

1 CASE NUMBER: 2CA04539
2 CASE NAME: PEOPLE VERSUS KELLEY LYNCH
3 LOS ANGELES, CALIFORNIA; TUESDAY, APRIL 17, 2012
4 DEPARTMENT NO. 51 HON. ROBERT VANDERET, JUDGE
5 REPORTER: CYNTHIA A. ROMERO, CSR NO. 7861
6 TIME: P.M. SESSION
7 APPEARANCES:

8
9 THE DEFENDANT WITH HER COUNSEL,
10 MICHAEL KELLY AND NIKHIL RAMNANEY,
11 DEPUTY PUBLIC DEFENDERS
12 OF LOS ANGELES COUNTY;
13 SANDRA JO STREETER, DEPUTY CITY ATTORNEY,
14 REPRESENTING THE PEOPLE OF THE
15 STATE OF CALIFORNIA.

16
17 THE COURT: GOOD AFTERNOON, EVERYONE.
18 WE'RE HERE ON CASE NUMBER 2CA04539,
19 PEOPLE VERSUS KELLEY LYNCH. THIS IS THE TIME SET FOR
20 SENTENCING.

21 APPEARANCES, PLEASE.

22 MR. KELLY: MICHAEL KELLY, DEPUTY PUBLIC
23 DEFENDER.

24 MR. RAMNANEY: NIKHIL RAMNANEY, DEPUTY PUBLIC
25 DEFENDER, ON BEHALF OF MS. LYNCH WHO IS PRESENT IN
26 CUSTODY BEFORE THE COURT.

27 MS. STREETER: SANDRA STREETER FOR THE PEOPLE.

28 THE COURT: OKAY. THERE'S A COUPLE OF MATTERS

1 TO TAKE UP. ONE, DEFENDANTS HAVE FILED A MOTION, NOTICE
2 OF MOTION FOR A NEW TRIAL DUE TO NEWLY DISCOVERED
3 EVIDENCE. I HAVE CAREFULLY READ THAT AND I'M GOING TO
4 DENY THE MOTION WITHOUT FURTHER ARGUMENT.

5 THE MOTION ITSELF CONTAINS NO NEW
6 EVIDENCE, MERELY THE PROMISE OF SOME NEW EVIDENCE. BUT
7 EVEN IF IT WERE HERE AND AS DESCRIBED, THE COURT
8 BELIEVES THAT THE DESCRIPTION FAILS TO MEET EVEN THE
9 FIRST TEST, THE FIRST PRONG OF THE TEST SET FORTH IN
10 PEOPLE V. WILLIAMS IN THAT THE EVIDENCE ITSELF IS NOT
11 NEWLY DISCOVERED. THE DEFENDANT HERSELF, FROM THE
12 DESCRIPTION, WAS CLEARLY AWARE OF ALL OF THE FACTS LAID
13 OUT. WE HAD DISCUSSIONS ABOUT THEM DURING THE TRIAL
14 WITH COUNSEL, SO I DO NOT FIND THE EVIDENCE TO BE NEWLY
15 DISCOVERED.

16 SECONDLY, THE COURT IS CONVINCED THAT IT
17 WOULD NOT RENDER A DIFFERENT RESULT, PROBABLE, EVEN IF
18 ADMITTED ON RETRIAL. IN THE FIRST PLACE, IT COULD HAVE
19 NO EFFECT ON THE FIVE 273.6(A) COUNTS, WHICH ARE
20 VIOLATIONS OF COURT ORDERS.

21 SECONDLY, WHILE THE TWO 653M COUNTS OF
22 WHICH THE DEFENDANT WAS CONVICTED DO HAVE A LEGITIMATE
23 BUSINESS REASON EXCEPTION, THE EVIDENCE PRESENTED AT
24 TRIAL MAKES IT ABUNDANTLY CLEAR THAT THE CONTACTS
25 DEFENDANT HAD BOTH IN TERMS OF E-MAILS AND TELEPHONE
26 CALLS WERE REplete WITH MATTERS THAT HAD ABSOLUTELY
27 NOTHING TO DO WITH ANY TAX ISSUES. SO THAT EVEN IF THE
28 EVIDENCE ESTABLISHED SUCH BASIS, IT WOULD NOT PROVIDE

1 ANY EXCUSE WHATSOEVER FOR THE VIOLATIONS THAT DEALT WITH
2 THINGS AS FAR-FETCHED AS THE PHILLIP SPECTOR TRIAL AND
3 JUST SCURRILOUS COMMENTS ABOUT DEFENDANT -- ABOUT
4 DEFENDANT'S VICTIM.

5 SO THE MOTION, IT SEEMS TO THE COURT, IS
6 NOT WELL TAKEN AND IS DENIED.

7 LET'S TURN TO SENTENCING. I HAVE READ
8 THE PEOPLE'S MEMORANDUM ON SENTENCING, AND I'LL HAVE
9 MORE COMMENTS ON IT IN AWHILE. BUT AT THIS TIME DOES
10 DEFENSE COUNSEL WANT TO MAKE A PRESENTATION?

11 MR. KELLY: I AM LOOKING OVER THE EVIDENCE
12 PRESENTED BY THE PEOPLE. IT LOOKS LIKE A LOT OF EXTRA
13 EXHIBITS THAT I HAVEN'T HAD A CHANCE TO LOOK OVER THE
14 CONTENT.

15 I WILL NOTE THAT MS. LYNCH DOES NOT HAVE
16 ANY CALIFORNIA CRIMINAL RECORD, AS FAR AS I CAN TELL.
17 AND TO THE EXTENT THERE IS ANYTHING, THERE'S BEEN NO
18 INDICATION THAT THERE'S BEEN ANY OFFENSE IN MS. LYNCH'S
19 HISTORY THAT INDICATES ANY PROPENSITY TOWARDS VIOLENCE
20 OR ANY VIOLENT CONDUCT IN HER PAST. THIS ITSELF WAS A
21 NONVIOLENT OFFENSE. THERE WERE, AS THE COURT MENTIONED,
22 MULTIPLE E-MAILS, BUT THAT DOESN'T RISE TO THE LEVEL OF
23 VIOLENCE.

24 ALSO, AS WAS NOTED DURING THE TRIAL, MUCH
25 OF THIS TIME, THIS PERIOD, MS. LYNCH WAS -- OR ACTUALLY,
26 AS FAR AS I CAN UNDERSTAND FROM THE ENTIRE PERIOD,
27 MS. LYNCH WAS NOT EVEN IN SOUTHERN CALIFORNIA. SO THERE
28 DOESN'T SEEM TO BE ANY LEGITIMATE THREAT THROUGH THIS

1 ENTIRE PROCESS IN THE LAST YEAR.

2 WHILE THERE WAS 1101 EVIDENCE OF SIMILAR
3 E-MAILS, I DO BELIEVE THE CONDUCT AND THE CONTENTS OF
4 THE E-MAILS WAS ACTUALLY IMPROVED IN THE LAST YEAR IN
5 TERMS OF WHAT THE ACTUAL CONTENT SIGNIFIES.

6 DEFENSE WOULD ALSO ARGUE THAT THIS WAS A
7 CONTINUOUS ACT. THAT IT'S SOMEWHAT ARBITRARY, THE
8 DELINEATION BETWEEN COUNT TO COUNT. THIS WAS
9 ESSENTIALLY ONE CONTINUOUS ACT WITH THESE E-MAILS THAT
10 HAD BEEN ONGOING FROM FEBRUARY OF 2011 TO JANUARY 2012.

11 AND SO BASED ON THAT, WE DO BELIEVE
12 PROBATION SHOULD BE GIVEN TO MS. LYNCH, WITH ANGER
13 MANAGEMENT CONDITIONS PERHAPS, COMMUNITY SERVICE.
14 OBVIOUSLY A PROTECTIVE ORDER AND A STRONG ADMONITION TO
15 MS. LYNCH TO NOT INCLUDE OR CONTACT BY PHONE OR E-MAIL
16 MR. COHEN, AND -- AS WELL AS HIS REPRESENTATIVES. THERE
17 IS STILL A MECHANISM PERHAPS OF WHICH, IF THERE ARE
18 DOCUMENTS THAT SHE DOES NEED, THERE COULD BE A MECHANISM
19 TO OBTAIN THOSE RECORDS NOT DIRECTLY THROUGH MS. LYNCH
20 AND BETWEEN MS. LYNCH AND ANY REPRESENTATIVE OF
21 MR. COHEN.

22 THE COURT: I UNDERSTAND THE VICTIM IN THIS CASE
23 WOULD LIKE TO MAKE A VICTIM IMPACT STATEMENT.

24 MS. STREETER: YES.

25 THE COURT: MR. COHEN, DO YOU WANT TO COME
26 FORWARD?

27 MS. STREETER: AND AFTER MR. COHEN ADDRESSES THE
28 COURT, THE PEOPLE HAVE SOME COMMENTS.

1 THE COURT: YES.

2 PLEASE COME FORWARD.

3 MS. STREETER: YES.

4 THE COURT: THAT WOULD BE FINE.

5 THE WITNESS: THANK YOU, YOUR HONOR. I'M
6 GRATEFUL FOR THIS OPPORTUNITY TO SPEAK.

7 I WANT TO THANK THE COURT AND THE PERSON
8 OF YOUR HONOR FOR THE CORDIAL, EVEN-HANDED AND ELEGANT
9 MANNER IN WHICH THESE PROCEEDINGS HAVE UNFOLDED. IT WAS
10 A PRIVILEGE AND AN EDUCATION TO TESTIFY IN THIS
11 COURTROOM.

12 I WANT TO THANK THE CITY PROSECUTOR,
13 MS. SANDRA JO STREETER FOR HER UNFLINCHING COMMITMENT TO
14 THE CASE, FOR HER WISE, HONEST AND STRAIGHTFORWARD
15 METHODS OF UNCOVERING THE TRUTH, AND FOR HER LIFELONG
16 DEVOTION TO THE PEOPLE'S CAUSE.

17 I WANT TO THANK THE MEMBERS OF THE JURY
18 FOR THEIR PATIENCE AND THEIR DISCERNMENT, AND FOR THEIR
19 GRACIOUS ACCEPTANCE OF THE INTERRUPTION TO THEIR LIVES.
20 IT IS MUCH APPRECIATED.

21 I WANT TO THANK THE PUBLIC DEFENDERS FOR
22 THEIR RESTRAINT IN PRESENTING ONLY A PORTION OF THE
23 MATERIAL THAT THEY KNEW WAS UNTRUE.

24 I WANT TO THANK THE DEFENDANT, MS. KELLEY
25 LYNCH, FOR INSISTING ON A JURY TRIAL, THUS EXPOSING TO
26 THE LIGHT OF DAY HER MASSIVE DEPLETION OF MY RETIREMENT
27 SAVINGS AND YEARLY EARNINGS, AND ALLOWING THE COURT TO
28 OBSERVE HER PROFOUNDLY UNWHOLESOME, OBSCENE AND

1 RELENTLESS STRATEGIES TO ESCAPE THE CONSEQUENCES OF HER
2 WRONGDOING.

3 THIS EIGHT-YEAR ORDEAL OF HARASSMENT OF
4 MY FAMILY, MY FRIENDS, MY ASSOCIATES AND MYSELF WAS
5 DESIGNED SPECIFICALLY TO AVOID OR POSTPONE THE
6 INEVITABLE DAY OF RECKONING WITH THE IRS, THE DAY WHEN
7 SHE WILL BE BOUND TO ACCOUNT FOR THE TAXES SHE HAS
8 NEGLECTED TO PAY ON THE STOLEN MONEY THAT SHE RECEIVED
9 AND FAILED TO REPORT.

10 IMMEDIATELY UPON A FORENSIC ANALYSIS OF
11 THE THEFT BY MOSS ADAMS, A HIGHLY RESPECTED FIRM IN THIS
12 CITY, WE SUBMITTED A THEFT LOSS AMENDMENT TO THE IRS,
13 AND THIS WAS THE CONSIDERED BASIS OF THEIR REFUND TO ME,
14 A REFUND FOR THE TAXES I HAD PAID ON THE STOLEN MONEYS
15 THAT I DID NOT RECEIVE.

16 MS. LYNCH HERSELF, HER FORMER TAX
17 ATTORNEYS (WHOM SHE FIRED), HER ACCOUNTANT WHO RESIGNED,
18 THE IRS, AND TWO COURTS OF LAW, ONE IN CALIFORNIA, A
19 FEDERAL COURT IN COLORADO, HAVE LONG BEEN IN POSSESSION
20 OF THESE VERY SAME AND VERY PUBLIC FORENSIC REPORTS
21 WHICH THE PUBLIC DEFENDERS DARED TO ASSERT WE WITHHELD,
22 AND OFFERED THIS FICTIONAL WITHHOLDING AS JUSTIFICATION
23 FOR MS. LYNCH'S DAILY OBSCENITIES, DEATH THREATS AND
24 MENACING FANTASIES OF REVENGE. MS. LYNCH IS IN FULL
25 POSSESSION OF THE FORENSIC ANALYSIS. SHE JUST DOESN'T
26 LIKE IT AND SHE HAS GONE TO UNACCEPTABLE -- UNACCEPTABLE
27 LENGTHS TO IGNORE, DISCREDIT, THREATEN AND VILIFY ANY
28 PERSON WHO, OR INSTITUTION, THAT HAS AFFIRMED IT.

1 THIS IS, AS PROSECUTOR SANDRA JO STREETER
2 SHARPLY OBSERVED, NOTHING BUT THE UNRAVELING OF A CON.

3 IT GIVES ME NO PLEASURE TO SEE MY
4 ONE-TIME FRIEND SHACKLED TO A CHAIR IN A COURT OF LAW.
5 HER CONSIDERABLE GIFTS BENT TO THE SERVICE OF DARKNESS,
6 DECEIT AND REVENGE. I FEAR THAT HER OBSESSIVE
7 COMMITMENT TO THESE ACTIVITIES WILL RESUME AS SOON AS
8 MS. LYNCH IS RELEASED. THEREFORE, I WILL BE GRATEFUL
9 FOR WHATEVER RESPITE THE COURT WILL ALLOW MY CHILDREN,
10 MY GRANDCHILDREN, MY FRIENDS AND ASSOCIATES AND MYSELF.

11 I MUST CONFESS, SIR, THAT MS. LYNCH'S
12 CONTEMPT FOR EVERY COURT ORDER AND EVERY LEGAL RESTRAINT
13 THAT WE HAVE OBTAINED IN THE PAST, HER DEFIANCE OF THE
14 LAW AND HER PLEDGE OF UNRELENTING WARFARE, DO NOT
15 PRODUCE CONFIDENT FEELINGS OF RELIEF OR OPTIMISM.

16 FINALLY, YOUR HONOR, I WOULD LIKE TO READ
17 INTO THE PUBLIC RECORD MY GRATITUDE TO MY ATTORNEY,
18 MS. LYNCH -- MS. MICHELLE RICE. WITHOUT HER METICULOUS
19 ATTENTION TO A STAGGERING VOLUME OF MATERIAL (THOUSANDS
20 OF E-MAILS, DOZENS AND DOZENS OF VILE VOICE MESSAGES),
21 WE WOULD NOT BE HERE TODAY, AND THE FULL EXTENT OF
22 MS. LYNCH'S DELIBERATE CRUELTIES AND EVASIONS WOULD NOT
23 BE KNOWN. IT IS THROUGH MS. RICE'S PAINSTAKING
24 MANAGEMENT OF THESE TOXIC DETAILS THROUGH MULTIPLE
25 COURTS, BEFORE EMINENT JUDGES, THAT WE WERE ABLE TO
26 PRESENT THIS CASE TO OUR ESTEEMED CITY PROSECUTOR,
27 MS. SANDRA JO STREETER, WHO THEN SO SKILLFULLY AND
28 STEADFASTLY ARGUED IT IN THE NAME OF JUSTICE BEFORE THIS

1 COURT AND THIS JURY.

2 YOUR HONOR, I AM DEEPLY GRATEFUL TO ALL
3 WHO HELPED ME END THIS VICIOUS INTRUSION INTO MY LIFE
4 AND THE LIVES OF MY FAMILY, FRIENDS AND ASSOCIATES, EVEN
5 IF IT BE TEMPORARY. I AM GRATEFUL TO THE TAXPAYERS WHO
6 HAVE FUNDED THESE PROCEEDINGS, AND I AM GRATEFUL TO THE
7 LAPD AND THE PERSON OF DETECTIVE JOSE VIRAMONTES WHO
8 ARRANGED AND EXECUTED THE ARREST OF THE DEFENDANT, AND I
9 WANT TO THANK MR. STEVE STEVENS FOR HIS INVALUABLE
10 CONSULTATIONS.

11 IT IS MY PRAYER THAT MS. LYNCH WILL TAKE
12 REFUGE IN THE WISDOM OF HER RELIGION, THAT A SPIRIT OF
13 UNDERSTANDING WILL CONVERT HER HEART FROM HATRED TO
14 REMORSE, FROM ANGER TO KINDNESS, FROM THE DEADLY
15 INTOXICATION OF REVENGE TO THE LOWLY PRACTICES OF
16 SELF-REFORM.

17 MANY THANKS, YOUR HONOR, FOR THIS
18 HOSPITALITY YOU'VE SHOWN ME AND FOR THIS OPPORTUNITY TO
19 ADDRESS THE COURT. THANK YOU, SIR.

20 THE COURT: THANK YOU, MR. COHEN.

21 MS. STREETER.

22 MS. STREETER: I JUST WANT TO EMPHASIZE TWO
23 POINTS THE PEOPLE MADE IN THEIR MOVING PAPERS. THE
24 FIRST ONE IS THAT IT IS THE PEOPLE'S POSITION THAT THE
25 ANNOYING PHONE CALL COUNTS DO MERGE WITH THE RESTRAINING
26 ORDER COUNTS. HOWEVER, THE PEOPLE ARE OF THE POSITION
27 THAT THE RESTRAINING ORDER DOES NOT -- THE COUNTS DO NOT
28 MERGE.

1 COUNSEL IS OF THE OPINION THAT IT'S SOME
2 ARBITRARY MANNER WITH WHICH THE PEOPLE PLED THE CASE.
3 THE PROBLEM THE PEOPLE WERE FACED WITH IS EACH E-MAIL OR
4 EACH VOICE MAIL ON A CLEAR READING OF THE RESTRAINING
5 ORDER IS A VIOLATION, AND THE ONLY ALTERNATIVE THE
6 PEOPLE SAW WOULD BE TO DO A VIOLATION FOR EACH
7 RESTRAINING ORDER VIOLATION AND THAT DIDN'T SEEM
8 APPROPRIATE. SO THE PEOPLE PLED IT AS A CONTINUING
9 COURSE, ALLOWING THE JURY TO PICK WHAT E-MAIL, WHAT
10 VOICE MAIL THEY SAW WERE A VIOLATION.

11 BUT NEVERTHELESS, THE PEOPLE FEEL THAT --
12 STILL SEE THAT 654 DOES NOT APPLY ON THOSE COUNTS IN
13 THAT THEY DON'T MERGE, AND THE SENTENCE -- THE MAXIMUM
14 SENTENCE WOULD BE FIVE YEARS.

15 THE SECOND THING THE PEOPLE WANT TO
16 EMPHASIZE IN PARTICULAR IS THE LETTER FROM DR. BACA.
17 THE PEOPLE, YOU KNOW, GIVEN THIS SITUATION, THE PEOPLE
18 ARE FACED WITH WE CAN'T FORCE MS. LYNCH TO SUBMIT TO A
19 MENTAL HEALTH EVALUATION. THAT'S SOMETHING HER
20 ATTORNEYS WOULD HAVE TO DO OR THE COURT WOULD HAVE TO
21 DO. BUT THE PEOPLE HAVE BEEN INCREDIBLY CONCERNED BY
22 SOME OF THE ACTIONS BY MS. LYNCH.

23 I JUST WANT TO EMPHASIZE SOME OF THE
24 THINGS THAT MR. COHEN SAID, GIVING HIM A RESPITE. IT'S
25 NOT JUST THE CONDUCT TOWARD MR. COHEN THE PEOPLE ARE
26 PARTICULARLY CONCERNED ABOUT, BUT THE REASON THE PEOPLE
27 ATTACHED LETTERS, AND THE PEOPLE MUST STATE -- FIRST
28 EXPLAIN TO THE COURT HOW THE PEOPLE CAME UPON THE

1 LETTERS FROM MR. CUTLER'S OFFICE IN NEW YORK.

2 MR. CUTLER'S OFFICE, UPON HEARING ABOUT
3 THIS CASE, CONTACTED THE PEOPLE THEMSELVES AND
4 VOLUNTARILY SENT THE LETTERS TO THE PEOPLE THEMSELVES
5 BECAUSE OF THEIR CONCERN. AND SO IT'S NOT JUST THE
6 E-MAIL -- AND IN ADDITION, THE DISTRICT ATTORNEY'S
7 OFFICE CONTACTED THE PEOPLE THEMSELVES OUT OF CONCERN BY
8 WHAT MS. LYNCH IS DOING.

9 BUT OF THE TWO, WHAT THE PEOPLE FIND MOST
10 CONCERNING ARE THE LETTERS THAT ARE SENT TO MR. CUTLER.
11 BECAUSE IF ONE WERE TO READ THOSE LETTERS, ONE WOULD
12 HAVE NO IDEA THAT THERE IS NO RELATIONSHIP, NO -- WHAT
13 ONE WOULD VIEW AS A RELATIONSHIP BETWEEN MS. LYNCH AND
14 MR. CUTLER. BUT SHE WRITES AS IF THE TWO OF THEM ARE
15 LONG-LOST FRIENDS.

16 THIS IS A CONCERN THE PEOPLE HAVE,
17 PARTICULARLY IN LIGHT OF SHOWING THOSE TO DR. BACA, IS
18 THE FACT THAT IT APPEARS PART OF WHAT IS DRIVING THIS IS
19 THAT MS. LYNCH HAS SOME UNDIAGNOSED MENTAL HEALTH ISSUE,
20 AND THE DANGER THAT SHE POSES TO MR. COHEN, MR. CUTLER
21 AND MR. COOLEY, AND SOCIETY IN PARTICULAR.

22 SO THE PEOPLE ARE CONCERNED WITH JUST
23 PUTTING HER ON PROBATION, LETTING HER GO ON HER MERRY
24 WAY BECAUSE WE SEE THAT SHE WOULD BE BACK HERE AND
25 PERHAPS FOR SOMETHING MORE SERIOUS THAN WHAT SHE'S
26 FACING NOW.

27 SO THE PEOPLE WOULD TRULY LIKE TO URGE
28 THAT WHAT IS -- IS DONE IS THAT THE DEFENDANT IS ORDERED

1 TO GO TO A LOCKED MENTAL HEALTH FACILITY. IF SHE
2 DOESN'T WANT TO DO THAT, THEN THE PEOPLE SEE THAT THE
3 ONLY ALTERNATIVE IS FOR THE COURT TO GIVE MS. LYNCH THE
4 MAXIMUM SENTENCE. TO DO AS MR. COHEN IS ASKING, TO GIVE
5 HIM A BIT OF RESPITE.

6 THE COURT: DEFENSE WANTS TO BE FURTHER HEARD?

7 MR. KELLY: YES, I DO.

8 WHILE THERE IS A HISTORY BETWEEN THE
9 PARTIES HERE, MS. LYNCH AND MR. COHEN, THIS CASE IS NOT
10 ABOUT ANY INCIDENTS THAT TOOK PLACE IN 2004, 2005, OR
11 ANY PERIOD PRIOR TO THAT.

12 I WILL NOTE THAT -- AGAIN, AS THE COURT
13 MENTIONED, A LOT OF THESE E-MAILS ARE REALLY NOTHING IN
14 GENERAL AND ARE NOT THREATENING IN NATURE. I BELIEVE
15 THE PEOPLE DID POINT OUT THOSE E-MAILS THAT THEY
16 BELIEVED WERE OF THE THREATENING NATURE, AND EVEN THEN
17 IT WAS, AGAIN, VERY AMBIGUOUS.

18 AS FAR AS THE MENTAL HEALTH TREATMENT,
19 THE PEOPLE, WHAT THEY PROPOSE IS TO PUT OFF SENTENCING
20 FOR ONE YEAR. FOR A ONE-YEAR MENTAL HEALTH. AT THIS
21 POINT, THAT DOESN'T SEEM APPROPRIATE, CONSIDERING WE
22 DON'T KNOW IF THERE IS A CONDITION OR IF THERE IS, WHAT
23 CONDITION IT WOULD BE.

24 THAT MENTAL HEALTH COUNSELING, OR AT
25 LEAST A DIAGNOSIS OR SOME KIND OF EVALUATION, COULD BE A
26 TERM OF THE PROBATION IF PROBATION IS GIVEN. BUT TO PUT
27 OVER SENTENCING ALTOGETHER FOR THAT PERIOD OF TIME, I
28 DON'T BELIEVE AT THIS TIME IS APPROPRIATE.

1 BUT AGAIN, WE ARE -- IF IT IS SOMETHING
2 THAT IS A TERM OF THE PROBATION, I'M SURE MS. LYNCH
3 WOULD COMPLY WITH THAT TERM AND AT LEAST SPEAK TO
4 SOMEONE AND SEE IF THERE IS AN EVALUATION THAT CAN BE
5 GIVEN AND A DIAGNOSIS, IF ANY, THAT CAN BE GIVEN BASED
6 UPON THAT.

7 THE COURT: ANYTHING FURTHER? WOULD YOUR CLIENT
8 LIKE TO MAKE A STATEMENT?

9 THE DEFENDANT: I DO WANT TO MAKE A STATEMENT.

10 THE COURT: WELL, YOU HAVE THE RIGHT TO.

11 THE DEFENDANT: I WANT TO MAKE A SHORT
12 STATEMENT.

13 IT IS MY IMPRESSION THAT WHAT I DID HERE
14 WAS I ACTUALLY WENT TO THE INTERNAL REVENUE SERVICE.
15 I'VE HAD AGENTS FROM THE TREASURY FLY IN FROM WASHINGTON
16 THAT ARE CRIMINAL INTELLIGENCE. THE FBI'S INVOLVED AND
17 THE FBI TOLD ME TO LET THE IRS TAKE THE LEAD. IT WILL
18 BE BROUGHT IN FOR CRIMINAL WITNESS AND EVIDENCE
19 TAMPERING WITH RESPECT TO LEONARD COHEN. THAT IS
20 FACTUAL, THOSE CONVERSATIONS ARE RECORDED.

21 AND SO I DO BELIEVE THAT I HAVE ENGAGED
22 IN EXCESSIVE, UNAUTHORIZED RAMBLING, AND THAT MY
23 BEHAVIOR HAS BEEN EXCESSIVE. BUT WHAT I HAVE
24 EXPERIENCED, REGARDLESS OF MS. STREETER'S VICIOUS, I
25 THINK, ATTACK ON ME, AND WHAT MY CHILDREN HAVE GONE
26 THROUGH, HAS BEEN EXTREME.

27 I'VE PROVIDED EVIDENCE TO THE IRS THAT I
28 HAVE BEEN DEFRAUDED BY LEONARD COHEN, STEVEN MACHAT, WHO

1 IS ABOUT TO SUE HIM FOR THEFT FOR THE SAME REASON.

2 AND I FEEL THAT I CAN STAY AWAY FROM
3 MR. COHEN. I'M WILLING TO GO TO ANGER MANAGEMENT. I'M
4 WILLING TO TAKE ANYTHING THE JUDGE SUGGESTS, AND MY -- I
5 DID HAVE MY WAGES GARNISHED ALSO, YOUR HONOR. IT WOULD
6 HAVE TAKEN 25 PERCENT OF MY INCOME, AND THE STATE DID
7 TELL ME TO GO AND GET THE INFORMATION I NEEDED FOR MY
8 TAX RETURNS.

9 MR. COHEN IS SAYING THIS FORENSIC
10 ACCOUNTING. HIS OWN ACCOUNTANT, KEVIN PRINS, TOLD MINE
11 IT IS NOT. HE DIDN'T HAVE THE BACKUP DOCUMENTATION.

12 SO I DON'T KNOW WHAT ANYONE ELSE IN MY
13 POSITION WOULD DO, BUT I THINK THAT YOU'RE BETWEEN A
14 ROCK AND A HARD PLACE WHEN THE IRS AND THE FRANCHISE TAX
15 BOARD ARE DEMANDING INFORMATION. YOU HAVE K-1S THAT ARE
16 ILLEGAL. I'M NOT A PARTNER IN LC INVESTMENTS AND IT'S
17 ALL CONFUSING. I'M NOT REPRESENTED.

18 ONE LAST THING I'D LIKE TO SAY TO YOU,
19 YOUR HONOR, IS THAT I CALLED THE STATE BAR AND THE
20 AMERICAN BAR ASSOCIATION MANY TIMES, AND WAS TOLD THAT
21 OPPOSING COUNSEL MUST TALK TO ME, AND THAT WOULD HAVE
22 BEEN ROBERT KORY AND MICHELLE RICE, SCOTT EDELMAN. NO
23 ONE WOULD EVER TALK TO ME. EVER. SO I'VE NEVER BEEN
24 ABLE TO SETTLE ANYTHING.

25 AND THEN I WAS GIVEN LEGAL ADVICE THAT I
26 COULD CONTACT MR. COHEN FOR TAX INFORMATION.

27 THE COURT: OKAY. ANY LEGAL CAUSE WHY SENTENCE
28 SHOULD NOT NOW BE IMPOSED?

1 MR. KELLY: NO, YOUR HONOR.

2 MR. RAMNANEY: NO, YOUR HONOR.

3 THE COURT: OKAY. LET ME JUST -- BEFORE I
4 PRONOUNCE SENTENCE, TELL YOU WHAT HAS GONE INTO MY
5 CONSIDERATION.

6 FIRST, I THINK THE EVIDENCE, IT'S QUITE
7 CLEAR THAT THE EVIDENCE DEMONSTRATED IN THIS CASE A LONG
8 UNRELENTING BARRAGE OF HARASSING BEHAVIOR ON THE PART OF
9 THE DEFENDANT THAT SPANNED A NUMBER OF YEARS AND WAS
10 REALLY VILE. AND IT HAS NOTHING TO DO WITH WHETHER IT
11 WAS LEONARD COHEN OR JOSEPH SMITH ON THE END OF THOSE.
12 NO PERSON SHOULD BE SUBJECTED TO THAT KIND OF TARGETING
13 BY ANYONE, AND THAT'S WHY WE HAVE STATUTES IN PLACE THAT
14 PREVENT THAT.

15 THE DEFENDANT HAS ALSO THROUGHOUT THIS
16 PROCEEDING, CONTINUING UP TO THE PAST MONTH, AS I READ
17 FROM THE LETTERS, DISPLAYED AN UTTER CONTEMPT FOR THE
18 JUDICIAL PROCESS AND FOR JUDICIAL ORDERS. THIS BEHAVIOR
19 WAS ALL DONE IN CONTEMPT OF REPEATED ORDERS BY THE CIVIL
20 COURTS THAT SHE NOT CONTACT MR. COHEN, AND THE DEFENDANT
21 HAS IN FACT -- WHOEVER HAS THAT PHONE, WOULD YOU PLEASE
22 TURN IT OFF.

23 SHE HAS INDICATED EXPRESSLY HER BELIEF
24 THAT RESTRAINING ORDERS WILL HAVE NO EFFECT ON HER
25 BEHAVIOR. HAS SAID SO A NUMBER OF TIMES IN THE EVIDENCE
26 WE HEARD. SHE'S ALSO SHOWN NO REMORSE NOR GLIMMER OF
27 ACKNOWLEDGMENT OF WRONGDOING FOR HER BEHAVIOR, EVEN UP
28 TO THIS MOMENT.

1 AND IN LIGHT OF ALL THOSE FACTORS, THE
2 COURT HAS VERY FEW TOOLS AT ITS DISPOSAL IN THIS CASE.
3 IN OTHER CASES I WOULD OFTEN GRANT PROBATION FOR A
4 FIRST-TIME MISDEMEANOR, WITH THE EXPECTATION THAT A
5 PROTECTIVE ORDER WOULD BE ABIDED WITH. I HAVE NO
6 CONFIDENCE WHATSOEVER THAT A PROTECTIVE ORDER WOULD BE
7 EFFECTIVE IN THIS CASE BECAUSE PAST PROTECTIVE ORDERS
8 HAVE DONE NOTHING.

9 THE ONLY THING THAT HAS CAUSED MS. LYNCH
10 TO CEASE HER BEHAVIOR IS AN INABILITY TO ENGAGE IN THE
11 BEHAVIOR, AND WHEN SHE WAS INCARCERATED THE BEHAVIOR
12 STOPPED.

13 THERE IS MUCH MERIT TO MS. STREETER'S
14 SUGGESTION OF A MENTAL HEALTH FACILITY, BUT I'M NOT
15 CONVINCED AT THIS POINT THAT THE DEFENDANT IS AMENABLE
16 TO TREATMENT AND COOPERATIVE ENOUGH TO ENGAGE IN
17 TREATMENT.

18 AS MS. STREETER HAS INDICATED, THE
19 MAXIMUM SENTENCE DEFENDANT WOULD FACE -- COULD FACE IN
20 THIS CASE IS A JAIL TERM OF FIVE YEARS FOR THE FIVE
21 COUNTS OF 273.6(A). I AGREE WITH YOUR ANALYSIS THAT THE
22 653M COUNTS WOULD BE MERGED BECAUSE THE CONDUCT THAT
23 FORMS THE BASIS FOR THOSE IS THE SAME CONDUCT THAT FORMS
24 THE BASIS FOR VIOLATION OF THE PROTECTIVE ORDERS.

25 SO THE COURT'S SENTENCE, THE COURT'S
26 INDICATED SENTENCE, IF MS. LYNCH CHOOSES TO ACCEPT IT,
27 WOULD BE AS FOLLOWS: DEFENDANT WOULD BE PLACED ON
28 SUMMARY PROBATION TO THE COURT FOR A FIVE-YEAR PERIOD.

1 THAT'S 60 MONTHS. DURING THAT FIVE-YEAR PERIOD, SHE
2 WILL SERVE A TERM OF 18 MONTHS IN THE COUNTY JAIL WITH
3 CREDIT FOR THE TIME SHE'S SERVED. WHILE SHE IS IN
4 SERVING THAT 18-MONTH SENTENCE, THE STATUTE REQUIRES
5 THAT SHE UNDERGO DOMESTIC VIOLENCE COUNSELING.

6 MS. STREETER: OR PSYCHIATRIC COUNSELING.

7 THE COURT: I DON'T THINK THE TRADITIONAL
8 DOMESTIC VIOLENCE COUNSELING IS THE KIND OF COUNSELING
9 WE NEED HERE. WHAT I'M GOING TO DIRECT THE JAIL
10 AUTHORITIES TO DO IS TO PUT TOGETHER A PROGRAM FOR
11 MS. LYNCH WHILE SHE IS IN CUSTODY THAT WILL INCLUDE ON A
12 WEEKLY BASIS FOR AT LEAST A YEAR ALL OF THE FOLLOWING:
13 ANGER MANAGEMENT, ALCOHOL COUNSELING AND PSYCHIATRIC
14 COUNSELING.

15 THERE WILL BE THREE-MONTH REPORTS TO THE
16 COURT ON HER PROGRESS AND COOPERATION IN THAT EDUCATION
17 PROGRAM. AND AT THE END OF HER 18-MONTH SERVICE, SHE
18 WILL BE REQUIRED AS PART OF THIS PROBATION TO UNDERGO A
19 MENTAL HEALTH EVALUATION AT THAT POINT, AT WHICH TIME
20 THE COURT WILL CONSIDER WHATEVER RECOMMENDATIONS THE
21 COUNSELOR HAS FOR FURTHER PSYCHIATRIC COUNSELING AS PART
22 OF THE PROBATION.

23 IN ADDITION, MS. LYNCH IS BARRED BY
24 STATUTE FROM OWNING OR POSSESSING ANY FIREARMS FOR THE
25 NEXT TEN YEARS.

26 DOES DEFENDANT ACKNOWLEDGE AND ACCEPT
27 THOSE TERMS AND CONDITIONS OF PROBATION?

28 MR. KELLY: YOUR HONOR, WE WOULD HAVE TO DISCUSS

1 THAT WITH HER AND IT WILL REQUIRE SOME TIME.

2 I WILL SAY THIS --

3 THE COURT: WELL, THE TIME -- YOU CAN DISCUSS
4 IT. I WILL TAKE A RECESS TO ALLOW YOU TO DO THAT.

5 MR. KELLY: YES, YOUR HONOR.

6 I WILL NOTE, IF I MAY. I KNOW THE
7 DEFENSE DID MAKE AN 1118.1 MOTION, AND AS THE COURT
8 MENTIONED, THE REQUIREMENT OF DOMESTIC VIOLENCE IN THIS
9 CASE. IT IS THE DEFENSE'S CONTENTION NOW, AS IT WAS
10 THEN WHEN WE MADE THE MOTION, THAT A 273.6 IS NOT THE
11 PROPER CHARGE FOR THIS TYPE OF CONDUCT. IN FACT, IT
12 WOULD HAVE BEEN A 166, WHICH DOES SPECIFICALLY SAY UNDER
13 166(A)(4), VIOLATION OF A COURT OUT OF STATE ORDER.

14 THE ORDERS THAT WERE GIVEN IN THIS CASE,
15 THE COLORADO AND CALIFORNIA ORDERS, WERE NOT OF THE TYPE
16 THAT ARE REQUIRED UNDER 273.6. I DO THINK THAT IS
17 SOMETHING THE COURT SHOULD TAKE INTO ACCOUNT, GIVEN THE
18 REQUIREMENT, THE STRICT REQUIREMENT UNDER 273.6, AND
19 THERE IS A DIFFERENCE IN MAXIMUM SENTENCE BETWEEN THE
20 TWO CHARGES. WHICH IS, I PROPOSE -- I -- I ASSUME THIS
21 IS WHY THE PEOPLE WENT UNDER THIS COUNT AND NOT THE 166,
22 BUT I DO BELIEVE IT WAS AN ERROR AND THAT WAS THE BASIS
23 FOR THE 1118.1 ON THAT. BUT WE WOULD REQUEST A RECESS.

24 THE COURT: WELL, I WILL RECESS FOR 15 MINUTES.

25 IN ADDITION, THE OTHER CONDITION IS A
26 STAY-AWAY PROTECTIVE ORDER.

27 MS. STREETER: FROM MR. KORY AND MS. RICE, AND
28 THEN JUST TO INCLUDE THE COLORADO ORDER AS A TERM AND

1 CONDITION?

2 THE COURT: YES.

3 MS. STREETER: WHAT ABOUT MR. CUTLER AND

4 MR. COOLEY?

5 THE COURT: WELL, I'M NOT GOING TO PROHIBIT ANY
6 CITIZEN FROM CONTACTING A GOVERNMENT OFFICIAL.

7 MS. STREETER: MR. CUTLER?

8 THE COURT: MR. CUTLER I WOULD, IN LIGHT OF THE
9 RECORDS BEFORE THE COURT THAT MR. CUTLER SAYS THAT HE
10 HAS -- "MS. LYNCH HAS LEFT ME COUNTLESS VOICE MAILS
11 ALMOST EVERY SINGLE NIGHT FOR THE PAST FIVE YEARS. PART
12 OF MY DAILY MORNING ROUTINE WAS TO GO THROUGH AND DELETE
13 UPWARD OF 30 VOICE MAILS THAT SHE HAD LEFT THE NIGHT
14 BEFORE." I WILL INCLUDE MR. CUTLER IN THE PROTECTIVE
15 ORDER.

16 MS. STREETER: THANK YOU, YOUR HONOR.

17 THE COURT: BUT ANYWAY, LET'S TAKE A 15-MINUTE
18 RECESS. IF MS. LYNCH CAN DECIDE IF SHE WANTS TO ACCEPT
19 THESE CONDITIONS OF PROBATION. IF NOT, WE WILL SIMPLY
20 DO A JAIL SENTENCE.

21 MR. KELLY: MAY WE APPROACH OFF THE RECORD?

22 MS. STREETER: THANK YOU.

23

24 (RECESS.)

25

26 THE COURT: OKAY. WE'RE BACK ON THE RECORD.

27 MR. KELLY, MR. RAMNANEY.

28 MR. KELLY: YES, YOUR HONOR. WHILE THE --

1 MR. RAMNANEY AND I BELIEVE THAT IT MIGHT BE IN
2 MS. LYNCH'S BEST INTEREST TO REJECT PROBATION IN THIS
3 CASE, MS. LYNCH DOES WISH TO ACCEPT THE COURT'S
4 PROBATION. HOWEVER, WE WOULD ASK AND WOULD OBJECT TO
5 INCLUDING PROTECTIVE ORDERS ON INDIVIDUALS WHERE THERE'S
6 BEEN NO TESTIMONY REGARDING, I DON'T BELIEVE,
7 MR. CUTLER. THERE'S BEEN NOTHING, NO SWORN TESTIMONY AS
8 TO ANYTHING REGARDING MR. CUTLER.

9 THE COURT: WELL, UNDER PROBATION THIS WOULD BE
10 A VOLUNTARY PART OF THE PROTECTIVE ORDER, AND IT'S, IN
11 MY VIEW, APPROPRIATE. SO WE'RE GOING TO HAVE THAT.
12 MR. CUTLER WILL BE -- AS I SAID, I'M NOT GOING TO
13 INCLUDE ANY GOVERNMENT OFFICIALS BECAUSE I DON'T BELIEVE
14 IT'S PROPER TO ENJOIN PEOPLE FROM COMMUNICATING WITH
15 GOVERNMENT OFFICIALS.

16 MR. KELLY: MS. LYNCH WOULD REQUEST THAT SHE BE
17 ALLOWED, TO THE EXTENT POSSIBLE, TO CHOOSE HER OWN
18 COURSE OF PSYCHOLOGICAL TREATMENT.

19 THE DEFENDANT: I DIDN'T ASK THAT.

20 THE COURT: WELL, WE WILL TAKE THAT UP AT THE
21 APPROPRIATE POINT. IN CUSTODY THE CHOICES WILL PROBABLY
22 BE LIMITED, IN ANY EVENT.

23 THE DEFENDANT: I ASKED IF I COULD HAVE A
24 TIBETAN LAMA, BECAUSE THEY COUNSEL IN PSYCHOLOGY.

25 THE COURT: WELL, WE'LL TAKE THAT UP --

26 THE DEFENDANT: BECAUSE MY RELIGIOUS BELIEFS DO
27 NOT BELIEVE IN PSYCHIATRY.

28 THE COURT: I UNDERSTAND.

1 IN ANY EVENT, DOES DEFENDANT ACCEPT AND
2 ACKNOWLEDGE THE TERMS AND CONDITIONS --

3 THE DEFENDANT: YES. AGAINST MY LAWYERS' ADVICE
4 I DO.

5 THE COURT: OKAY.

6 THEN THAT WILL BE THE SENTENCE OF THE
7 COURT. THE FORMAL SENTENCE IS AS FOLLOWS: FOR THE FIVE
8 VIOLATIONS OF PENAL CODE SECTION 273.6(A), THAT IS,
9 COUNTS 1, 3, 7, 8 AND 9, DEFENDANT IS PLACED ON A TOTAL
10 OF FIVE YEARS SUMMARY PROBATION ON THE FOLLOWING TERMS
11 AND CONDITIONS:

12 ON COUNT 1, DEFENDANT IS TO SERVE EIGHT
13 MONTHS IN THE COUNTY JAIL. ON COUNT 3, EIGHT MONTHS IN
14 THE COUNTY JAIL CONSECUTIVE. ON COUNT 7, EIGHT MONTHS
15 IN THE COUNTY JAIL CONSECUTIVE. ON COUNT 8, SIX MONTHS
16 IN THE COUNTY JAIL CONSECUTIVE. AND -- NO, I GUESS THIS
17 IS -- THAT WAS WRONG. LET ME BACK UP A SECOND. THAT
18 WAS THE 36-MONTH ALTERNATIVE WE WERE TALKING ABOUT.
19 THIS IS THE 18 MONTH.

20 SO IT WILL BE FOUR, FOUR, FOUR, THREE AND
21 THREE. SO ON COUNT 1, ONE OF THE CONDITIONS IS FOUR
22 MONTHS IN THE COUNTY JAIL. COUNT 3, FOUR MONTHS IN THE
23 COUNTY JAIL CONSECUTIVE. COUNT 7, FOUR MONTHS IN THE
24 COUNTY JAIL CONSECUTIVE. COUNT 8, THREE MONTHS IN THE
25 COUNTY JAIL CONSECUTIVE. AND COUNT 9, THREE MONTHS IN
26 THE COUNTY JAIL CONSECUTIVE.

27 THE OTHER COMMON TERMS TO EACH OF THE
28 PROBATIONS ON THOSE FIVE COUNTS IS AS FOLLOWS, AS I

1 INDICATED: DEFENDANT WHILE IN CUSTODY IS TO ENGAGE IN
2 WEEKLY SESSIONS THAT WILL INCLUDE AT LEAST ANGER
3 MANAGEMENT TRAINING, PSYCHOLOGICAL COUNSELING, ALCOHOL
4 EDUCATION OR AA MEETINGS.

5 DEFENDANT IS NOT TO OWN, USE OR POSSESS
6 ANY DANGEROUS OR DEADLY WEAPONS, INCLUDING FIREARMS, FOR
7 THE NEXT TEN YEARS.

8 DEFENDANT IS TO COMPLY WITH THE TERMS OF
9 THE STAY-AWAY PROTECTIVE ORDER THAT I WILL SIGN.

10 MS. STREETER: I'VE GIVEN IT TO MR. SMITH.

11 THE COURT: UPON DEFENDANT'S RELEASE -- OR PRIOR
12 TO DEFENDANT'S RELEASE FROM CUSTODY, DEFENDANT SHALL
13 SUBMIT TO A PSYCHOLOGICAL EVALUATION, AND THE COURT AT
14 THAT POINT WILL CONSIDER WHAT FURTHER PSYCHOLOGICAL
15 TREATMENT MIGHT BE APPROPRIATE.

16 IN ADDITION, THE COURT IMPOSES THE
17 FOLLOWING FINES AND FEES REQUIRED BY LAW: A RESTITUTION
18 FINE OF \$120. THERE IS A PROBATION REVOCATION
19 RESTITUTION FINE IN THE SAME AMOUNT THAT WILL ONLY BE
20 IMPOSED IF PROBATION IS REVOKED. A CONVICTION FEE OF
21 \$30, A COURT SECURITY FEE OF \$40, A \$400 DOMESTIC
22 VIOLENCE PAYMENT, AND \$1800 IN ATTORNEYS' FEES.

23 THANK YOU, COUNSEL. GOOD LUCK TO YOU,
24 MS. LYNCH.

25 THE CLERK: DOES THE DEFENDANT ACCEPT THE TERMS
26 AND CONDITIONS?

27 THE COURT: SHE ALREADY ACKNOWLEDGED THAT SHE
28 DID.

1 MS. STREETER: ALL RIGHT. THANK YOU, YOUR
2 HONOR.

3 THE COURT: THANK YOU. DEFENDANT IS REMANDED.
4 THREE-MONTH PROGRESS REPORT. THAT WOULD
5 BE -- I DON'T HAVE A THREE-MONTH CALENDAR DATE, SO.

6 MR. KELLY: YOUR HONOR, THERE ARE CREDITS THAT
7 NEED TO BE --

8 THE COURT: OH, YES. WHAT ARE THE CUSTODY
9 CREDITS?

10 MR. KELLY: FORTY-SEVEN DAYS' ACTUAL.

11 THE COURT: THAT WOULD BE CREDIT FOR 47 DAYS
12 ACTUAL, 46 GOOD TIME/WORK TIME, FOR A TOTAL OF 93 DAYS'
13 CREDIT. AND IT WILL BE A THREE-MONTH DATE FROM TODAY,
14 WHICH WOULD BE --

15 MR. RAMNANEY: JULY 17TH, YOUR HONOR.

16 THE COURT: JULY 17TH IN DEPARTMENT 47 FOR
17 PROGRESS REPORTS.

18 MS. STREETER: MS. LYNCH IS ORDERED OUT FOR THAT
19 DAY?

20 THE COURT: YES. DEFENDANT IS ORDERED OUT FOR
21 THAT DAY.

22 MS. STREETER: THANK YOU, YOUR HONOR.

23 THE COURT: THANK YOU, COUNSEL.

24 ONE MOMENT. AS TO COUNTS 2 AND 4,
25 DEFENDANT ON EACH OF THOSE COUNTS IS SENTENCED TO SIX
26 MONTHS IN THE COUNTY JAIL, CONSECUTIVE. IMPOSITION OF
27 SENTENCE IS STAYED PURSUANT TO PENAL CODE SECTION 654.

28 MS. STREETER: PERFECT. THANK YOU, YOUR HONOR.

(WHEREUPON PROCEEDINGS WERE CONCLUDED.)

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28