

1 CASE NUMBER: 6CJ03685
2 CASE NAME: PEO V. KELLY LYNCH
3 LOS ANGELES, CALIFORNIA FRIDAY, JANUARY 13, 2017
4 CJC DEPT 48 HON. CHRISTOPHER K. LUI
5 REPORTER: CHRISTY CANNARIATO, CSR #7954
6 TIME: A.M. SESSION
7

8 APPEARANCES:

9 DEFENDANT PRESENT IN COURT IN PROPRIA PERSONA;
10 SANDRA STREETER, DEPUTY CITY ATTORNEY, REPRESENTING THE
11 PEOPLE OF THE STATE OF CALIFORNIA.
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14 THE COURT: Item 8 on the calendar, People v.
15 Kelly Lynch.

16 MS. STREETER: Sandra Streeter for the People.

17 THE COURT: Good morning, Miss Lynch.

18 THE DEFENDANT: Good morning.

19 THE COURT: I see that you have filed a Faretta
20 waiver form. You actually filled out two, which I
21 think --

22 THE DEFENDANT: I don't know why they handed me
23 two.

24 I have a meeting with a criminal attorney this
25 week, so I was wondering if I could reserve the
26 possibility of having that person represent me or if I
27 have to make that decision now.

28 THE COURT: Well, if you would like some time to

1 meet with an attorney and see if you want to come back
2 and have an attorney represent you, I can continue the
3 arraignment.

4 You have the right to be arraigned today. If you
5 want to give up that right, we can continue the
6 arraignment and then you can either have the attorney
7 appear for you or you can come back again and --

8 THE DEFENDANT: Well, I have someone I am meeting
9 with next week.

10 THE COURT: If you like, I can put this over for
11 two weeks, and we don't have to --

12 THE DEFENDANT: That would be fine. And I just
13 want to be saying I want to be making a special
14 appearance because I am challenging the jurisdiction of
15 the court. If that is an issue. It may not be.

16 THE COURT: I will -- I will just deem any
17 motions you might have or anything else to be reserved.
18 We can bring this back in two weeks perhaps.

19 MS. STREETER: Okay. So this is my concern, Your
20 Honor. This is the second time I have handled a case
21 with Miss Lynch. If the Court -- Miss Lynch had a -- it
22 must have been six or seven counts in 2012. She was
23 convicted of everything. She was placed on probation
24 for three years, got 18 months in jail, then came back
25 and got another six months in jail.

26 And it's the same people, essentially the same
27 people that she was convicted on in 2012 that she's
28 harassing again.

1 My biggest concern is since she received the
2 letter from our office, and I happen to know exactly
3 when she received the letter from our offices, as she
4 buried my office in voicemail messages. She sent
5 several more dozen emails messages to the same people
6 that are the subject of --

7 THE DEFENDANT: No, I have not.

8 MS. STREETER: Okay.

9 THE COURT: Let's not get into the substance of
10 things. If you have something --

11 MS. STREETER: So my concern -- you know, the
12 purpose of the arraignment is, 1, for her to be informed
13 of the charges, and then also to set bail.

14 And my concern about having her remaining out on
15 bail is that she'll continue to harass the witnesses in
16 this matter.

17 THE DEFENDANT: No, I will not, Your Honor.

18 MS. STREETER: And if I could just add. I have
19 information that she's also made death threats against
20 people who are tangentially related to this case, and in
21 different jurisdictions, and that person made a police
22 report based on the emails that Miss Lynch sent them.

23 So I have great concern about having Miss Lynch
24 stay out on her own recognizance given her current
25 activities and also her past criminal activities, Your
26 Honor. That's just my concern.

27 I know she has a right to an attorney of her
28 choice, but, I mean, the last time she was here she was

1 in custody. She remained in custody until the case went
2 to trial, and then after trial, as I said, she was
3 convicted of everything and got 18 months. She had no
4 prior criminal history.

5 THE COURT: All right. Well, I think if the
6 request that Miss Lynch is making is to have time to
7 speak with an attorney about the allegations in this
8 case, I think I need to grant her that time so that she
9 has the ability to decide whether she wants counsel of
10 her choice, if she can, in fact, afford to have her
11 retain counsel. And so I am not going to interfere with
12 her ability to seek counsel.

13 If there is some order that you would like, if
14 there's something -- some other remedy or some other --

15 MS. STREETER: I can fill out the protective
16 order for the victims I have in this matter, but I am
17 just expressing my grave concern about leaving Miss
18 Lynch on her own recognizance. She has a hard time
19 obeying court orders, an incredibly hard time.

20 THE COURT: Well, --

21 THE DEFENDANT: I do not, Your Honor. Two of the
22 alleged victims are attorneys of record that I am being
23 forced to deal with in four appeals, and another matter
24 before L.A. Superior courts and a matter in Boulder,
25 Colorado. And I am communicating with them about those
26 matters.

27 And this is an issue that I would like to go to
28 trial about. So I am more than happy to agree not to

1 communicate with them. I have never made a death threat
2 to anyone in my life. I can assure you of that.

3 THE COURT: All right. Well, why don't we just
4 do this. If you're going to be requesting a protective
5 order, we -- do you want to deal with that today or do
6 you want to --

7 MS. STREETER: I will do the protective order,
8 but I still have concerns about having her remain out of
9 custody, Your Honor.

10 THE COURT: Well, you know, this is not a case --
11 this is a case that comes before me where the Defendant
12 was, you know, requested in by a letter from your
13 office. This is not something where it comes before me
14 on something where there was an arrest warrant and
15 Miss Lynch was picked up. So she has appeared today and
16 come in of her own accord, and I understand that that's
17 worth something.

18 MS. STREETER: Right. And the issue isn't
19 whether or not she appeared in court; the issue is the
20 safety to the community. That's the primary issue the
21 Court should consider in setting bail. I am just
22 telling the Court, given her past criminal history, the
23 People have concerns.

24 THE COURT: If you are going to request a
25 protective order, Miss Lynch has said she's not going to
26 contact these people, so I don't imagine she would have
27 a basis to object to a protective order. If you would
28 like to fill that out, I will order that, and then we'll

1 just put the arraignment over for two weeks so we can
2 deal with the issue of representation at that time.

3 MS. STREETER: All right, Your Honor. Again, the
4 People will still be asking at that point for bail to be
5 set, Your Honor, in two weeks.

6 THE COURT: What's the scheduled bail amount on
7 this? It's a 273.6.

8 MS. STREETER: It's \$25,000, I think. But that
9 would be for somebody who has no prior criminal history
10 and hasn't spent two years in jail.

11 THE DEFENDANT: Well, I haven't spent two years
12 in jail, Miss Streeter.

13 MS. STREETER: Was sentenced to two years in
14 jail.

15 THE DEFENDANT: And my letters were federal tax
16 request letters, Your Honor, so that the IRS advised me
17 could be sent.

18 THE COURT: Why don't I put this case on second
19 call. Why don't you fill out the protective order. I
20 will consider what we're going to do next.

21 Miss Lynch, just have a seat. I will recall your
22 case in just a few minutes.

23 THE DEFENDANT: Okay. Can I just give this to
24 the City Attorney?

25 THE COURT: Is that the same motion I have here?

26 THE DEFENDANT: Yeah.

27 THE COURT: Yes, you should give that to them.

28 (Pause in proceedings.)

1 THE COURT: Recalling item 8, People v. Kelly
2 Lynch.

3 Have the People had a chance to complete the
4 protective order?

5 MS. STREETER: Right. Yes, the People have --
6 and I just want to make sure the Court knows that when
7 Miss Lynch says she's not sending emails to the
8 attorneys, that box right there, that's just some of the
9 emails. I can only print some of them. There's four
10 binders. And this is the emails that she's sent since
11 the letter went out.

12 And she received the letter around January 6th,
13 because that's when the calls started coming to -- not
14 January 6th -- December 6th. That's when the calls
15 started coming to our office. She's had about five
16 weeks to find an attorney. But I am just making sure --

17 THE DEFENDANT: Your Honor, can I say something?

18 THE COURT: Please don't interrupt. I will give
19 you a chance.

20 MS. STREETER: I am just making sure the Court
21 understands that's just some of the email. And this is
22 what the People have received since. But I will
23 approach and give the Court the protective order.

24 THE DEFENDANT: May I say something, Your Honor?

25 THE COURT: Yes.

26 THE DEFENDANT: I am in four separate appeals
27 with these individuals. And some of these
28 communications are with the Boulder, Colorado court

1 directly, the court's clerk and the judge. And others
2 have to do specifically with cases before L.A. Superior
3 Court and the Second Appellate Division.

4 THE COURT: All right.

5 THE DEFENDANT: So I have no interest in speaking
6 to them. But I don't really understand how emails that
7 deal with an issue in Boulder would be being used
8 against me at this time. Those are the only emails that
9 I have sent since December 6th with the Court itself,
10 colorado.

11 THE COURT: What is the issue of communications
12 with Colorado? Are individuals in Colorado the victims
13 alleged in this case?

14 MS. STREETER: No, that's where the restraining
15 order was, got a lifetime restraining order involving
16 one of the victims who is since deceased. And she was
17 sending letters -- emails to this protected person in
18 violation of the restraining order. And the restraining
19 order she's complaining about and saying is invalid was
20 the subject of the restraining order which she was
21 convicted on in six counts --

22 THE DEFENDANT: I still wasn't served --

23 THE COURT: Please don't interrupt each other. I
24 will make sure everybody has a chance to be heard.

25 MS. STREETER: So when she talks about Boulder,
26 she's trying to relitigate an issue that was handled in
27 about the year 2000 where the protected person was
28 granted a restraining order for the rest of his life

1 against her.

2 THE DEFENDANT: No, Your Honor. The Colorado
3 matter is ongoing. There is a hearing coming up. The
4 protected party is deceased. The Court told me they
5 will be terminating that order. They are giving a
6 courtesy opportunity for the Estate of Leonard Cohen to
7 potentially substitute a representative.

8 They also told me he didn't have to be served at
9 all, and they intend to terminate that order. They've
10 also told me that from their point of view that is not
11 the California order, because they cannot issue a
12 domestic violence order to Leonard Cohen, and they could
13 never convert their order into it. These are issues
14 that are ongoing.

15 So my point is this: Miss Streeter is wrong.
16 This is not something in the past. There is an upcoming
17 hearing in Boulder, Colorado.

18 THE COURT: All right. If you would like to
19 approach and give me the protective order forms.

20 All right. Miss Lynch, as we discussed when I
21 called your case earlier, you do have a right to be
22 arraigned today. If you would like to waive time for
23 arraignment, I will continue the arraignment so that you
24 have a chance to speak with an attorney and see if you
25 can find an attorney that you want to represent you or
26 make your decision about how you're going to proceed in
27 terms of defending the case.

28 So do you give up and waive your right to be

1 arraigned today and agree that you can be arraigned on
2 January 27th of 2017? That's two weeks from today.

3 THE DEFENDANT: That's my birthday. Could we do
4 another day? Because I have plans to go with my son to
5 lunch and his wife. But I would like to do that because
6 I am meeting with a criminal attorney next week, as I
7 said.

8 THE COURT: I will set it on the 26th, then.

9 THE DEFENDANT: That's fine. Thank you.

10 THE COURT: So January 26th, 2017. That is a
11 Thursday. And you are ordered to come back to
12 Department 48, this courtroom, at that time.

13 THE DEFENDANT: Okay.

14 THE COURT: I am going to issue the protective
15 orders requested by the People.

16 THE DEFENDANT: And may I ask who they are being
17 issued to? I have no idea.

18 THE COURT: Well, they're -- well, the orders are
19 issued to you, and they are for the benefit of two
20 protected persons, which are Michelle Rice and Robert
21 Kory.

22 THE DEFENDANT: The two co-conspirators you mean,
23 Your Honor?

24 THE COURT: Those are issues that are not before
25 me.

26 THE DEFENDANT: Yes, they are issues.

27 THE COURT: Well, they're not issues that are
28 before me today.

1 THE DEFENDANT: Right. But I don't know that we
2 should be looking at them as victims, because I still am
3 supposed to be viewed as innocent; right?

4 THE COURT: Well, --

5 THE DEFENDANT: Unless I go to trial.

6 THE COURT: -- the term that is often used is
7 "complaining witness." If you prefer that I use that
8 term, I will do that.

9 THE DEFENDANT: Okay. Can I also ask one
10 question?

11 THE COURT: Yes.

12 THE DEFENDANT: Can this be done under an
13 objection of mine, over an objection of mine to both
14 orders?

15 THE COURT: Yes.

16 THE DEFENDANT: I would like to object to the
17 issuance of both.

18 THE COURT: All right, but --

19 THE DEFENDANT: I will issue you -- what should I
20 do about communicating with them with respect to the
21 four appeals in the Second Appellate Division as well as
22 the Boulder, Colorado matter?

23 MS. STREETER: It's an appellate attorney, Your
24 Honor. It's not them. There's an appellate attorney.
25 She knows who it is.

26 THE DEFENDANT: But Michelle Rice is co-counsel
27 on that, Miss Streeter. She is an attorney of record in
28 the appeal.

1 THE COURT: All right. Well, --

2 THE DEFENDANT: I don't know, you know, why that
3 would bother you or why you're involved in that, to be
4 honest, Your Honor. I mean, I have a right to represent
5 myself under appeal. And Miss Rice is co-counsel, and
6 that is problematic.

7 MS. STREETER: I am representing to the Court she
8 is not co-counsel. She is not an appellate attorney.

9 THE DEFENDANT: She is co-counsel, and you can
10 look on the Appellate Court site. She is co-counsel in
11 four appeals before the Appellate Division.

12 MS. STREETER: Also, Your Honor. Just so you
13 know, Miss Rice was a protected person in the last case.
14 The Court issued a restraining order protecting her and
15 Mr. Kory --

16 THE DEFENDANT: Which was terminated by operation
17 of law.

18 MS. STREETER: Can I finish?

19 THE DEFENDANT: But, Your Honor, is there
20 anything wrong with Miss Streeter lying that Michelle
21 Rice is not the attorney of record in four appeals? I
22 mean, is there anything wrong with that? Because she
23 is.

24 MS. STREETER: And, Your Honor, the Court still
25 wants to keep Miss Lynch -- given her comments, I am
26 representing to you, as an officer of the court,
27 something you can check on the docket if I gave you the
28 case number.

1 THE DEFENDANT: Would you please check it?

2 THE COURT: All right. Again, this is not really
3 a productive argument.

4 THE DEFENDANT: But it's an issue --

5 THE COURT: Michelle Rice --

6 THE DEFENDANT: Is an attorney of record.

7 THE COURT: Michelle Rice, you are representing
8 to me, Miss Streeter, that she is not counsel of record
9 on any matter involving Miss Lynch?

10 MS. STREETER: Yes.

11 THE DEFENDANT: Including four matters --

12 THE COURT: Can you please let me speak.

13 THE DEFENDANT: Yeah.

14 THE COURT: I will give you a chance to address
15 anything that needs to be addressed, but don't interrupt
16 me.

17 THE DEFENDANT: All right. I apologize.

18 THE COURT: All right. Miss Lynch is telling me
19 that Miss Rice is an attorney in one of these appeal
20 matters. So this is what I am going to do.

21 Is there any reason related to any pending court
22 matter, Miss Lynch, that you need to contact Mr. Kory
23 for?

24 THE DEFENDANT: Mr. Kory?

25 THE COURT: Is he attorney of record in any -- is
26 he an attorney?

27 THE DEFENDANT: There is one outstanding --

28 THE COURT: Please answer the question.

1 THE DEFENDANT: I thought you asked me --

2 THE COURT: Answer the question.

3 THE DEFENDANT: Yeah, I was going to.

4 THE COURT: Okay.

5 THE DEFENDANT: Oh, I thought you asked --

6 THE COURT: Just answer the question I am asking
7 you directly.

8 THE DEFENDANT: I was going to --

9 THE COURT: Stop interrupting me. Listen to what
10 I asked, --

11 THE DEFENDANT: All right.

12 THE COURT: -- then answer the question that I
13 ask. All right?

14 Is Mr. Kory an attorney of record in any matter
15 that is now pending involving you?

16 THE DEFENDANT: Yes, in two different matters.
17 And that would be Robert Kory is the registered agent
18 and counsel of numerous corporate entities that I am
19 attempting to obtain federal tax information regarding.

20 And also he says that he is a representative of
21 Leonard Cohen's estate. And I intend to file a -- I
22 need to file a corporate records inspection request
23 before I file a claim in Federal Court. The
24 corporations are listed -- are throughout the country.

25 So what I am saying is I would have to serve him
26 -- I would have to send him a demand letter for the
27 corporate book inspections, and the Federal Court
28 demands that I do that.

1 THE COURT: Miss Streeter, here is the concern I
2 have with issuing a protective order. Because I
3 understand your concerns, and I am trying to balance
4 them here. If Miss Lynch has some litigation-related
5 necessity to send any correspondence to these people,
6 then isn't a protective order that bars all
7 communication going to then interfere with the process
8 of litigation in some other court?

9 MS. STREETER: So the issue she talked about, the
10 tax return, is the same issue she raised in the prior
11 case when she was convicted, and it's a issue she's been
12 raising since the year 2000, Your Honor. There is no
13 litigation between she and Mr. Rice -- Miss Rice and
14 Mr. Kory.

15 And, in fact, there was a hearing, I believe it
16 was last week, where she didn't appear. And there was a
17 judgment granted for Mr. Cohen's estate. And I am
18 trying to find that email. I thought I had it in all my
19 emails. But there was a recent case where she was the
20 litigant and failed to appear, and there was -- her case
21 was dismissed.

22 THE DEFENDANT: I spoke to the court. The case
23 was not dismissed, Your Honor. I filed a motion to
24 terminate the domestic violence order here issued to
25 Leonard Cohen. He is dead. And I intend to file a
26 Notice of Appeal. I spoke to the Court and informed
27 them that I would be unable to attend because I had had
28 a very serious asthma attack.

1 THE COURT: This is what I am going to do.

2 MS. STREETER: I have the email right here.

3 THE COURT: That's not necessary.

4 This is what I am going to do. I am issuing the
5 protective orders. I am issuing these two protective
6 orders. They will be issued subject to reconsideration
7 if additional facts come forward.

8 I at this time don't have adequate information
9 from which I can decide whether or not there is any
10 reason that Miss Lynch might need to have
11 litigation-related contact with these people. If that
12 is the case, for example, service of process, things
13 like that, the way these orders are written can
14 interfere with her ability to conduct whatever
15 litigation is ongoing. Maybe they won't. Maybe they
16 will. I don't have information before me on which I can
17 make that determination.

18 So for now I am issuing these orders. One is an
19 order for the benefit of a protected person named Robert
20 Kory. He is male. His State Bar number is 110750. The
21 other is Michelle Rice, female. Her State Bar No. is
22 235189.

23 Miss Lynch, you are ordered not to harass,
24 strike, threaten, assault, sexually or otherwise,
25 follow, stalk, molest, destroy or damage personal or
26 real property, disturb the peace, keep under
27 surveillance or block movements of the protected
28 persons.

1 You are ordered not to own, possess, buy or try
2 to buy, receive or try to receive or otherwise obtain a
3 firearm or ammunition. And you are ordered to surrender
4 to local law enforcement or sell to or store with a
5 licensed gun dealer any firearm that you own or that is
6 subject to your immediate possession or control within
7 24 hours after service of this order, then file a
8 receipt with the Court showing compliance with the order
9 within 48 hours of receipt.

10 You are ordered not to attempt to or actually
11 prevent or dissuade any victim or witness from attending
12 a hearing or testifying or making a report to any law
13 enforcement agency or person. You are ordered to take
14 no action to obtain the address or location of the
15 protected persons or their family members caretakers or
16 guardian unless good cause exists otherwise.

17 You are ordered to have no personal, electronic,
18 telephonic or written contact with the protected
19 persons; no contact with the protected persons through a
20 third party except an attorney of record.

21 You are ordered not to come within 100 yards of
22 the protected persons.

23 I am issuing these orders. I have signed them.

24 I am directing the bailiff to serve a copy of
25 these orders on Miss Lynch, who is ordered to stay in
26 the courtroom until that's been done.

27 I am releasing Miss Lynch on her own recognizance
28 pending arraignment on January 26, 2017. A condition of

1 that OR is that Miss Lynch obey the orders -- protective
2 orders that I have just issued. Any violation could
3 result in a remand to custody.

4 If there is any information on which Miss Lynch
5 would like to move for reconsideration of these orders,
6 that must be done on the 26th.

7 So that's the order for today.

8 THE DEFENDANT: Your Honor, may I ask one
9 question?

10 THE COURT: Yes.

11 THE DEFENDANT: I would like to object to both
12 orders, and I would like to object to Miss Streeter's
13 prosecutorial misconduct by deceiving this Court in
14 telling you that Michelle Rice is not the attorney of
15 record on four appeals. She is.

16 THE COURT: All right. Again, that's an issue
17 that's not before me.

18 THE DEFENDANT: Okay. That's fine. I'm just
19 saying I would like to raise an objection about that.

20 THE COURT: All right. Understood.

21 THE DEFENDANT: Okay? And I will present
22 evidence to the court on the 26th.

23 THE COURT: All right. We'll see you then.

24 (Proceedings continued to 1/26/17, 8:30 a.m.,
25 Department 48.)
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