

LIST OF ENCLOSURES

- (1) Application for a Stay** (this document).

- (2) Respondent's Order** denying writ of mandate and prohibition.

- (3) California Supreme Court's Order** denying review.

- (4) Petition for Review** filed with the California Supreme Court. This PDF file includes the following attachments that were provided to that court: (a) **Court of Appeal's Order** denying review, (b) **Prosecutor's Complaint**.

- (5) Proof of Service**

Court of Appeal, First Appellate District, Division Two - No. A167299

S279011

IN THE SUPREME COURT OF CALIFORNIA

En Banc

**SUPREME COURT
FILED**

WO OF IDEAFARM, Petitioner,

MAR 29 2023

Jorge Navarrete Clerk

v.

SUPERIOR COURT OF SAN MATEO COUNTY, APPELLATE DIVISION,
Respondent;

Deputy

THE PEOPLE, Real Party in Interest.

The petition for review and application for stay are denied.

GUERRERO

Chief Justice

S279011

Wo Of IDEAFARM **ELECTRONIC SERVICE DEMANDED**
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SUPREME COURT OF CALIFORNIA

WO OF IDEAFARM,	Petitioner,	Petition for Writ of Review
v.		STAY REQUESTED
APPELLATE DIVISION, SAN MATEO COUNTY SUPERIOR COURT,	Respondent,	CONFIDENTIAL
PEOPLE OF THE STATE OF CALIFORNIA,	Real Party in Interest.	C. Appeal Case: A167299
		App. Div. Case: 23-AD-000004
		Trial Court Case: 19-NM-001562-A

Filing authority: *Rule 8.500*. STAY: Hearing: 4/10/2023 @ 9 AM (to set for sentencing) ; Dept. 13, Hon. Lisa A. Novak ; (650) 261-5113 ; Dept13@sanmateocourt.org CONFIDENTIAL: Do not disclose to Real Party (defense information). R.P. not served.

- 1) Is it a crime or tort under California or federal law for a superior court to proceed without jurisdiction against a criminal defendant?
- 2) Does a higher court have a mandatory duty, on petition, to immediately stay such a proceeding and to decide the question of jurisdiction?

My petition for review by the Court of Appeal argued that...

1. Such a proceeding is both a crime and a tort.
2. Writ lies; the higher court has the power to stop the crime and the tort.
3. Refusing such relief is itself both a crime and a tort.
4. The higher court has no power to commit a crime or a tort.
5. The higher court has a mandatory duty to stay and then prohibit the crime.

In a three sentence order, the Court of Appeal denied relief, on the ground that it has discretion to do so, without explanation, notwithstanding the above contrary argument. Its final sentence, apparently dictum, opines that the “Misdemeanor Complaint adequately alleged a violation of Penal Code § 369i(b)”.

The reasonableness of the Court of Appeal’s denial of relief stands or falls on whether the complaint confers subject matter jurisdiction. To that court, I said, “In this petition, I stand solely on the indisputable fact that the complaint does not state facts which constitute a public offense, and thus, fails to confer subject matter jurisdiction. Lacking jurisdiction, the trial court’s proceeding against me is a crime...” If the complaint conferred subject matter jurisdiction to the trial court, then there is no crime. But if jurisdiction was not conferred, the trial court proceeding is a crime, the Court of Appeal had a mandatory duty to stay and then prohibit that crime, and that court’s denial of relief was itself another crime.

Pen. C. 369i(b) can be violated in either of two ways. The complaint alleges, in the part relevant to this petition and to the jury’s finding of “Guilty”, that I “did unlawfully remain upon... a Caltrain passenger car, after being [ordered] to leave by an agent of Caltrain...”. “The defendant may demur... when... the facts stated do not constitute a public offense...” (*Pen. C. 1004 (4), emph. added*) The complaint states only that I remained after being ordered to leave. No facts are stated to establish that the order was lawful.

Consider a hypothetical in which a Caltrain conductor opens a passenger door of a speeding train and then orders me to jump to a gruesome death, but I refuse. In

this hypothetical, the facts stated in the complaint against me are true, yet there is no crime, because Caltrain neither possesses nor has delegated, to its conductors, the power to order passengers to jump out of speeding trains to their deaths.

This hypothetical shows, viscerally, that “the facts stated do not constitute a public offense” in the complaint against me. To confer jurisdiction, the complaint would have to state additional facts to establish that (1) Caltrain has the power to make the order, and (2) has delegated that power to its “agents” (conductors).

Conclusion: The facts stated in the complaint do not, without more, constitute a public offense, so the complaint fails to confer subject matter jurisdiction.

Notwithstanding the Court of Appeal’s unexplained opinion to the contrary, the complaint does not “adequately allege[] a violation”. For the reasons discussed in the memorandum to my petition to the Court of Appeal, the trial court’s proceeding against me is a crime in progress. The refusal by both appellate courts to stay and then prohibit that crime are separate, additional crimes and, as such, are abuses of discretion, in excess of jurisdiction. As argued in my memorandum to the Court of Appeal, when a reviewing court is asked, by petition for extraordinary writ, to stay and then stop a crime, that court has no discretion to deny relief.

Your Honor, if I ended here, you might think that relief on direct appeal will be adequate, because surely the trial court will grant me bail or O/R release pending appeal. But if you are thinking that right now, that means that you do not have a clue about how evil “misdemeanorland” became under your predecessor’s watch.

Petitioner's Theory: The entire bench and bar of the State of California has become a criminal organization, captured by the Democrat Party political machine. California's bench and bar are collectively in covert rebellion against organic and statutory law, viewing themselves as above the law and unaccountable as long as they deliver what is expected of them by the political establishment. The entire criminal justice system in California has been infiltrated and overrun by unprincipled and selfish scoundrels, petty bureaucrats (bench) and confidence men (bar) who have no love for the law and care only about preserving the privilege and power for which they have sold their souls. Misdemeanor criminal court in California has become a rigged game that a criminal defendant cannot win, a farce and sham in which the forms of *Due Process* are visible everywhere but its substance and effects are nowhere to be found.

California judges and attorneys prosper, not by being principled, committed to the law, and truly honorable, but by demonstrating that they know what the political establishment expects of them and what will happen to them if they don't deliver.

For the general population, criminal court has become a tool of oppression used to impose an unconstitutional social order that reduces the electorate to the status of children, with a significant fraction either in jail or constrained by various orders and release and probation conditions. For far too large a fraction of the electorate, judges have become like parents, encroaching upon the legislative power by imposing judge-made, individualized rules to prevent future bad behavior. This is a key driver in the transformation of the California electorate into sheep.

But the greatest evil is that criminal court has also become a weapon that the political establishment can use to target any disfavored person, including “street speakers” and activists like me who pose a threat to that establishment.

My story: I have been oppressed by misdemeanor criminal process nearly continuously for 13 years (2010-present). I am not a drunken ne'er-do-well. In 2009, I developed a uniquely powerful and innovative new method of spontaneous direct speech that I call the “street essay”. (I had begun “street speech” several years earlier, and until the fall of 2010, police interference had been occasional and only a minor inconvenience.) Within months of the launch of my new, more focused, and far more effective, street essay speech operation in Mountain View, interference by police became overwhelming and was followed by the filing of the first of a long series of bullshit misdemeanor charges that has continued to this day. When the oppression became overwhelming in 2010, I resolved to learn how to fight back, and began to do so. For thirteen years, I have told judges, prosecutors, and about 18 treacherously incompetent defense attorneys, “Go ahead. Be evil. I will tell this story.” All of these scoundrels either don't think that the story will be told, or don't think that it will matter. (One judge, Hon. Robert M. Foley, had the chutzpah to say so in a written trial court opinion.)

Threat: I have learned California law and procedure, I have preserved all of my exculpatory evidence and every court document, and I have arranged my life to maximize my ability to tell the whole story. I will do so, and Chapter One of that story will likely begin with an account of how our California Supreme Court responds to the instant petition. The story of the trial court's five year long

proceeding against me, without jurisdiction, will be a very effective introduction to the evil that has captured the judicial branch of California, a “top down” evil that originated and was imposed by our Supreme Court and, particularly, its former chief justice, Hon. Tani Cantil-Sakauye.

Challenge: This petition can be denied only by our new Chief Justice, Hon. Patricia Guerrero. (*Rule 8.512 (d)(1)*) Your Honor, I respectfully challenge you to use my petition to show that you love the law and the People more than you love your privilege. If you deny review, you will be signaling that it will be “business as usual” during your tenure, that the evil Democrat Party political machine can rely on you to carry its water, as your predecessor did so well. If you grant review, you will be signaling that there is a “new sheriff in town” that cannot be bought or controlled by the political establishment, a new “sheriff” who will bring law and order to “misdemeanorland”, and relief to the People from this tyranny.

This story will be told. It is a story of good guys and bad guys, of cops and robbers. Which will you be?

Electronically signed,

/s/ Wo Of Ideafarm

03/12/23

MEMORANDUM

Points

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This petition is timely.

Rule: “A petition [to our Supreme Court] for review must be served and filed within 10 days after the Court of Appeal decision is final in that court.” (*Rule 8.500 (e)(1)*)

Application: This is a petition for review of a Court of Appeal order filed, and final, on March 9, 2023. Ten days forward would be March 19, 2023.

This petition seeks to secure uniformity of decision.

Rule: “Although appellate review by extraordinary writ petition is said to be discretionary, a court must exercise its discretion “within reasonable bounds and for a proper reason.”” (*Powers v. City of Richmond, 893 P. 2d 1160 - Cal: Supreme Court 1995*)

Application: The Court of Appeal’s summary denial of review, in a three sentence order that merely claims the discretion to do so and provides no explanation, constitutes a refusal to conform to the rule that this court announced in *Powers*. *Powers* requires that such a denial be explained and that the explanation be reasonable.

Conclusion: The Court of Appeal’s denial of review was an abuse of discretion, in excess of jurisdiction, in that it contradicted the rule announced in *Powers*.

This petition seeks to settle an important question of law.

1. “Is it a crime... for a superior court to proceed without jurisdiction...?”
2. “Does a higher court have a mandatory duty... to immediately stay... and to decide the question of jurisdiction?”

Both of these are important questions of law that, as argued in my memorandum to the Court of Appeal, raise issues of sovereign immunity. The essence of the issue is whether public corporations and other institutions of state government are “persons” subject to the provisions of the *Penal Code*. In other words, are the forms and manifestations of state government, such as a superior court, coequal with, or subordinate to, the sovereignty of the state? “The sovereignty of the state resides in the people thereof...” (*Govt. C. 100*)

The question is not whether a judge can commit a crime under color of authority. The question is whether a court, as a public entity distinct from its judges (*Cal. Const. 6(4); Govt. C. 900.3*), can commit a crime.

This petition also does not raise the question of whether a court can be punished for a crime or sued for damages for a tort. This petition only asks, "If a court can commit a crime and is currently doing so, does a higher court have a mandatory duty to stay and then stop the crime in progress?"

These questions strike at the essence of the two relationships between a public entity and a private person that define the State of California, (1) the individual private person as victim of unauthorized state action, and (2) private persons collectively as the state sovereign.

Granting review will not harm Real Party.

Real Party (The People) are not served in this action because I seek review, ultimately, of a denial by the Appellate Division of Superior Court San Mateo of writ relief. The relief that I requested from that court included mandates and prohibitions designed to compel the trial court to decide the issue of subject matter jurisdiction. Although my petitions to the Court of Appeal and to our Supreme Court introduced the issues as if I am requesting a decision on the question of jurisdiction, my goal is only to compel the trial court to decide the issue. So Real Party has no stake in the outcome of any of my petitions for writ relief, which all, ultimately, seek only *Marsden* relief. (See *People v. Marsden, 465 P. 2d 44 - Cal: Supreme Court 1970*)

My petition to the Appellate Division, and my petitions for review, are ex parte because my petition to the Appellate Division is limited to *Marsden* issues arising from failures of defense counsel, and I provided that court with confidential defense information in support of my petition there.

**This court can, and must, stop the weaponization of
“misdemeanorland” NOW!**

Misdemeanor criminal court has become an enemy of the People and of our organic law. Criminality, incompetence, and bias run rampant over the rights of the People as frighteningly empowered petty bureaucrats (the bench) and confidence men (the bar) put on a farce and sham, completely under this court’s radar and with zero unaccountability. The privileged lackeys of the Democrat Party political machine in California that have overrun the judicial branch show callous disregard for the law and for the People’s rights every day in misdemeanorland, while meticulously maintaining a charade of *Due Process*.

Comprehensive reform is needed. But the first, and possibly the easiest and most effective, step would be for this court to acknowledge that courts are not above the law and that it is a crime for a court to proceed without jurisdiction, and to provide a defendant, even if represented by counsel, with the ability to personally and immediately enforce *Pen. C. 1004 (4)* by petitioning for a writ of mandate to immediately stop the crime in progress.

Such writ petitions would be almost effortless to process, since the application of *Pen. C. 1004 (4)* to each count of a criminal accusatory pleading will almost always be trivial. This extra safeguard will not disturb the attorney / client relationship for the criminal matter, since the writ proceeding is a separate action. Empowering individual private persons in this way would go far toward eliminating the weaponization of criminal process by preventing the misdemeanorland charade from even beginning without a clear statement of facts that, without more, constitute a public offense.

CERTIFICATE OF LENGTH

I certify that this document contains 2,225 words, excluding the title section, tables of contents and authorities, signature blocks, footers, and this certificate.

Electronically signed,

/s/ Wo Of Ideafarm

03/12/23

S279011

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FIRST APPELLATE DISTRICT

DIVISION TWO

WO OF IDEAFARM,

Petitioner,

v.

APPELLATE DIVISION, SAN
MATEO COUNTY SUPERIOR
COURT,

Respondent.

PEOPLE OF THE STATE OF
CALIFORNIA,

Real Party in Interest.

A167299

(San Mateo County Sup. Ct. Nos.
23-AD-000004, 19-NM-001562-A)

BY THE COURT:

The request for stay and petition for writ are denied. We decline to exercise our discretion to review by extraordinary writ an appellate division judgment on a mandate petition in a misdemeanor case. (Cal. Code Civ. Proc. § 904.3; *Dvorin v. Appellate Dept.* (1975) 15 Cal.3d 648, 650.) In any event, the petition lacks substantive merit because the Amended Misdemeanor Complaint adequately alleged a violation of Penal Code § 369i(b).

DATED: 03/09/2023 Stewart, P.J., P.J.

19-NM-001662-A
ACFC
Amended Complaint Filed
1634793



S279011

STEPHEN M. WAGSTAFFE, DISTRICT ATTORNEY
County of San Mateo, State of California
State Bar No. 78470
1050 Mission Road
South San Francisco, CA 94080
By: Ben G. Blumenthal, Deputy District Attorney
Telephone: (650) 877-5454
Attorney for Plaintiff

FILED
SAN MATEO COUNTY

MAY 21 2019

Clerk of the Superior Court

By 
DEPUTY CLERK

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SAN MATEO

THE PEOPLE OF THE STATE OF CALIFORNIA

Plaintiff,

REPORT NO. SO1900758
DA CASE NO. 0794150
DOCKET NO. 19-NM-001562-A

vs.

AMENDED MISDEMEANOR
COMPLAINT

WO IDEAFARM
211 HOPE ST
#276
MOUNTAIN VIEW, CA 94042

Defendant.

I, the undersigned, say, on information and belief, that in the County of San Mateo, State of California:

COUNT 1: PC369I(b) (Misdemeanor)

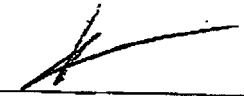
On or about January 21, 2019, in the County of San Mateo, State of California, the crime of Trespass On Railroad Property in violation of PC369I(b), a Misdemeanor, was committed in that WO

1 IDEAFARM did unlawfully remain upon transit related property, to wit, a Caltrain passenger car,
2 after being asked to leave by an agent of Caltrain, and whose presence, and conduct upon the
3 property, to wit, causing a disturbance, and refusing to leave a Caltrain passenger car upon being
4 asked to leave by an agent of Caltrain, interfered with, interrupted, and hindered the safe and efficient
5 operation of Caltrain.

6 Pursuant to Penal Code Section 1054.5(b), the People are hereby informally requesting that
7 defendant(s) and his or her attorney provide to the People the discovery required by Penal Code
8 Section 1054.3. This is a continuing request pursuant to the provisions of Penal Code Section 1054.7.

9 I declare under penalty of perjury that the foregoing is true and correct except for those things
10 stated on information and belief and those I believe to be true.

11 Executed on May 21, 2019, at San Mateo County, California.

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COMPLAINANT

15 BGB/bgb

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Electronically

FILED

By Superior Court of California, County of San Mateo

ON 02/01/2023

By /s/ Stacey, Paul

Deputy Clerk

**IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SAN MATEO
APPELLATE DIVISION**

WO IDEAFARM,

Petitioner,

v.

THE SUPERIOR COURT OF THE STATE OF
CALIFORNIA, COUNTY OF SAN MATEO,

Respondent,

THE PEOPLE OF THE STATE OF
CALIFORNIA,

Real Party in Interest.

) Case No. 23-AD-000004

) (19-NM-001562-A)

) **ORDER DENYING**

) **PETITION FOR**

) **WRIT OF MANDATE**

Petitioner Wo Ideafarm filed his latest Petition for Writ of Mandate on January 11, 2023. Petitioner challenges four rulings or anticipated rulings of the trial court: 1) the trial court's *Marsden* hearing ruling, 2) the trial court's purported order causing a court reporter to certify a false transcript, 3) the trial court sealing the transcript of the *Marsden* hearing without cause or authority, and 4) the trial court purportedly being "poised to punish me for facts that might not constitute [a] public offense." The Petition for Writ of Mandate is denied.

1 The Petition's allegations are insufficient to meet Petitioner's burden of demonstrating
2 the propriety of reviewing the challenged orders and anticipated court action by extraordinary
3 writ. To obtain writ relief, a petitioner must demonstrate that there is no adequate remedy at law
4 and the petitioner will suffer an irreparable injury if the writ is not granted. (*Karen P. v. Superior*
5 *Court* (2011) 200 Cal.App.4th 908, 912.) The Petition does not discuss whether the challenged
6 orders may be reviewed on any post-judgment appeal, and it fails to explain why such a remedy
7 should be regarded as inadequate. The Petition fails to establish that Petitioner will be
8 irreparably harmed if writ review is not granted.

9 Further, the substance of the Petition is without merit. Petitioner submits nothing more
10 than unsupported allegations of a trial court ordering a court reporter to certify a false transcript
11 and improperly sealing the transcript of the *Marsden* hearing. The record establishes that
12 Petitioner was provided with a transcript of the latest *Marsden* hearing, which was submitted by
13 Petitioner in support of the Petition. Petitioner fails to support the underlying contention that the
14 *Marsden* motion should have been granted based on counsel's performance with respect to a
15 demurrer. To obtain relief pursuant to a *Marsden* motion, a defendant must show either
16 inadequate representation or an irreconcilable conflict that is likely to result in ineffective
17 representation. (*People v. Hines* (1997) 15 Cal.4th 997, 1025.) Here, Petitioner failed to show
18 either inadequate representation or an irreconcilable conflict likely to result in ineffective
19 representation.

20 Consequently, the Petition for Writ of Mandate is denied.

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24 Electronically

SIGNED

By /s/ Jakubowski, Susan

02/01/2023

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27 Dated: _____

SUSAN JAKUBOWSKI
Judge, Appellate Division

1 We concur:

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4 Electronically
SIGNED

5 By /s/ Dunleavy, Kevin
6 02/01/2023

7
8

KEVIN E. DUNLEAVY
Judge, Appellate Division

9
10 Electronically
SIGNED

11 By /s/ Holt, Rachel
12 02/01/2023

13
14

RACHEL HOLT
Judge, Appellate Division



SUPERIOR COURT OF SAN MATEO COUNTY

Appellate Division
400 County Center, Redwood City, CA 94063
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www.sanmateocourt.org

Electronically
FILED

By Superior Court of California, County of San Mateo
ON 02/01/2023

By /s/ Stacey, Paul

Deputy Clerk

AFFIDAVIT OF MAILING

Date: 2/1/2023

In the Matter of: Wo Ideafarm vs. SUPERIOR COURT OF CA, COUNTY OF SAN MATEO
Case No.: 23-AD-000004

I declare under penalty of perjury that on the following date I deposited in the United States Post Office mail box at Redwood City, a true copy of the attached document(s) ORDER DENYING PETITION FOR WRIT OF MANDATE, enclosed in an envelope, with proper and necessary postage thereon, and addressed to the following:

Executed on: 2/1/2023

Neal I Taniguchi, Court Executive Officer/Clerk

By: /s/ Paul Stacey

Paul Stacey, Deputy Clerk II

Copies Mailed To:

WO OF IDEAFARM
211 HOPE STREET,
UNIT 276
MOUNTAIN VIEW, CA 94042

SAN MATEO COUNTY SUPERIOR COURT,
CRIMINAL DIVISION
400 COUNTY CENTER, 4TH FLOOR
REDWOOD CITY, CA 94063

SAN MATEO COUNTY DISTRICT ATTORNEY'S OFFICE
400 COUNTY CENTER, 3RD FLOOR
REDWOOD CITY, CA 94063

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN MATEO
CRIMINAL DIVISION
400 COUNTY CENTER, 4th FLOOR
REDWOOD CITY, CALIFORNIA 94063-1662

DS #66 MAILED AT 951 XX02/02/23

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RECEIVED
FEB 23 2002

To: Wo of IDEAFARM
211 Hope Street, Unit 276
Mountain View, CA 94042

15 AMQJNMB 94042

