

MEMORANDUM FOR RICO PROSECUTION

A. IDENTIFICATION OF THE DEFENDANT(S)

RONALD BERMAN, an Individual
JAMES SCHNIEDERS, an Individual
LISA MACCARLEY, an Individual
CHRISTOPHER JOHNSON, an Individual
DAVID COLEMAN, an Individual
MAGNOLIA GARDENS, a Private Company
TARZANA REGIONAL HOSPITAL,
LEE BACA, an Individual
LOS ANGELES COUNTY SUPERIOR COURT, a Government Entity
 AVIVA BOBB, an Individual,
 BRENDA PENNY, an Individual
LOS ANGELES COUNTY SHERIFF'S DEPARTMENT, a Government Entity
 OFFICER G. YANG, an Individual
 OFFICER ASTORGA, an Individual
LOS ANGELES POLICE DEPARTMENT, a Government Entity
 LILLIE FRANKLIN, an individual
LOS ANGELES PROBATE VOLUNTEER PANEL (PVP), a Government Entity
CALIFORNIA STATE BAR, a Government Entity
 DANE DAUPHINE, an Individual
 RICARDO JUAREZ, an Individual
 SUZAN J. ANDERSON, an Individual
CALIFORNIA JUDICIAL COMMISSION, a Government Entity

B. A STATEMENT OF PROPOSED CHARGES

- 1) CIVIL ACTION FOR DEPRIVATION OF RIGHTS AND CONSPIRACY AGAINST RIGHTS (42 U.S.C. § 1983 & 18 U.S.C. § 241)
- 2) FALSE IMPRISONMENT/KIDNAPPING (18 U.S.C. § 1201 & California Penal Code §§ 182 and 236)
- 3) FALSE STATEMENT TO A BANK (18 U.S.C. § 1014 and California Penal Code § 484)
- 4) INSURANCE FRAUD (18 U.S.C. § 1347)
- 5) WIRE FRAUD (18 U.S.C. § 1343)
- 6) RICO (18 U.S.C. § 1961-1964)
- 7) HOBBS ACT (18 U.S.C. § 1951)

C. A SUMMARY OF THE CASE

This is one case among potentially hundreds of cases, where the Los Angeles Superior Court Probate Section has formed a conspiracy with the attorneys in the Probate Volunteer Panel (PVP) and Professional Conservators to rob hundreds of elderly or disabled citizens of their freedom and property. The property includes millions (billions) of dollars of real and personal property.

The Los Angeles Sheriffs and Police Departments are used as the enforcement arms of the conspiracy, by investigating individuals who object to the so called “legal actions” of the conspirators and ignoring or opposing the criminal complaints of the injured parties. The Sheriff’s Department has even resorted to physical attacks and injury to individuals in its custody to “teach them a lesson” concerning their objections to the treatment by the Judges and attorneys.

The State regulating bodies, i.e. the State Bar and the Judicial Commission, that are tasked with monitoring the above conspirators, ignore the illegal actions of those individuals they are supposed to be regulating or attack those who are assisting the injured parties in opposing the actions of the conspirators.

D. A STATEMENT OF THE STATE LAW

- 1) PERJURY (18 U.S.C. §§ 1621 & 1622 & California Penal Code §§ 118 - 127)
- 2) ATTORNEY MISCONDUCT (California B. & P. C. § 6068)
- 3) JUDICIAL MISCONDUCT (California Constitution Article VI, Section 18)
- 4) DEFAMATION, LIBEL, SLANDER, AND INVASION OF PRIVACY
- 5) EXTORTION (Penal Code §§ 518 - 524)
- 6) BATTERY (Penal Code §§ 182, 242 & 243)
- 7) ASSAULT (Penal Code §§ 240 & 245)
- 8) CONVERSION (Penal Code §, 484)
- 9) FRAUD AND DECEIT (Civil Code §§ 1709-1710 and Penal Code § 484)
- 10) INSURANCE FRAUD (18 U.S.C. § 1347 and Penal Code § 550)

Some of the State Laws enumerated above are not “penal” in nature, such as the Attorney Misconduct. However, the prohibitions of these laws are actionable by the courts, the State Bar and the Judicial Commission and can have punitive affects on the parties. The actions prohibited by these laws and violated by the conspirators are part of the pattern and plan of the conspiracy.

The statutes listed above and applicable case law are discussed in detail in the attached Civil RICO Complaint.

E. A STATEMENT OF THE LAW

1. The precise formulation of the RICO enterprise.
 - a. The exact formulation of the RICO enterprise is not clear at this point. The evidence indicates that this is a long-term enterprise which has continued for several years.
 - b. From a review of past cases by the LA Times Judge Bobb’s predecessor was also conducting the same enterprise prior to Judge Bobb’s involvement.
2. The relevant case law of the circuit which supports that formulation of the enterprise.
 - a. Relevant case law and statutes are referenced and in most case provided in full in the Civil RICO action filed by Mr. And Mrs. Ritch (Attached)
3. Any case law, regardless of the circuit it originated in, which would preclude this prosecution.
 - a. None known.

4. How the enterprise's affairs were conducted through the pattern of racketeering activity. This section should address how the participation in the operation or management test from *Reves v. Ernest and Young*, 113 S. Ct. 1163 (1993), is satisfied.
 - a. Each of the defendants were active participants in the operation of the RICO enterprise. Each defendants' actions are more specifically described in the attached Civil RICO Complaint.
5. How the enterprise was engaged in or its activities affected interstate commerce.
 - a. Participants of the RICO enterprise traveled interstate to Texas to illegally remove \$240,000 from Mr. Stern's IRA and transported the money to California.
 - b. Participants of the RICO enterprise arranged wire transfers of money as part of the enterprise via interstate communications.
 - c. Mr. Stern was a large share holder in a Nevada based goldmine. The participants of the RICO enterprise took control of these shares and have used the proceeds from the sale of the gold for their own purposes. (approximately \$50,000/quarter in 2005)
 - d. Participants of the RICO enterprise participated in Medical Insurance Fraud which involved the interstate transfer of money.
6. If applicable, the elements and theory of any conspiracy to violate 18 U.S.C. § 1962.
 - a. Mr. Stern was a large share holder in a Nevada based goldmine. The participants of the RICO enterprise conspired to take control of these shares and have used the proceeds from the sale of the gold for their own purposes. (approximately \$50,000/quarter in 2005)
 - b. The Participants of the RICO enterprise conspired to take control of Mr. Stern's trust to advance their RICO enterprise.

7. THE ELEMENTS OF ANY FEDERAL OFFENSE CHARGED AS A RICO VIOLATION.

- a. Civil Action For Deprivation Of Rights And Conspiracy Against Rights (42 U.S.C. § 1983 & 18 U.S.C. § 241)
 - i. 42 U.S.C. § 1983 - Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress.
 - ii. 18 U.S.C. § 241 - If two or more persons conspire to injure, oppress, threaten, or intimidate any person in any State, Territory, Commonwealth, Possession, or District in the free exercise or enjoyment of any right or privilege secured to him by the Constitution or laws of the United States, or because of his having so exercised the same.
- b. False Imprisonment/Kidnapping (18 U.S.C. § 1201 & California Penal Code §§ 182 and 236)
 - i. 18 U.S.C. § 1201 - (a) Whoever unlawfully seizes, confines, inveigles, decoys, kidnaps, abducts, or carries away and holds for ransom or reward or otherwise any person.
 - ii. 18 U.S.C. § 1201 - (c) If two or more persons conspire to violate this section and one or more of such persons do any overt act to effect the object of the

conspiracy, each shall be punished by imprisonment for any term of years or for life.

- c. False Statement To A Bank (18 U.S.C. § 1014 and California Penal Code § 484)
- d. HOBBS Act (18 U.S.C. § 1951)
 - i. 18 U.S.C. § 1951 - (a) Whoever in any way or degree obstructs, delays, or affects commerce or the movement of any article or commodity in commerce, by robbery or extortion or attempts or conspires so to do, or commits or threatens physical violence to any person or property in furtherance of a plan or purpose to do anything in violation of this section shall be fined under this title or imprisoned not more than twenty years, or both.
 - ii. 18 U.S.C. § 1951 - (b) As used in this section-
 - 1. (1) The term "robbery" means the unlawful taking or obtaining of personal property from the person or in the presence of another, against his will, by means of actual or threatened force, or violence, or fear of injury, immediate or future, to his person or property, or property in his custody or possession, or the person or property of a relative or member of his family or of anyone in his company at the time of the taking or obtaining.
 - 2. (2) The term "extortion" means the obtaining of property from another, with his consent, induced by wrongful use of actual or threatened force, violence, or fear, or under color of official right.
 - 3. (3) The term "commerce" means commerce within the District of Columbia, or any Territory or Possession of the United States; all commerce between any point in a State, Territory, Possession, or the District of Columbia and any point outside thereof; all commerce between points within the same State through any place outside such State; and all other commerce over which the United States has jurisdiction.
- e. Insurance Fraud (18 U.S.C. § 1347) - Whoever knowingly and willfully executes, or attempts to execute, a scheme or artifice—
 - i. to defraud any health care benefit program; or
 - ii. to obtain, by means of false or fraudulent pretenses, representations, or promises, any of the money or property owned by, or under the custody or control of, any health care benefit program,

in connection with the delivery of or payment for health care benefits, items, or services, shall be fined under this title or imprisoned not more than 10 years, or both. If the violation results in serious bodily injury (as defined in section 1365 of this title), such person shall be fined under this title or imprisoned not more than 20 years, or both; and if the violation results in death, such person shall be fined under this title, or imprisoned for any term of years or for life, or both.

(Evidence of the Insurance Fraud was just recently learned of and was not part of the Civil RICO Action.)

- f. Wire Fraud (18 U.S.C. § 1343) –

- i. Whoever, having devised or intending to devise any scheme or artifice to defraud, or for obtaining money or property by means of false or fraudulent pretenses, representations, or promises, transmits or causes to be transmitted by means of wire, radio, or television communication in interstate or foreign commerce, any writings, signs, signals, pictures, or sounds for the purpose of executing such scheme or artifice, shall be fined under this title or imprisoned not more than 20 years, or both. If the violation affects a financial institution, such person shall be fined not more than \$1,000,000 or imprisoned not more than 30 years, or both.
8. Evidentiary Issues.
 - a. Initially there are few evidentiary issues in this matter. Many of the documents are public documents filed with the LA Probate Court. Even personal documents that evidence some of the RICO elements are provided in the court record.
 - b. A description of the available evidence and its application to the elements of the RICO and other allegations can be found in the Civil RICO Complaint.

F. A STATEMENT OF THE FACTS, INCLUDING EVIDENTIARY BASIS FOR EACH ACT OF RACKETEERING

A description of the available evidence is provided in the attached Civil RICO Complaint.

- 1) In the current case, Marshall Stern, an 85 year-old decorated war hero, was removed from his home of 45-years, placed in a “medical facility” of questionable repute. The poor quality of the facility required that an independent health care provider to be hired to sit in his room 24-7 to monitor him, thereby increasing the medical costs incurred by Mr. Stern.
 - a) Mr. Schnieders’ (the court appointed conservator) wife is an employee of the medical facility.
- 2) Mr. Stern’s estate was ravaged with attorneys fees, conservator fees, miscellaneous fees, etc. (The conservator/miscellaneous fees included three charged hours to purchase \$1,000.00 in clothing for a man who was confined to his bed in a nursing home.) In all, over a million dollars was lost to the estate.
- 3) Ricky Ritch is the son-in-law of Marshall Stern. In 2004, Marshall Stern made Mr. Ritch the trustee of his trust, made him his health care power of attorney, and attorney in fact.
 - a) These documents were all either notarized or witnessed in compliance with California Probate Law.
- 4) In 2005, Marshall Stern nominated Mr. Ritch to be his conservator. At that point the conspirators began the process of destroying Mr. Ritch’s reputation and freedom in an effort to wrest Mr. Ritch’s control of Mr. Stern’s estate/trust away from him.
 - a) It should be noticed that Mr. Stern did not need a conservatorship at that time since he had a trust, healthcare-power-of-attorney, and general power of attorney in place.
 - b) Mr. Stern was tricked into requesting a conservatorship by conspirator Tarzana Regional Hospital, who told Mr. Stern they would no longer treat him if he did not have a conservatorship.
- 5) The attack on Mr. Ritch began with Judge Aviva Bobb illegally appointing Ronald Berman, an attorney on the PVP, to represent Mr. Stern. This action was in violation of California Probate Law.

- 6) Mr. Berman immediately began efforts to attack Mr. Ritch's reputation. These efforts included perjury by Mr. Berman implying wrong doing by Mr. Ritch and the submission of other unsupported allegations of wrong doing by Mr. Ritch.
 - a) None of the allegations made by Mr. Berman made any real sense; one such allegation was that Mr. Ritch was isolating Mr. Stern from other family members.
 - i) At the time of this alleged isolation, Mr. Ritch was living in Alabama and Mr. Stern was in California. No one has ever explained how Mr. Ritch was able to isolate Mr. Stern from his family members while he (Ritch) was 3,000 miles away.
- 7) The numerous lies made by and repeated by Mr. Berman and his coconspirators were used by the Probate Court as basis to deny Mr. Ritch's appointment as Mr. Stern's conservator and were used to strip Mr. Ritch of his attorney-in-fact responsibilities. (These are listed and documented in the attached Civil RICO Complaint.)
- 8) Mr. Berman contacted Marshall Stern's half-brother Herman Stern in Hawaii, whom Marshall Stern had not seen in 35 years, to nominate a conservator for Marshall Stern.
 - a) Mr. Berman did not contact Marshall Stern's sister in Chicago who had visited Marshall in December of 2004 and had knowledge of Marshall Stern's plans and desires.
- 9) Based on the "recommendation" of Herman Stern, James Schnieders was appointed as Temporary Conservator in July 2005. At that point the ravaging of the estate began in earnest.
- 10) On July 11, 2005, Mr. Schnieders illegally removed \$148,000.00 of Trust assets from two checking accounts.
 - a) Mr. Schnieders proceeded to lose \$100,000.00 of the \$148,000.00 he removed. We know this because he began accusing Mr. Ritch of stealing the money.
 - b) The accusation that Mr. Ritch took the \$100,000.00 was made by all of the attorney conspirators in this case at various times, including the filing of a police report charging Mr. Ritch with stealing the money.
 - c) The criminal investigation against Mr. Ritch was terminated in December of 2008 with no charges filed. However, there were numerous financial charges to the estate of Marshall Stern (taken from the money supposed to go to Donna Ritch – Mr. Stern's daughter and Mr. Ritch's wife) by Mr. Schnieders for assisting with the investigation by the LA Police Department (co-conspirator Det. Lillie Franklin).
 - i) This investigation continued for 2 ½ years after evidence was provided to Detective Franklin that the \$100,000.00 Mr. Ritch was accused of stealing was in the possession of her friend "Jimmy", aka James Schnieders, the entire time.
 - ii) Yet Jimmy, as Det. Franklin identified him, was repeatedly called on to provide documentation to Det. Franklin after the exonerating evidence was provided to Det. Franklin, thereby "justifying" additional charges against Donna Ritch's portion of the estate.
 - d) Mr. Schnieders is now admitting he took the \$100,000.00 to prevent Mr. Ritch from absconding with the money.
 - i) Checks written by Mr. Ritch that were using the money in question were to, the IRS for Mr. Stern's quarterly taxes, the State Franchise Tax Board for Mr. Stern's quarterly taxes, maintenance on Mr. Stern's home and landscaping, payments to the health care provider caring for Mr. Stern, etc.
 - e) Mr. Schneider has never accounted for the \$100,000.00 he lost. Nor has Mr. Schnieders been reprimanded or otherwise punished for his prior perjury against Mr. Ritch.

- 11) The attack on Mr. Ritch escalated to a climax where he was sentenced to 5-days in jail for contempt of court for not filing an Accounting for the estate of Marshall Stern from June of 2003 to June of 2005.
 - a) The Accounting was filed in November 2005 and it was in the court file at the time Mr. Ritch was prosecuted for not filing it.
- 12) To describe the due process violations of Mr. Ritch's criminal conviction for contempt of court, consider the due process rights in Iraq under Saddam Hussein for a comparison. The parallels between the two is frightening. The violations of Mr. Ritch's Due Process Rights began with Mr. Ritch never being informed that he was being prosecuted for contempt of court, either before or during his "trial".
- 13) On the day of the "secret" trial, Judge Bobb appointed David Colman, an opposing counsel in the matter, as a "special prosecutor" for Mr. Ritch.
 - a) Mr. Coleman volunteered on the day of the trial, after Judge Bobb asked for a volunteer to the "special prosecutor".
 - b) In his billing for the trial, Mr. Coleman charged for the time he used to prepare to prosecute Mr. Ritch prior to the trial. Apparently there were ex parte discussions between Judge Bobb and Mr. Coleman prior to the trial.
- 14) Mr. Coleman called Mr. Ritch to testify against himself at his trial for criminal contempt.
 - a) Mr. Ritch and his attorney believed that the questioning concerned Mr. Ritch's attempt to be appointed as the conservator for Mr. Stern, which was the original purpose of the hearing. Not knowing that a criminal prosecution was being conducted.
 - b) Mr. Ritch's attorney did not object to the proceedings, believing they were civil proceedings where opposing counsels can call opposing parties to testify.
- 15) Due to the secret nature of the prosecution of Mr. Ritch, he was denied his Constitutional Right to a jury trial on the charges of criminal contempt.
- 16) Despite a complete failure of the conspiracy to prove the elements of contempt, i.e. 1) a willful, 2) failure to follow a 3) written court order that was 4) served on the defendant, Judge Bobb found Mr. Ritch criminally in contempt of court and sentenced him to 5-days in jail.
- 17) Once Mr. Ritch turned himself in to the LA Sheriff Department to serve his 5-days, he was physically injured by an officer who struck his head against the top of the Sheriff vehicle used to transport Mr. Ritch to the jail.
 - a) Mr. Ritch, who is a relatively short man with a broken back and pins in his shoulder, was in handcuffs at the time his head was smashed against the vehicle.
 - b) The impact caused a large bruise on Mr. Ritch's head that was still visible 3 days latter when Mr. Ritch was finally released from the jail.
 - c) After his release, Mr. Ritch was diagnosed with a concussion.
- 18) When he struck Mr. Ritch's head against the vehicle, the sheriff officer said to Mr. Ritch, "That is a message from the judge." Similar remarks were made repeatedly to Mr. Ritch throughout his incarceration.
- 19) Mr. Ritch was kept in the jail for 3-days and his attorney was not allowed to see or speak to him during this time.
 - a) At that time, the LA Central Jail was holding prisoners for 1/10th of their sentences. Based on statements made to Mr. Ritch and his attorney prior to turning himself in, Mr. Ritch should have been released on the day he turned himself in.

- b) Mr. Ritch was kept from meeting with his attorney because in was in medical in-processing the entire time of his incarceration. He was kept there because his file was never sent up to medical.
 - c) Jail personnel informed Mr. Ritch's attorney that they "had bought him and could keep him as long as they wanted."
 - d) It was only when Mr. Ritch's attorney threatened to file a Federal Habeas Corpus Action to get him out of the jail was Mr. Ritch finally released.
- 20) After his incarceration, the conspirators then proceeded to take control of Mr. Stern's trust away from Mr. Ritch, utilizing the same lies as before and now Mr. Ritch's "conviction" for contempt of court to justify his removal. By this time all of the lies had been proven to be false. Mr. Schnieders was made the new trustee of the trust by Judge Bobb.
- a) The conspirators argued that Mr. Ritch had abandoned his position as trustee of the trust by allowing the financial management company originally retained by Mr. Stern to continue to manage the money in the trust.
 - b) They made the above fictitious argument in order to keep the trust action before Judge Bobb, in violation of California Probate Laws.
- 21) Mr. Ritch filed complaints against the conspirators with the California State Bar and Judicial Commission, neither agency found any wrong doing by the conspirators, despite documentary evidence of illegal and unethical behavior by the conspirators.
- a) The State Bar had no qualms about prosecuting Mr. Ritch's attorney based on the false statements made by the conspirators.
 - b) Judge Bobb was put on the committee to investigate improper and illegal actions of Conservators by the Judicial Commission.
- 22) Marshall Stern died while in the custody of the conspirators in January 2007. It appears that during the year and a half he was in their control, he was checked into the hospital several times for treatment under the name of "John Doe". This appears to have been insurance fraud since Mr. Stern had health insurance at the time.
- 23) When friends and family attempted to see Mr. Stern, they were denied the opportunity to visit him or he was drugged while they were there so that he could not communicate with them.
- 24) After his death, the Probate Court appointed Mr. Schnieders as the executor of Mr. Stern's estate. Since then, Mr. Schnieders has run up attorney's fees and executor fees in the hundreds of thousands of dollars.
- a) Including the charges for assisting the criminal investigation of Mr. Ritch by Det. Franklin.
- 25) The conspirators interfered with Mr. Stern's burial, preventing the burial for 30 days after his death.

The above case is only one example of the corruption in the Los Angeles Probate Court. The Los Angeles Times did a series of reports in 2005, in which they research hundreds of Conservatorship actions in the LA Probate Court and they found many cases of improper, unethical, and illegal activities in those cases. All that is really required is to sit in Judge Bobb's courtroom for a while and watch her destroy people's lives for the benefit of herself and co-conspirators.

G. RICO POLICY SECTION

A government attorney should seek approval for a RICO charge only if one or more of the following requirements are present:

1. RICO is necessary to ensure that the indictment adequately reflects the nature and extent of the criminal conduct involved in a way that prosecution only on the underlying charges would not;
 - A. Separate prosecutions under the separate underlying charges do not reflect the overall and pervasive nature of the criminal conduct, since many of the acts in and of by themselves do not evidence to overall conspiracy.
2. A RICO charge could combine related offenses which would otherwise have to be prosecuted separately in different jurisdictions;
 - A. Most of the offenses occurred in California, but some of the offenses occurred in Texas and would require separate action in that location.
3. The case consists of violations of State law, but local law enforcement officials are unlikely or unable to successfully prosecute the case, in which the federal government has a significant interest;
 - A. Since local law enforcement agencies are implicated in this matter, including sitting judges, it would be difficult for local enforcement officials to prosecute this case.
 - B. The federal government has a significant interest in this matter since Federal Statutes have been violated, as well as the U.S. Constitution by elements of the state government.
 - C. The federal government has a significant interest in this matter since the matter has and continues to affect interstate commerce, including the interstate theft, wire fraud, the illegal take over of enterprises, and Medical Insurance Fraud.
4. The case consists of violations of State law, but involves prosecution of significant or government individuals, which may pose special problems for the local prosecutor.
 - A. Since local law enforcement agencies are implicated in this matter, including sitting judges, it would be difficult for local enforcement officials to prosecute this case.
5. A RICO charge where the predicate acts consist only of state offenses will not be approved except in the following circumstances:
 - A. Local law enforcement officials are unlikely to investigate and prosecute otherwise meritorious cases in which the Federal government has significant interest; or
 - B. The prosecution of significant political or governmental individuals may pose special problems for local prosecutors.

CONCLUSION

The conservatorship/probate system in California alone is a multi-billion dollar industry, which is clearly filled with corrupt government officials and their representatives (attorneys on the PVP and professional conservators). This corruption has destroyed the lives of many United States citizens and their families. This case is just one example of what occurs daily in the Los Angeles Superior Court system.