHERANCE OF JUSTICE; OR, IN THE ALTERNATIVE, REQUEST TO STRICTLY LIMIT RESENTENCING TO THE SCOPE OF THE APPELLATE REMAND

Date: To be assigned by Court
Time: To be assigned by Court
Dept: To be assigned by Court
Judge: To be assigned by Court

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NOTICE OF MOTION AND MOTION

TO THE COURT, THE DISTRICT ATTORNEY, AND ALL PARTIES:

PLEASE TAKE NOTICE that Defendant Kevin Perelman will and hereby does move this Court for an order dismissing this matter pursuant to Penal Code section 1385 in furtherance of justice. The motion shall be heard on a date, at a time, and in a department to be assigned by the Court, or as soon thereafter as the matter may be heard.

In the alternative, if the Court declines dismissal, Defendant requests that resentencing be strictly limited to the scope of the appellate remand, including correction of the sentencing structure, application of all custody credits, recognition of time served, recognition of supervision already completed, and determination of any lawful remaining sentence, if any.

Defendant further requests that the Court exclude or disregard unrelated post-judgment allegations, police-contact narratives, hearsay, community-fear claims, mental-health speculation, character attacks, courthouse rumor, informal LAPD opinions, renewed dangerousness arguments, or new alleged conduct unless such material is properly noticed, supported, authenticated, legally relevant, and subject to a meaningful opportunity to respond.

This motion is not a request for mental-health evaluation, competency proceedings, psychiatric intervention, CARE Act referral, mental-health diversion, or any treatment-related proceeding. Defendant raises the mental-health-labeling issue for the opposite reason: to object to unsupported mental-health speculation being used as a credibility weapon, character attack, or substitute for admissible evidence.

This motion is based on this Notice of Motion and Motion, the attached Memorandum of Points and Authorities, the Declaration of Kevin Perelman, the record in this case, the appellate remand, the probation materials, and any attached exhibits.

DATED: _____

Respectfully submitted,

_____

Kevin Perelman
Defendant In Pro Per

MEMORANDUM OF POINTS AND AUTHORITIES

I. INTRODUCTION

Defendant Kevin Perelman respectfully moves this Court to dismiss this matter pursuant to Penal Code section 1385 in furtherance of justice.

Nothing in this motion is intended as an admission of guilt, liability, malice, intent, unlawful conduct, probation violation, victim contact, restitution noncompliance, vandalism, property damage, or any uncharged allegation. Defendant raises these issues to explain omitted defense context, the incompleteness of the record, the need for reliable evidence, and why dismissal or strictly limited resentencing is warranted.

This was not, from Defendant's perspective, an isolated vandalism case involving a single neutral victim and a single event. Defendant contends that the prosecution's allegations were presented without the extended pattern of overlapping pressure that preceded and surrounded them:

repeated vehicle and property-related incidents, alleged harassment and defacing, financial demands, hostile witness conduct, selective reporting to police, refusal or failure to take Defendant's own reports seriously, community-based character attacks, and recurring efforts to portray Defendant as unstable, dangerous, criminal, irrational, depressed, schizophrenic, or mentally ill when he attempted to explain or respond to what was happening around him.

Defendant further contends that certain residents, neighborhood-watch or community-watch participants, and other persons were not merely reporting isolated events, but may have participated in a recurring pattern of monitoring, provoking, repeating fear-based characterizations, selectively documenting claimed reactions attributed to Defendant, or encouraging police contact. Defendant contends that this alleged pattern was central to the case because conduct directed toward him was not meaningfully investigated, while claimed reactions attributed to him or his attempts to report that conduct were more readily documented and used against him.

Defendant does not ask the Court to find that every resident, witness, community participant, or police officer acted improperly. The narrower point is that the defense was not given a meaningful opportunity to investigate whether repeated community reporting, neighborhood-watch activity, police contacts, and fear narratives were independent and reliable, or whether they reflected bias, repeated communications, selective reporting, provocation, or efforts to obtain a claimed reaction attributed to Defendant.

Defendant further contends that unsupported characterizations of him as unstable, dangerous, criminal, irrational, depressed, schizophrenic, or mentally ill were circulated or accepted before the prosecution's allegations and then became a lens through which later complaints and police contacts were treated. According to Defendant, those labels were not based on a judicial finding, admissible expert evidence, or a fair investigation of the underlying conflicts. Yet they allegedly caused his reports of vehicle vandalism, property interference, threats, harassment, stalking, and provocation to be discounted, minimized, or not meaningfully documented, while accusations against him were accepted and reinforced.

Defendant contends that these events created a mutually reinforcing process in which alleged provocations and pressure were followed by a claimed reaction attributed to Defendant; that claimed reaction was then isolated from its context, reported to police, and used to reinforce the same negative narrative against him. The original unsupported labels allegedly encouraged police and others to view Defendant as the source of the problem; that view made Defendant's complaints less likely to be investigated or taken seriously; and the resulting absence of reports documenting the alleged provocations then made the official record appear to confirm that only Defendant was involved in misconduct.

Meanwhile, Defendant's attempts to document the underlying conduct, seek police assistance, challenge witness motives, or explain the broader context were allegedly disregarded, minimized, or left out of the record. Defendant contends that this left him exposed to continuing pressure at his residence, around his vehicles and property, in his community environment, and in public places,

while the official record accumulated only the accusations, reports, and characterizations adverse to him.

The central failure was not simply that counsel lost an argument. Defendant contends that trial counsel did not provide a functioning defense to the actual case and the magnitude of the situation being built against him. Rather than organizing the evidence of repeated provocation, witness bias, financial motive, police non-response, available video evidence, courthouse-bias concerns, and the long-term course of events, counsel left Defendant to confront the prosecution's narrative as though the prosecution's allegations had appeared out of nowhere. Defendant was placed in the position of responding to accusations one at a time, without the jury ever being given the structure necessary to understand why those accusations existed, who may have had motive to generate or escalate them, why Defendant believed ordinary reporting channels were ineffective, and why the prosecution's allegations could not fairly be evaluated in isolation.

Defendant further contends that this produced an impossible practical position: no matter how many alleged provocations, property incidents, or pressures occurred, any attempt by Defendant to describe them, report them, or explain their cumulative effect could itself be used to reinforce the preexisting narrative that he was unstable, dangerous, criminal, irrational, depressed, schizophrenic, or mentally ill. The result, Defendant contends, was that he could not safely remain silent because the alleged conduct continued, yet he could not meaningfully speak or seek protection because the explanation itself was treated as evidence against him.

Most importantly, Defendant contends that the jury-instruction framework gave him no meaningful route to present a complete defense. The ordinary law of self-defense focuses on an immediate threat and an immediate defensive response. Defendant's claimed situation involved an alleged continuing course of harassment, property attacks, intimidation, selective reporting, and pressure that Defendant contends could not simply be ended by walking away, because the conduct allegedly followed him to his residence, vehicles, property, community environment, and public places.

Thus, even if the jury had heard the full context, Defendant contends that it could have been told that the context did not amount to self-defense because there was no immediate danger at the precise moment of the prosecution's allegations. The jury could therefore hear that Defendant was under continuing pressure, but still be instructed that it could not treat that pressure as a complete defense. That is the no-win problem: Defendant could not rely on ordinary self-defense doctrine, yet the same ongoing circumstances were necessary to evaluate his intent, state of mind, absence of malice, provocation, witness credibility, and mitigation.

Defendant does not contend that the law authorized property damage merely because he could not walk away from an ongoing situation. Rather, Defendant contends that the legal framework did not provide the jury a workable way to assess the magnitude of an alleged prolonged pattern of indirect provocation and pressure, even though that pattern was central to evaluating the prosecution's allegations fairly. Defendant further contends that this gap allowed the prosecution's isolated-event

narrative to prevail without the jury being able to give full legal weight to the circumstances Defendant contends preceded and surrounded the prosecution's allegations.

This case also presented structural fairness problems that should have been addressed before trial. Defendant contends that Van Nuys court reporter Debbie Wollman had a personal or property-related connection to Defendant's residence and participated in or repeated unsupported mental-health characterizations outside the evidentiary record. Defendant contends that this created an appearance-of-bias and courthouse-contamination concern that should have been addressed through change of venue, reassignment, disqualification, or other protective relief.

Defendant further contends that the same structural failure continued through the appellate process. Trial counsel did not develop or present a functioning defense to the full pattern Defendant alleges, and appellate counsel did not meaningfully place the broader ineffective-assistance, omitted-evidence, jury-instruction, police non-response, witness-bias, venue, courthouse-bias, and sentencing-reliability issues before the reviewing court. The appeal addressed sentencing structure, but Defendant contends it did not remedy the underlying problem: the conviction rested on a record that never fairly presented the actual defense. To the extent these claims depend on facts outside the appellate record, Defendant preserves them for habeas corpus review.

This motion does not ask the Court to resolve every disputed factual allegation or retry the case. It asks the Court to exercise its discretion under Penal Code section 1385 because the conviction and sentence rest on a record that Defendant contends was materially incomplete, one-sided, and incapable of fairly presenting the actual defense.

If the Court declines dismissal, Defendant requests that resentencing be limited strictly to the appellate remand. The Court should reject any attempt to expand resentencing into unrelated post-judgment allegations, police-contact narratives, hearsay, community-fear claims, mental-health speculation, character attacks, courthouse rumor, informal police assertions, renewed dangerousness arguments, or new alleged conduct unless properly noticed, supported, authenticated, legally relevant, and subject to a meaningful opportunity to respond.

II. PROCEDURAL BACKGROUND

Defendant was convicted in Los Angeles Superior Court case number LA099813.

On November 14, 2024, Defendant was sentenced on Count 002, felony vandalism, under Penal Code section 1170(h), and Count 003, misdemeanor vandalism.

The Court of Appeal reversed and remanded for resentencing because the original sentencing structure was legally defective.

The remand concerns sentencing structure. It was not a remand for retrial, dangerousness reassessment, mental-health evaluation, competency proceedings, psychiatric commitment

proceedings, mental-health diversion, CARE Act proceedings, or new litigation of unrelated alleged conduct.

The direct appeal corrected an important sentencing-structure issue, but it did not resolve the broader fairness concerns raised in this motion.

Defendant now appears before this Court for resentencing following the successful appeal. Defendant requests dismissal in furtherance of justice. Alternatively, Defendant requests that the Court correct the sentence narrowly, apply all credits and time served, recognize completed supervision, and impose no additional punitive consequences.

III. LEGAL STANDARD UNDER PENAL CODE SECTION 1385

Penal Code section 1385 authorizes a court to dismiss an action in furtherance of justice.

In exercising that discretion, the Court may consider the constitutional fairness and reliability of the proceedings, the interests of justice, proportionality, mitigation, sentencing fairness, and whether continued punishment serves a legitimate purpose. See People v. Superior Court (Romero), 13 Cal.4th 497 (1996); People v. Williams, 17 Cal.4th 148 (1998); People v. Orin, 13 Cal.3d 937 (1975).

This motion is based on cumulative unfairness. Even if the Court does not find that any single issue independently requires dismissal, the combined effect of omitted evidence, failure to impeach, narrow legal framing, unsupported psychological labeling, police/community influence, counsel omissions, sentencing irregularities, courthouse-bias concerns, probation-report problems, appellate-record limitations, and prejudicial narratives supports dismissal in furtherance of justice.

At minimum, these same factors support the least punitive lawful resentencing outcome and a strict order limiting the resentencing hearing to the appellate remand.

IV. INEFFECTIVE ASSISTANCE, APPELLATE COUNSEL'S LIMITED PRESENTATION, AND THE UNDEVELOPED APPEAL RECORD

Defendant contends that the direct appeal did not resolve the core fairness issues in this case because appellate counsel did not meaningfully raise or develop the arguments Defendant believed were necessary to challenge the proceedings as a whole.

Defendant recognizes that the direct appeal resulted in a remand for correction of the sentencing structure. That remand was important. However, Defendant contends that the appeal addressed only a limited sentencing issue and did not meaningfully address the broader procedural defects, ineffective-assistance issues, omitted-evidence issues, probation-report issues, courthouse-bias concerns, police-bias concerns, and record-reliability problems Defendant believed should have been raised.

Defendant contends that appellate counsel, Yisreal Gelb, did not meaningfully present the argument that trial counsel failed to provide a functioning defense to the actual case being built against Defendant. Defendant contends that trial counsel failed to investigate, organize, authenticate, present, and preserve the evidence necessary to explain the broader defense theory, including alleged long-term provocation, vehicle vandalism, property interference, defacing, harassment, threats, intimidation, stalking, selective reporting, witness bias, financial motive, police non-response, available video evidence, courthouse-bias concerns, and unsupported mental-health labeling.

Defendant further contends that appellate counsel did not meaningfully raise the procedural consequences of those trial-counsel failures or procedural issues. In Defendant's view, the issue was not merely whether one exhibit, one video, or one ruling was handled incorrectly. The issue was that the entire defense theory was never presented as a coherent whole, leaving the jury, sentencing court, and reviewing court with an incomplete and one-sided record.

Defendant understands that a direct appeal is generally limited to the trial-court record and is not a new trial. Defendant does not contend that the appellate court was required to decide facts that had never been developed below. Rather, Defendant contends that appellate counsel should have distinguished between issues visible from the existing record and issues requiring habeas corpus factual development.

Defendant further contends that these statements contributed to his concern that the defense was never being prepared in a manner designed to fairly test guilt, innocence, reasonable doubt, witness credibility, or the broader factual context. From Defendant's perspective, the problem was not merely that counsel made a poor strategic choice. The problem was that counsel appeared to understand that the case involved broader circumstances, yet the defense was still presented as though the prosecution's isolated-event narrative was the only framework available.

Defendant contends that, once the broader evidence was not investigated, organized, authenticated, or presented, the trial became structurally one-sided. The jury could not fairly evaluate innocence, intent, lack of malice, provocation, witness motive, police non-response, or reasonable doubt because the factual record necessary to evaluate those issues was never meaningfully developed.

Defendant does not ask the Court to accept a conclusory claim that the result was predetermined. Rather, Defendant contends that the adversarial process did not function as required because the defense theory was not meaningfully presented, leaving the prosecution narrative effectively untested in the areas most important to Defendant's case.

Defendant further contends that appellate counsel did not meaningfully address the probation-report and sentencing-due-process issues, including untested victim statements, police mental-health labeling, restitution-related claims, dangerousness narratives, and information Defendant contends he was not given a meaningful opportunity to correct or answer before sentencing.

Defendant also contends that appellate counsel did not meaningfully address the courthouse-bias and appearance-of-bias issues, including Defendant's contention that court reporter Debbie Wollman had a personal or property-related connection to Defendant's residence and allegedly made or repeated unsupported mental-health characterizations outside the evidentiary record.

Defendant further contends that appellate counsel did not meaningfully raise or develop the issue of Officer Charles Sean Dinse's alleged credibility, bias, influence, and the significance of the denied or undeveloped Pitchess issue.

Defendant requested substitute or conflict-free appellate counsel because he believed appellate counsel would not fairly evaluate or present claims concerning trial counsel's omissions and failures. Defendant contends that this request was denied or not meaningfully acted upon, leaving him without appellate counsel willing to present the arguments Defendant believed were necessary to challenge the fairness of the proceedings.

Defendant does not ask this Court to find, in this motion, that appellate counsel acted with an improper personal motive. The narrower point is that Defendant contends he was not provided meaningful independent appellate review of trial counsel's conduct, the incomplete trial record, or the extra-record issues requiring habeas development.

For purposes of this Penal Code section 1385 motion, Defendant does not ask this Court to fully adjudicate every ineffective-assistance, appellate-counsel, or habeas issue. Rather, Defendant asks the Court to recognize that the appellate remand corrected a sentencing-structure defect but did not cure the broader problem: Defendant contends the trial record remained incomplete, the defense theory was never meaningfully presented, and the appeal did not meaningfully place those fairness issues before the reviewing court.

Accordingly, the fact that the appeal resulted in a sentencing remand should not be treated as a determination that Defendant's broader fairness issues lack merit. Defendant contends those issues were not fully reached because trial counsel failed to develop the record, appellate counsel did not meaningfully raise the record-based procedural issues, and extra-record ineffective-assistance issues were not meaningfully pursued through habeas corpus.

V. THIS CASE SHOULD HAVE BEEN ADDRESSED AS A CHANGE-OF-VENUE, REASSIGNMENT, OR COURTHOUSE-BIAS CASE FROM THE BEGINNING

Defendant contends that this case presented change-of-venue, reassignment, disqualification, or courthouse-bias concerns from the beginning.

Defendant contends that Van Nuys court reporter Debbie Wollman had a personal or property-related connection to Defendant outside the courtroom, including ownership of property adjoining Defendant's residence and communications or issues connected to Defendant's residential environment.

Defendant further contends that Ms. Wollman made, repeated, or participated in mental-health characterizations about Defendant, including statements portraying Defendant as schizophrenic, depressed, or mentally ill, despite there being no proper court finding, psychiatric evaluation admitted into evidence, expert testimony, or lawful evidentiary basis for such characterizations.

Defendant contends that this issue was significant because it created an appearance that informal courthouse narratives about Defendant existed outside the record before trial, during trial, and through sentencing. Defendant further contends that these informal narratives contributed to the same prejudicial theme used against him throughout the case: that Defendant was unstable, irrational, dangerous, depressed, schizophrenic, or a public nuisance.

Defendant does not raise this issue to litigate a personal property dispute or to ask the Court to decide every outside interaction involving Ms. Wollman. Defendant raises this issue because a courthouse-connected person with a personal/property-related connection to Defendant allegedly participated in or repeated mental-health labeling outside any lawful evidentiary process.

That circumstance created an appearance-of-bias concern and should have been raised through a change-of-venue motion, reassignment request, disqualification request, evidentiary motion, or other protective relief before trial.

For purposes of Penal Code section 1385, the Court need not decide whether Ms. Wollman actually influenced any particular ruling. The issue is whether the cumulative circumstances create an appearance that Defendant did not receive a proceeding free from courthouse rumor, unsupported mental-health labeling, personal-property conflict, and non-record characterizations.

VI. THE TRIAL RECORD WAS MATERIALLY INCOMPLETE AND ONE-SIDED

The case was presented as an isolated vandalism matter.

The prosecution narrative portrayed Defendant as the aggressor, the source of conflict, a public nuisance, dangerous, unstable, irrational, depressed, or unpredictable.

The missing defense narrative was that the prosecution's allegations arose within a long-running pattern of provocation, property interference, vehicle vandalism, defacing, harassment, intimidation, stalking, witness hostility, selective reporting, police non-response, and repeated efforts to provoke reactions that could later be used against Defendant.

The constitutional problem is that the jury and sentencing court were never given the information necessary to fairly evaluate credibility, motive, intent, state of mind, witness bias, provocation, absence of malice, mitigation, and sentencing fairness.

The jury was asked to judge an isolated event without the context necessary to understand whether the complaining witnesses were neutral victims, financially motivated parties, hostile neighbors, persons with motive to provoke Defendant, or participants in a larger pattern of selective reporting and escalation.

The sentencing court likewise lacked a complete picture. Sentencing was affected by a record that portrayed Defendant negatively while omitting the context explaining Defendant's state of mind, prior attempts to seek help, repeated property attacks, witness motive, and alleged law-enforcement non-response. Defendant further contends that this non-response was not neutral: his attempts to report harassment, vehicle vandalism, threats, property interference, or provocation were allegedly filtered first through unsupported mental-health labels, causing his complaints to be discounted, minimized, or treated as evidence of instability rather than as reports requiring investigation.

VII. THE NARROW LEGAL FRAMING PREVENTED A FAIR PRESENTATION OF THE DEFENSE

The jury was effectively left with a narrow question: whether the prosecution proved the vandalism allegations.

But the defense position was broader. Defendant contends the alleged conduct occurred after years of continuing provocation, harassment, property attacks, vehicle vandalism, intimidation, stalking, threats, witness hostility, law-enforcement refusal or failure to intervene, and mental-illness labeling.

Traditional self-defense instructions focus on immediate danger. Defendant's position involved a prolonged course of conduct and repeated property-related attacks, not a single isolated confrontation.

Even if conventional self-defense did not technically apply to vandalism, the omitted background evidence remained directly relevant to:

1. witness bias;
2. witness motive;
3. police motive, officer bias, and law-enforcement influence over the narrative;
4. neighborhood-watch, resident-reporting, or community-monitoring influence;
5. provocation;
6. credibility;
7. selective reporting;
8. whether fear-based statements were independent or influenced by repeated communications, police contact, or community narratives;
9. whether claimed reactions were being generated, documented, and isolated from their context;
10. Defendant's state of mind;

11. absence of malice;
12. reasonableness of Defendant's perception;
13. impeachment of witnesses and police-associated assertions;
14. mitigation.

Defendant further contends that information concerning Officer Dinse and publicly reported complaints, litigation, or materials involving police use of community-reporting or neighborhood-watch-type groups was relevant to this analysis. Defendant does not ask the Court to accept those materials as proven in this motion without proper foundation. The point is that such materials should have been investigated and, where admissible, used to test whether police contact, resident reporting, fear narratives, and mental-health or nuisance labels were neutral and independent, or instead reflected bias, influence, repeated communications, or a broader reporting pattern.

The constitutional issue is that the law's narrow framing prevented the jury from hearing the full defense context. The jury was asked to decide an isolated vandalism theory without hearing the background necessary to understand the witnesses, the conflict, Defendant's state of mind, and the reason the incident occurred.

This made the defense functionally impossible to present. Without the long-term context, a claimed reaction attributed to Defendant could be portrayed as irrational or malicious. With the long-term context, the jury could have evaluated whether the prosecution narrative was incomplete, whether witnesses had motive to provoke or exaggerate, whether the prosecution could fairly prove malice when viewed in full context, and whether the case involved a long-running conflict rather than a one-sided criminal episode.

Defendant does not ask this Court to rewrite self-defense law. Defendant asks the Court to consider that the defense evidence was relevant to ordinary issues already before the jury: intent, malice, credibility, motive, bias, provocation, and mitigation.

VIII. UNSUPPORTED MENTAL-HEALTH LABELING, LONG-TERM PROVOCATION, AND THE CONSTITUTIONAL TRAP

Defendant does not raise this issue to request, invite, or suggest any mental-health evaluation, competency inquiry, CARE Act referral, treatment proceeding, or psychiatric intervention.

Defendant raises this issue for the opposite reason: to object to unsupported mental-health labeling being used as a substitute for evidence, credibility analysis, impeachment, and lawful sentencing factors.

There has been no proper court finding, expert testimony, psychiatric evaluation admitted into evidence, or lawful evidentiary basis establishing that mental-health speculation is relevant to

resentencing. The defense therefore requests that the Court disregard unsupported mental-health labels, informal characterizations, courthouse rumor, community speculation, and non-expert opinions.

Defendant contends that one of the central constitutional problems in this case is that the proceedings treated claimed reactions attributed to Defendant as evidence of instability, dangerousness, depression, schizophrenia, or public-nuisance behavior, while failing to present the long-term pattern of provocation, harassment, property interference, vandalism, threats, and police non-response that Defendant contends produced those reactions.

The defense position is that the mental-health narrative was not neutral evidence. It was part of the prosecution atmosphere and community narrative used to discredit Defendant, reduce his credibility, and prevent the jury from fairly considering his explanation of events.

Defendant contends that repeated provocation, property attacks, vehicle vandalism, verbal harassment, threats, intimidation, and selective reporting created the appearance of instability while the underlying conduct causing that appearance was excluded, minimized, or never meaningfully presented.

This created a constitutional trap.

If Defendant attempted to explain the long-term pattern of harassment and provocation, the explanation risked being mischaracterized as paranoia, schizophrenia, depression, or mental illness. But if Defendant did not explain that history, the jury was left with an isolated act stripped of the context necessary to evaluate motive, intent, credibility, witness bias, provocation, and state of mind.

The law should not permit a defendant to be portrayed as unstable or dangerous while the evidence explaining the source of the conflict is excluded. Nor should a criminal proceeding permit unsupported psychological labeling, public-nuisance framing, or generalized fear narratives to substitute for proof.

This issue is especially important at resentencing. If the prosecution attempts to argue that Defendant is dangerous, unstable, depressed, schizophrenic, or in need of custody based on generalized fear or unsupported characterizations, the Court should require proper notice, foundation, admissible evidence, and a meaningful opportunity to respond.

IX. ROTATING PROVOCATION, CLAIMED-REACTION MANUFACTURING, ONLINE / COMMUNITY REPORTING, AND UNDEVELOPED WITNESS IMPEACHMENT

Defendant contends that the omitted evidence would have shown a recurring and continuing pattern of rotating provocation, property interference, vehicle vandalism, defacing, harassment, stalking, threats, intimidation, physical confrontations, and instigation designed to produce a

claimed reaction that could then be reported to police and used as a basis for arrest, prosecution, supervision, increased punishment, or mental-illness labeling.

This evidence was critical because the prosecution presented a claimed reaction attributed to Defendant in isolation, while the defense was not permitted or failed to present the repeated triggering conduct that allegedly preceded it.

Without that context, the jury and sentencing court were left with a distorted picture: Defendant appeared to be the sole source of conflict, while the alleged pattern of provocation, witness motive, selective reporting, stalking, and reaction-seeking behavior was never meaningfully tested.

This evidence was relevant to witness bias, motive to provoke, motive to exaggerate, police motive, officer bias, credibility, absence of malice, mitigation, and the fairness of sentencing.

It was also relevant to whether later allegations or police contacts should be viewed cautiously, because Defendant contends that such contacts may have resulted from repeated instigation, selective reporting, or police/community influence rather than independent evidence of dangerousness.

The defense does not offer this theory as a vague accusation. Defendant contends there were specific categories of omitted evidence, including repeated car vandalism, vehicle defacing, property interference, verbal provocations, threats, letters, financial demands, physical confrontations, online or community discussions, and conduct during active trial proceedings that Defendant believed was designed to trigger a claimed reaction.

The defense also should have been permitted to investigate and impeach complaining witnesses and other community witnesses concerning their own conduct, communications, motives, and participation in the events surrounding Defendant. Relevant areas of inquiry included whether a witness:

1. had ever intentionally provoked Defendant or attempted to obtain a claimed reaction from him;
2. had participated in, witnessed, encouraged, or had knowledge of incidents involving Defendant's vehicles, property, residence, neighborhood environment, public encounters, or other places where Defendant was allegedly subjected to repeated confrontation or reporting;
3. had discussed Defendant with other residents, witnesses, police officers, association representatives, neighborhood-watch participants, community figures, or through Facebook groups, blogs, Reddit discussions, Google-related forums, community-message platforms, or other internet-based discussions before making a report or statement;
4. had been encouraged, instructed, or influenced by any person to watch, document, confront, report, avoid, pressure, follow, provoke, or otherwise engage with Defendant;

5. had repeated or adopted statements that Defendant was dangerous, unstable, criminal, irrational, depressed, schizophrenic, or mentally ill without personal knowledge or reliable evidentiary support;

6. had participated in community discussions, online discussions, association discussions, informal reporting efforts, neighborhood-watch discussions, Facebook-group discussions, social-media discussions, or other communications concerning Defendant;

7. had a financial motive, restitution motive, personal conflict, neighborhood dispute, retaliation motive, reputational motive, or other reason to portray Defendant negatively;

8. had omitted their own conduct, prior interactions, provocations, communications, online activity, reporting activity, or involvement when reporting Defendant to police or testifying against him;

9. claimed to be afraid of Defendant while also engaging in yelling, threats, confrontations, territorial demands, attempts to control where Defendant could go within the complex, attempts to interfere with Defendant's ordinary movement in public places, or other conduct inconsistent with the claimed level of fear.

Defendant further contends that the relevance of online and community-based communications extended beyond the immediate residential complex. Defendant contends that the alleged pattern was not limited to where he lived, but also appeared in public encounters, social environments, food-distribution settings, walks, vehicle-related incidents, and other places where Defendant contends he was confronted, watched, reported, or pressured.

Defendant further contends that this broader pattern was relevant because the case should not have been treated as a narrow neighborhood disagreement if evidence existed that similar reporting, labeling, or reaction-seeking conduct appeared in other settings or through online communications. Defendant contends that such evidence would have been relevant to whether witness statements, police contacts, and fear narratives were independent and reliable, or instead influenced by repeated communications, shared labels, online discussions, or police/community narratives.

Defendant further contends that Facebook and other online community forums were not collateral issues. Defendant contends that such platforms were relevant because they may show how residents, neighborhood-watch participants, police-associated persons, or community members communicated about Defendant, repeated fear-based narratives, spread unsupported mental-health labels, encouraged reporting, documented Defendant, or influenced how later accusations were made and interpreted.

Defendant further contends that this issue was especially important because Officer Charles Sean Dinse had been publicly connected to allegations involving police use of Facebook or community groups in connection with another person. Defendant does not ask the Court to accept those allegations as proven merely because they were publicly reported or because screenshots exist.

Rather, Defendant contends that the materials should have been investigated, authenticated where possible, and evaluated for their relevance to officer bias, motive, credibility, police/community influence, witness coordination, repeated reporting, and the use of mental-health or nuisance labels.

Defendant further contends that the relevance of Facebook and online community activity did not arise only after the case. Defendant recalls that, around 2017, an employee at King Auto in Van Nuys made a statement to the effect that Defendant was being discussed or appeared on Officer Charles Sean Dinse's Facebook account. Defendant does not ask the Court to accept that statement as proven without proper foundation. Rather, Defendant contends that the statement was one of several reasons counsel should have investigated whether Facebook groups, social-media discussions, police-associated online activity, or community-reporting networks influenced how residents, witnesses, or police perceived and reported Defendant.

Defendant contends that the Van Nuys location of the King Auto statement was significant because it suggested the alleged online or police-associated narrative was not confined to Defendant's residential complex or immediate neighborhood. If authenticated, Defendant contends that this evidence would support the need to investigate whether statements, labels, or police/community narratives about Defendant were being circulated more broadly and influencing later reporting, witness perception, or police response.

Defendant contends that if authenticated screenshots, public posts, online discussions, or litigation materials show police-associated use of Facebook groups or other internet platforms to discuss, label, track, pressure, or encourage reporting against persons viewed as undesirable, that evidence may be relevant to whether similar mechanisms affected Defendant's case. Defendant further contends that this evidence was relevant to impeachment, discovery, Pitchess-related issues, witness motive, selective reporting, and the reliability of fear-based or mental-health narratives used against him.

Defendant contends that video evidence allegedly showed certain witnesses presenting themselves as fearful of Defendant while also yelling at him, making threats, confronting him, asserting control over areas of the complex, or otherwise engaging him in ways that should have been tested against the claimed fear narrative.

For example, Defendant contends that video evidence included statements to the effect that Defendant was "not allowed" on a particular side of the complex, along with hostile or threatening conduct directed toward him. Defendant contends that this evidence was relevant not to ridicule any witness, but to test whether the witness's claimed fear was genuine, complete, or presented without the surrounding context.

Defendant does not contend that every witness necessarily engaged in such conduct. The issue is that the defense was not given a meaningful opportunity to investigate, develop, and test these questions through discovery, impeachment, cross-examination, witness examination, or presentation of contrary evidence.

If a witness had participated in provocation, repeated characterization, coordinated reporting, conduct intended to generate a claimed reaction, or communications encouraging others to direct conduct toward Defendant, that evidence would have been directly relevant to bias, motive, credibility, selective reporting, impeachment, provocation, and the reliability of the prosecution's narrative.

Defendant contends that the alleged rotating-group pattern was important precisely because it could not be understood by examining one witness at a time in isolation. The defense theory was that different people, at different times, may have played different roles — provocation, reporting, repeating labels, property-related conduct, financial demands, fear-based claims, online amplification, police-associated influence, or reinforcement of a dangerousness narrative — while the resulting reaction was attributed solely to Defendant.

Accordingly, the omitted impeachment and contextual evidence was not collateral. It was central to whether the prosecution witnesses were credible, whether the prosecution could fairly prove malice or provoked, whether the narrative presented to the jury was complete, and whether the conviction and sentence can fairly stand.

X. POLICE NON-RESPONSE, FAILURE TO DOCUMENT COMPLAINTS, AND ONE-SIDED RECORD CREATION

Defendant contends that the record was distorted by law-enforcement non-response and failure to meaningfully document Defendant's complaints.

Defendant contends that he repeatedly attempted to report harassment, vehicle vandalism, property interference, threats, stalking, provocation, and witness-related conduct, but that police either refused to take reports, refused to treat the complaints seriously, or failed to meaningfully investigate them.

Defendant further contends that this non-response was influenced by informal and unsupported mental-health labeling that was never established by a court finding, psychiatric evaluation, expert testimony, or admissible evidence.

This issue is central to the fairness of the proceedings. If Defendant's complaints were ignored, minimized, or undocumented while complaints against Defendant were accepted and prosecuted, then the resulting record would naturally appear one-sided. The jury and sentencing court would see reports portraying Defendant as the problem, while missing the reports, attempted reports, or underlying events showing Defendant's efforts to seek protection and document provocation.

This also bears directly on Defendant's state of mind, witness credibility, motive, provocation, absence of malice, and mitigation. A person repeatedly subjected to property interference, vehicle vandalism, threats, stalking, and provocation, while being unable to obtain meaningful police assistance, may react differently than a person involved in a single isolated dispute.

Defendant does not ask the Court to decide every disputed police-contact issue in this motion. Defendant raises this issue because police non-response and failure to document complaints contributed to the incomplete and one-sided record.

In furtherance of justice, the Court should consider that the prosecution narrative may have been built on recorded accusations against Defendant while Defendant's own complaints and context were never meaningfully documented, investigated, or presented.

XI. WITNESS CONDUCT BEFORE, DURING, AND AFTER TRIAL; CONTINUING MOTIVE, REACTION-SEEKING CONDUCT, AND POST-SENTENCING PROVOCATION CONCERNS

A. Pretrial Background, Continuing Motive, and Alleged Course of Conflict

Defendant contends that the alleged pattern involving Terrance Scroggins did not begin with the case, did not arise only during trial, and did not first appear after sentencing. Defendant contends that, since moving into the area approximately twenty-six years ago, he has experienced an escalating pattern of alleged provocation, property-related incidents, hostile encounters, selective reporting, and involvement by different persons at different times.

Defendant further contends that Mr. Scroggins has been involved in or connected to multiple incidents and arrests affecting Defendant from the earlier stages of that history. Defendant does not ask the Court to decide every event from that period in this motion. Rather, Defendant contends that this longer history is relevant because it bears on motive, credibility, provocation, witness bias, selective reporting, Defendant's state of mind, and whether later conduct should be understood as an isolated dispute or as part of a recurring pattern.

Defendant contends that this broader history was important because the charged allegations were presented as isolated events, while Defendant's explanation for the conflict, his perception of threat, his prior attempts to seek help, the alleged history of provocation and reporting, and the continuing pattern before, during, and after trial were not meaningfully investigated, organized, presented, or tested.

Defendant further contends that the probation materials themselves reflect motive, hostility, and bias relevant to this issue. A victim-impact statement associated with Count 2 contains derogatory characterizations of Defendant, including language calling Defendant an "insane asshole," assertions that Defendant was mentally ill, allegations about other unprosecution's allegations, and a statement that Defendant should be placed in a mental-health institution for the rest of his life. Defendant contends that this was not a neutral statement of loss or ordinary victim-impact information. Rather, Defendant contends it reflected hostility, punitive motive, mental-health labeling, and a desire to remove Defendant from society. Defendant further contends that such statements should have been examined for bias, motive, exaggeration, reliability, and improper character framing rather than accepted as neutral sentencing information.

B. Alleged Conduct During Active Trial Proceedings

Defendant contends that, during active trial proceedings, Terrance Scroggins himself repeatedly came to or near Defendant's residence or property and engaged in conduct Defendant understood as intended to provoke contact, obtain a claimed reaction, or create a basis for additional accusations.

Defendant contends that he possesses approximately seventy or more videos showing Terrance Scroggins throwing, dropping, placing, or directing cards, papers, or similar materials onto or around Defendant's property on this situation alone, including onto or near Defendant's cat, during the period of active trial proceedings.

Defendant further contends that the scope, frequency, and intensity of this conduct were materially understated or left undeveloped before trial and during the proceedings. Defendant contends that the issue was not a minor incident occurring "a couple of times," but an alleged repeated and obsessive pattern of instigation that Defendant understood as designed to provoke contact, obtain a claimed reaction, or create a basis for additional accusations while Defendant was legally constrained from responding.

Defendant contends that this repeated conduct was relevant to motive because it suggested an effort to continue pressure until a claimed reaction was attributed to Defendant, a confrontation occurred, or a situation was created that could be reported against him.

Defendant contends that this conduct was significant because Defendant was subject to stay-away restrictions and understood that any reaction, contact, confrontation, or attempt to respond could be used against him as an alleged violation.

According to Defendant, this created another no-win situation: conduct allegedly directed at Defendant continued during trial, yet Defendant believed that responding, confronting Mr. Scroggins, or attempting to address the conduct directly could expose him to further accusations or alleged stay-away-order violations.

The defense contends that this evidence was relevant to witness motive, provocation, intimidation, selective reporting, Defendant's state of mind, and whether efforts were being made to generate a claimed reaction while the case was pending.

Defendant further contends that trial counsel was aware of these alleged during-trial events, including the repeated card, paper, or similar-item incidents, but did not consider the evidence sufficiently relevant to investigate, present, use for impeachment, seek protective relief, or develop as part of the defense.

The issue is not whether the Court must resolve every incident in this motion. The issue is that the defense should have been permitted to investigate, preserve, and present evidence showing whether Mr. Scroggins engaged in conduct intended to provoke Defendant during trial while Defendant was legally constrained from responding.

C. Alleged Post-Sentencing Conduct

Defendant further contends that, after sentencing, Terrance Scroggins allegedly continued conduct that Defendant understood as attempts to pressure him, intimidate him, obtain a claimed reaction, create contact, or generate a basis for further accusations.

Defendant contends that evidence exists regarding:

1. approximately eleven letters, notes, cards, or written demands placed on Defendant's vehicle;
2. written statements that Defendant contends contained instigating, threatening, coercive, inflammatory, or reaction-seeking language;
3. demands for direct payment or other action outside the court process;
4. a letter or demand allegedly delivered to Defendant's father's office;
5. alleged attempts to create contact, obtain a claimed reaction, pressure Defendant into responding, or generate a basis for new accusations;
6. continued conflict, selective reporting, or conduct Defendant contends should be examined before any later allegation is accepted at face value.

Defendant contends that the language and manner of delivery of these letters, notes, cards, or demands are important. Defendant contends they were not merely neutral requests or ordinary communications, but communications allegedly written or delivered in a way that could intimidate, provoke, pressure, or bait Defendant into a reaction.

These post-sentencing events are not offered as evidence of what the jury should have considered at trial. They are relevant only to the extent a party seeks to use later conduct involving Mr. Scroggins in connection with resentencing, supervision, credibility, character, dangerousness, or alleged noncompliance.

If the prosecution, probation department, or any other party seeks to rely on alleged post-sentencing conduct involving Mr. Scroggins as a basis for increased punishment, supervision, adverse sentencing inferences, dangerousness findings, lack-of-compliance claims, or character-based argument, Defendant requests advance notice and disclosure of the materials on which that reliance is based, together with a meaningful opportunity to respond.

Defendant does not ask this Court to adjudicate every disputed post-sentencing event through this motion or to expand the resentencing hearing beyond the appellate remand. Rather, Defendant requests that no later allegation be treated as automatic proof of dangerousness, bad character, noncompliance, or lack of credibility without notice, a reliable factual basis, and an opportunity for Defendant to provide relevant context.

XII. UNSUPPORTED PSYCHOLOGICAL LABELING, PUBLIC-NUISANCE FRAMING, AND DANGEROUSNESS NARRATIVES OPERATED OUTSIDE THE NARROW TRIAL THEORY

Defendant contends that the trial itself was presented in a narrow and seemingly black-and-white form: whether the prosecution proved the charged vandalism allegations. The jury was not asked to decide a formal mental-health question, and Defendant does not contend that mental illness was an element of the charged offense.

However, Defendant contends that unsupported psychological labeling and dangerousness framing operated around and beneath the narrow trial theory. Defendant contends that he was repeatedly portrayed outside the actual evidentiary question as unstable, dangerous, criminal, irrational, depressed, schizophrenic, or mentally ill, and that these labels affected how witnesses, police, counsel, courthouse personnel, neighborhood-watch or community-watch participants, and others treated his explanations, complaints, and attempts to present context.

Defendant contends that this created a deterrent effect. If Defendant attempted to explain the alleged provocations, property incidents, threats, police non-response, witness motive, or recurring pressure, those explanations risked being portrayed as proof that he was irrational or mentally ill. If Defendant avoided discussing those matters, the prosecution could present the prosecution's allegations as an isolated act with no surrounding explanation.

Defendant further contends that the ordinary courtroom format was not equipped, as this case was presented, to evaluate a claimed long-running and multi-person pattern of conduct. The case was reduced to a one-event, one-defendant, one-complaining-witness framework: did Defendant commit the charged act or not? That framework did not provide a practical way to present or test Defendant's contention that different people, at different times, engaged in overlapping conduct involving provocation, reporting, repeated labels, property-related incidents, financial pressure, fear-based claims, instigation, stalking, and efforts to generate claimed reactions.

Defendant does not ask the Court to accept every allegation about every person as established fact. The point is narrower: where the defense theory depended on showing an alleged pattern involving multiple actors and events over time, the trial was conducted in a manner that treated each event as isolated, each accusing witness as independent, and each allegation as a stand-alone incident stripped of its broader context.

Defendant contends that this prevented the jury from evaluating whether the prosecution's account was complete, whether witnesses shared motive, bias, influence, communications, or reporting patterns, and whether the prosecution's allegations was being used outside its full context. Defendant further contends that the resulting record unfairly reduced a complex factual history into a narrow "did he do it or not" framework, while excluding or failing to develop the evidence necessary to evaluate why the event occurred, whether it was provoked, whether Defendant had a realistic opportunity to avoid, de-escalate, or walk away from the situation, whether malice was absent, whether witnesses were biased or influenced, and whether the prosecution's isolated-event account created a misleading picture.

Defendant further contends that claimed fear was not meaningfully tested against witness conduct. Defendant contends that video evidence allegedly showed certain witnesses presenting themselves as fearful of Defendant while also yelling at him, making threats, confronting him, asserting control over areas of the complex, or otherwise engaging him in ways inconsistent with the claimed level of fear.

For example, Defendant contends that video evidence included statements to the effect that Defendant was "not allowed" on a particular side of the complex, along with hostile or threatening conduct directed toward him. Defendant contends that this evidence was relevant because it would have allowed the jury to test whether fear-based statements were complete, reliable, and consistent with the witnesses' own conduct, or whether those statements omitted the conduct directed toward Defendant.

Defendant contends that where witnesses claimed fear while simultaneously engaging in hostile, confrontational, controlling, or provocative conduct as part of an alleged rotating pattern involving different people at different times, the jury should have been allowed to evaluate that inconsistency in deciding credibility, motive, bias, selective reporting, and the reliability of the fear narrative.

Defendant contends that the defense was not given a meaningful opportunity to test whether fear narratives were based on firsthand facts, repeated assumptions, prior communications, unsupported labels, omissions of the witnesses' own conduct, or conduct by others that had been left out of the record.

Defendant contends that counsel's failure to address those issues allowed the prosecution's narrative to imply that Defendant's behavior itself was evidence of instability or threat, without requiring the prosecution to confront the alleged provocation, pressure, witness motive, police non-response, and community influence Defendant says preceded it.

The relevant issue is not Defendant's mental health. Defendant does not seek, invite, or suggest a competency inquiry, psychiatric evaluation, diversion proceeding, treatment proceeding, or other mental-health process.

The relevant issue is whether unsupported labels were used as a credibility weapon and as a substitute for evidence. Defendant contends that those labels discouraged meaningful investigation of his complaints and contributed to a record in which accusations against him were preserved while his own reported context was minimized, omitted, or treated as irrelevant.

The Court should not permit resentencing to become a proceeding in which psychological speculation, generalized fear, public-nuisance framing, informal police opinions, courthouse rumor, or unsupported dangerousness claims replace evidence.

Accordingly, the Court should reject reliance on:

1. vague claims that unnamed persons, police contacts, neighborhood-watch participants, or community members were afraid of Defendant;

2. mental-health speculation or lay characterizations;
3. public-nuisance framing;
4. generalized dangerousness rhetoric;
5. unsupported police opinions;
6. courthouse rumor or informal character statements;
7. behavior-based arguments disconnected from the actual evidence and context of the prosecution's allegations.

Defendant contends that the central fairness problem is not whether he has a mental-health condition. The central fairness problem is whether unsupported labels were used to discredit him, deter him from presenting the alleged pattern of provocation, and prevent meaningful consideration of evidence relevant to witness credibility, motive, alleged provocation, state of mind, absence of malice, and mitigation.

XIII. PREEMPTIVE DANGEROUSNESS LABELING AND INSTITUTIONAL REINFORCEMENT

Defendant contends that the proceedings were affected by a recurring pattern of preemptive dangerousness labeling.

Rather than limiting the case to admissible evidence concerning the prosecution's allegations, Defendant was repeatedly portrayed through generalized labels: unstable, dangerous, irrational, a public nuisance, depressed, schizophrenic, or a future risk.

This type of framing is constitutionally dangerous because it shifts the focus away from proof and toward prediction.

A defendant cannot receive a fair trial or fair sentencing if the process is influenced by speculation about what he might do in the future, rather than evidence of what was actually proven in court.

Defendant further contends that these labels were reinforced by police, witness, community, and courthouse narratives that were never meaningfully tested through impeachment, cross-examination, evidentiary hearings, or proper foundation.

The result was a one-sided record in which claimed reactions attributed to Defendant were used against him, while the alleged provocation, property interference, witness motive, police non-response, and institutional influence producing those reactions were not fairly presented.

In furtherance of justice, the Court should not permit psychological labeling, public-nuisance rhetoric, or preemptive dangerousness assumptions to substitute for evidence.

Nor should resentencing be expanded through speculative claims that Defendant requires custody, supervision, or control based on unsupported predictions, fear-based narratives, or untested character allegations.

XIV. OFFICER CHARLES SEAN DINSE, POLICE / COMMUNITY INFLUENCE, UNSUPPORTED LABELING, AND THE PITCHESS ISSUE

Defendant contends that Officer Charles Sean Dinse was not merely a neutral officer, but was involved in the broader police-and-community narrative portraying Defendant as unstable, dangerous, criminal, irrational, depressed, schizophrenic, mentally ill, or a public nuisance.

Defendant contends that Officer Dinse's credibility, conduct, statements, bias, and possible influence over the treatment of Defendant were material to the case.

Defendant further contends that, at sentencing, prosecutor Inga Orbelli presented or relied upon an allegation that Defendant had followed Officer Dinse home and photographed him.

Defendant disputes that allegation and contends that it was false, materially misleading, or presented without adequate factual foundation. Defendant further contends that the allegation was used to portray him as fixated on, threatening, or improperly targeting Officer Dinse, and to support a harsher sentencing narrative.

Defendant contends that this was not a minor side issue. The allegation reinforced the same dangerousness, instability, mental-health, and public-nuisance narrative that Defendant contends had already influenced how police, witnesses, probation materials, and the Court viewed him.

Defendant further contends that he was not given a meaningful opportunity to test the allegation through disclosure of its source, supporting materials, dates, witnesses, reports, photographs, video, location information, or other objective evidence. The defense should have been permitted to determine who originated the allegation, whether it was based on firsthand knowledge, whether it had been verified, and whether it was incomplete, exaggerated, or false.

Defendant contends that reliance on a disputed and untested allegation at sentencing raises serious reliability concerns. It also reinforces why discovery and impeachment concerning Officer Dinse were material. Defendant understands that trial counsel sought Pitchess discovery as to Officer Dinse, but the request was denied as to him while discovery was granted as to Detective Ruiz.

Defendant contends that the denied Pitchess request concerning Officer Dinse mattered because Dinse's alleged conduct, credibility, prior complaints, statements, and relationship to the broader police-and-community narrative were directly relevant to whether later allegations involving Defendant were being fairly investigated, accurately reported, or used to create an unsupported dangerousness narrative.

Defendant contends that Officer Dinse's alleged history, conduct, statements, and influence were relevant to:

1. officer bias;
2. officer credibility;
3. motive;
4. pattern;
5. unsupported psychological labeling;
6. public-nuisance framing;
7. police or community influence over witnesses and reporting;
8. the reliability of police-generated or officer-associated dangerousness narratives;
9. whether police contacts, resident complaints, and fear-based statements were independent or influenced by shared narratives;
10. whether Defendant's own reports were fairly investigated or discounted because of unsupported mental-health labels;
11. whether the denied or undeveloped Pitchess issue mattered.

Defendant further contends that Officer Dinse's role was material because Defendant believes Dinse was not merely responding to isolated reports, but was connected to a broader police/community reporting pattern that portrayed Defendant through unsupported labels such as "public nuisance," "dangerous," "unstable," "crazy," "schizophrenic," "mentally ill," or in need of institutionalization.

Defendant contends that these labels became a recurring theme across different parts of the case. Defendant contends that similar labels appeared in police-related statements, witness statements, probation materials, sentencing arguments, and community narratives. Defendant specifically contends that a victim-impact statement associated with Count 2 used inflammatory mental-health language and stated that Defendant should be placed in a mental-health institution for life, while Detective Garcia allegedly described Defendant as "crazy" and likely headed to mental-health court. Defendant contends that these were not independent clinical findings, but unsupported labels that helped create a false appearance of mental illness, dangerousness, and public nuisance.

Defendant further contends that this labeling pattern was central to the fairness problem. The issue was not merely that one person insulted Defendant or used harsh language. The issue was that similar unsupported labels were allegedly repeated by witnesses, police, probation materials, and prosecution arguments until they created an appearance of reliability without actual proof. Defendant contends that the repetition of the same labels made them appear factual, even though

they were not based on expert testimony, clinical diagnosis, adversarial testing, or reliable evidentiary foundation.

Defendant contends that this pattern also affected how alleged provocation and self-protective conduct were interpreted. Defendant contends that when he attempted to report threats, property attacks, stalking, harassment, provocation, or conduct he believed was criminal, his complaints were allegedly filtered first through mental-health and public-nuisance labels. As a result, Defendant contends that his reports were discounted, minimized, or treated as further evidence that he was unstable, while the conduct directed at him was not meaningfully investigated.

Defendant further contends that this created an unfair record-building process. The people allegedly provoking, reporting, labeling, or instigating Defendant were able to create a record portraying themselves as fearful or innocent, while Defendant's attempts to explain the underlying conduct, seek help, or defend himself were treated as suspicious, irrational, or dangerous. Defendant contends that this distorted the record by allowing one side to build a narrative of fear and innocence while excluding the facts showing provocation, motive, selective reporting, police non-response, and the absence of malice.

Defendant does not ask the Court to find, in this motion, that every police officer, witness, or community member acted with the same motive. The narrower point is that the repeated use of unsupported mental-health, public-nuisance, and dangerousness labels was itself relevant to bias, motive, credibility, police influence, witness coordination, probation-report reliability, sentencing fairness, and the denied or undeveloped Pitchess issue concerning Officer Dinse.

Defendant does not ask this Court to decide every disputed allegation concerning Officer Dinse in this Penal Code section 1385 motion. Defendant asks the Court to recognize that unresolved officer-bias, credibility, impeachment, labeling, police/community influence, and discovery issues contributed to an incomplete and potentially unreliable record.

At resentencing, the Court should not rely on informal police opinions, disputed officer-associated allegations, unsupported mental-health labels, public-nuisance characterizations, or prosecution characterizations of Defendant as dangerous unless the material is properly noticed, supported by reliable evidence, relevant to the lawful scope of resentencing, and subject to a meaningful opportunity for Defendant to respond.

XV. COURT REPORTER DEBBIE WOLLMAN, COURTHOUSE CONTAMINATION, UNSUPPORTED LABELING, PROPERTY-RELATED CONFLICT, AND APPEARANCE OF BIAS

Defendant contends that the fairness of the proceedings was further undermined by courthouse-contamination and appearance-of-bias concerns involving Van Nuys court reporter Debbie Wollman.

Defendant contends that Ms. Wollman had a personal or property-related connection to Defendant outside the courtroom, including property adjoining Defendant's residence and communications connected to residential, parking, or property issues.

Defendant further contends that Ms. Wollman made statements to Defendant outside any lawful evidentiary process suggesting that Defendant needed to admit he suffered from mental illness. Defendant contends that this interaction was captured on video. Defendant further contends that, during the interaction, he attempted to explain that strangers or persons with no proper clinical basis do not normally approach someone and insist that the person admit to mental illness without knowing the person, evaluating the person, or having any lawful evidentiary foundation for such a statement.

Defendant further contends that Ms. Wollman also engaged in property-related confrontations involving parking. Defendant contends that Ms. Wollman claimed Defendant was parked in her parking space when Defendant was not parked in a space belonging to her. Defendant contends that these parking accusations were not merely ordinary neighbor disputes, but were part of a pattern of creating confrontations, attempting to provoke a response, and generating a record that could portray Defendant as difficult, unstable, unreasonable, or a public nuisance.

Defendant contends that this parking-related conduct was relevant because it showed a personal-property conflict and potential motive for Ms. Wollman to view or describe Defendant negatively inside and outside the courtroom. Defendant further contends that this issue should have been investigated because a courthouse-connected person with a personal-property dispute involving Defendant allegedly repeated unsupported mental-health labels and participated in confrontation-generating conduct outside the courtroom.

Defendant contends that this evidence is important because it reflects the same unsupported labeling pattern that appears elsewhere in the case: Defendant being characterized as mentally ill, schizophrenic, depressed, irrational, dangerous, or a public nuisance without any proper court finding, psychiatric evaluation, expert testimony, clinical diagnosis, or admissible evidentiary basis.

The significance of this issue is not merely a personal disagreement with courthouse personnel. The significance is that a courthouse-connected person who allegedly shared a property boundary or property-related conflict with Defendant allegedly repeated the same mental-health narrative outside the courtroom that later appeared in police statements, victim-impact statements, probation materials, and sentencing characterizations.

Defendant contends that this issue was relevant because the case was repeatedly shaped by unsupported labels rather than tested facts. Defendant contends that informal mental-health labels, personal-property conflicts, and courthouse rumor may have contributed to the same prejudicial narrative that affected the trial and sentencing: that Defendant was unstable, dangerous, irrational, depressed, schizophrenic, mentally ill, or a public nuisance.

Defendant further contends that the video involving Ms. Wollman was relevant to bias, motive, appearance of bias, courthouse contamination, and the reliability of the mental-health labeling

used against Defendant. Defendant does not ask the Court to accept every inference from the video without proper foundation. Rather, Defendant contends that the existence of such a recorded interaction should have been investigated, disclosed, preserved, and considered in determining whether informal courthouse-connected narratives affected the fairness of the proceedings.

This issue is directly relevant to Penal Code section 1385 because the Court is being asked to evaluate whether the proceedings were fair, reliable, and complete.

If courthouse personnel or courthouse-connected individuals had personal knowledge of Defendant outside the case and participated in, repeated, or spread mental-health characterizations, then the appearance of neutrality was compromised.

At minimum, the risk of informal courthouse narrative supports dismissal in furtherance of justice, reassignment for resentencing, or a strict limiting order preventing any reliance on courthouse rumor, mental-health speculation, informal character statements, unsupported public-nuisance labels, property-dispute characterizations, or non-record information.

XVI. JUDICIAL INTIMIDATION, HOSTILE COMMENTS, ONE-SIDED INFORMATION, AND APPEARANCE OF BIAS

Defendant contends that several events during the proceedings created concerns about neutrality, fair procedure, and the appearance that adverse information was handled differently from Defendant's own evidence, explanations, and requests for protection.

At the preliminary-hearing stage, Judge Stephen Marcus allegedly made a statement to the effect of: "My next step would be to squeeze you out of your house."

Defendant further contends that this statement followed an informal effort by the prosecution to bring allegedly adverse information before the Court outside a noticed charge, motion, or evidentiary hearing. According to Defendant, the prosecutor urged the Court to consider material that was not itself a charge before the Court and that Defendant contends reinforced the same police/community narrative already being used against him: that Defendant was unstable, dangerous, irrational, mentally ill, or a public nuisance.

Defendant contends that the significance of this event is not merely that unfavorable information was mentioned. The concern is that disputed and untested material was allegedly used to strengthen a broader narrative created through LAPD contacts, neighborhood-watch-type reporting, resident complaints, and unsupported labels, while Defendant was required to respond immediately without advance notice of the specific allegation, disclosure of supporting material, time to investigate, or a meaningful opportunity to present contrary evidence.

Defendant contends that this allowed one-sided allegations to appear more reliable than they were because they were repeated through official or court-connected channels. Defendant further contends that the defense should have been permitted to test whether the material was accurate,

whether it came from biased or interested sources, whether it omitted the reporting parties' own conduct, and whether it was being used to obtain a desired punitive outcome rather than to resolve a properly noticed legal issue.

Defendant contends that he did not admit the allegation. Nevertheless, Defendant contends that the allegation was treated as sufficiently credible to prompt a statement directed at forcing him from his residence.

Defendant does not ask this Court to determine the personal motive of Judge Marcus, prosecutor Inga Orbelli, or any other individual participant based on a single statement or event. The concern is the cumulative appearance created by the sequence: disputed and untested information was presented informally; prosecutors and probation materials allegedly reinforced outside police/community narratives; Defendant was required to respond to adverse claims without ordinary procedural safeguards; Defendant's contrary evidence was not meaningfully developed; and the resulting comments, arguments, and sentencing materials appeared to support not merely resolution of lawful issues, but residential displacement, punitive supervision, and broader exclusion from the community.

Viewed in that context, Defendant contends that the statement reasonably appears more personal and punitive than a neutral response to the legal question then before the Court.

Defendant further contends that, before or around the start of a trial day, the prosecutor informed defense counsel that a person identifying himself or herself as an FBI agent wanted to speak with Defendant. Defendant contends that defense counsel responded that Defendant did not wish to speak at that time. Defendant did not speak with the person.

Defendant does not contend that this event alone requires dismissal, nor does he ask the Court to find without evidence that the person was not actually an FBI agent. Defendant contends that the event was significant because of its timing, location, and the manner in which it was presented. According to Defendant, the request occurred immediately before or around the start of a trial day, came through the prosecution or a prosecution-connected channel, and involved an attempted contact with Defendant while he was represented by counsel.

Defendant contends that the attempted contact was inappropriate or, at minimum, highly concerning because Defendant was not supposed to communicate directly with the prosecution or prosecution-connected persons about matters connected to the pending case. Defendant further contends that he was not provided identification, an explanation of the person's purpose, the agency connection, the reason for the timing of the contact, or disclosure of any report or communication generated from the attempted contact.

Defendant contends that, in context, the event reasonably appeared either intimidating, investigative, or directed at obtaining information from Defendant outside ordinary court procedures and outside the protections of counsel. Defendant does not ask the Court to decide the person's motive in this motion. The narrower point is that the timing, source, lack of disclosure, and

attempted contact with a represented defendant created a serious appearance-of-fairness concern.

Defendant further contends that this same unsupported mental-health framework affected the defense from the beginning of the case. Defendant contends that early in the representation, defense counsel Shep Zebberman made statements suggesting that counsel could resolve the case through people counsel knew in the psychology or mental-health community. Defendant understood those statements as significant because they suggested that counsel was viewing the case through the same mental-health-labeling framework used by others, rather than through a factual defense based on provocation, witness motive, police non-response, property attacks, reporting bias, and whether the prosecution could fairly prove malice when viewed in full context.

Defendant does not contend that a defense attorney may never consider mental-health-related options where appropriate. The concern is narrower: Defendant contends that counsel accepted or entertained an unsupported mental-health narrative without a proper evidentiary foundation and without first investigating and presenting Defendant's factual defense. Defendant contends that this reinforced the same labeling problem raised throughout this motion and contributed to the one-sided record.

This section does not require the Court to find actual bias or resolve every disputed event. The issue is whether the cumulative circumstances create an appearance that the proceedings were not neutral, complete, or detached, and whether the sentencing record was shaped by untested and one-sided characterizations.

XVII. DEFENSE COUNSEL FAILURE, CONFLICT APPEARANCE, STRUCTURAL RELUCTANCE, UNSUPPORTED MENTAL-HEALTH FRAMEWORK, AND FAILURE TO SEEK DISMISSAL OR PROTECTIVE RELIEF EARLIER

Defendant contends that trial counsel failed to provide a functioning defense to the actual case being built against Defendant.

Defendant contends that the defense was not simply a matter of denying one isolated act. Defendant's defense required investigation, organization, authentication, and presentation of a broader factual record involving alleged provocation, property interference, vehicle vandalism, threats, witness motive, selective reporting, police non-response, unsupported mental-health labeling, courthouse contamination, online/community influence, and absence of malice.

Defendant contends that, when counsel was retained, counsel indicated that he understood what was going on, understood the alleged provocations, and could represent Defendant fairly in order to win the case. Defendant further contends that counsel made statements to the effect that he knew what was going on and that Defendant "might get away with this."

Defendant does not contend that counsel's statement, by itself, automatically requires dismissal. Defendant contends that the statement is significant because it suggests counsel understood that

the case involved broader circumstances and a potentially substantial defense theory, yet counsel allegedly failed to investigate, organize, and present that defense in a coherent way.

Defendant further contends that trial counsel Shep Zebberman's early statements reflected the same problem that later appeared throughout the case: unsupported mental-health labeling displaced factual investigation. Defendant contends that counsel made statements to the effect that counsel could "get" Defendant out of the case because counsel knew the right people in the psychology or mental-health community. Defendant understood those statements as suggesting that counsel viewed the case as something to be managed through a mental-health framework rather than defended through evidence.

Defendant contends that this was significant because Defendant did not ask counsel to build a defense around unsupported mental-health assumptions. Defendant sought a defense based on evidence, including alleged provocation, property interference, vehicle vandalism, threats, witness motive, selective reporting, police non-response, courthouse contamination, online/community influence, and absence of malice.

Defendant does not ask the Court to find that counsel acted with improper personal motive based solely on these statements. The narrower point is that counsel's statements support Defendant's concern that the defense was never built around the actual facts Defendant was trying to present. Instead, Defendant contends that counsel appeared to accept, repeat, or work within the same mental-health-labeling framework used by police, witnesses, probation materials, and courthouse-connected persons.

Defendant further contends that counsel continued to represent Defendant and accepted substantial fees while allegedly failing to investigate, organize, authenticate, and present the factual defense necessary to challenge the prosecution's isolated-event narrative. Defendant contends that this deprived the jury and sentencing court of the evidence needed to evaluate motive, credibility, provocation, state of mind, absence of malice, and reasonable doubt.

Defendant contends that counsel did not organize, investigate, authenticate, preserve, or present the evidence necessary to explain the broader pattern Defendant alleges.

That evidence included, among other things:

1. alleged repeated provocations, vandalism to Defendant's vehicles, defacing, property interference, threats, and harassment, physical confrontations;

2. available videos and other material that Defendant contends showed recurring conduct directed toward Defendant;

3. witness bias, hostility, financial motive, restitution demands, selective reporting, and prior conflicts;

4. alleged police refusal or failure to document, investigate, or take seriously Defendant's own reports of threats, harassment, property incidents, and provocations;

5. the alleged pattern of unsupported labels portraying Defendant as dangerous, unstable, criminal, irrational, depressed, schizophrenic, or mentally ill;
6. courthouse-bias and change-of-venue concerns involving court reporter Debbie Wollman and alleged non-record mental-health characterizations;
7. Officer Charles Sean Dinse's alleged influence, credibility, bias, and the importance of Pitchess discovery or related impeachment material;
8. alleged courtroom misconduct, intimidation, hearsay, or prejudicial events occurring in or around the proceedings;
9. online/community materials, Facebook-related issues, neighborhood-watch or resident-reporting communications, and alleged police/community influence over the narrative;
10. the alleged rotating-provocation pattern in which different persons may have played different roles at different times, including provocation, reporting, repeating labels, property-related conduct, financial demands, fear-based claims, or efforts to generate a claimed reaction.

Defendant contends that counsel did not meaningfully impeach witnesses with available evidence concerning their own conduct, motive, prior interactions, financial interests, communications, possible provocation, or selective reporting.

Defendant further contends that counsel did not meaningfully investigate or pursue questions such as whether witnesses had intentionally provoked Defendant; attempted to obtain a claimed reaction; participated in conduct directed toward Defendant's property or vehicles; made threatening, abusive, humiliating, or bullying-type statements toward Defendant; made demands or issued statements intended to pressure or intimidate Defendant; discussed Defendant with police, residents, online groups, or community members before reporting him; repeated unsupported labels about Defendant; or omitted their own conduct when making reports or testifying.

Defendant further contends that available audio or video evidence included statements reflecting hostility or threats, including a statement to the effect of, "That's the man I want to kill," which should have been investigated, authenticated, and evaluated in context rather than ignored while fear-based claims against Defendant were accepted without equivalent scrutiny.

Defendant further contends that trial counsel failed to conduct, arrange, or meaningfully pursue an independent investigation of the alleged recurring community conduct underlying the case.

Defendant further contends that he specifically asked trial counsel to arrange or pursue an independent investigation of the alleged community conduct, including witness interviews and inquiry into reported provocations, but counsel declined or did not act on that request.

Defendant further contends that this case was unusually fact-intensive and outside the ordinary scope of a single-incident criminal defense. Defendant contends that adequately investigating the case would have required coordinated review of substantial video material, repeated reports,

witness accounts, alleged property incidents, police contacts, communications, possible financial motives, online/community materials, courthouse-contamination concerns, and events occurring over an extended period.

Defendant had limited financial resources and could not reasonably be expected to personally fund or assemble the equivalent of a large investigative and legal team while also defending an active criminal case. Defendant was represented by counsel and reasonably relied on counsel to determine whether additional investigation, witness interviews, record requests, evidence review, expert or investigator assistance, or protective motions were necessary.

Defendant does not contend that every complex case requires unlimited resources or that counsel was required to pursue every possible lead. The narrower point is that this case allegedly required more than routine review of a police report and a small number of witnesses, yet Defendant contends that the necessary investigation was not undertaken despite his repeated requests.

Defendant contends that, given the number of claimed incidents, available videos, alleged witness interactions, repeated reports, online/community materials, police contacts, and disputes concerning who initiated confrontations or attempted to obtain reactions, counsel should at minimum have considered retaining a qualified investigator or otherwise conducting a structured witness investigation.

Such an investigation could have included identifying and interviewing persons with firsthand knowledge; determining whether any witness had seen conduct directed at Defendant, Defendant's vehicles, residence, cat, or property; asking whether anyone had observed efforts to provoke, confront, monitor, pressure, threaten, intimidate, stalk, or obtain a claimed reaction attributed to Defendant; reviewing the timing and source of recurring reports; identifying online or community communications affecting witness perception; and identifying witnesses whose accounts conflicted with the prosecution's fear or dangerousness narrative.

Defendant does not contend that an investigator was required to accept Defendant's account or pressure any witness. The point is that an independent investigation could have tested competing accounts, preserved potentially favorable evidence, identified impeachment material, and created a factual record rather than leaving the prosecution's version effectively unchallenged.

Defendant contends that the failure to pursue such investigation was especially consequential because the defense theory depended on conduct occurring across multiple people, locations, online communications, and periods of time. Without organized investigation, the case was reduced to isolated accusations, while potentially relevant evidence concerning provocation, witness bias, selective reporting, officer influence, unsupported labeling, and contrary observations was never meaningfully developed.

Defendant also contends that counsel failed to seek dismissal, mistrial, sanctions, protective orders, evidentiary hearings, change of venue, reassignment, disqualification, or other protective relief when Defendant reported prejudicial, biased, intimidating, or provocative conduct during the case.

Defendant further contends that he could not reasonably be expected to function as his own investigator, attorney, evidence coordinator, reputation-defense advocate, and protective-services advocate while the criminal case was pending. Defendant was represented by counsel, had limited financial resources, and contends that he was simultaneously attempting to manage repeated alleged incidents, preserve evidence, avoid prohibited contact, respond to court obligations, locate meaningful legal assistance, avoid rotating confrontations, and protect himself from additional accusations.

Defendant further contends that the complexity of the alleged conduct, the number of people involved, the volume of evidence, the repeated use of mental-health and dangerousness labels, the rotating nature of the alleged confrontations, and the damage to Defendant's reputation made the task of finding and securing effective representation unusually difficult. Defendant contends that obtaining proper legal help under those circumstances was not a simple or routine matter, but became a continuing burden in itself.

Defendant does not contend that limited resources alone excuse every procedural problem. The point is narrower: where Defendant was facing an unusually complex factual pattern, repeated character attacks, alleged provocation, reputational damage, rotating confrontations he was trying to avoid, and ongoing risk of new accusations, he reasonably depended on counsel to investigate, organize, preserve, and present the defense in a legally usable form.

Defendant does not contend that counsel was required to personally perform every investigative or protective task. The issue is that counsel allegedly declined to advise Defendant about available options, pursue appropriate relief, arrange investigation, or provide a workable plan for addressing the reported conduct. Defendant contends that, without counsel's assistance, he was left to address multiple alleged incidents alone while any direct response risked being characterized as further misconduct or a stay-away violation.

Defendant further contends that this lack of support carried an additional risk: the more he attempted to report alleged incidents, preserve evidence, request assistance, or explain why he believed protection was needed, the more those efforts could be portrayed as hypersensitivity, instability, irrationality, depression, schizophrenia, or evidence of mental illness.

Defendant contends that this created a self-reinforcing problem. If he remained silent, the alleged conduct went undocumented. If he reported it, the act of reporting itself could be characterized as evidence against him. Without counsel meaningfully investigating, preserving evidence, or presenting the factual context, Defendant contends that he was left vulnerable to having repeated requests for protection converted into further support for adverse characterizations.

Defendant further contends that the practical result was not simply a missed restraining-order request. Defendant contends that trial counsel Shep Zebberman did not provide meaningful assistance in keeping his client safe from continuing confrontations, alleged provocation, and new accusations. Counsel did not meaningfully pursue protective relief, advise Defendant on lawful options for avoiding or documenting contact, seek court intervention, arrange investigation, or

create a workable plan to preserve evidence while preventing continuing disputed conduct from being converted into new allegations against Defendant.

Defendant contends that this left him without a meaningful, lawful avenue to preserve evidence, seek protection, investigate the source of allegations, test the source of mental-health labels, avoid rotating confrontations, and prevent one-sided accusations from becoming additional adverse material in the case.

Defendant further contends that trial counsel failed to meaningfully challenge the use of mental-health labeling against Defendant. Defendant contends that police, witnesses, probation materials, courthouse-connected persons, and prosecution-related narratives repeatedly used labels such as "crazy," "schizophrenic," "depressed," "unstable," "dangerous," "irrational," or "public nuisance" without proper clinical foundation, expert testimony, admissible evidence, or a meaningful opportunity for Defendant to respond.

Defendant contends that counsel should have challenged those labels as improper character framing and should have shown that Defendant's reports, reactions, and perceptions were being filtered through unsupported mental-health assumptions rather than investigated as factual reports involving property attacks, threats, harassment, provocation, witness bias, and police non-response.

Defendant further contends that trial counsel failed to present the case in a way that allowed the jury to understand why the prosecution's allegations arose, whether it was provoked, whether Defendant had a realistic opportunity to avoid, de-escalate, or walk away from the situation, whether malice was absent, whether witnesses were biased or influenced, and whether the prosecution's isolated-event account created a misleading picture.

Defendant contends that counsel's failures affected both trial and sentencing. At trial, the jury heard the prosecution's isolated-event narrative without the full factual context necessary to evaluate motive, intent, credibility, provocation, and reasonable doubt. At sentencing, the Court received a record that portrayed Defendant negatively while omitting or underdeveloping the facts Defendant contends explained his state of mind, his prior attempts to seek help, the alleged property attacks, the witness motives, the police non-response, and the unsupported labeling pattern.

Defendant does not raise the psychology-community statement to request or invite a mental-health evaluation, competency proceeding, psychiatric intervention, or treatment-related process. Defendant raises it because he contends counsel's approach reinforced the same unsupported narrative that Defendant was mentally ill, irrational, unstable, depressed, schizophrenic, or dangerous, rather than challenging that narrative through evidence, impeachment, and factual context.

The issue is counsel's conduct and omissions, not counsel's identity or background.

For purposes of this Penal Code section 1385 motion, Defendant does not ask this Court to fully adjudicate every ineffective-assistance claim. Some claims may require factual development through habeas corpus, including evidence of what Defendant provided to counsel, what counsel declined to use, what counsel knew, why particular motions were not filed, and what advice counsel gave Defendant.

However, counsel's alleged failures remain relevant to this Court's exercise of discretion because they explain why the record is incomplete, why the defense was never presented as a coherent whole, and why the interests of justice support dismissal or, at minimum, a strictly limited resentencing.

Accordingly, Defendant contends that trial counsel's failures contributed to a materially incomplete and unreliable record. That incomplete record should not be used to expand punishment, support adverse character findings, or treat Defendant as dangerous, unstable, malicious, mentally ill, or noncompliant without proper notice, reliable evidence, and a meaningful opportunity to respond.

XVIII. COURTROOM INTIMIDATION AND FAILURE TO SEEK PROTECTIVE RELIEF

Defendant contends that there were intimidating events in or around the courtroom, including the prosecutor stating that an FBI agent wanted to speak with Defendant during an active criminal case.

Defendant does not contend that this event alone requires dismissal, nor does he ask the Court to find without evidence that the person was not actually an FBI agent. Defendant contends that the event was significant because of its timing, location, and the manner in which it was presented. According to Defendant, the request occurred immediately before or around the start of a trial day, came through the prosecution or prosecution-connected channel, and involved an attempted contact with Defendant while he was represented by counsel.

Defendant contends that the attempted contact was inappropriate or, at minimum, highly concerning because Defendant was not supposed to communicate directly with the prosecution or prosecution-connected persons about matters connected to the pending case. Defendant further contends that he was not provided identification, an explanation of the person's purpose, the agency connection, the reason for the timing of the contact, or disclosure of any report or communication generated from the attempted contact.

Defendant contends that, in context, the event reasonably appeared either intimidating, investigative, or directed at obtaining information from Defendant outside ordinary court procedures and outside the protections of counsel. Defendant does not ask the Court to decide the person's motive in this motion. The narrower point is that the timing, source, lack of disclosure, and attempted contact with a represented defendant created a serious appearance-of-fairness concern.

Defendant contends that if a law-enforcement or prosecution-linked person sought to speak with him during trial, counsel should have sought clarification, disclosure, inquiry, protective relief, or other appropriate remedies.

The issue for section 1385 is not to prove every detail at resentencing. The issue is that if intimidation, one-sided investigative contact, or prejudicial conduct occurred and counsel failed to seek relief, the adversarial process failed to protect Defendant's fair-trial rights.

Defendant further contends that appellate counsel did not meaningfully address ineffective assistance of counsel or these events on appeal.

This supports dismissal or, at minimum, caution against accepting renewed prosecution claims of dangerousness or instability without reliable evidence and a meaningful opportunity to respond.

XIX. SENTENCING DUE PROCESS, PROBATION REPORTS, AND OUTSIDE CLAIMS

Defendant contends that sentencing was affected by due-process problems because he was not given a meaningful opportunity to review, correct, or challenge probation reports, sentencing materials, outside claims, hearsay allegations, witness statements, or false accusations.

Defendant contends there was no meaningful probation interview or meaningful chance to present mitigation, context, corrections, or supporting records before sentencing. The October 2023 probation report states that Defendant was not interviewed for the pre-plea probation report. Defendant further contends that trial counsel Shep Zebberman never meaningfully explained that Defendant could dispute, correct, supplement, or object to probation-report claims before sentencing, and did not meaningfully prepare or submit Defendant's version, corrections, exhibits, video evidence, police-report attempts, mitigation, or contextual information in response.

Defendant contends this is important because the report included negative characterizations, victim statements, mental-health speculation, restitution claims, and sentencing recommendations without Defendant's version being meaningfully included or tested.

Defendant further contends that the probation report itself reflects the danger of allowing untested characterizations to become sentencing facts. The report includes paraphrased victim statements containing derogatory language, mental-health speculation, claims that Defendant should be institutionalized, claims that Defendant should be removed from the community, and statements concerning fear, future risk, counseling, medication, and alleged damage.

Defendant challenges the use of victim-impact statements in this case because the statements went beyond impact and loss. They included laymen's opinions about Defendant's mental health, dangerousness, character, and whether he should be removed from the community or institutionalized, despite no shown clinical foundation for those opinions. Defendant contends that such opinions were not facts, were not clinical evidence, and were not reliable proof of future dangerousness. They should not have been treated as trial or sentencing information without a

meaningful opportunity to challenge their source, accuracy, motive, context, and evidentiary foundation.

Defendant further contends that the prejudice from these laymen's opinions affected both trial and sentencing. Defendant contends that Terrance Scroggins allegedly portrayed Defendant as "crazy" during the pretrial and trial period, while defense counsel failed to meaningfully challenge the relevance, foundation, prejudice, or improper character effect of those statements. Defendant contends that a hostile witness's personal opinion about Defendant's mental health had no proper evidentiary value unless tied to admissible facts and a lawful issue before the Court. If Defendant's mental condition was being implied as relevant, then unsupported lay opinions were not a substitute for a psychological evaluation, expert testimony, clinical foundation, or adversarial testing.

Defendant further contends that similar unsupported labels and themes appeared across multiple sources, including police-associated statements, statements by Terrance Scroggins, probation materials, community or resident-reporting narratives, and statements allegedly made by court reporter Debbie Wollman. Defendant contends that this overlap is important because it suggests more than isolated personal opinion. Defendant contends that the repeated use of similar labels by residents, witnesses, police-associated persons, probation materials, and a courthouse-connected individual supports an inference that a shared communication pattern or shared narrative existed before the facts were ever fairly tested.

Defendant does not ask the Court to find, based on this motion alone, that every person acted pursuant to an express agreement or conspiracy. The narrower point is that similar unsupported labels allegedly moved through police, community, witness, probation, courthouse-connected, and defense-counsel channels in a way that affected how Defendant was perceived, reported, defended, prosecuted, and sentenced.

Defendant contends that this was especially prejudicial because the labels were allegedly formed or repeated by persons who did not know Defendant well, had not taken the time to get to know him, had not clinically evaluated him, had not tested his evidence, and had not examined the full history of provocation, property interference, threats, reporting bias, police non-response, witness motive, and Defendant's own evidence. Defendant contends that the same unsupported labeling framework affected not only how he was reported, prosecuted, and sentenced, but also how his own defense was approached by counsel. Instead of treating the labels as unsupported opinions requiring challenge, Defendant contends that counsel appeared to work within or around the same mental-health framework, further preventing the factual defense from being meaningfully developed.

Defendant further contends that the repetition of the same unsupported labels by different people gave the appearance of corroboration, even though the labels may have been circulating through the same communication channels rather than being independently verified.

Defendant further contends that the probation report included or relied upon law-enforcement mental-health labeling without proper foundation. Defendant contends that Detective Garcia allegedly described Defendant as "crazy," not remorseful, and likely headed to mental-health court. Defendant disputes the use of such language as a trial, sentencing, probation, or dangerousness factor because it was not based on an admitted psychiatric evaluation, expert testimony, clinical diagnosis, or any meaningful opportunity for Defendant to respond.

Defendant contends that the probation report demonstrates the same central problem raised throughout this motion: unsupported mental-health labels, community-fear narratives, police opinions, and victim statements were allowed to shape the trial and sentencing atmosphere while Defendant's contrary evidence, reports, videos, mitigation, and explanation of the broader context were not meaningfully presented.

Defendant further contends that the probation materials contain information relevant not only to restitution, but also to witness motive, bias, hostility, financial interest, and the desire for punitive consequences beyond the prosecution's allegations. Some statements referenced substantial claimed losses, insurance-related matters, alleged business harm, fear of future damage, removal from the community, mental-health treatment, medication, and institutionalization.

Defendant contends that these statements were not merely passive opinions or ordinary expressions of fear. Defendant contends that they reflected a belief that Defendant was "crazy," dangerous, unstable, mentally ill, or a public nuisance, and that those unsupported labels were then used to justify efforts to remove, control, punish, isolate, or discredit him. Defendant contends that this labeling pattern created a dangerous incentive: persons who had already decided Defendant was mentally ill or undesirable could interpret their own confrontational, provocative, reporting, or pressure-based conduct as justified, while treating Defendant's reactions as proof of the very labels they had already applied.

Defendant further contends that this pattern should have been examined as possible evidence of motive and bias. In Defendant's view, the issue was not simply that witnesses held negative opinions about him. The issue was that unsupported labels allegedly became a reason to interfere with Defendant's life, provoke confrontations, generate reports, repeat fear-based claims, and build a record portraying Defendant as unstable, dangerous, or malicious.

Defendant contends that this record-building process allegedly involved one-sided reporting through neighborhood-watch-type groups, resident-reporting channels, community communications, and contacts with Senior Lead Officer personnel or other police-associated figures. Defendant contends that complaining witnesses and community participants were able to report Defendant while omitting their own conduct, prior provocations, threats, property interference, confrontations, online communications, financial interests, or other actions that would have placed their accusations in context.

Defendant further contends that this alleged pattern allowed one-sided narratives to appear official or reliable simply because they were repeated through police, probation, or community channels.

Defendant contends that the defense should have been permitted to test whether reports about Defendant were independent and truthful, or whether they were influenced by unsupported mental-health labels, public-nuisance framing, neighborhood-watch communications, selective reporting, police/community influence, and the omission of the reporting parties' own misconduct.

Defendant contends that this created a self-confirming narrative. If Defendant attempted to report threats, property attacks, harassment, stalking, provocation, intimidation, or conduct he believed was criminal, those reports could be discounted as mental illness. If a claimed reaction was attributed to Defendant after repeated provocation, that claimed reaction could be isolated from its context and used as proof that the label was true. If Defendant remained silent, the conduct directed at him went unchallenged and undocumented. Defendant contends that this is why the probation statements were relevant beyond restitution: they helped reveal motive, hostility, bias, pressure, selective reporting, and the desired outcome.

Defendant further contends that any claimed fear, financial loss, public-nuisance concern, mental-health label, or demand for removal should have been tested against the witness's own conduct, prior communications, motive, reporting history, financial interest, community involvement, police contacts, and role in any alleged provocation. Defendant contends that the Court should not treat such statements as neutral trial or sentencing information unless Defendant is given a meaningful opportunity to challenge their factual basis, context, source, motive, and reliability.

Defendant recognizes that victim restitution and victim-impact statements may be considered in appropriate circumstances. Defendant does not argue that insurance payment automatically bars restitution. Defendant contends, however, that any restitution figure or financial-loss narrative must be based on reliable evidence, must identify the specific loss being compensated, must account for insurance payments or remaining uncompensated amounts where legally relevant, and must be separated from inflammatory or unsupported character attacks.

Defendant further contends that later Scroggins-related claims, letters, notes, demands, or accusations should not be used to imply probation noncompliance, failure to pay restitution, dangerousness, bad faith, improper victim contact, or a basis for increased punishment without notice, disclosure, authentication, and a meaningful opportunity for Defendant to respond.

Defendant contends that after sentencing, Terrance Scroggins allegedly placed approximately eleven letters, notes, cards, or written demands on or near Defendant's vehicle claiming or implying that Defendant was not paying him, despite Defendant's understanding that any restitution process was being handled through the court or lawful collection process.

Defendant contends that these letters or notes were not neutral communications. Defendant contends that they contained derogatory, instigating, coercive, inflammatory, threatening, or reaction-seeking language and appeared designed to pressure Defendant into direct contact, obtain a claimed reaction, create a record of alleged nonpayment, or generate a claim that could later be characterized as noncompliance, improper contact, or a probation-related problem.

Defendant further contends that this issue is especially important because any restitution-related dispute should proceed through lawful court procedures, not through direct pressure, vehicle notes, outside demands, informal accusations, or attempts to create contact between Defendant and a complaining witness.

Defendant contends that if Mr. Scroggins or any other person claims that Defendant failed to pay restitution, violated probation, harassed a victim, or engaged in improper contact, the Court should require reliable documentation, payment records, probation records, disclosure of the underlying communications, and a meaningful opportunity for Defendant to respond.

Defendant further contends that these later communications may themselves be relevant to motive, pressure, selective reporting, hostility, and attempts to generate a probation-violation narrative. Defendant does not ask the Court to decide every disputed later event through this motion. The narrower point is that later outside claims should not be accepted at face value or used to increase punishment unless they are properly noticed, authenticated, and tested.

Defendant further contends that the first two alleged probation check-ins were recorded for dates when Defendant was still in custody. Defendant contends that probation reporting in the community could not begin until his release from jail, and that it was therefore not possible for him to complete those check-ins on the listed dates.

Defendant requests that the Court compare the alleged missed-check-in dates with the applicable booking, custody, release, court-minute, and probation records. If those dates occurred before Defendant's release, the entries should be corrected or disregarded and should not be treated as evidence of noncompliance, disregard of court orders, poor performance on supervision, or a basis for increased punishment.

Defendant contends that these entries raise a basic reliability concern: custody status should have been verified before missed-check-in or noncompliance information was included in probation paperwork, sentencing materials, or any later characterization of Defendant's conduct.

Defendant does not ask the Court to decide every disputed probation issue through this motion. The narrower point is that trial and sentencing should not rest on entries that are objectively impossible, inaccurate, unverified, hearsay-based, rooted in lay mental-health speculation, influenced by one-sided reporting, or presented without a fair chance to respond.

At resentencing, the Court should not rely on any probation, police, community, or witness statement unless Defendant receives meaningful notice, disclosure of the underlying material, and a fair opportunity to identify factual errors, submit records, and respond.

Defendant further requests that the resentencing record be limited to reliable information relevant to the lawful scope of the appellate remand, rather than disputed outside allegations, unsupported characterizations, probation entries that conflict with verified custody records, lay mental-health speculation, one-sided community-reporting narratives, public-nuisance labels, later outside restitution/payment accusations, or victim-impact statements used as a substitute for proof.

XX. OFF-RECORD OR UNTESTED POLICE / PROSECUTION ALLEGATIONS, OFFICER DINSE, AND THE SENTENCING SAFETY NARRATIVE

Defendant contends that off-record, informal, uncharged, or untested police and prosecution allegations may have improperly influenced sentencing.

Defendant specifically disputes the allegation that he followed Officer Charles Sean Dinse home and photographed him on a trial day. Defendant contends that this allegation was presented or relied upon by the prosecution without adequate notice, disclosure, factual foundation, verification, or a meaningful opportunity to respond.

Defendant contends that the allegation concerning Officer Dinse was especially prejudicial because it reversed the issue Defendant had been trying to raise. Defendant contends that the defense issue was whether Officer Dinse had targeted, influenced, monitored, or helped build a police/community narrative against Defendant through repeated police contacts, community-reporting channels, neighborhood-watch-type groups, or related communications. Instead, Defendant contends that the prosecution turned the issue around and portrayed Defendant as the person improperly targeting Officer Dinse.

Defendant contends that this reversal was highly prejudicial because the denied or undeveloped Pitchess issue concerning Officer Dinse may have been relevant to officer bias, prior complaints, credibility, police influence, repeated reporting, community-group activity, and whether Officer Dinse had participated in or encouraged a narrative portraying Defendant as dangerous, unstable, mentally ill, or a public nuisance.

Defendant contends that, if there were prior complaints, litigation, reports, or impeachment materials concerning Officer Dinse's alleged use of community groups, resident-reporting channels, social media, or neighborhood-watch-type communications, those materials could have been relevant to whether Defendant was being fairly investigated or instead treated through an existing police/community narrative.

Defendant further contends that the prosecution's use of an untested allegation involving Officer Dinse had the practical effect of shielding the officer-bias issue from scrutiny while converting Defendant's effort to challenge Officer Dinse's credibility, bias, influence, and role in the case into a dangerousness claim against Defendant.

Defendant does not ask the Court to accept every allegation concerning Officer Dinse as proven in this motion. The point is narrower: an officer-bias and discovery issue should not have been transformed into an untested sentencing allegation that made Defendant appear threatening, fixated, or improperly focused on the very officer whose credibility, influence, and conduct Defendant sought to challenge.

Defendant recognizes that sentencing proceedings may consider information beyond the specific facts proved at trial. However, uncharged allegations should not be used as a substitute for an

investigated charge, reliable proof, or fair procedure. An allegation that was not charged, adjudicated, disclosed in advance, or tested through an appropriate process should not be treated as established fact or used to create an adverse dangerousness, character, or punishment inference.

Defendant contends that the allegation concerning Officer Dinse was especially prejudicial because it could portray Defendant as threatening, fixated on, or improperly targeting an officer, while preventing Defendant from presenting contrary evidence or challenging the source, timing, factual basis, and reliability of the claim. Defendant further contends that this was particularly unfair because the defense had sought to challenge Officer Dinse's role, credibility, influence, and possible bias, including through Pitchess-related discovery or other impeachment material.

Defendant further contends that the sentencing transcript reflects the Court's stated concern about keeping neighboring residents safe. Defendant does not challenge the importance of public safety. The concern is whether the information used to define Defendant as a danger to neighbors was complete, reliable, and fairly tested.

Defendant contends that disputed allegations, fear-based claims, police-associated assertions, unprosecution's allegations, and unsupported mental-health or public-nuisance labels were presented in a manner that reinforced a danger narrative while the defense was not given a meaningful opportunity to present contrary evidence, including evidence of witness conduct, alleged provocation, available video, selective reporting, officer influence, neighborhood-watch or community-reporting activity, and the circumstances surrounding the accusations.

Defendant contends that this created a serious risk of circular reasoning: residents, witnesses, or police-associated persons expressed fear; those statements were treated as proof that Defendant was dangerous; police and prosecution references then reinforced the same fear narrative; and Defendant's attempts to challenge the source of the narrative were treated as further evidence that he was fixated, unstable, or dangerous. Defendant contends that, without testing the source, basis, and context of those claims, the Court could be asked to protect others based upon a version of events that had already excluded Defendant's evidence and explanation.

Defendant further contends that this process created an unfair safety narrative. Defendant contends that the record was allowed to focus on protecting residents, witnesses, or Officer Dinse from Defendant, while failing to test whether Defendant had repeatedly sought protection, investigation, or help regarding alleged provocation, property interference, threats, harassment, selective reporting, and police/community influence directed at him.

At resentencing, Defendant requests that no allegation outside the lawful scope of the appellate remand be considered unless there is:

1. advance notice;
2. disclosure of the supporting materials and source of the allegation;
3. a reliable factual foundation;

4. relevance to a lawful resentencing issue;
5. a meaningful opportunity to contest the allegation and present contrary evidence;
6. a clear ruling on the record identifying what the Court is considering and for what limited purpose.

The prosecution should not be permitted to use resentencing as a vehicle to introduce unrelated, uncharged, disputed, or post-judgment allegations through hearsay, informal police opinion, body-camera excerpts without context, generalized community fear, unsupported mental-health labels, public-nuisance characterizations, or character-based assertions.

Defendant further requests that any allegation not proven through an appropriate process be treated, at most, as a disputed claim, not as proof of dangerousness, noncompliance, bad character, mental illness, fixation, officer-targeting, or a basis for increased punishment.

XXI. APPELLATE COUNSEL AND HABEAS-RESERVED ISSUES

Defendant contends that appellate counsel failed to meaningfully raise trial counsel's failures, omitted impeachment, omitted defense evidence, sentencing-due-process issues, venue/reassignment concerns, and broader constitutional unfairness.

Defendant further contends that the problem began at the trial level because Defendant was never meaningfully questioned, interviewed, prepared, or developed as the source of the defense facts. Defendant contends that trial counsel did not meaningfully ask Defendant to explain the full history, any meaningful aspect of what had happened, the sequence of events, the people involved, the evidence available, the videos, the prior reports, the alleged provocation, the witness motives, the police non-response, the unsupported labels, or the factual basis necessary to challenge the prosecution's isolated-event narrative.

Defendant contends that this is significant because many of the most important issues could not be understood from the trial transcript alone. The record did not show what Defendant told counsel, what evidence Defendant offered, what counsel refused to use, what investigation was requested, what protective relief was requested, what counsel said privately, or why counsel failed to present the broader defense theory.

Defendant contends that trial counsel's omissions left the prosecution's narrative effectively unopposed in the areas most important to the defense. Instead of building a factual record showing alleged provocation, witness motive, police non-response, unsupported mental-health labeling, online/community influence, courthouse-contamination concerns, and why Defendant contends the prosecution's allegations was not malicious when viewed in full context, counsel allegedly allowed the case to proceed in a form that made the prosecution's version appear complete.

Defendant further contends that the missing defense record was especially important because the prosecution narrative did not operate only as an isolated-event accusation. Defendant contends

that the case was shaped by a broader police/community narrative that portrayed him as "crazy," unstable, dangerous, mentally ill, or a public nuisance, and that those unsupported labels were allegedly used to justify treating him as a person to be controlled, displaced, removed from the community, or excluded from ordinary credibility.

Defendant contends that counsel should have directly challenged that framework. Counsel should have investigated and presented evidence showing whether police contacts, neighborhood-watch-type reports, witness statements, probation materials, and community communications were being influenced by unsupported mental-health labels rather than reliable facts. Defendant contends that without that challenge, the jury, sentencing court, and appellate record were left with a distorted picture in which accusations against Defendant appeared official and reliable, while Defendant's reports, explanations, and requests for protection were treated as irrational or suspicious.

Many of these issues depend on facts outside the appellate record, including:

1. what evidence Defendant gave counsel;
2. what counsel refused to use;
3. what counsel failed to ask Defendant;
4. what counsel said privately;
5. what motions were requested;
6. why counsel chose not to file them;
7. what investigation, witness interviews, subpoenas, protective motions, police-record requests, or evidentiary hearings were requested or omitted;
8. what appellate counsel declined to raise;
9. whether appellate counsel meaningfully considered or pursued a habeas-based record.

For that reason, many counsel-related claims belong primarily in habeas corpus.

However, for purposes of Penal Code section 1385, these issues still support the cumulative fairness argument because they show that the record before the Court remains incomplete and unreliable. Defendant contends that the Court should not treat the absence of these facts from the trial record as proof that the facts did not exist. Rather, Defendant contends that the absence of those facts is itself part of the problem: trial counsel failed to develop the record, and appellate counsel did not meaningfully pursue the proper mechanism to develop it later.

Defendant contends that he requested substitute or conflict-free appellate representation because he believed appellate counsel would not fairly evaluate or present claims concerning trial counsel's conduct. Defendant contends that request was denied or not meaningfully acted upon.

Defendant further contends that appellate counsel repeated the same core failure that occurred at trial: the actual factual situation was never meaningfully investigated, organized, or presented. Defendant contends that appellate counsel did not meaningfully request police records on Defendant's behalf, did not pursue investigation into Officer Charles Sean Dinse or other relevant police/community participants, did not seek investigator assistance, did not meaningfully develop witness-motive evidence, and did not pursue the factual record necessary to show the broader context of the case.

Defendant contends that the Public Defender's Office refused or failed to assign substitute or conflict-free appellate counsel despite Defendant's request. Defendant contends that this left him without counsel willing to independently examine trial counsel's failures, investigate extra-record issues, pursue habeas development, or challenge the incomplete record created below.

Defendant contends that nothing meaningful was done to develop the facts showing the actual situation Defendant was trying to explain. No meaningful investigation was conducted into alleged police non-response, Officer Dinse's role, neighborhood-watch or resident-reporting influence, courthouse-contamination concerns, online/community communications, prior provocations, property incidents, available videos, witness motive, witness hostility, financial motive, retaliation motive, or the reasons witnesses may have had to portray Defendant negatively.

Defendant further contends that the record remained silent on the very issues most important to the defense: whether witnesses had motive, anger, hostility, insecurity, financial interest, personal conflict, reputational motive, or other reasons to exaggerate, provoke, selectively report, omit their own conduct, or support an unsupported narrative that Defendant was dangerous, unstable, mentally ill, or malicious.

Defendant does not ask this Court to find that appellate counsel acted with improper motive. The narrower concern is that Defendant contends he was denied genuinely independent review of trial counsel's conduct after requesting it.

Where appellate counsel will not challenge trial counsel, will not develop a habeas-based record, will not seek or support substitute counsel, and will not investigate the extra-record facts necessary to test the fairness of the proceedings, the result may be that serious claims are never tested on their merits.

Defendant contends that this amounted to a breakdown of meaningful review at multiple levels. Trial counsel failed to create the factual record; appellate counsel failed to meaningfully challenge that failure or develop the necessary habeas record; and Defendant's request for substitute or conflict-free appellate review was denied or not meaningfully acted upon. As a result, the prosecution's isolated-event narrative remained largely intact, while the factual record necessary to test motive, credibility, bias, provocation, officer influence, police/community reporting, and reasonable doubt was never meaningfully developed.

Accordingly, Defendant contends that the appellate remand should not be treated as a finding that the broader fairness issues lack merit. Defendant contends that many of those issues were never

meaningfully reviewed because trial counsel did not create the factual record, appellate counsel did not meaningfully challenge trial counsel's omissions, no meaningful habeas-based investigation was developed, and Defendant was left without conflict-free appellate review of the counsel failures that produced the incomplete record.

XXII. THE NARROW JURY-INSTRUCTION FRAMEWORK, PRACTICAL LOOPHOLE, RELOCATION PRESSURE, AND FAILURE TO TEST THE UNDERLYING CONDUCT

Defendant does not contend that the standard jury instructions were unconstitutional merely because they did not adopt Defendant's preferred factual narrative or create a new legal defense.

Defendant contends, however, that the case was tried under a narrow framework that did not provide a workable vehicle for the defense actually available from the evidence Defendant says existed.

The case was charged and presented as vandalism. Under that framework, the jury was asked whether the prosecution proved the charged property-damage allegations and whether the required mental state had been proven. Traditional self-defense concepts focus on immediate danger and an immediate defensive response. Defendant recognizes that those concepts may not apply where there is no immediate threat at the moment of the alleged conduct.

Defendant further contends that LAPD or other reporting parties should not be permitted to defeat this defense theory simply by denying the conduct and labeling Defendant's reports as mental illness. Defendant contends that this is the central problem: his reports of provocation, threats, property interference, stalking-group conduct, selective reporting, and efforts to generate claimed reactions were allegedly discounted through unsupported mental-health labels before the evidence was fairly examined.

Defendant contends that instead of performing the necessary due diligence — reviewing video, taking reports seriously, interviewing witnesses, examining property damage, testing competing accounts, documenting threats, and investigating the source of repeated accusations — police, witnesses, probation materials, and others allegedly pushed the matter toward mental-health explanations or mental-health evaluations. Defendant contends that this substituted stigma for investigation and allowed disputed conduct by others to remain untested.

The question was not whether police or witnesses accepted Defendant's account at face value. The question was whether the defense was permitted to test the competing accounts through evidence, video, witness impeachment, police records, cross-examination, and investigation before Defendant's reports were dismissed as mental illness.

Defendant contends that this created a practical loophole in the way the case was framed and litigated. Alleged provoking or reporting parties could engage in repeated smaller acts, confrontations, property interference, intimidation, monitoring, selective reporting, or pressure that

did not neatly fit within a standard self-defense instruction, while any claimed reaction attributed to Defendant could be isolated, charged, and presented as if it occurred without context.

Defendant further contends that this apparent loophole allowed the broader pattern to be kept outside the jury's view. If Defendant attempted to explain the long-term pattern, the explanation could be treated as collateral, excessive, irrelevant, or evidence of instability. But if Defendant did not explain the long-term pattern, the prosecution's isolated-event narrative appeared complete. Defendant contends that this left him without a workable way to present the actual defense theory unless counsel developed the evidence as relevant to malice, intent, motive, witness bias, credibility, selective reporting, and reasonable doubt.

Defendant contends that the defense should have used this evidence to challenge the prosecution's version of intent, malice, witness credibility, motive, completeness of reporting, and the claim that the prosecution's allegations involved an isolated and unprovoked act.

Instead, Defendant contends that the jury received a stripped-down question: whether the prosecution proved a particular vandalism allegation. The jury was not meaningfully presented with the evidence Defendant contends was necessary to evaluate why the accusations arose, whether witnesses were neutral, whether reports omitted important context, whether fear claims were reliable, whether the alleged conduct was provoked, whether Defendant had a realistic opportunity to avoid, de-escalate, or walk away, and whether the prosecution's account was complete.

Defendant further contends that the narrow self-defense framework did not supply a complete answer to the broader factual context. If Defendant attempted to rely on ordinary self-defense, the prosecution could argue there was no immediate danger at the moment of the alleged conduct. If Defendant attempted to explain the longer pattern instead, the explanation risked being treated as irrelevant, excessive, or as evidence of instability rather than as evidence bearing on witness bias, motive, credibility, provocation, malice, state of mind, and the reliability of the prosecution's narrative.

Defendant contends that this is how the alleged pattern appeared to circumvent ordinary legal protections. Persons allegedly involved in stalking-group conduct, neighborhood-watch-type reporting, resident-reporting channels, or police/community communications could create pressure, provoke conflict, omit their own conduct, and report Defendant selectively. Then, when a claimed reaction was attributed to Defendant or Defendant attempted to explain the pattern, the reaction could be used against him while the provoking conduct remained untested.

Defendant does not ask the Court to find, based on this motion alone, that every person acted pursuant to an express agreement or that every incident was connected. The narrower point is that the case framework allowed repeated alleged conduct by others to be treated as background noise while the prosecution's allegations against Defendant were isolated and judged without the surrounding facts. Defendant contends that this made the process vulnerable to manipulation by persons who understood how to report one-sided narratives, omit their own conduct, and use

unsupported mental-health or public-nuisance labels to make their accusations appear more credible.

The problem, therefore, was not simply the wording of a standard jury instruction. The problem was that trial counsel allegedly failed to develop a lawful and coherent defense theory using the available evidence within the ordinary issues the jury was required to decide.

Defendant further contends that he was effectively told that, if neighboring residents disliked him or conflict existed around his residence, he should simply move. Defendant contends that relocation was treated as a substitute for investigating the reported conduct, testing the reliability of accusations, or providing a lawful and workable avenue to address continuing disputes.

Defendant further contends that relocation was not a practical answer from his perspective because he reports having experienced similar patterns of conflict, hostility, selective reporting, alleged provocation, and stalking-group conduct at prior residences and in many public locations he goes to as well.

Defendant further contends that relocation would impose substantial financial and practical burdens, including the costs of securing new housing, moving personal property, loss of stability, and the risk of being displaced without any meaningful determination of whether the reported conduct, accusations, or one-sided narratives were accurate.

Defendant contends that requiring relocation as the presumed answer effectively shifts the burden of unresolved conduct, disputed reporting, alleged provocation, and alleged stalking-group conduct onto Defendant rather than requiring a fair examination of the underlying events.

Defendant further contends that this approach would reward and enable the very conduct Defendant was trying to report. If the response to repeated provocation, selective reporting, unsupported labels, stalking-group conduct, and disputed accusations is to pressure Defendant to move, then the message to the reporting parties is that their conduct was effective and acceptable.

Defendant contends that this is one reason the alleged pattern has continued for much of his life: the persons involved allegedly learn that provocation, monitoring, reporting, mental-health labeling, and pressure can be used to force Defendant to leave, remain silent, react, or appear unstable, while the underlying conduct remains untested. Defendant contends that such an approach encourages continued stalking-group conduct, monitoring, confrontation, reporting, and pressure, while leaving the underlying misconduct unexamined.

Defendant does not ask the Court to accept that history as proof that every later event was connected or that any future conflict was inevitable. The narrower point is that relocation alone did not address the specific conduct Defendant reported, the reliability of allegations made against him, or the lack of a meaningful process for investigating his complaints and allowing him to respond.

Defendant contends that treating removal from his residence as the solution risked repeating the same unresolved problem elsewhere: accusations could be accepted without adequate

investigation, while Defendant's evidence, explanations, and requests for protection were discounted or left undeveloped.

Accordingly, Defendant contends that the relevant question was not simply whether he could move away, but whether the legal process fairly examined the disputed conduct, witness motives, police response, alleged stalking-group conduct, and evidence available in the case before treating Defendant's displacement as the answer.

XXIII. CUMULATIVE CONSTITUTIONAL UNFAIRNESS SUPPORTS DISMISSAL IN FURTHERANCE OF JUSTICE

The Court should consider the combined effect of the following circumstances Defendant contends affected the fairness and reliability of the proceedings:

1. the narrow legal framing of the case as an isolated vandalism event;
2. the failure to present the broader history of alleged provocation, property interference, selective reporting, stalking-group conduct, police/community influence, and repeated conflict;
3. the failure to present self-defense-adjacent context relevant to intent, malice, witness credibility, motive, state of mind, mitigation, and whether Defendant had a realistic opportunity to avoid, de-escalate, or walk away;
4. the lack of a workable vehicle within the trial framework to present the broader defense theory;
5. the practical loophole created when repeated provocation, selective reporting, unsupported labels, and one-sided community narratives were treated as background noise while a claimed reaction attributed to Defendant was isolated and judged without context;
6. the failure to meaningfully impeach witnesses concerning bias, motive, prior conduct, fear claims, communications, selective reporting, omitted conduct, financial interest, hostility, and possible provocation;
7. the failure to present available video evidence and the surrounding context Defendant contends the videos would have shown;
8. restitution demands, financial motive, claimed losses, insurance-related issues, and other potential witness interests that were not fully explored;
9. unsupported psychological labeling or laymen's opinions portraying Defendant as unstable, irrational, dangerous, criminal, depressed, schizophrenic, mentally ill, or in need of institutionalization;

10. the use of laymen's opinions as though they were facts, clinical evidence, or reliable proof of future dangerousness;
11. public-nuisance framing and generalized dangerousness narratives;
12. alleged police non-response and the failure to document or meaningfully investigate Defendant's own complaints;
13. the alleged practice of discounting Defendant's reports through mental-health labels instead of performing due diligence, including reviewing video, taking reports seriously, interviewing witnesses, examining property damage, documenting threats, and testing competing accounts;
14. preemptive assumptions that Defendant was dangerous, unstable, mentally ill, or the source of the conflict;
15. the alleged movement of similar unsupported labels through police, community, witness, probation, courthouse-connected, and defense-counsel channels in a way that affected how Defendant was perceived, reported, defended, prosecuted, and sentenced;
16. the risk that repeated labels appeared corroborated even though they may have circulated through the same communication channels rather than being independently verified;
17. Officer Charles Sean Dinse's alleged influence, credibility, bias, police/community role, and the denied or undeveloped Pitchess issue;
18. the prosecution's alleged reversal of the Dinse issue, in which Defendant's effort to challenge Officer Dinse's credibility, bias, influence, and role was converted into an untested dangerousness claim against Defendant;
19. court reporter and courthouse-contamination concerns involving Debbie Wollman, including alleged non-record mental-health characterizations, property-related conflict, and appearance-of-bias concerns;
20. the failure to seek change of venue, reassignment, disqualification, or other protective relief earlier;
21. judicial-intimidation, hostile-comment, appearance-of-bias, and defense-attorney-prejudice concerns;
22. the use of informal, uncharged, disputed, or untested allegations in or around sentencing;
23. defense-counsel omissions, including the alleged failure to meaningfully question Defendant, investigate, organize, authenticate, present, preserve, or develop the broader defense evidence;
24. trial counsel's alleged failure to advise Defendant that he could dispute, correct, supplement, or object to probation-report claims before sentencing;

25. trial counsel's alleged failure to provide a lawful safety plan, protective relief, investigation, or meaningful assistance to help Defendant avoid rotating confrontations and additional accusations;

26. the failure to seek dismissal, mistrial, evidentiary hearings, protective relief, sanctions, or comparable remedies earlier;

27. courtroom-intimidation and one-sided-information concerns;

28. probation-report and sentencing-due-process problems, including alleged missed-check-in entries for dates when Defendant was still in custody;

29. later outside restitution/payment accusations, including alleged Scroggins letters, notes, cards, or demands that Defendant contends could be misused to imply probation noncompliance, improper contact, bad faith, or dangerousness;

30. off-record or untested police and prosecution allegations, including the disputed allegation involving Officer Dinse;

31. the pressure or assumption that Defendant should relocate rather than requiring a fair examination of the underlying conduct, disputed reporting, and alleged stalking-group activity;

32. the risk that relocation pressure rewarded the very conduct Defendant was trying to report by signaling that provocation, monitoring, reporting, unsupported labels, and pressure could be used to force him to leave, remain silent, react, or appear unstable;

33. the limited scope of the direct appeal and sentencing remand;

34. Defendant's contention that appellate counsel declined to meaningfully raise or develop ineffective-assistance issues, including issues reflected in the existing transcripts and issues requiring factual development outside the appellate record;

35. Defendant's contention that appellate counsel did not meaningfully request police records, investigate Officer Dinse or other police/community participants, seek investigator assistance, develop witness-motive evidence, or pursue the factual record necessary to show the actual situation;

36. Defendant's contention that appellate counsel did not meaningfully pursue a habeas-based avenue, seek factual development of extra-record claims, or clearly advise Defendant how omitted-evidence, counsel-failure, witness-impeachment, police-bias, and courthouse-bias issues could be preserved and litigated;

37. Defendant's contention that he requested substitute or conflict-free appellate representation because he believed counsel would not fairly litigate claims against trial counsel;

38. the alleged refusal or failure to provide a different appellate attorney capable of independently evaluating whether trial counsel's omissions, conflicts, or failures should be raised;

39. the resulting risk that both record-based and extra-record claims were left undeveloped, not because they lacked merit, but because Defendant contends no attorney meaningfully investigated and presented them independently;

40. the need to preserve extra-record ineffective-assistance, conflict, appellate-counsel, police-bias, courthouse-contamination, and officer-influence claims for habeas corpus review.

Defendant does not ask this Court to find that appellate counsel acted with an improper personal motive. The narrower concern is that Defendant contends he was denied genuinely independent review of trial counsel's conduct after requesting it. Where appellate counsel will not challenge trial counsel, will not develop a habeas-based record, will not seek or support substitute counsel, and will not investigate the facts necessary to test the fairness of the proceedings, the result may be that serious claims are never tested on their merits. Defendant contends that this contributed to the incomplete record now before the Court.

Even if no single issue alone requires dismissal, Defendant contends that the cumulative effect undermines confidence in the fairness and reliability of the proceedings. The sentencing remand corrected or addressed only the issue actually reached on appeal; it did not resolve whether the original trial and sentencing record was incomplete, one-sided, or shaped by evidence, labels, assumptions, outside claims, and allegations that were never fairly tested.

In furtherance of justice, dismissal is warranted because Defendant contends that the trial and sentencing record did not fairly present the defense theory, did not meaningfully test the prosecution narrative, and did not give the jury or sentencing court the information necessary to evaluate the case reliably.

At minimum, the Court should limit resentencing to the lawful scope of remand and decline to expand the proceeding through disputed, untested, hearsay-based, probation-related, police-associated, restitution-related, mental-health-labeling, public-nuisance, or character-driven allegations.

XXIV. ALTERNATIVE REQUEST: LIMIT RESENTENCING AND REJECT NARRATIVE EXPANSION

If dismissal is denied, Defendant requests that resentencing be limited to the lawful scope of the appellate remand, including:

1. the appellate remand issue;

2. correction of the sentencing structure;

3. separation of Count 002 and Count 003 into lawful sentencing components;
4. application of all custody credits;
5. recognition of time already served;
6. recognition of supervision already completed;
7. determination whether Count 003 is fully satisfied;
8. determination whether any further supervision remains lawful or necessary;
9. avoidance of any increased punishment, additional supervision, adverse finding, or harsher treatment based on Defendant's successful appeal, sentencing remand, or exercise of lawful appellate rights;
10. assurance that Defendant will not receive increased punishment, additional supervision, adverse findings, or a harsher resentencing outcome because he exercised his right to appeal or obtained a sentencing remand.

Defendant does not contend that every changed sentencing outcome after appeal is automatically retaliatory. Defendant contends, however, that resentencing must not be used to penalize Defendant for pursuing appellate review, obtaining correction of an unlawful sentencing structure, raising procedural concerns, or seeking relief through lawful court processes.

Accordingly, any sentence, supervision term, adverse finding, or new restriction imposed after remand should be based only on lawful resentencing considerations, supported by reliable information, and explained on the record. The Court should not permit the remand proceeding to become an occasion to make up for the appeal by expanding the narrative, increasing punishment, extending supervision, or relying on disputed allegations that were not part of the original lawful sentencing basis.

Defendant further contends that resentencing should not become a vehicle for importing the same unsupported narratives challenged throughout this motion. Defendant contends that the Court should not rely on one-sided community-reporting narratives, Senior Lead Officer or police-associated opinions, neighborhood-watch-type claims, mental-health labels, public-nuisance characterizations, or fear-based assertions unless they are properly noticed, supported by reliable evidence, relevant to a lawful resentencing issue, and subject to a meaningful opportunity to respond.

The Court should reject reliance on:

1. unrelated post-judgment allegations;
2. other unrelated events unless properly noticed, supported, and relevant to a lawful resentencing issue;
3. police hearsay;

4. vague community-fear claims;
5. laymen's mental-health opinions;
6. unsupported claims that Defendant is unstable, irrational, dangerous, depressed, schizophrenic, mentally ill, or in need of institutionalization;
7. public-nuisance labels or generalized dangerousness narratives;
8. character attacks;
9. courthouse rumor;
10. informal LAPD opinions;
11. Senior Lead Officer or police-associated assertions not supported by reliable evidence;
12. neighborhood-watch-type or resident-reporting claims presented without disclosure of the source, communications, motive, and context;
13. restitution pressure or private payment demands outside court;
14. later Scroggins-related letters, notes, cards, demands, or accusations used to imply nonpayment, bad faith, improper contact, or probation noncompliance without authentication and payment records;
15. body-camera clips without full context;
16. claims of dangerousness based on untested allegations;
17. disputed allegations involving Officer Charles Sean Dinse, including the allegation that Defendant followed him home or photographed him, unless supported by reliable evidence and a meaningful opportunity to respond;
18. disputed claims that Defendant failed to comply with probation or supervision where the underlying records conflict with verified custody, release, reporting, payment, or court records;
19. uncharged allegations used as a substitute for reliable evidence or as an indirect basis for increased punishment.

If the prosecution, probation department, or any other party seeks to rely on new alleged conduct, post-judgment events, police-associated assertions, Scroggins-related outside claims, restitution/payment accusations, alleged victim-contact claims, or any other outside allegation, Defendant requests advance notice, disclosure of all supporting materials, a meaningful opportunity to respond, and a ruling on relevance and reliability before the material is considered.

Defendant further requests that any restitution-related issue be handled through lawful court and probation procedures, not through private pressure, vehicle notes, outside demands, or informal accusations. If any party claims Defendant failed to pay restitution, failed to comply with payment

obligations, harassed a victim, or engaged in improper contact, Defendant requests that the Court require payment records, probation records, court records, disclosure of the communications at issue, and a meaningful opportunity for Defendant to respond.

Defendant further requests that the Court identify on the record the specific evidence and lawful sentencing considerations on which it relies, and that the Court decline to consider material that is speculative, hearsay-based, unverified, unrelated to the remand, or offered primarily to portray Defendant as dangerous, unstable, mentally ill, noncompliant, fixated, retaliatory, or of bad character.

Defendant also requests that the Court not treat Defendant's objections, requests for disclosure, requests for factual testing, or efforts to respond to outside allegations as evidence of instability, lack of remorse, noncompliance, or dangerousness. Defendant contends that seeking notice, proof, and a meaningful opportunity to respond is not misconduct; it is the minimum safeguard required before disputed material is used against him.

At minimum, resentencing should remain a limited proceeding to correct the lawful sentencing issue identified on appeal, apply proper credits, determine what portions of the sentence or supervision have already been satisfied, determine whether any further lawful supervision remains necessary, and avoid reopening the case through new narrative expansion or punishment based on disputed allegations.

XXV. CONCLUSION

For the reasons stated above, Defendant Kevin Perelman respectfully requests that the Court dismiss this matter pursuant to Penal Code section 1385 in furtherance of justice.

Defendant contends that the proceedings resulted in a materially incomplete, one-sided, and unreliable record. The defense did not meaningfully develop or present the evidence Defendant contends was necessary to evaluate witness bias, motive, alleged provocation, police and community influence, unsupported mental-health labeling, intent, malice, mitigation, venue concerns, courthouse-bias concerns, sentencing fairness, and the reliability of allegations used to portray Defendant as dangerous, unstable, mentally ill, noncompliant, or malicious.

Defendant further contends that an alleged neighborhood-watch, resident-reporting, stalking-group, or community-monitoring pattern was central to the case but was never meaningfully investigated or tested. Defendant contends that persons at different times engaged in alleged provocation, reporting, fear-based characterizations, monitoring, selective documentation, unsupported labeling, or other conduct intended to obtain or amplify reactions from Defendant. Defendant contends that those claimed reactions were then isolated and used to support police contacts, accusations, probation-related concerns, and a narrative that Defendant was dangerous, unstable, mentally ill, or a public nuisance, while the antecedent conduct and witness motives were not fairly examined.

Defendant does not ask this Court to find that every resident, community participant, police officer, courthouse-connected person, or witness acted improperly. The narrower point is that the defense was not given a meaningful opportunity to investigate whether repeated community reporting, neighborhood-watch activity, stalking-group conduct, police contacts, online/community communications, and fear narratives were independent and reliable, or whether they reflected bias, repeated communications, selective reporting, provocation, police/community influence, or an effort to generate adverse consequences for Defendant.

Defendant further contends that unsupported mental-health labels were allowed to move through police, community, witness, probation, courthouse-connected, and defense-counsel channels in a way that affected how Defendant was perceived, reported, defended, prosecuted, sentenced, and later characterized. Defendant contends that laymen's opinions, public-nuisance labels, and fear narratives were treated as though they were facts, clinical evidence, or reliable proof of dangerousness, even though Defendant was not given a meaningful opportunity to challenge their source, foundation, motive, context, or reliability.

Defendant further contends that this case exposed a practical loophole in the way the allegations were framed and litigated. Repeated alleged provocation, monitoring, one-sided reporting, unsupported labels, and pressure could be treated as background noise, while a claimed reaction attributed to Defendant was isolated and judged without the surrounding facts. Defendant contends that this prevented the jury, sentencing court, and appellate record from fairly evaluating why the prosecution's allegations occurred, whether it was provoked, whether Defendant had a realistic opportunity to avoid or de-escalate the situation, whether malice was absent, and whether the prosecution's isolated-event account created a misleading picture.

Defendant does not ask this Court to decide every disputed historical event, every ineffective-assistance claim, or every extra-record issue through this motion. Defendant asks the Court to recognize that the jury and sentencing court were not given a fair opportunity to evaluate the defense theory as a coherent whole, while adverse allegations, fear narratives, lay mental-health opinions, restitution-related claims, police-associated assertions, and character-based statements were permitted to shape the record without equivalent testing of contrary evidence.

Defendant contends that this case should have been addressed earlier through appropriate investigation, impeachment, evidentiary hearings, exclusion of unsupported labels or allegations, protective relief, disclosure of police and probation materials, change-of-venue or reassignment procedures where legally available, dismissal, or other measures capable of ensuring a fair and reliable process. Instead, Defendant contends that he was tried and sentenced on a record that did not fairly present the defense evidence or permit meaningful testing of the prosecution's narrative.

Nothing in this motion is intended as an admission of guilt, liability, malice, intent, unlawful conduct, probation violation, victim contact, restitution noncompliance, vandalism, property damage, or any uncharged allegation. Defendant raises these issues to explain the omitted defense context, the incompleteness of the record, the need for reliable evidence, and why dismissal or strictly limited resentencing is warranted.

Dismissal is therefore warranted in furtherance of justice.

Alternatively, if the Court declines dismissal, Defendant respectfully requests that resentencing be limited strictly to the lawful scope of the appellate remand. The Court should correct only the sentencing structure required by the remand; apply all lawful custody credits; recognize time served and supervision completed; determine whether any count, term, or supervision obligation has already been satisfied; and avoid any improper expansion of the proceedings beyond the remand.

Defendant further requests that the Court not rely on unrelated, uncharged, disputed, hearsay-based, mental-health, community-fear, police-contact, courthouse-rumor, restitution-payment, victim-contact, probation-related, public-nuisance, or character-based allegations unless the material is properly noticed, disclosed, reliably supported, relevant to a lawful resentencing issue, and subject to a meaningful opportunity for Defendant to respond.

Defendant also requests that the Court identify on the record the specific evidence and lawful sentencing considerations on which it relies, and decline to treat disputed allegations, outside claims, laymen's opinions, unsupported mental-health labels, or one-sided reports as proof of dangerousness, noncompliance, bad character, mental illness, malice, or a basis for increased punishment.

Nothing in this motion waives or abandons Defendant's right to pursue appropriate habeas corpus or other post-conviction relief based on matters requiring factual development outside the present record.

Respectfully submitted,

Kevin Perelman
Defendant In Pro Per

DECLARATION OF KEVIN PERELMAN

I, Kevin Perelman, declare as follows:

1. I am the defendant in Los Angeles Superior Court case number LA099813.
2. I make this declaration in support of my motion to dismiss pursuant to Penal Code section 1385 or, in the alternative, to strictly limit resentencing to the scope of the appellate remand.
3. I believe that the trial and sentencing record did not fairly present the full context of the case.

4. I contend that certain residents, neighborhood-watch or community-watch participants, stalking-group participants, and other persons were not merely reporting isolated events, but may have participated in a recurring pattern of monitoring, provoking, repeating fear-based characterizations, selectively documenting claimed reactions attributed to me, or encouraging police contact.

5. I contend that this alleged pattern was important because conduct directed toward me was not meaningfully investigated, while claimed reactions attributed to me or attempts to report the conduct were more readily documented and used against me.

6. I do not contend that every resident, neighborhood-watch participant, police officer, or community member acted improperly. I contend that the defense should have been allowed to investigate whether repeated reports and fear narratives were independent and reliable, or instead reflected bias, repeated communications, selective reporting, provocation, stalking-group conduct, or efforts to obtain a claimed reaction from me.

7. I contend that, if persons were provoking or pressuring me and then using claimed reactions attributed to me to generate police contacts or allegations, that evidence was relevant to witness bias, motive, credibility, selective reporting, the reliability of fear claims, and the completeness of the prosecution narrative.

8. I contend that the charged allegations were presented as isolated vandalism allegations, while the defense did not meaningfully present the broader history of provocation, harassment, property interference, vehicle vandalism, defacing, intimidation, threats, witness hostility, law-enforcement non-response, stalking-group conduct, and selective reporting that I contend preceded the prosecution's allegationss.

9. I contend that I repeatedly attempted to report harassment, vehicle vandalism, property interference, threats, provocation, stalking-group conduct, and witness-related conduct, but that police either refused to take reports, refused to treat the complaints seriously, or failed to meaningfully investigate them.

10. I contend that this contributed to a one-sided record in which allegations against me were documented and used in court, while my complaints and the context relevant to my reports and claimed responses attributed to me and the reliability of allegations against me were not meaningfully documented or presented.

11. I contend that evidence existed showing witness bias, motive, provocation, hostility, selective reporting, and attempts to create claimed reactions that could later be used against me.

12. I contend that after sentencing, Terrance Scroggins placed approximately eleven letters, notes, cards, or written demands on or near my vehicle. I contend that these communications claimed or implied that I was not paying restitution, even though I understood any restitution process to be handled through the court or lawful collection

process. I further contend that the communications included derogatory, threatening, instigating, coercive, inflammatory, or reaction-seeking language.

13. I contend that Terrance Scroggins also delivered or caused to be delivered a letter or demand to my father's office seeking restitution or payment outside the court process. I understood this as pressure directed through my family and as an attempt to create contact, obtain a claimed reaction, or build a record that could later be characterized as noncompliance, improper contact, or a probation-related issue.

14. I contend that restitution and insurance-related issues, including matters involving USAA, were not fairly presented to show possible witness motive, financial motive, or bias.

15. I understand that an insurance payment does not necessarily eliminate the possibility of court-ordered restitution. My concern is that the USAA-related records were relevant to identifying the actual claimed loss, the amount paid through insurance, any remaining uninsured amount, the timing and source of later payment demands, and whether those demands reflected financial pressure, motive, or bias.

16. I contend that the specific loss amount, insurance payment records, deductible or uninsured portion, and any later restitution-related demands should have been examined so that the court could determine what loss, if any, remained uncompensated and whether the amount sought was accurate.

17. I contend that, during trial or while trial proceedings were active, conduct occurred on or around my property, including throwing cards or papers, that I contend was intended to provoke me or create a basis for additional accusations.

18. I contend that the conduct during active trial proceedings was not limited to one or two minor incidents. I recorded or retained approximately seventy or more videos showing Terrance Scroggins coming to or near my property and throwing, dropping, placing, or directing cards, papers, or similar materials onto or around my property, including onto or near my cat. I understood this conduct as repeated, deliberate, and intended to provoke me while I was legally constrained from responding.

19. I contend that the scope, frequency, and intensity of this conduct were not meaningfully presented to the jury or sentencing court. In my view, the issue was not a small number of isolated incidents, but a repeated pattern of conduct that should have been investigated, organized, authenticated, and used to show motive, provocation, intimidation, selective reporting, and my state of mind.

20. I contend that witnesses and community members had motive to portray me as dangerous, unstable, or unwanted in the community, and that this motive was not meaningfully presented to the jury.

21. I contend that the prosecution and surrounding narrative portrayed me as unstable, dangerous, irrational, depressed, schizophrenic, mentally ill, or a public nuisance, while

evidence explaining the source of the conflict was excluded, minimized, or not meaningfully presented.

22. I contend that psychological-labeling and dangerousness narratives were used to discredit me without a fair opportunity to present evidence explaining why those labels were inaccurate or misleading.

23. I contend that mental-health labels or statements about me existed outside any proper court finding, psychiatric evaluation, expert testimony, or admissible evidentiary basis.

24. I contend that unsupported mental-health labels or informal characterizations were used to discredit me, even though there was no proper court finding, psychiatric evaluation admitted into evidence, expert testimony, or lawful evidentiary basis establishing that such speculation was relevant to the criminal case or resentencing.

25. I do not request, invite, or suggest any mental-health evaluation, competency inquiry, diversion proceeding, CARE Act referral, treatment proceeding, or psychiatric intervention. I raise this issue to object to unsupported mental-health speculation being used against me.

26. I contend that LAPD, witnesses, probation materials, and others repeatedly pushed events toward mental-health explanations instead of performing basic due diligence. By due diligence, I mean reviewing video, taking reports seriously, interviewing witnesses, examining property damage, documenting threats, testing competing accounts, and investigating the source of repeated accusations.

27. I contend that when I tried to report provocation, threats, property interference, stalking-group conduct, selective reporting, or efforts to generate claimed reactions, those reports were discounted through unsupported mental-health labels before the evidence was fairly examined. I do not raise this point to request any mental-health process. I raise it because I contend stigma was substituted for investigation.

28. I am concerned that informal courthouse narratives, mental-health labels, personal-property conflicts, courthouse personnel connections, and non-evidentiary characterizations may have influenced the proceedings or may affect resentencing.

29. I contend that this case should have been addressed from the beginning as involving change-of-venue, reassignment, disqualification, or courthouse-bias concerns because Van Nuys court reporter Debbie Wollman had a personal or property-related connection to my residential environment that, in my view, created an appearance of potential influence or lack of neutrality.

30. I contend that Debbie Wollman owned property adjoining my residence and had communications or issues connected to my residential environment.

31. I contend that Debbie Wollman made statements to me outside court suggesting that I needed to admit I suffered from mental illness. I contend that this interaction was captured

on video. During that interaction, I attempted to explain that strangers or persons with no clinical basis do not normally approach someone and insist that the person admit mental illness without knowing the person, evaluating the person, or having any lawful evidentiary foundation.

32. I further contend that Debbie Wollman accused me of parking in her parking space when I was not parked in a space belonging to her. I understood these parking-related accusations as part of a pattern of creating confrontation, provoking a response, and generating a record that could portray me as difficult, unstable, unreasonable, or a public nuisance.

33. I contend that Officer Charles Sean Dinse's conduct, statements, credibility, possible bias, and possible influence were relevant to the case and should have been meaningfully investigated, challenged, and presented.

34. I contend that the Pitchess issue relating to Officer Dinse was important because officer credibility and police-community influence were central to the prosecution narrative.

35. I contend that the Dinse issue was important because I was trying to challenge Officer Dinse's credibility, bias, influence, and role in the case. Instead, the prosecution later presented or relied upon an allegation that made it appear as though I was targeting Officer Dinse. I dispute that allegation and contend that it was not fairly disclosed, tested, or supported before being used against me.

36. I contend that, at the preliminary-hearing stage, Judge Stephen Marcus made a statement to the effect of, "My next step would be to squeeze you out of your house," which I understood as intimidating and personal.

37. I contend that trial counsel failed to meaningfully investigate, organize, and present evidence of witness provocation, witness motive, alleged neighborhood-watch or community-reporting influence, restitution pressure, property attacks, vehicle vandalism, police or community influence, police non-response, available video evidence, broader context, courthouse-bias concerns, psychological-labeling issues, and police-bias issues.

38. I contend that trial counsel failed to meaningfully impeach key witnesses with evidence showing bias, prior conflict, financial motive, hostility, selective reporting, provocation, and inconsistent statements.

39. I contend that trial counsel failed to seek dismissal, mistrial, sanctions, protective orders, evidentiary hearings, change of venue, reassignment, disqualification, or other relief when prejudicial, biased, intimidating, or provocative events occurred in or around the courtroom.

40. I contend that trial counsel Shep Zebberman did not provide meaningful assistance in keeping me safe from continuing confrontations, alleged provocation, and new accusations. Counsel did not meaningfully pursue protective relief, advise me on lawful options for avoiding or documenting contact, seek court intervention, arrange investigation,

or create a workable plan to preserve evidence while preventing continuing disputed conduct from being converted into new allegations against me.

41. I contend that this left me without a meaningful, lawful avenue to preserve evidence, seek protection, investigate the source of allegations, test the source of mental-health labels, avoid rotating confrontations, and prevent one-sided accusations from becoming additional adverse material in the case.

42. I contend that, at or near one of the first court dates, trial counsel Shep Zebberman told me in substance that he could "get me out of this" because he knew the right people in the psychology or mental-health community. I understood this statement as an effort to direct the case toward a psychological, psychiatric, or NGI-type framing rather than toward investigation and presentation of my account of alleged provocation, witness bias, police non-response, officer influence, and the factual context of the prosecution's allegations.

43. I contend that trial counsel attempted to steer the case toward a mental-health or NGI framing, despite my position that the case involved omitted evidence, witness provocation, police or community bias, police non-response, and factual defense, lack of malice, and justification-related context.

44. I contend that a motion for dismissal in furtherance of justice, or comparable relief, should have been pursued earlier because the defense theory was not meaningfully presented, key witnesses were not impeached with available bias and motive evidence, and the prosecution narrative was allowed to portray me as dangerous, unstable, or irrational without the full context.

45. I contend that I was never meaningfully questioned, interviewed, prepared, or developed by trial counsel as the source of the defense facts. Counsel did not meaningfully ask me to explain the full history, any meaningful aspect of what had happened, the sequence of events, the people involved, the available evidence, the videos, the prior reports, the alleged provocation, the witness motives, the police non-response, the unsupported labels, or the factual basis necessary to challenge the prosecution's isolated-event narrative.

46. I contend that trial counsel's omissions left the prosecution's narrative effectively unopposed in the areas most important to the defense. The missing defense record was especially important because the case was shaped by a broader police/community narrative that portrayed me as "crazy," unstable, dangerous, mentally ill, or a public nuisance. I contend that these unsupported labels were used to justify treating me as a person to be controlled, displaced, removed from the community, or excluded from ordinary credibility.

47. I contend that the direct appeal resulted in correction of a sentencing-structure issue but did not meaningfully resolve the broader fairness issues involving omitted evidence, ineffective assistance, police or community influence, witness bias, psychological labeling, courthouse-bias concerns, and sentencing reliability.

48. I contend that many of these issues may require factual development through habeas corpus, but they are also relevant to this Court's exercise of discretion under Penal Code section 1385.

49. I contend that I was not given a meaningful opportunity before sentencing to review, correct, or challenge probation reports, sentencing materials, outside claims, hearsay allegations, witness statements, or false accusations.

50. I contend that there was no meaningful probation interview or meaningful chance to present mitigation, context, corrections, or supporting records before sentencing.

51. I contend that sentencing may have been affected by off-record, informal, or untested police or prosecution allegations.

52. I contend that, during active trial proceedings, I recorded or retained approximately seventy videos showing Terrance Scroggins coming to or near my property and allegedly throwing, dropping, placing, or directing cards, papers, or similar materials onto or around the property. I can identify and provide the videos, their dates, and any available original files or metadata. [See proposed Exhibit __.]

53. I told trial counsel about these incidents and asked counsel to investigate, preserve the evidence, use it for impeachment, seek protective relief, or otherwise address it. Counsel did not meaningfully do so.

54. I specifically asked trial counsel to arrange or pursue an independent investigation of alleged community conduct, including witness interviews and inquiry into reported provocations. Trial counsel declined or did not act on that request.

55. I asked trial counsel for guidance or assistance in seeking protective relief, including a restraining order or similar remedy, based on the conduct I reported. Counsel responded in substance that he did not handle restraining orders.

56. I contend that before or around the start of a trial day, the prosecutor informed my defense counsel that a person identifying himself or herself as an FBI agent wanted to speak with me. I did not speak with that person. I was not shown identification, told the purpose of the proposed contact, told the agency connection, or provided any report or communication generated from the attempted contact. I understood the timing and manner of the attempted contact as intimidating or as an attempt to obtain information outside the ordinary protections of counsel.

57. I contend that, at sentencing, prosecutor Inga Orbelli presented or relied upon an allegation that I had followed Officer Charles Sean Dinse home and photographed him. I dispute that allegation. I contend that the allegation was especially prejudicial because it turned around the issue I had been trying to raise: whether Officer Dinse's credibility, bias, influence, and role in police/community reporting should have been investigated and tested.

58. I was not given a meaningful opportunity to review the source material, identify the alleged date and location, examine supporting evidence, or present contrary evidence before the allegation was used against me.

59. I contend that the first two alleged probation-reporting or check-in entries were recorded for dates when I was in custody. Because I was incarcerated on those dates, I could not report in the community as stated.

60. I can provide or request custody, booking, release, court-minute, and probation records establishing the relevant dates. [See proposed Exhibit __.]

61. I requested independent appellate review or substitute appellate representation because I believed appellate counsel would not fairly evaluate or present claims concerning trial counsel's conduct.

62. I contend that appellate counsel did not meaningfully raise the broader issues identified in this declaration, including issues reflected in the transcripts and issues requiring extra-record factual development. I further contend that appellate counsel did not meaningfully request police records on my behalf, did not pursue investigation into Officer Dinse or other relevant police/community participants, did not seek investigator assistance, did not develop witness-motive evidence, and did not pursue the factual record necessary to show the actual situation.

63. I contend that the Public Defender's Office refused or failed to assign substitute or conflict-free appellate counsel despite my request. I contend that this left me without counsel willing to independently examine trial counsel's failures, investigate extra-record issues, pursue habeas development, or challenge the incomplete record created below.

64. I contend that nothing meaningful was done to develop facts showing whether witnesses had motive, anger, hostility, insecurity, financial interest, personal conflict, reputational motive, or other reasons to exaggerate, provoke, selectively report, omit their own conduct, or support an unsupported narrative that I was dangerous, unstable, mentally ill, or malicious.

65. My references to videos, letters, police contacts, reports, court proceedings, and communications are based on my personal observations, my own records, recordings, materials received by me, or proceedings I personally attended, except where I expressly identify information as something reported to me by another person.

66. I am concerned that resentencing may be expanded beyond the appellate remand through unrelated allegations, police contacts, hearsay, community-fear claims, courthouse rumor, restitution-related claims, probation-related claims, or mental-health speculation.

67. I request dismissal in furtherance of justice because I contend the proceedings were materially incomplete, one-sided, and unreliable. I further contend that, as the case was framed, tried, and instructed, the jury was not given a workable way to evaluate the broader defense theory,

including alleged provocation, witness motive, police non-response, unsupported mental-health labeling, selective reporting, my state of mind, and whether the prosecution could fairly prove malice when viewed in full context.

68. If the Court declines dismissal, I request that resentencing be limited strictly to the appellate remand, sentence correction, credits, time served, completed supervision, and lawful remaining sentence only.

69. I request that the Court not consider unrelated post-judgment allegations unless they are properly noticed, authenticated, supported by reliable evidence, legally relevant, and subject to a meaningful opportunity to respond.

70. I request that the Court not treat relocation or removal from my residence as a substitute for examining the underlying conduct. I contend that requiring me to move or leave without investigating the accusations, reporting pattern, unsupported labels, and alleged stalking-group conduct would reward the very conduct I was trying to report.

71. I contend that this is one reason the alleged pattern has continued for much of my life: persons involved learn that provocation, monitoring, reporting, mental-health labeling, and pressure can be used to force me to leave, remain silent, react, or appear unstable, while the underlying conduct remains untested.

72. I request leave to submit a supplemental declaration or authenticated exhibits identifying relevant dates, recordings, documents, transcript pages, custody records, correspondence, and other supporting materials if the Court considers any disputed factual issue material to its ruling.

73. I make this declaration in good faith to protect my right to due process and a fair resentencing.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on _____, 2026, at _____, California.

_____

Kevin Perelman
Defendant In Pro Per

