

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

DATE: 09/17/10

DEPT. 86

HONORABLE DAVID P. YAFFE

JUDGE

C. WASHINGTON

DEPUTY CLERK

HONORABLE
1.

JUDGE PRO TEM

B. JAUREGUI, COURTROOM ASST.

ELECTRONIC RECORDING MONITOR

NONE

Deputy Sheriff

NONE

Reporter

2:30 pm

BS109420

Plaintiff

Counsel

MARINA STRAND COLONY II

NO APPEARANCE

VS

Defendant

Counsel

COUNTY OF LOS ANGELES

NATURE OF PROCEEDINGS:

The court makes the following order on its own motion:

For reasons known only to himself, Fine is attempting to obtain his release from this court and from the appellate court at the same time. He filed a motion for such relief in this court, and then, before it could be heard, he requested the same relief from the Court of Appeal. It is unclear what he expects this court to do in light of his petition to a higher court.

The motion before this court, to annul all orders and judgments in this case, even though said judgment is final, also makes no sense, because it includes the judgment by this court granting to petitioner, Fine's former client, a writ of mandate.

It is becoming increasingly clear that Fine's conduct is irrational. Fine has always had the key to his own jail cell. He has elected to give up his freedom for 18 months in order to keep a judgment creditor from collecting a \$50,000.00 judgment. He refuses to even discuss his obligations to the judgment creditor, but portrays himself as a lone hero who is being incarcerated because he has exposed a vast conspiracy of over 400 judges of this court who are dishonestly collecting money to which they are not entitled. This contention has now been rejected at all levels of the Federal and

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California Judiciary.

His conduct is bizarre, and that fact alone must be considered by this court in performing its continuing duty to determine whether Fine's continued confinement serves any useful purpose.

Coercive confinement of a contemnor is only effective if the contemnor is capable of making a rational choice between the alternatives available to him. It is now likely that Fine is not capable of doing so. Fine's continued incarceration is not likely to benefit the judgment creditor, and is only increasing its loss by requiring it to answer the courts periodic inquiries as to the collectability of the judgment. Fine's continued incarceration is a detriment to the public because Fine is using up jail space in an overcrowded jail, and may cause the release of persons who constitute a greater threat to the public than Fine does. By keeping him incarcerated for 18 months, the court has deterred others from defying its orders to the extent that it is possible to do so given the facts of this case.

The sheriff is ordered to discontinue the incarceration of Fine for the purpose of coercing him to answer the questions put to him in a judgment debtor's examination. As of the date of this order, Fine is to commence serving the five day criminal sentence that he was ordered to serve for contempt

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NATURE OF PROCEEDINGS:

of court. The sheriff may treat him like any other prisoner serving a criminal sentence of five days in the County Jail.

CLERK'S CERTIFICATE OF MAILING/
NOTICE OF ENTRY OF ORDER

I, the below named Executive Officer/Clerk of the above-entitled court, do hereby certify that I am not a party to the cause herein, and that this date I served Notice of Entry of the above minute order of 9/17/10 upon each party or counsel named below by depositing in the United States mail at the courthouse in Los Angeles, California, one copy of the original entered herein in a separate sealed envelope for each, addressed as shown below with the postage thereon fully prepaid.

Date: September 17, 2010

John A. Clarke, Executive Officer/Clerk

By:

C. WASHINGTON

MINUTES ENTERED
09/17/10
COUNTY CLERK

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Counsel

NO APPEARANCE

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Counsel

COUNTY OF LOS ANGELES

NATURE OF PROCEEDINGS:

RICHARD I. FINE, IN PRO PER
PRISONER ID# 1824367
c/o MEN'S CENTRAL JAIL
441 BAUCHET STREET
LOS ANGELES, CA 90012

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LOS ANGELES, CA 90024

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NATURE OF PROCEEDINGS:

FREDERICK BENNETT
LOS ANGELES COUNTY SUPERIOR COURT
111 NORTH HILL STREET, ROOM 546
LOS ANGELES, CA 90012

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09/17/10
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