

Case No. 09-1250

**IN THE
SUPREME COURT OF THE UNITED STATES**

RICHARD I. FINE,
Petitioner,

v.

LEROY D. BACA,
SHERIFF OF LOS ANGELES COUNTY,

Respondent,

On Petition for Writ of Habeas Corpus
to the Ninth Circuit Court of Appeals

**APPLICATION FOR IMMEDIATE RELEASE
FROM LOS ANGELES MEN'S CENTRAL JAIL**

Richard I. Fine
In Pro Per
Prisoner ID #18243
c/o Men's Central Jail
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Los Angeles, CA 90012
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REASON FOR APPLICATION

This Application is directed to the U.S. Supreme Court because the Petition for Rehearing is pending in this case and both the Superior Court of the State of California, County of Los Angeles, and the U.S. District Court, Central District of California, have refused to set hearings to set petitioner (“FINE”) free.

FINE is being held in “coercive confinement” in the Los Angeles County Men’s Central Jail where he has been illegally incarcerated in solitary confinement for 16 months since March 4, 2009.

Los Angeles Superior Court Judge David P. Yaffe did not have jurisdiction to order FINE’s incarceration. Judge Yaffe, Los Angeles County and its attorneys committed “fraud upon the court” by not disclosing at the outset of the case of *Marina Strand Colony II Homeowners Association v. County of Los Angeles*, LASC Case No. BS 109420 (“Marina Strand case”) that Judge Yaffe was receiving payments from Los Angeles County in addition to his state compensation. Judge Yaffe committed a further “fraud upon the court” by not disqualifying himself at the outset of the Marina Strand case.

Judge Yaffe also violated Canon 4D(1) of the California Code of Judicial Ethics by engaging in financial dealings with a person (Los Angeles County) likely to appear before the court upon which he serves; Canon 3E(2) by not disclosing the Los Angeles County payments; Canon 3E(1) and California Code of Civil

Procedure section 170.1(a)(6)(A)(iii) by not disqualifying himself at the outset of the Marina Strand case.

The “fraud upon the court” vitiated the entire Marina Strand case and voided every order and judgment of Judge Yaffe and further voided subsequent courts’ orders as none of the courts had subject matter jurisdiction. No court has the lawful authority to validate a void order. (*See U.S. v. Throckmorton*, 98 U.S. 61 (1878)). A void order is void at all times, cannot be made valid by any judge, nor does it gain validity by the passage of time. The order is void *ab initio*. (*See Valley v. Northern Fire & Marine Co.*, 254 U.S. 348 (1920)).

Due to the “fraud upon the court” there was no “purpose” for FINE’s coercive confinement as the March 4, 2009 Judgment and Order of Contempt issued by Judge Yaffe was void. FINE should never have been incarcerated or “coercively confined.” Confinement beyond the time that bears a reasonable relationship to the purpose for which the person is committed is a denial of due process. (*See Jackson v. Indiana*, 406 U.S. 715 (1972); *McNeil v. Director, Tatuexent Institution*, 407 U.S. 245 (1972)).

Under the California case of *In Re Farr*, 36 Cal.App. 3d 577, 584 (1974), a commitment for coercive confinement becomes punitive when it ceases to serve its coercive purpose. When it becomes punitive its duration is limited by the five-day maximum sentence provided in *California Code of Civil Procedure* section 1218.

Even if Judge Yaffe had jurisdiction, because Judge Yaffe knew that FINE would not answer any questions because of FINE's moral position that Judge Yaffe's actions were corrupt and illegal, the "coercive confinement" was limited to five days ending on March 9, 2009 at the latest.

As stated above, in this case, no "purpose of confinement existed", as all of Judge Yaffe's orders were void.

The aforestated reasons were set forth in the Petition for Rehearing filed in the U.S. Supreme Court on June 11, 2010.

Attached hereto, marked as Exhibit 1 and incorporated herein as if set forth in full, is a true and correct copy of the Request for Hearing in the U.S. District Court, Central District of California, filed June 9, 2010 and denied June 28, 2010.

As of the present time, FINE has been denied "access to the court" and has been given a "life sentence" for challenging Judge Yaffe's legal conduct and proving the largest judicial corruption scandal and cover-up in American history. Approximately \$300 million has been illegally paid by Los Angeles County to Los Angeles superior court judges from the late 1980's. Like Judge Yaffe, in the *Marina Strand* case, no Los Angeles Superior Court judge disclosed the illegal payments or disqualified themselves in any case in which Los Angeles County was a party before them.

A Los Angeles County Counsel Litigation Report dated October 3, 2007 was produced to the Ninth Circuit by the superior court, Judge Yaffe and their counsel Kevin McCormick as a supplemental excerpt of the record (SER) Nos. 0141-0147, but not produced to the U.S. District Court, showed that for the fiscal years 2005-2007, not one person won a case against Los Angeles County when the case was decided by a Los Angeles Superior Court judge. These documents demonstrated that the Los Angeles County payments to the Los Angeles Superior Court judges “influenced” the Los Angeles Superior Court judges and were court “bribes”.

These and other documents which also were not produced to the U.S. District Court by the superior court, Judge Yaffe and Kevin McCormick, demonstrated that Judge Yaffe did not disclose that he was receiving Los Angeles County payments (SER Nos. 0039-0076) until March 20, 2008 upon questioning by FINE (SER Nos. 0090-0167.)

Subsequently on December 22, 2008, FINE called Judge Yaffe as a witness during the contempt trial. Judge Yaffe testified as witness while he also presided as a judge over the contempt trial, that he had received payments from Los Angeles County, that he did not disclose such on his Form 700 Statement of Economic Interest, that he did not have any contract for an employment relationship with Los Angeles County, that he did not deposit the money into his campaign account, and with the exception of the re-circulation of the Environmental Impact Report in the

Marina Strand case, he did not remember any case in the last three years that he decided against Los Angeles County. (Attached hereto, marked as Exhibit 2 and incorporated herein as if set forth in full, is a true and correct copy of the December 22, 2008 testimony of Judge Yaffe at the contempt proceeding.) The superior court, Judge Yaffe and Kevin McCormick had this document available to them at all times but did not produce it to the U.S. District for the Ninth Circuit.

The *Marina Strand* case was brought on June 14, 2007. Judge Yaffe deliberately withheld information about the Los Angeles County payments for approximately ten months.

The California Legislature and Governor Schwarzenegger recognized the county payments to superior court judges to be criminal in Senate Bill SBX 211 enacted February 20, 2009, effective May 21, 2009. Senate Bill SBX 211 gave a “governmental entity” and officials and employees of governmental entities,” retroactive immunity as of May 21, 2009 from state civil liability, criminal prosecution and disciplinary action because of county payments of judicial benefits to judges (see Senate Bill SBX 211). The retroactive immunity did not encompass the “fraud upon the court” committed by Judge Yaffe and the other judges receiving illegal county payments (“bribes”).

Every court from the Los Angeles Superior Courts through the U.S. Supreme Court have been compromised by this massive \$300 million judicial

scandal and its cover-up. The right to due process has been abandoned and replaced by the abuse of due process engendered by the corruption.

FINE, who fights judicial corruption and upholds the “rules of law” is in jail. He is without access to a court to set him free.

Judge Yaffe who engages in corruption and bribery and who violates the rules of law with impunity has immunity from state criminal prosecution. He remains as a judge and his crimes are “covered up” by his judicial brethren.

Now is the time to reverse the judicial corruption and cover-up. FINE should be set free. Due process should be restored and the rule of the law returned to the United States.

DATED: June 30, 2010

Respectfully submitted,

RICHARD I. FINE
In Pro Per

CERTIFICATE OF COMPLIANCE

I certify that this Application for Immediate Release from Los Angeles Men's Central Jail is proportionately spaced, has a type face of 14 points in Times New Roman font and contains 1,311 words according to the word processing system on which it was printed. The words counted are those on pages 1 through 8.

Executed this 30th day of June, 2010 at Los Angeles, California.

Robin DeMichael

PROOF OF SERVICE

STATE OF CALIFORNIA)

COUNTY OF LOS ANGELES)

I am Robin DeMichael. My mailing address is 22139 Burbank Boulevard,
#5, Woodland Hills, CA, 91367.

On June 30, 2010, APPLICATION FOR IMMEDIATE RELEASE FROM
LOS ANGELES MEN'S CENTRAL JAIL on the interested parties in this action
by depositing a true copy thereof, which was enclosed in a sealed envelope, with
postage fully prepaid, in the United States Mail, addressed as follows:

Aaron Mitchell Fontana
Paul B. Beach
LAWRENCE, BEACH, ALLEN & CHOI, PC
100 West Broadway, Ste. 1200
Glendale, CA 91210-1219

Kevin M. McCormick
BENTON, ORR, DUVAL & BUCKINGHAM
39 N. California Street
P.O. Box 1178
Ventura, CA 93002

I certify and declare, under penalty of perjury under the laws of the United
States of America and the State of California, that the foregoing is true and
correct.

Executed on this 30th day of June 2010, in the city of Los Angeles,
California.

Robin DeMichael