

MISCELLANEOUS ISSUES AND INFORMATION SECTION/ OFFER OF PROOF

BRIEF OUTLINE/LEGAL ISSUE: This issue is there were two and different jury panels at the same trial. One for Mr. Lee and Mr. Anderson, a different panel for Mr. Huhn. Reasoning for Huhn to have a different jury panel is basically there was outside information that only applied to Huhn. This was suppose to resolve the severance of codefendant issue with Huhn, but there was still a major issue with Ms. Rosenfeld (Huhn's lawyer) acting as a third prosecutor at times. This issue negatively effected Anderson's Due Process Rights to a fair trial. Ms. Rosenfeld was abtinate in her refusal to go along with any proposal of sealing the verdict if her jury comes back first. SEE RT 5420. Yet if "Lavender jury" (Anderson's jury) came back first, would want to request the same thing Anderson's and Lee's defense is asking for. SEE RT 5181.

To back up a minute and explain, why and what kind of proposal is being asked. Basically there were a number of options of allowing the verdict to come in, or be heard on the record but not allow it to be "publicized." This was a reasonable request, to prevent the other jury from hearing the outcome of the other jury's verdict and also influencing their decision. This pre-verdict discussion is seen on: RT 5180-5182. Then the aftermath discussion, after the verdict on RT 5418-5423.

Even though there was not a final ruling or agreed upon process set yet, there was by all right was a basic agreement by the judge, "That is the effort to ensure that there is not a dissemination of a verdict by one panel before the verdict of the other panel is a good objective." This lead defense to believe at the very least nothing would be done before there was another hearing/discussion to resolve the matter. Otherwise both Anderson's and Lee's defense would of pressed the matter to be resolved then and there.

Yet, what happened again, is where on the face of the matter, Judge Lantz Lewis wants to appear unbiased when possible, but what he allowed clearly shows he is not. He is very bias to what actually he allows to happen. Not only does he allow the other jury panel to read the verdict in open court with no limits or request to not allow it to become publicized. He did so without notifying either Anderson's or Lee's defense. So then they could not hash out any type of agreement nor even to be there to make an objection. Both counsel were only informed after the fact. SEE RT 5418-5423. Worse yet is the example of the media and in particular the San Diego Union Tribune was used by the prosecution as a tool to create a bias and also an unfair trial for Mr. Anderson. (Remembering by this point the judge on his own dropped the charge of conspiracy on Lee, so really he is already in the clear (SEE segment on severance of codependents) The Union Tribune and another media source called SignonSanDiego.com. These articles were written in a very demeaning damaging way, with the Union Tribune being the worst. Articles referred to prosecutions push and use of the nickname "Stressed Eric" and a quote of Mr. Anderson as a "Maniac with a gun", were written. SEE RT 5422 on 5418 list the media sources. This of course was just before the weekend and Anderson's jury would have all weekend to come across or hear about what the media is already saying. Of course the judge gave a admonishment not to read the paper or watch the news etc...However, a simple admonishment could not fix the problem and

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assure Anderson of a fair trial. It is at this point a “joke”, like putting a bandaid on a gun shot wound.

The statement about the media being a tool, or used as a tool by the prosecution is admittedly a subjective statement based on seen events and a cumulative effect. This is one example of the media's influence in a strictly very negative bias way. They were using quotes straight from the Prosecutor's arguments by the use of “Stressed Eric” and “Maniac with a gun” statement. Also articles written as if Anderson was already found guilty is just one part. There were many previous articles which appear and in some cases directly did so print whatever the prosecution said as fact. At the very least the media tainted potential jury members before and during trial.

BRIEF OUTLINE/LEGAL ISSUE: (ILLEGALLY OBTAINING S.D.T.) (S.D.T. Is a abbreviation for a legal latin term-Supoena Duces Tecum. Most know what a subpoena is but in the most layman's term what a S.D.T. Is a court order for records or information.)

The normal process for a S.D.T by either side is a request/motion to the court judge involved in the case, to file an order/S.D.T. It is the received by the court and if lets say the defense questions it becoming evidence, they can hash it out in a hearing. At this point the judge can decide whether to release it or not.

In Anderson's case this S.D.T. has a few different and in some regards complex issues that are not my focus here, especially since Anderson wants these records to stay in the record because they are very much exculpatory! What Anderson's focus on is how they were illegally obtained by the D.A., This is to the further the wide range of misconduct by prosecution and further evidence/example of this judge allowing and even covering for D.A Misconduct.

How the prosecutor received the phone records was an illegal process. McAllister and his office ie.: Connie Jansen filed a S.D.T order themselves and had it bypass the court altogether and sent directly to Connie Jansen. SEE RT 907. Now the way that McAllister and or his office slip this by was using the declaration from another type of order a (2703D) and attaching it to an S.D.T. SEE pages RT 890-891.

Instead of Judge Lantz Lewis being furious with the prosecutor, he instead covers and makes a lame reason to over look it! SEE: RT 906-907

Lantz Lewis says he doesn't believe the D.A “set out to hoodwink the court or deceive the court” since it “didn't appear there was an effort to conceal it from the court”.

That part may be true....but it was an attempt to “hoodwink”, the defense. Up to this point the D.A had not turned over their records and if they were going to do so at all it would have been part of the prosecutor's document dump right at the 30 day trial date notice. If it wasn't for the defense finding out Cingular had sent Anderson's cell phone records months before to the D.A the judge or normal judge would have been furious that this prosecutor superceeded his power and could be considered forgery of

a government document/order, which is a crime!

Instead Lantz Lewis used the D.A's weak and flawed reasoning that it was in support of the 2703(D), in which no where in the law is this a justification. These are two separate types or orders with the S.D.T being the most lawfully powerful order issued by a State Superior Court while the order is a more common type of a legal request. If it was the other way around with a properly done declaration and court process and then a 2703 (D) was then added for something minor request but might not have been listed on a S.D.T. This would have likely been minor and over looked but not the other way around! SEE again pages RT 905-907.

To show the amount of time this was kept from knowledge, SEE: RT 904.

July 26th of 2004 was the original request believed sent and received by the D.A office ie. Connie Jansen. Then formalized on February 28th of 2005 and is unclear how much longer before defense first became aware. In fairness of this issue, there are many pages maybe 30 or more where in random hearing this issue of the S.D.T is discussed. Most of which is on the more complex side of the argued issue. These few pages used to quote is being used cause it is the most condensed in facts to prove or show a pattern of misconduct and Anderson's limited offer of proof should be more than clear on the narrow focused issue if the D.A obtained the S.D.T and how the judge covered for him. There were zero sanctions or misconduct filings made due to this clearly illegal actions to anyone who is a lawyer and in particular a trial lawyer or Habeas Corpus lawyer.

Anderson claims of the Judge Lantz Lewis intentional covered for the prosecutors bad acts; throughout the whole trial process or at the very least turning a blind eye to major violations of court rules and both state and federal laws. This is also seen by listed issues below that have been covered in other segments or sections: AS FOLLOWS:

1. When evidence was presented by defense that both Valerie Peretti and Handshoe committed perjury. There was no inquiry and allowed these clearly proven false statements to stay in as part of the record and evidence for the jury to receive. (Multiple Examples)
2. Allowing codefendant's counsel to act like a second or third prosecutor against only Anderson, even after advance notice, this would happen was given to the judge.
3. Allowing Handshoe to testify when becoming states witness during jury selection, violating 30 days notice rule.
4. Allowing D.A to flat out lie about Handshoe's Plea Deal agreement, then cover for him and calling it "interpretation of the facts".
5. Denying 40 ½ motions by the defense out of 42 motions. ½ motion was limiting the number of moans heard by victim on 911 taped call. The other granted motion was dropping a charge unrelated to Anderson and his case. Yet the judge would not allow Third Person culpability to be raised (Basically defense could not even show it was possible someone else could have done the crime.) and blocking gang evidence to show codefendants and witnesses were part of the same gang and prove the ridiculousness of both other codefendants and prosecutions theories of the case to be ridiculous to believe.
6. Allowing Baker's lies to stand, in particular issue seem at the end of section on D.A Investigator issues of corruption.

There are other examples that could be listed, but seeing all of these should make Anderson's claim of corruption Blatant biasness by the judge very apparent and obvious even to someone unfamiliar with the law.

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This is how a case with clear evidence of perjured witnesses; who have zero corroborating evidence in support. Then the fact there is zero physical evidence to link Anderson to the Brucker murder...Yet, Anderson is still found guilty...is only because of the level of corruption and disregard for the law, to get a conviction at all cost!!! Bad Judges are often at the root of many wrongful convictions just by turning a blind eye to corruption.