P 57122.002

Shahrokh Saadat-Nejad
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SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO

PACIFIC LAW CENTER vs. SHAHROKH SAADAT-NEJAD	CASE No.GIC878352 SHAHROKH SAADAT-NEJAD RESPONSE EX PARTE ATTEMPTS AND OF ONGOING VIOLATIONS OF MY CIVIL RIGHTS Date: April 20, 2007 Time: 3:00pm Dept. 75 I/C Judge: Hon. Richard E.L. Strauss

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3. I was not served with this civil action, I responded to the court on my own and made my first court appearance regarding this matter on March 9, 2007.

4. The court order that was signed by Judge Richard E.L. Strauss on February 27, 2007 was and is in violations of my civil rights. It was signed without me having being served of the civil complaint, it was signed without a court reporter present, it was signed off court record, it was signed as a favor to Mr. Herbert J. Solomon of Solomon Ward Seidenwurm .& Smith because Pacific Law Center had everyone convinced that I the defendant will not appear in court regarding this matter.

5. Attached to this document as EXHIBIT (1), EXHIBIT (2) and EXHIBIT (3). which are are copies of court transcripts of for this matter since I have appeared in court. They are reporter's transcript of proceedings of March, 9 2007 – March 14, 2007 and March 22, 2007 and the transcript clearly shows that Edward Mcintyre from Solomon Ward Seidenwurm and Smith is misleading the courts of The Superior Court of California and The United States District Court in order to keep me silent by violating my civil rights.

6. On March 14, 2007 I told Judge Richard E.L. Strauss that the defendants are abusing the court order that was signed on February 27, 2007 against me by violating my freedom of speech. Judge Richard E.L. Strauss refused to accept not only my allegations of abuse of the court order but rather allowing to continue.

7. Edward Mcintyre from Solomon Ward Seidenwurm and Smith said on record on March 22, 2007 to Judge Richard E.L. Strauss that he filed his federal action on March 13th and on the 14th Judge Richard E.L., Strauss modified and verbiage the order to what was intended by that order. See EXHIBIT (3)

8. Edward Mcintyre from Solomon Ward Seidenwurm and Smith was present in court on March 9, 2007 and he was told what the court order is for in plain English and these are reasons for me to believe that Judge Richard E.L. Strauss is conspiring with the plaintiffs to keep me silent. See EXHIBIT (1).

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the right to publish and speak about their ongoing violations of my civil rights.

10. As for allegations of extortion, I pitty these people because as you can clearly see in EXHIBIT (4) that their evidence of allegation of extortion was created and crafted by Pacific Law Center and their conspirator(s).

11. Judge Richard E.L. Strauss granting a Preliminary Injunction against me without a Jury Trial would be in violation of my freedom of speech and right to defense. To stop me from using the words pacific, law, and center is nothing short of a person covering up corruption in the Justice System as a whole.

12. I have been posting my views of court orders signed against me on the World Wide Web and the plaintiffs think they can continue to violate my freedom of speech because of it and because a Mr. Herbert J. Solomon of Solomon Ward Seidenwurm & Smith has a reputation of access to Judges, and they have proven that they Solomon Ward Attorneys at Law do have Judges in their back pockets by having Judge(s) sign court orders behind closed doors and no court reporter present. SEE EXHIBIT (5)

Mr. Herbert J. Solomon of Solomon Ward Seidenwurm & Smith does not represent the United States Government to be granted such corruption(s).

I declare under penalty of perjury under the laws of the State of California that the facts in this document are true and correct of my own personal knowledge.

Date: 4-13-2007

Shahrokh Saadat-Nejad
Defendant

Web Results **1 - 1** of **1** for **solomonwardconstructionlaw.com**. (**0.10** seconds)

100% Free Warning - Pacific Law Center - Solomon Ward Attorneys at Law - 9:29am
... to stop a person owning and operating a domain name solomonwardterrorists.com or solomonwardsandiego.com or **solomonwardconstructionlaw.com** and so on. ...
www.100freelawyers.com/ - 64k - Cached - Similar pages - Note this

23 of 67 DOCUMENTS

Edward E. POWELL, Plaintiff-Appellant, v. Roger C. LEVIT et al., Defendants-Appellees.

No. 78-2694

UNITED STATES COURT OF APPEALS, NINTH CIRCUIT

640 F.2d 239; 1981 U.S. App. LEXIS 20058

January 14, 1981, Argued
February 19, 1981, Decided

SUBSEQUENT HISTORY: [**1]

Rehearing and Rehearing En Banc Denied April 17, 1981.As Amended May 29, 1981.

PRIOR HISTORY: Appeal from the United States District Court for the Northern District of California.

COUNSEL:

Edward E. Powell, pro per.

Kevin M. O'Donnell, Deputy City Atty., San Francisco, Cal., for defendants-appellees.

JUDGES:

Before BROWNING, KENNEDY, and HUG, Circuit Judges.

OPINION BY:

PER CURIAM:

OPINION:

[*240]

Edward Powell brought this civil rights suit under 42 U.S.C. § 1983 against several police officers, alleging that the officers arrested him without probable cause and with the use of excessive force. The jury found for the defendants. On appeal Powell challenges the district court's admission of impeachment evidence of Powell's sixteen-year old criminal conviction and his juvenile record. We find that the admission of the evidence was prejudicial error and therefore reverse.

The events of the evening of June 9, 1976 that led to Powell's arrest were the subject of sharp dispute between Powell and the defendants. Special Patrol Guard Cole testified that when he saw Powell park his car in a private parking lot reserved for customers of the adjacent businesses, he walked up to Powell and asked him [**2] to move his car. According to Cole, Powell drove out of the lot, circled through a few minutes later, was again warned not to park, and then reentered a third time and parked his car. Cole stated that when he again warned Powell, Powell started using abusive language, at which time Cole summoned a backup guard. The confrontation escalated and police were called in. The officers testified that Powell was drunk, shouting obscenities in front of bystanders, disturbing the peace, and that he resisted arrest.

Powell's case rested largely upon his own testimony. He testified that he drove into the parking lot only once, and when Cole ordered him to move his car, he left the lot and parked on a street nearby. Powell further testified that after he had parked his car and was walking toward a building, Cole and another patrol guard stopped him and ordered him to produce identification, which he refused to do. Powell was subsequently arrested by the summoned police officers, handcuffed, taken to jail, and, according to his testimony, was injured on the wrists by the unnecessary use of force.

In cross-examining Powell, defense counsel asked Powell if he had complained about his wrist injuries [**3] at the police station. Powell replied that he had not because the officers were laughing at him and humiliating him. Defense counsel then asked if Powell generally felt that police humiliated him, to which Powell said "no" and added that "I don't hold any remorse or any anger against these gentlemen at all."

Defense counsel then began reading portions of Powell's deposition, in which Powell had answered questions about his previous experience with police.

> Question: Okay. Had you ever been injured by police before?

Answer: Sure.

Question: When?

Answer: When I was a kid.

Over the objections of Powell's attorney, defense counsel twice reread the above deposition testimony while continuing his questioning. Defense counsel then asked Powell how he was injured by police as a kid. Powell said that he had been handcuffed and taken out of school. Defense counsel asked: "Why were you taken out of high school in handcuffs?" Powell revealed that [*241] he had been involved in a juvenile adjudication. Defense counsel also questioned Powell concerning time spent in jail in 1962 for a burglary conviction.

Fed.R.Evid. 609(d) provides that evidence of prior [**4] juvenile adjudications is generally inadmissible to attack the credibility of a witness, except under certain conditions in a criminal case. n1

n1. Rule 609(d) provides:

d) Juvenile adjudications. Evidence of juvenile adjudications is generally not admissible under this rule. The court may, however, in a criminal case allow evidence of a juvenile adjudication of a witness other than the accused if conviction of the offense would be admissible to attack the credibility of an adult and the court is satisfied that admission in evidence is necessary for a fair determination of the issue of guilt or innocence.

Congress specifically added the words "in a criminal case" in limiting the circumstances under which a trial court may exercise its discretion in admitting evidence of a prior juvenile adjudication. The trial court has no discretion to admit such evidence in a civil proceeding. See 3 Weinstein's Evidence, P 609(05), at 609-86 (1978). Applying this provision, it was error to allow defense counsel to inquire [**5] about Powell's juvenile record.

Subdivision (b) of Rule 609 provides that criminal convictions more than ten years old are not admissible to impeach credibility, unless the "probative value of the conviction supported by specific facts and circumstances substantially outweighs its prejudicial effect" and the proponent gives "sufficient advance written notice of intent to use such evidence to provide the adverse party with a fair opportunity to contest the use of such evidence." n2 The defense did not give notice that it intended to admit Powell's sixteen-year old conviction, nor did the district court make a finding that the probative value of the evidence substantially outweighed its effect. Although the provisions of subsection (b) allow the district court to exercise limited discretion in admitting old convictions, its failure to exercise its discretion in this instance was error. n3 See United States v. Sims, 588 F.2d 1145 (6th Cir. 1978); United States v. Mahler, 579 F.2d 730 (2d Cir. 1978); United States v. Cavender, 578 F.2d 528 (4th Cir. 1978).

n2. Rule 609(b) provides:

b) Time limit. Evidence of a conviction under this rule is not admissible if a period of more than ten years has elapsed since the date of the conviction or of the release of the witness from the confinement imposed for that conviction, whichever is the later date, unless the court determines, in the interests of justice, that the probative value of the conviction supported by specific facts and circumstances substantially outweighs its prejudicial effect. However, evidence of a conviction more than 10 years old as calculated herein, is not admissible unless the proponent gives to the adverse party sufficient advance written notice of intent to use such evidence to provide the adverse party with a fair opportunity to contest the use of such evidence.

[**6]

n3. This is not a case where evidence of a prior conviction was introduced to impeach specific testimony on direct examination. Rather, this case presents the more general situation where counsel attempts to impeach the witness' reputation for truthfulness and honesty through the collateral use of evidence of a prior conviction. In the former case, the court may admit the evidence without complying with the strict requirements of Rule 609(b). *United States v. Alvarez-Lopez,* 559 F.2d 155 (9th Cir. 1977). Here, in contrast, the rule applies with full force.

The erroneous admission of the evidence is harmless unless it affects "the substantial rights of the parties" or is "inconsistent with substantial justice." Fed.R.Civ.P. 61; Moran v. H.W.S. Lumber Co., Inc., 538 F.2d 238, 243 (9th Cir. 1976). See generally 7 Moore's Federal Practice, § 61.07(2), at 61-22 (2d ed. 1975).

The testimony of Powell and the defendants differed widely and there was little other evidence to support either side's story. Thus the result in the case turned almost entirely on the relative credibility of the party-witnesses.

[**7] Juries often view citizens' claims of police abuse with skepticism. In this context, the improper introduction of evidence that Powell had been a juvenile offender and had been convicted of a felony as an adult was clearly prejudicial to his chances of receiving fair consideration from the jury. The error was not harmless.

We REVERSE.

LEXSEE 556 F2D 1177

United States of America, Appellee, v. Alfred Lee Wilson, Appellant

No. 76-2021

UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT

556 F.2d 1177; 1977 U.S. App. LEXIS 12784

February 18, 1977, Argued
June 22, 1977, Decided

PRIOR HISTORY: [**1]

Appeal from the United States District Court for the Eastern District of Virginia, at Norfolk. J. Calvitt Clarke, Jr., District Judge.

DISPOSITION:

AFFIRMED.

COUNSEL:

Joel H. Holt, Third Year Law Student (Michael S. Shelton, David Lasso, Third Year Law Student, on brief), for Appellant.

Michael A. Rhine, Assistant United States Attorney (William B. Cummings, United States Attorney on brief), for Appellee.

JUDGES:

Haynsworth, Chief Judge, Craven * and Widener, Circuit Judges.

* Judge Craven after argument expressed agreement with the result but died before the opinion was prepared.

OPINION BY:

PER CURIAM

OPINION:

[*1177] The defendant appeals his conviction for rape in violation of 18 U.S.C. § 2031. He contends that there was insufficient evidence to support his conviction, that the trial court erred in instructing the jury, that the trial court violated his right to counsel by refusing to permit him to participate in closing argument, and that the trial court erred in ruling that the government could introduce a conviction obtained in a West German court to impeach his credibility.

The only contention requiring discussion is that involving the use of [**2] the German conviction for impeachment.

[*1178] The defendant had been convicted of rape in a German court. The trial court ruled that the government could ask the defendant whether he had ever been convicted of a felony, but could not bring out the fact that the prior conviction was for rape. The defendant contends that the court should have held the prior conviction inadmissible because the German legal system lacks many of the procedural protections of our own system, particularly the right to a jury trial.

Although the German conviction may have been obtained without a jury trial, we do not think that it was error to rule that the government could introduce the conviction to impeach the defendant under Rule 609 of the Federal Rules of Evidence. A jury trial for serious offenses is essential to fundamental fairness in trials conducted in this country under the Anglo-American system of justice. *Duncan v. Louisiana*, 391 U.S. 145, 150 n.14, 20 L. Ed. 2d 491, 88 S. Ct. 1444 (1968). But a jury trial is not essential for fairness in every system of justice. *Id.* The only question here is whether the German legal system is so fundamentally unfair that a conviction [**3] obtained under it is inadmissible. The defendant has not shown that the German legal system lacks the procedural protections necessary for fundamental fairness. We note that the State Department routinely releases United States citizens to be tried by German courts, and that the defendant does not claim that he lacked the assistance of counsel during his trial in Germany.

When one is convicted in this country in violation of a federal constitutional right to a jury trial, vindication of the constitutional right may warrant exclusion of evi-

P 57122.02

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SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO

PACIFIC LAW CENTER	CASE No.GIC878352
vs.	SHAHROKH SAADAT-NEJAD RESPONSE EX PARTE ATTEMPTS AND OF ONGOING VIOLATIONS OF MY CIVIL RIGHTS
SHAHROKH SAADAT-NEJAD	Date: April 20, 2007 Time: 3:00pm Dept. 75
	I/C Judge: Hon. Richard E.L. Strauss

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I declare under penalty of perjury under the laws of the State of California that the facts in this document are true and correct of my own personal knowledge.

Date: 4-13-2007

Shahrokh Saadat-Nejad
Defendant

Web

Results **1 - 1 of 1** for **solomonwardconstructionlaw.com**. (**0.10** seconds)

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23 of 67 DOCUMENTS

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No. 78-2694

UNITED STATES COURT OF APPEALS, NINTH CIRCUIT

640 F.2d 239; 1981 U.S. App. LEXIS 20058

January 14, 1981, Argued
February 19, 1981, Decided

SUBSEQUENT HISTORY: [**1]

Rehearing and Rehearing En Banc Denied April 17, 1981.As Amended May 29, 1981.

PRIOR HISTORY: Appeal from the United States District Court for the Northern District of California.

COUNSEL:

Edward E. Powell, pro per.

Kevin M. O'Donnell, Deputy City Atty., San Francisco, Cal., for defendants-appellees.

JUDGES:

Before BROWNING, KENNEDY, and HUG, Circuit Judges.

OPINION BY:

PER CURIAM:

OPINION:

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Edward Powell brought this civil rights suit under 42 U.S.C. § 1983 against several police officers, alleging that the officers arrested him without probable cause and with the use of excessive force. The jury found for the defendants. On appeal Powell challenges the district court's admission of impeachment evidence of Powell's sixteen-year old criminal conviction and his juvenile record. We find that the admission of the evidence was prejudicial error and therefore reverse.

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Defense counsel then began reading portions of Powell's deposition, in which Powell had answered questions about his previous experience with police.

> Question: Okay. Had you ever been injured by police before?

Answer: Sure.

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Answer: When I was a kid.

Over the objections of Powell's attorney, defense counsel twice reread the above deposition testimony while continuing his questioning. Defense counsel then asked Powell how he was injured by police as a kid. Powell said that he had been handcuffed and taken out of school. Defense counsel asked: "Why were you taken out of high school in handcuffs?" Powell revealed that [*241] he had been involved in a juvenile adjudication. Defense counsel also questioned Powell concerning time spent in jail in 1962 for a burglary conviction.

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Congress specifically added the words "in a criminal case" in limiting the circumstances under which a trial court may exercise its discretion in admitting evidence of a prior juvenile adjudication. The trial court has no discretion to admit such evidence in a civil proceeding. See 3 Weinstein's Evidence, P 609(05), at 609-86 (1978). Applying this provision, it was error to allow defense counsel to inquire [**5] about Powell's juvenile record.

Subdivision (b) of Rule 609 provides that criminal convictions more than ten years old are not admissible to impeach credibility, unless the "probative value of the conviction supported by specific facts and circumstances substantially outweighs its prejudicial effect" and the proponent gives "sufficient advance written notice of intent to use such evidence to provide the adverse party with a fair opportunity to contest the use of such evidence." n2 The defense did not give notice that it intended to admit Powell's sixteen-year old conviction, nor did the district court make a finding that the probative value of the evidence substantially outweighed its effect. Although the provisions of subsection (b) allow the district court to exercise limited discretion in admitting old convictions, its failure to exercise its discretion in this instance was error. n3 See United States v. Sims, 588 F.2d 1145 (6th Cir. 1978); United States v. Mahler, 579 F.2d 730 (2d Cir. 1978); United States v. Cavender, 578 F.2d 528 (4th Cir. 1978).

n2. Rule 609(b) provides:

b) Time limit. Evidence of a conviction under this rule is not admissible if a period of more than ten years has elapsed since the date of the conviction or of the release of the witness from the confinement imposed for that conviction, whichever is the later date, unless the court determines, in the interests of justice, that the probative value of the conviction supported by specific facts and circumstances substantially outweighs its prejudicial effect. However, evidence of a conviction more than 10 years old as calculated herein, is not admissible unless the proponent gives to the adverse party sufficient advance written notice of intent to use such evidence to provide the adverse party with a fair opportunity to contest the use of such evidence.

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n3. This is not a case where evidence of a prior conviction was introduced to impeach specific testimony on direct examination. Rather, this case presents the more general situation where counsel attempts to impeach the witness' reputation for truthfulness and honesty through the collateral use of evidence of a prior conviction. In the former case, the court may admit the evidence without complying with the strict requirements of Rule 609(b). *United States v. Alvarez-Lopez,* 559 F.2d 155 (9th Cir. 1977). Here, in contrast, the rule applies with full force.

The erroneous admission of the evidence is harmless unless it affects "the substantial rights of the parties" or is "inconsistent with substantial justice." Fed.R.Civ.P. 61; Moran v. H.W.S. Lumber Co., Inc., 538 F.2d 238, 243 (9th Cir. 1976). See generally 7 Moore's Federal Practice, § 61.07(2), at 61-22 (2d ed. 1975).

The testimony of Powell and the defendants differed widely and there was little other evidence to support either side's story. Thus the result in the case turned almost entirely on the relative credibility of the party-witnesses.

[**7] Juries often view citizens' claims of police abuse with skepticism. In this context, the improper introduction of evidence that Powell had been a juvenile offender and had been convicted of a felony as an adult was clearly prejudicial to his chances of receiving fair consideration from the jury. The error was not harmless.

We REVERSE.

LEXSEE 556 F2D 1177

United States of America, Appellee, v. Alfred Lee Wilson, Appellant

No. 76-2021

UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT

556 F.2d 1177; 1977 U.S. App. LEXIS 12784

February 18, 1977, Argued
June 22, 1977, Decided

PRIOR HISTORY: [**1]

Appeal from the United States District Court for the Eastern District of Virginia, at Norfolk. J. Calvitt Clarke, Jr., District Judge.

DISPOSITION:

AFFIRMED.

COUNSEL:

Joel H. Holt, Third Year Law Student (Michael S. Shelton, David Lasso, Third Year Law Student, on brief), for Appellant.

Michael A. Rhine, Assistant United States Attorney (William B. Cummings, United States Attorney on brief), for Appellee.

JUDGES:

Haynsworth, Chief Judge, Craven * and Widener, Circuit Judges.

* Judge Craven after argument expressed agreement with the result but died before the opinion was prepared.

OPINION BY:

PER CURIAM

OPINION:

[*1177] The defendant appeals his conviction for rape in violation of 18 U.S.C. § 2031. He contends that there was insufficient evidence to support his conviction, that the trial court erred in instructing the jury, that the trial court violated his right to counsel by refusing to permit him to participate in closing argument, and that the trial court erred in ruling that the government could introduce a conviction obtained in a West German court to impeach his credibility.

The only contention requiring discussion is that involving the use of [**2] the German conviction for impeachment.

[*1178] The defendant had been convicted of rape in a German court. The trial court ruled that the government could ask the defendant whether he had ever been convicted of a felony, but could not bring out the fact that the prior conviction was for rape. The defendant contends that the court should have held the prior conviction inadmissible because the German legal system lacks many of the procedural protections of our own system, particularly the right to a jury trial.

Although the German conviction may have been obtained without a jury trial, we do not think that it was error to rule that the government could introduce the conviction to impeach the defendant under Rule 609 of the Federal Rules of Evidence. A jury trial for serious offenses is essential to fundamental fairness in trials conducted in this country under the Anglo-American system of justice. *Duncan v. Louisiana*, 391 U.S. 145, 150 n.14, 20 L. Ed. 2d 491, 88 S. Ct. 1444 (1968). But a jury trial is not essential for fairness in every system of justice. *Id.* The only question here is whether the German legal system is so fundamentally unfair that a conviction [**3] obtained under it is inadmissible. The defendant has not shown that the German legal system lacks the procedural protections necessary for fundamental fairness. We note that the State Department routinely releases United States citizens to be tried by German courts, and that the defendant does not claim that he lacked the assistance of counsel during his trial in Germany.

When one is convicted in this country in violation of a federal constitutional right to a jury trial, vindication of the constitutional right may warrant exclusion of evi-

dence of the conviction. But there is no such justification for excluding a conviction obtained without a jury in a foreign country.

As to the defendant's other contentions, we find that the evidence was sufficient to sustain the conviction, the court's instructions were adequate, and the court was within its discretion in denying the defendant the opportunity to share his closing argument with his attorney.

AFFIRMED.