

MAY 21 2019

OFFICE OF THE CLERK

19-5507

No. \_\_\_\_\_

*In The Supreme Court of the United States*

DAVID DOUGLAS FENNELL,

*Petitioners,*

v.

CHARLES MUNGER JR, ET AL.,

*Respondents.*

On Petition For A Writ of Certiorari  
To The California Supreme Court

**PETITION FOR A WRIT OF CERTIORARI**

DAVID DOUGLAS FENNELL  
REPUBLICAN CANDIDATE  
CALIFORNIA LIEUTENANT GOVERNOR  
500 Capitol Mall, Suite 2350  
Sacramento, CA 95814

Phone: (916) 307-6918  
[dave@FennellForCalifornia.com](mailto:dave@FennellForCalifornia.com)

[www.FENNELLFORCALIFORNIA.COM](http://www.FENNELLFORCALIFORNIA.COM)

ORIGINAL

## QUESTIONS PRESENTED

As part of the #Resist movement, the California Attorney General instituted a policy of arresting his Republican political opponents and banning them for life for running for office or attending Republican political events in California.

1. Does arresting Republican opponents and banning Republicans from running for office or attending Republican political events for life in California violate *Edwards v. South Carolina*, 372 U.S. 229 (1963)?
2. Did not the act of the Respondent calling the Sacramento police on February 23, 2019, to have the Petitioner, David Douglas Fennell, a popular California Republican Lieutenant Governor candidate, arrested and now banned for life from ever attending Republican political events in California simply because he was trying to run for office against a Democrat he would have beat in a fair election violate the Petitioner's right to freedom of speech, assembly, and the right to petition for redress of grievances as protected by the First and Fourteenth Amendments?

## **PARTIES TO THE PROCEEDINGS**

Petitioners David Douglas Fennell was Plaintiff and Appellant below.

Respondents billionaire Democrat donor Charles Munger Jr. and the California Republican Party were Defendants and Respondents below.

## TABLE OF CONTENTS

QUESTIONS PRESENTED .....	i
PARTIES TO THE PROCEEDINGS .....	ii
TABLE OF CONTENTS .....	iii
TABLE OF AUTHORITIES .....	iv
PETITION FOR WRIT OF CERTIORARI.....	1
OPINIONS BELOW.....	1
JURISDICTION.....	1
CONSTITUTIONAL PROVISIONS	
INVOLVED.....	1
INTRODUCTION.....	2
STATEMENT OF THE CASE .....	5
REASONS FOR GRANTING THE PETITION .....	15
CONCLUSION.....	27
APPENDIX	
Denial of Petition - California Supreme Court .....	1a
Opinion of CA First District Court.....	2a
Proof of Service.....	16a

## TABLE OF AUTHORITIES

### CASES

<i>Edwards v. South Carolina</i> , 372 U.S. 229 (1963) .....	15-17
<i>Hustler Magazine, Inc. v. Falwell</i> , 485 U.S. 46 (1988) .....	20
<i>Regents of the University of California v. Bakke</i> , 438 U.S. 265 (1978) .....	18-20
<i>New York Times Co. v. Sullivan</i> , 376 U.S. 254 (1964) .....	23-25
<i>Bush v. Gore</i> , 531 U.S. 98 (2000) .....	4,27

### STATUTES AND RULES

California Code of Judicial Ethics .....	25
California Constitution, Article VI .....	passim
California Code of Civil Procedure §§ 170 - 170.9 .....	25

## **PETITION FOR A WRIT OF CERTIORARI**

David Douglas Fennell respectfully petition for a writ of certiorari to review the judgment of the California Supreme Court in this matter.

### **OPINIONS BELOW**

The decision of the California Supreme Court reported is reprinted in the Appendix (App.) at 1a. The California First District Court district court's opinion is reprinted at 2a.

### **JURISDICTION**

The California Supreme Court entered its final judgment on February 20, 2019. The U.S. Supreme Court has jurisdiction as the highest State Court has made its final ruling in this matter. This Court has jurisdiction under 28 U. S. C. § 1257(a).

### **CONSTITUTIONAL AND STATUTORY PROVISIONS**

The United States Constitution provides: "Congress shall make no law...abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances."

## INTRODUCTION

This case will determine if Democrats in California can arrest Republican political opponents and ban them for life from running for office or attending political events in California.

The policy is called “Competition is for Losers.”

Essentially ban your competitor so you always win.

This election fraud is the reason Kamala Harris had no Republican competitor on the General Election ballot for US Senate in 2016.

She would have been easy for a Republican to beat.

This case arises out of the of the #Resist policy of Democrat donors and the California Attorney General banning Republican opponents from running for office or attending Republican events and having them arrested if they defy that ban.

East Coast media like to portray California as a Blue State where a Republican will never win any election for Statewide office.

The reality could not be further from the truth. Far more liberal states than California, such as Massachusetts, New Hampshire and Vermont, all have recently elected Republican governors.

The reason there were no Republicans on the ballot for many Statewide offices in California is that

Billionaire Democrat donors have been placing paid Democrat political operatives inside Republican offices and illegally rigging internal systems so that when you go to a Republican office in the 58 California counties to volunteer, you are met by a Democrat posing as a Republican who is being paid by Democrat donors to turn away Republicans.

The Respondents in this case are billionaire donors who are running the largest money laundering and political influence peddling operations in US history.

Respondents are buying and selling GOP delegates seats in a pay-to-play RICO operation that includes FDIC bank fraud and the placement of Democrats in GOP offices.

San Francisco Bay Area Democrat politicians, courts and local law enforcement are aware of the fact that paid Democrat operatives are in GOP county and campaign offices and are complicit in and benefit directly from the fraud. Since this money is undeclared, it violates Federal and State Election law.

The California Attorney General, Xavier Becerra, has just filed his 50<sup>th</sup> lawsuit against the Trump administration and has made it clear that as part of the #Resist movement he will not protect Republican Trump supporters' right to assemble or run for office in California unless ordered to do so by the US Supreme Court.

California has become a banana republic where state courts have decided Democrats can libel,

threaten to murder and have the police arrest Republican opponents.

If not stopped, this practice will impact the 2020 Election and create post-election challenges for the courts that could be more chaotic than *Bush v. Gore*, 531 U.S. 98 (2000).

The NRA has donated a paltry \$3,533,294 to all current members of Congress in the past 10 years.

The Respondents have recently put \$250 Million in to CAGOP campaigns to stop Republicans.

That is 70 times more than the NRA gives Congress.

If you want to find billions in money laundering being covered up by Democrat politicians, follow the Wall Street tech money to San Francisco and Silicon Valley.

Young Federal agents have been aware of the California fraud for 10 years but have been told to stand down by supervisors and not investigate Democrats in GOP offices without a US Supreme Court order.

Federal investigators have confirmed illegal financial transactions between the Respondents and the lower court Judge who has ruled against the Petitioner.

The Judge's son was on Dianne Feinstein's payroll while the Judge ruled against Republicans in this case.

This case is being filed per instructions of law enforcement in California who have been told by supervisors to arrest Republicans who oppose Democrats and will have to do so under #Resist unless the US Supreme court rules the actions of the Respondents violate Republicans' Constitutional right to assembly.

### **STATEMENT OF THE CASE**

This case arises from money laundering and political influence peddling the Petitioner David Douglas Fennell uncovered while volunteering at the McCain Palin 2008 Victory Center located at the San Mateo County Republican Headquarters, 875 Mahler Road, Burlingame, CA 94010 next to the Hyatt Regency San Francisco Airport Hotel.

While working late in the campaign office and looking for supplies, he found keys to a locked room and decided to clean the messy office and found codes to old computers he thought would be useful to the campaign.

In reviewing the files and emails, he accidentally came across what he believes is the largest money laundering and political influence peddling operation in US history.

The information on the computers and information in the office revealed:

- 1) Staff running the GOP office were actually paid Democrat political operatives

- 2) There was a conspiracy by Stanford University Democrat donors to place Democrats in GOP offices to block Republicans.
- 3) There were pay-to-play operations that involved buying and selling GOP delegate seats. Donated funds intended for GOP campaigns were being paid to money laundering consultants who were suppressing Republicans.
- 4) Stanford students were faking their data for billions in stock gains.
- 5) There were separate sets of books showing money laundering and \$3 Million in FDIC bank fraud.
- 6) There was an organized system to only let Stanford alumni run for office. Quota systems were set up so that certain minority candidates approved by Stanford donors could run. These minorities were often Democrats asked to register as a Republican in order to run. There was a ban on authentic Republican Christian straight white males from being candidates.
- 7) There was an overall movement for Democrat donors to replace the leadership and candidates of the GOP with Democrats.
- 8) The name of a participating lower court Judge in this case, the San Mateo County District Attorney, and local mayors were all on files

inside the office. Clearly massive political corruption.

The Petitioner could not believe what he had seen and took copies of some of the files and reported the fraud to the Burlingame Police, San Mateo District Attorney, California Secretary of State, California Fair Political Practices Commission, California Attorney General and San Mateo County State Senator Leland Yee.

To his shock, all of the Democrat controlled offices were aware that Democrats were being put in Republican offices and they seemed to approve of the practice, because it was far easier to win elections with no Republican opponents.

It should be noted that one of the Democrats the Petitioner reported the fraud to was Democrat San Mateo County State Senator Leland Yee's who had his office raided by the FBI in 2014. Yee was charged with public corruption and arms trafficking for trying to sell shoulder launched missiles to Islamic extremists and his associates were charged with murder for hire.

Yee was sentenced to 5 years in prison for RICO. Had Yee not gone to jail, he was on the ballot and would have won as California Secretary of State and would have been in charge of the State's elections and in a position to further suppress Republican opposition.

To understand this case, you have to understand that San Mateo County has always been the white-collar crime capital of the San Francisco Bay Area

and there is a known gentlemen's agreement that crime that would not be allowed in San Francisco County or San Jose / Santa Clara County would be allowed to operate openly in between these counties in San Mateo County.

For example, local police officer Anthony "Jack" Sully is currently on death row for murdering prostitutes and stuffing them in 55 gallon drums across the street from where the Petitioner found the fraud in this case. Theranos blood tech fraud and BALCO steroids operated openly, committing fraud on the same street. The Petitioner grew up in the area. Some of his classmates' parents were involved in organized crime and two of his classmates have spent time in Federal prison for bank fraud.

Everyone in San Mateo County is afraid of the corrupt District Attorney, police and courts.

The fact that the Petitioner found money laundering and political influence peddling in Silicon Valley might shock the clerk in DC reading this case but white-collar crime is part of the culture in San Francisco, Stanford University and San Mateo County.

The police do not cooperate with Republicans or the Feds or take police reports for white-collar crime without a Court order which is why this case was filed.

But if this court overturned the lower court ruling and Democrats were kicked out of the California Republican County headquarters, Republicans would be allowed to run for office and win elections in

California. They had only been losing because each time you go to a local Republican office you are met by Democrats posing as Republicans who turn you away. And any donations are usually pocketed by the Democrat operatives.

The petitioner reported the fraud to the FBI, FDIC, DOJ, etc where they explained to the Petitioner that the way the jurisdiction process worked is the Petitioner was supposed to report the fraud to the Burlingame Police and the Police should contact the FBI.

The local Burlingame Police told the petitioner that if he was talking to the FBI that he needed to leave and never come back. It is known locally that the Police are corrupt. The Police Chief called the Petitioner and told him, "If you know what is good for you, you need to stop mouthing off about white-collar crime in San Mateo County." The Petitioner's office was broken into and police refused to take a police report and later followed the Petitioner and took his car for no reason stating, "We can take cars if we want." These are the same police who let paid protestors take over the CAGOP Convention so that President Trump had to jump over a barricade on the highway while on national television on April 29, 2016. The same Respondent's staff have been blocking the Petitioner from attending CAGOP Conventions are the ones that paid to have Trump blocked at the CAGOP Convention in 2016. The Petitioner was there and watched the Respondent's staff give instructions that allowed the Protestors to take over the Convention. Same people, same location, same type of victim, same fraud. This is the

definition of RICO. It is unclear why the FBI or DOJ have not taken action.

When the Respondents found out the Petitioner had found the fraud and went to law enforcement, they removed the Petitioner from the campaign office and banned him for life from running for office.

The Respondent's staff also sent out thousands of emails to business and personal and political associates stating that the Petitioner was having sex with minors in the McCain Palin office to discredit the Petitioner and his report of the \$3 Million in FDIC bank fraud he had uncovered.

The Respondent staff told the Petitioner that he was "intimidating the powerbrokers" and that he needed to stop making jokes about politicians. The Petitioner believes these jokes are protected political speech.

The Respondent's staff called the Petitioner for a meeting where he was instructed to destroy the evidence that he had found at the campaign office or the libel and threats of violence would continue.

The Petitioner did as instructed.

Then the Petitioner was instructed he needed to put \$10,000 dollars into an account controlled by the Respondent to show allegiance to the Billionaire donors or the libel would continue. This was a practice where you give the donor money and do whatever he says for 5 years and then you get a 10x return.

The Petitioner refused.

Investigators confirmed \$1,000,000 payment from Respondents to the Democrat posing as a Republican who ensured that Kamala Harris would have no Republican opposition in the Senate race. However, the young Federal agents have indicated that their superiors have told them not to proceed and to stop the investigation into Democrats in Republican office. This seems like what might be referred to as "The Deep State" on the news. But, the Petitioner can't be sure. But there seems to be a great deal of internal conflict at the FBI. He has met with more than 30 Federal agents since 2008. The experience has been surreal.

It is unclear why there is so much focus at investigative agencies on Russia's theoretical interfering in an election when the Respondents have actually interfered in Republican elections across California.

The Petitioner is a Silicon Valley entrepreneur (first job selling computers for Steve Jobs) and the FBI years ago called to tell the Petitioner that a business contact he was meeting with was a Russian spy trying to steal US secrets. The Petitioner simply canceled the meeting. Why didn't the FBI just call Trump?

The petitioner has had over 50 meetings with 30 different Federal and State investigators related to the fraud in this case and it certainly seems there are individuals at the FBI, FDIC, SEC, etc that are actively promoting the interest of Democrats over Republicans and not enforcing the law.

Since Federal, State and local law enforcement seemed to have their hands tied by politically appointed Democrat supervisors, the Petitioner decided to take matters into his own hands and run for political office as California Lieutenant Governor and Chair / Vice-Chair of the California Republican Party.

However, each time he shows up at the California Republican Party Convention or a Republican County office, he is told he can't run for office because the Respondents had decided he can't run and that he could be arrested if he entered a Republican event and that donors did not want white males as there had been too many in the past. In addition, the donors only wanted one candidate on the ballot and there would be no race.

The Petitioner challenged this ban with this court case.

On February 20, 2019, the California Supreme Court in the ruling confirmed the previously lower court ruling that banning Republicans was a "Matter of public interest" and therefore the Petitioner could be banned from political events and Democrats would be allowed to place Democrats in charge of public Republican offices and Democrat donors could change the Republicans Party rules to ban Republicans.

On February 23, 2019, the Petitioner announced via email that having received over a half million votes for California Lieutenant Governor, a race he would have won without the illegal interference of

the Respondent, that he was going to run for office again and would be attending the California Republican Party Convention at the Sacramento Convention Center and participating in a Candidate Forum.

The Petitioner arrived at the CAGOP Convention and was met by thugs paid for by the Respondent who demanded \$300,000. He was told that the California Supreme Court had ruled he could not run for office and they would have him arrested if he tried to run.

The Petitioner stated that the Constitution gave him the right to Assemble and that he had a right to run for because Article 1 of the US Constitution states "Congress shall make no law...abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances" and by attending a CAGOP Convention, which he had a right to attend as a Republican candidate certified by the California Secretary of State, he was going to address grievances by winning an election and exposing fraud being conducted by the Respondent donors who were paying individuals to intimidate the Petitioner.

The Respondent's staff called the Sacramento Police and argued that the California Supreme Court decision and the fact that the Respondent Democrat donors paid for the event gave them the right to have the Petitioner arrested and banned for life from attending Republican events in California.

The Sacramento police sided with the Respondent and escorted the Petitioner out of the Sacramento Convention Center and cited him for trespassing and informed the Petitioner that he was now banned for life from the Sacramento Convention Center and all Republic events in California and attempting to attend such events would result in the Petitioner going to jail.

The law being used against the Petitioner was actually intended to ban repeat offender homeless people from sleeping in front of doorways, but under the California Attorney General is now being used to block Republicans from attending Republican events.

At the CAGOP Convention the Petitioner was not allowed to speak. The Respondents endorsed an African American woman with no college degree who was a lifelong Democrat who had voted for Barack Obama to be the Republican candidate instead of the Petitioner, a lifelong Republican with two advanced degrees who attended 15 Trump rallies and received 500,000+ votes in the last election.

This is banana republic behavior.

But, the precedent set in California by banning the Petitioner for life essentially negates Federal and State election laws.

On March 21, 2019, the Democrat controlled California Senate passed a bill that will ban Donald Trump from being put on the California ballot unless he releases his tax returns.

The US Supreme Court needs to decide if California banning political opponents violates the Constitutional right to assembly.

## **REASONS FOR GRANTING THE PETITION**

### **1. THE CALIFORNIA SUPREME COURT DECISION ESSENTIALLY CONFLICTS WITH *Edwards v. South Carolina*, 372 U.S. 229 (1963).**

Over 50 years ago, this Court held in *Edwards v. South Carolina*, 372 U.S. 229 the right of freedom of speech, freedom of assembly, and freedom to petition for redress of their grievances.

In *Edwards v. South Carolina*, African American students were convicted in a magistrate's court of breach of the peace for peacefully assembling at the South Carolina State Government. Their purpose was to submit a protest of grievances to the citizens of South Carolina, and to the legislative bodies of South Carolina. During the course of the peaceful demonstration the police arrested the students after they did not obey an order to disperse. The students were convicted of breach of the peace. After their convictions were affirmed by the state supreme court, the students sought further review. They contended that there was a complete absence of any evidence of the commission of the offense and that they were thus denied due process of law.

Since that ruling, the country has changed for the better and California is a shining example of equal rights for gender and racial minorities who now hold

top positions in our state, with a majority of our Senators and a majority of government leaders no longer being white heterosexual males.

Clearly there has been a great deal of advancement in California which is the most ethnically diverse state where anyone can advance.

Unless, you are a Republican.

The Petitioner, moved to California as an infant and grew up in an ethnically diverse state in a family of scientists where women were Vice-Presidents of companies, scientists, geneticists and early female pioneers breaking the class ceiling for women.

Though a Catholic, heterosexual, white male, the Petitioner grew up in an area where he was the minority. To him everyone was equal no matter rich or poor and regardless of gender, race, sexual orientation or religious or political background.

This is why in diverse California, it is a bit of a shock that the California Attorney General and the California Supreme Court would suppress his Republican views.

The Petitioner is a very vocal free market supporter of the President and has campaigned for him at the Iowa and Nevada Caucuses and has attended 15 President Trump rallies.

For the California Supreme Court, the most diverse in the country (the only one with no white males) to rule that Democrat controlled donors can

arrest Republican opponents would seem to reverse 50 years of progress.

Much like the African-Americans in *Edwards v. South Carolina* have a right to peaceably assemble, the Petitioner argues that Republicans, though they may be in the minority, have the right to assemble and run for office and the act of being able to arrest your political opponents in America is a step backward toward 1950s foreign dictatorships where if you oppose the government, your life becomes nasty, brutish, and short.

As California goes, so goes the country.

With the largest population and the most electoral votes, California has a greater impact on Presidential and National politics than any other state, especially now that Governor Jerry Brown has moved California's Primary to March 3, 2020.

Does the lower court ruling mean that California Kamala Harris has used her pull at the California Attorney General's office on behalf of corrupt billionaire donors to arrest Republican supporters who try to attend events of her opponents, Donald Trump or Bernie Sanders?

Would this not impact the election?

Does it not violate *Edwards v. South Carolina*, 372 U.S. 229 (1963)?

**2. THE QUOTA REQUIREMENT OF NO  
STRAIGHT WHITE MALES RUNING FOR  
OFFICE CONFLICTS WITH *Regents of the  
University of California v. Bakke, 438 U.S.  
265 (1978)***

Democrat donors controlling the California Party have openly made three requirements on who could run for office in the California Republican Party which violate the US Constitution, California Constitution and the published rules of the California Republican Party.

These rules openly included the following requirements to run for a Republican office:

- a) Republican candidates do not have to be Republican
- b) Only Stanford and Ivy League can pick who runs for office
- c) No more Christian white males can run, as there have been too many in politics in the past

This policy has made the state of California a place where all of the major elected leaders are from only one University, Stanford University.

If you look at the other 49 States, candidates from other universities are allowed to run for office. But, in California you notice all major politicians or their family are from Stanford.

CA Governor Gavin Newsom Wife Stanford 1996  
CA Governor Jerry Brown Wife Stanford 1980  
CA Governor Gray Davis Stanford 1964  
CA Senator Kamala Harris Sister Stanford 1992  
CA Senator Dianne Feinstein Stanford 1955  
CA Congress Adam Schiff Stanford 1982  
CA Congress Ted Lieu Stanford 1991  
CA Att Gen Xavier Becerra Stanford 1984

As they say “Stanford doesn’t investigate Stanford.” Since Stanford controls the courts, regulatory agencies and the media, we have an environment where Stanford kids are faking the data (Theranos, Tesla, Solyndra) and no one investigates.

In addition, the California Republican Party is now run by anti-Republican, non-Republicans who are actually committing financial fraud. There are few people more corrupt than current CAGOP Chair Jessica Patterson and Vice-Chair Peter Kuo and Greg Gandrud.

Kuo is running a \$100 Million SEC white jade cryptocurrency fraud. Patterson works for Democrat Meg Whitman who supported Hillary Clinton and is said to have directed \$1 Million dollars intended for campaigns into her personal accounts. Patterson is a stay-at-home millennial mom who lives 2 hours from the nearest airport and never bothers to show up at the CAGOP headquarters in Sacramento.

After historic election losses in California, the Party is now run by Democrat donor cronies who are allowed to run for office because they are Latina, Asian and Gay. But the Petitioner and others have

been told they cannot run because they no longer “look like the new California.”

The Supreme Court decided that this type of quota was not legal under *Regents of the University of California v. Bakke*, 438 U.S. 265 (1978).

**3. THE BANNING OF POLITICAL SPEECH VIOLATES THE RIGHT TO BE OFFENSIVE *Hustler Magazine, Inc. v. Falwell*, 485 U.S. 46 (1988)**

One of the chief complaints the Democrat donors had is while the Petitioner was at the San Mateo County Republican Party headquarters he was intimidating the Stanford “Powerbrokers” and using “hate speech” in describing Stanford and Democrat political leaders.

The Petitioner will not deny that he has referred to the California State Senator as “Gold Digger Kamala Harris,” but he would argue that this, though offensive to Kamala Harris, is protected political speech under *Hustler Magazine, Inc. v. Falwell*, 485 U.S. 46 (1988).

The Petitioner is allowed to call Kamala Harris, “Gold-Digger Kamala Harris” because Kamala Harris fits the dictionary definition of a gold digger:

“a person whose romantic pursuit of, relationship with, or marriage to a wealthy person is primarily or solely motivated by a desire for money and power”

The only reason Kamala Harris has a political career is because she slept with the boss.

But if Gold Digging was an Olympic event Kamala would certainly win Gold.

Because Kamala slept with the most powerful political crime boss in California, State Assembly leader and San Francisco mayor Willie Brown, who is infamous for running the most corrupt political machine known, in which having influence with the mayor has been the trump card in quests for hundreds of millions of dollars in contracts, land deals, favorable regulatory rulings and jobs helping "juice clientele."

Kamala Harris was 29, Willie Brown was 60.

The Petitioner in 2009, attempted to run for Chair of the California Republican Party and if allowed, he was going to use the position to aggressively expose weaknesses of Democrat opponents and in particular expose corrupt gold digging which looks particularly questionable in today's #MeToo era.

Had he not been banned by the Respondent from attending the California Republican Party Convention and all future conventions in 2009, he would have used the California Republican Party resources to support Republican Los Angeles County District Attorney Steve Cooley and exposed to Southern California the questionable relationship with San Francisco crime boss Willie Brown and that certainly would have changed the election. Steve Cooley also had to fight the fact that Democrats were

inside Republican offices actively turning away Republicans that would have supported Cooley.

If you look at the 2010 California Attorney General election vote, it clearly would have gone Republican had Republican been allowed in Republican offices.

The 2010 CA Attorney General election vote:

Democrat	Kamala Harris	4,442,781
Republican	Steve Cooley	4,368,624

The difference:	74,157
	Less than 1%

It is clear that if the Petitioner had been allowed his right to assembly and his right to run for office and win the California Republican Party Chair, he could have run “Gold-Digger Kamala Harris” Facebook ads stating Harris was only put into place by sleeping with a corrupt politician 30 year older than she. As Attorney General, she was looking the other way regarding corruption in San Francisco to protect “Willie Brown Inc.”

It would have been very easy to beat candidates like Kamala Harris if Republicans were allowed to run for office and assemble in Republican offices and conduct aggressive political speech.

Republicans could knock her out of the Iowa Caucuses by simply pointing out that Kamala Gold-Digger Harris’s career started by sleeping with a political boss who is the same age as 85 year old Iowa Senator Chuck Grassley. Willie Brown is now

84. Joe Biden at 76 is about ten years too young for Kamala Harris' tastes but we all know how Kamala could land the VP gig.

You could say it is impolite to point out this type of behavior. But, Donald Trump calls his opponents "low energy" and "Little Marco."

Is this protected speech?

Can the petitioner attend the Iowa Caucuses and across the street from a Kamala Harris campaign office and sing "Gold-Digger" by Kanye West or is this hate speech? What Trump and the Petitioner are stating may not be considered polite, but are true facts.

Every year the Respondent has paid staff to send thousands of emails saying that the Petitioner was having sex with underage girls which is a complete fabrication. He has threatened to kill the Petitioner's supporters in an effort to intimidate the Petitioner from reporting \$3 Million in banking fraud and has argued in lower court that this is allowed because harassing Republicans is "matter of public interest" and has argued it falls under *New York Times Co. v. Sullivan*, 376 U.S. 254 (1964) and argued that *merely reporting* FDIC banking fraud makes a person a limited public figure.

However, this argument would negate all Federal whistleblower laws, as you suddenly could libel anyone who reported fraud. Under this legal approach, Bernie Madoff could have legally libeled the whistleblower Harry Markopoulos for reporting \$64 Billion in SEC fraud. If the lower court rulings

were to stand, no whistleblower would ever provide information to the Federal government. For merely informing about crime, you could be libeled, slandered and fined hundreds of thousands of dollars for objecting.

In addition, *New York Times Co. v. Sullivan* assumes the individuals being libeled have access to the news sources which is not the case of ordinary Republicans who are simply not covered by the Media and have no access to news channels.

The libel was intended to suppress the Petitioner in providing information to Feds and to cause actual malice and caused actual harm as he had to shut down his business and move out of Silicon Valley due to the libel and death threats which will continue unless the US Supreme Court reviews this case.

This Petition argues that calling Kamala Harris a gold-digger is protected political speech because it accurate portrays the acts of Kamala Harris under the dictionary definition. It is not hate speech nor libel.

However, repeatedly stating and sending emails stating that the Petitioner is having sex with minors which the Respondent knows to not be true but is simply to injure and discredit him to prevent him from providing information to Federal agents which could result in the arrest of the Respondents is not protected speech. It is libel because the Respondent knows it is a lie and it is being done to inflict harm, which the libel has done, and the Petitioner was not a public figure at the time and has no access to the

media as required under *New York Times Co. v. Sullivan*, 376 U.S. 254 (1964).

The US Supreme Court needs to determine what is and what is not protected political campaign speech and whether banning Republicans from offices is allowed because Kamala Harris and other donor favored Democrat candidates would not be a candidate for President and other offices if the Petitioner had been allowed to assemble.

#### **4. THE LOWER COURT IS PROTECTING AN INSIDER JUDGE WHO IS COMMITTING FRAUD**

The San Mateo County Court Judge's name was on files where the fraud was found and Federal investigators have confirmed financial transactions between the Judge and the Respondents.

This was reported the California Judicial Board of Ethics per California law but the case managed to get assigned to an attorney whose husband was a classmate of the Respondent.

The Court of Appeals Judge is also a classmate of the Respondent and the California Supreme Court contains politically active Judges, one of which was married to Hillary Clinton's Chief Financial advisor.

What the attached opinion fails to state is that if this case is denied by the US Supreme Court, the Petitioner will be listed as a vexatious litigant in California which would require him to pay an additional \$300,000 for any future attempts to

requests to get police reports or to report white collar fraud in California. If, in the words of the great Oakland poet Todd Anthony Shaw, the court would "Get it calculated; do the math," and look at books, it would find billions of dollars in financial fraud being openly conducted in the Wall Street West area of Silicon Valley.

Requiring the Republican Petitioner to pay \$300,000 to get a court order to get a police report while his Democrat opposition can have him arrested for trying to run for office violates the equal protection clause of the Constitution.

At the very least, this court should send the case back down to be heard by a judge who does not have financial ties to the Respondents.

## CONCLUSION

The petitioner is really just asking for the right to run for office and to file a police report.

The State of California is trying to ban Republican opposition and this court of last resort needs to hear this case before the next election and we have a repeat of *Bush v. Gore*, 531 U.S. 98 (2000).

For the foregoing reasons, this Court should grant the Petition for Writ of Certiorari.

Respectfully submitted,



July 26, 2019

David Douglas Fennell  
Republican Candidate  
California Lieutenant Governor  
500 Capitol Mall, Suite 2350  
Sacramento, CA 95814

Phone: (916) 307-6918  
Email: [dave@FennellForCalifornia.com](mailto:dave@FennellForCalifornia.com)