

Attorney General of the New York State  
Department of Law  
Barbara D. Underwood  
Acting Attorney General of New York State  
The Capitol  
Albany, New York 12224-0341

Ref: Matter The People V. Miguel De Los Santos, accusatory instrument  
number 3444-2002 requiring for an investigation, upon a fixed Trial.

01. Judge Ruth Pickholz, defense counsel Mr. Norman Williams, Assistants District Attorneys Mr. David Drucker, Mr. Eryck Kratville and Associate Court Clerk in 2002 Flora Duffy. Those people engage in this following type of conduct, which hijacks the Constitution and statutory rights of defendant. Judge Pickholz, and defense counsel Mr. Williams permitted the prosecution to proceed to trial, without defendant committing any crime, without a Grand Jury Indictment, and without the Court obtain Subject Matter Jurisdiction. Defendant is practically Kidnapped in Jail, without Constitutional right to Due Process. After they reviewed the statutory definition of the offenses charges, that are missing most of the elements of the offenses charges, and no meet the Constitutional requirements CPL § 70.10 and no constitute a crime, they desire to continuing to trial without Jurisdiction, even though they know that the accusatory instrument was insufficient to confer Jurisdiction upon the Court, they know that what they were doing was wrong, illegal, and Unconstitutional. (See Exhibit A) [Accusatory instrument which stated no crime]. Also (See Exhibit B) [The Voluntary Disclosure Form (Bill of Particulars) which stated no acts, no facts, and no crime].

02. This is the prove, that defendant was never accused by a Grand Jury. There are two separate paths for prosecution of accused criminal defendants. First criminal action commenced by filing an accusatory instrument with a criminal Court, then the issuance of an arrest warrant. Second, for defendants who is not previously been held by a local criminal Court for the action of the Grand Jury, the filing of the indictment constituted the commencement of the criminal action, the Superior Court must order the indictment to be filed as a sealed instrument until the defendant is

produced or appears for arraignment, and must issue a superior Court warrant of arrest. CPL § 210.10 (3). This case did not commenced in a criminal Court, as well did not commenced in a superior Court. That alleged indictment was not filed as a sealed, and no warrant of arrest was ordered by a Judge. (See Exhibit C) [Correspondence from the Court, stated that this case was not heard in Criminal Court, and there are no Criminal Court papers, and that the indictment is not sealed]. The Grand Jury refuse to indict to defendant, because the accusatory instrument is and was insufficient, that are missing most of the elements of the offenses charges, and no meet the Constitutional requirement CPL § 70.10, and therefore no constitute a crime, and no Grand Jury action is lagally possible. That's why that alleged indictment do not contain the Grand Jury foreman signature in violation of CPL § 200.50 (8), and that alleged indictment was not filed as a sealed, and no warrant of arrest was ordered by a Judge.

03. Another prove that defendant was not accused and indicted by a Grand Jury is that, defendant was illegally arrested on May 30, 2013 (See Exhibit B) [The Voluntary Disclosure Form, for the arrested date]. The People failed to bring defendant to Court during 24 hours, requirement by New York Law in violation of CPL § 120.90, right to prompt arraignment, because the Court doesn't has any documents to show that defendant was formaly and properly accused in Court, then defendant was arraigned for the first time four days later on June 03, 2013, and anyway on that date as well the Court could not produce any documents to prove that defendant was accused in Court, and Judge Bruce Allen stated that, I'd like to find out what's going on here with this case. (See Exhibit D) [June 03, 2013 arraignment transcripts, page No. 3 to review when Judge Bruce Allen stated, I'd like to find out what's going on]. There was not felony complaint filed in Court, no Grand Jury indictment filed in Court, no sealed indictment filed in Court. (See Exhibit C) [Correspondence from the Court, stated that this case was not heard in Criminal Court, as well no sealed Indictment filed in Court].

04. Also they violated defendant Constitutional right to Due Process defendant was arrested and extradired illegally without a warrant of arrest ordered by a Judge in violation of Constitutional Amendment 4th. Also defendant was extradited without Honorable New York Governor Andrew Cuomo warrant of extradition. (See Exhibit E) [defendant picked-up in North Carolina by New York Police Department].

05. Even though the trial was illegal and Unconstitutional, Judge Pickholz and defense counsel did not even tried to reduce the counts of that alleged indictment, defendant went to trial with nine charges, without any evidence also Mr. Williams permitted that the Judge and the prosecution to usurp the position and power of the Grand Jury, when Judge Pickholz instructed to the Jury upon the prosecution's theory a theory that was not placed in that alleged indictment. (See Exhibit A) [Accusatory instrument counts 3,4, and 5 to review that prosecution's theory was not placed in that alleged Indictment]. Also (See Exhibit F) [Trial Transcripts pages 431-436 for the prosecution's theory]. The prosecution's theory is and was out of context. The facts alleged by the prosecution do not constitute a crime, (See Exhibit A) [Accusatory instrument which stated no crime]. Also (See Exhibit B) [The Voluntary Disclosure Form (Bill of Particulars) which also stated no acts, no facts no crime]. The prosecution's theory is and was out of context and was not proven, the prosecution's key witness Wilson Gonzalez totally contradicted the prosecution's theory and was not proven. (See Exhibit F) [Trial Transcripts pages 236,237, and 239 for Wilson Gonzalez testimony and 431-433 for the instruction to the Jury upon Kidnapping in the First degree (1) CPL § 135.25 (1) count three on that alleged indictment]. Showing that element number five of the offense of Kidnapping in the First degree (1) CPL § 135.25 (1) wasn't proven and Judge Pickholz submitted that charge to the jury after the motion order to dismiss was made even though She know that was not proven, they did not do anything to prevent all these miscarreges of Justice.

06. Also they proceeded on June 13 2002 without Personal Jurisdiction, since the defendant was arrested on May 30, 2013 eleven years after the accusatory instrument was allegedly filed. (See Exhibit A) [Accusatory instrument last page for the date that was allegedly filed]. Also (See Exhibit B) [The Voluntary Disclosure Form for the arrested date]. The prosecution presented this case to the Grand Jury without Court authorization and unauthorized presentment have to remain sealed, and that alleged indictment was not sealed. (See Exhibit C) [Correspondence from the Court, stated that indictment was not sealed]. The Court can not proceed on a public case against defendant on June 13, 2002, as they did without the defendant being arrested, without a Grand Jury indictment, and without a sealed indictment. No Judge ordered that alleged indictment filed as sealed, and no Judge ordered a warrant of arrest, because the

Grand Jury did not vote to indict, because the accusatory instrument was insufficient to confer Jurisdiction to issue a warrant of arrest CPL § 120.20 That's why do not contain the Grand Jury Foreman Signature in violation of CPL § 200.50 (8) because no Grand Jury action is legally Possible.

07. Defendant was illegally arrested and extradited upon a fake warrant of arrest. Flora Duffy committed a crime, She illegally usurped the position as a Justice Judge of the Supreme Court. (See Exhibit G) [Warrant of arrest signed by Flora Duffy as a Judge]. Flora Duffy illegally issued an arrest warrant out of the Jurisdiction of the Court, that warrant of arrest was illegally issued in the District Attorney's Office. (See Exhibit H) [Correspondence from the Court, stated that warrant of arrest was illegally issued in the District Attorney's Office]. Flora Duffy illegally signed the arrest warrant as a Judge, without a Judge authorization, without being neutral, without probable cause CPL § 70.10, without any capacity to issue an arrest warrant. Flora Duffy was not a Judge She only was an associate Court Clerk in 2002. (See Exhibit I) [Correspondence from the Chief Administrative Judge Office]. Flora Duffy illegally issued an arrest warrant, even though the Grand Jury never vote to indict, and the accusatory instrument was insufficient to confer Jurisdiction to issue a warrant of arrest CPL § 120.20 and they proceeded to trial even though was no Grand Jury indictment, no sealed indictment, and no warrant of arrest ordered by a Judge. (See Exhibit C) [Correspondence from the Court, stated that alleged indictment was no sealed]. Also (See Exhibit D) [June 03, 2013 Arraignment Transcripts page 3 to review that was no hold against defendant.

08. Just as the Constitution right to trial by Jury prohibits a Judge from directing a verdict for the prosecution, here Judge Pickholz, constantly was showing to the Jury that She was aligned with the presecution, the Court duty is to administer Justice impartially and the state should not be allowed to preserve any conviction under a Law that poses a threat to the Fist Amendment Values. Judge Pickholz, constantly discharged from her duty and acting on in bad faith. Judge Pickholz constantly took the position of the prosecution interrogating the witnesses (See Exhibit F) [Trail Transcripts pages 121, 130, 141, 154, 156, 169-174, 184-185, 188, 193] also Judge Pickholz was repeating the Witness testimony see page 118 Another prove that Judge Pickholz was acting in bad faith, is that, the Jury had sent a note requiring to reiterate the instruction on Murder in

second degree CPL § 125.25 (3) count two, and Kidnapping in the First degree (1) CPL § 135.25 (1) count three of that alleged indictment, when Judge Pickholz already had heard that Kidnapping in the First degree wasn't proven Judge Pickholz changed the meaning and context of the Jury Note without objection, by defense counsel Mr. Williams, because He was part of the fixed trial, Judge Pickhold did it anyway Even though the prosecutor Mr. Drucker already had told them that the underline crime of felony Murder is the Kidnapping in the First degree (1), that Kidnapping in the second degree is not an underline crime of felony Murder Mr. Drucker stated, One legal Point on your charge, Judge Pickholz stated, of course, then Mr. Drucker stated that the First count is Kidnapping in the First degree, the second count is the felony Murder, then Mr. Drucker stated, But the count 2 the felony Murder kidnapping would not require, the Judge stated, that She know, then Mr. Drucker stated, again Kidnapping in the First degree, Judge Pickholz stated, we handled that. (See Exhibit F) [Trail Transcripts pages 408-409 to review Mr. Drucker suggestion when he stated One legal Point When Judge Pickholz already had heard that Kidnapping in the First degree wasn't proven, Judge Pickholz instructed upon Kidnapping in the second degree instead of reinstructed as She did before. (See Exhibit F) [Trial Transcripts Pages 431-433 to review the First Instruction to the Jury, also Pages 449-451 to review the Jury Note, and How Judge Pickholz changed the meaning and context of the Jury Note, and gave a wrong instruction upon Kidnapping in the second degree, also pages 236,237 and 239 to review Wilson Gonzalez testimony showing that element five of the Kidnapping in the First degree (1) wasn't proven, also page 432 to review that element five wasn't proven]. Kidnapping in the First degree has Six different and distinct elements, Judge Pickholz reduced the elements of Kidnapping in the First degree (1) into five elements, reducing the chance and the opportunity that the Jury would find defendant innocent, Judge Pickholz did that on purpose, that way She confuse the Jury, because the Kidnapping in the second degree as well has five elements, and the Jury was loss as to how to decide the valve issue]. Judge Pickholz constantly showing the Jury that She was aligned with the prosecutor, Judge Pickholz read back a key prosecution's witness testimony, also permitted a lot of impermissible hearsay (See Exhibit F) [Trial Transcripts pages 455 to review Judge Pickholz read back the witness trial testimony in disfavor of the defendant, Also See page 118 to review how Judge pickholz was repeating the witness testimony also pages 121,130,154,156,169,170,172-174,184-185,188,193, to

review how Judge Pickholz took the position of the prosecutor interrogating the witnesses, and See pages 75-76,82,125,223,226,231,233,-235,265, and 286, to review how Judge Pickholz allowed those impermissible hearsay after objection. The presumption of innocent is the backbone of our country, our Constitution and our Democracy, See pages 8,18-19,380,397, to review how the people committed prosecutorial misconduct by repeatedly engaging in unfairly prejudicial and inflammatory argument during opening statement and closing argument, repeatedly prejudiced by their impermissible commentary and vouching for witnesses, the cumulative effect of which resulted in the denial of defendant's right to a fair trial, the prejudicial commentary was persistent and egregious. The prosecutor was testifying as if he know to defendant for a long time, compounding the unfair prejudice to defendant, the people attacked defendant's character. Here are some examples: They were his drugs, defendant was a drug dealer. A pretty big time drug dealer. He is a business man, in his own way a successful and his business was cocaine. He had a Colombia supplier. This was to do what drugs dealers do when they don't get paid. He's the gentleman drugs dealer. He has a problem, he calls the dirty work guys. Then the prosecutor stated, He's had his right to a fair trial, and Mr. Williams, a good experienced lawyer, advocated for his client very well, So, I ask you, finally, base on the clear and convincing evidence in the case, find this defendant, Pedro, Cachi, Miguel De los Santos, guilty of all these very serious crimes which he did commit. See pages 405-407 to review the prosecutor commentary. Even though the prosecution know that no Grand Jury action is legal possible, that the charges are missing most of the elements of the offenses charges and that He usurped the position and power of the Grand Jury and he know that defendant did not committed any crime, then with his action, he betray the Public trust.

09. Counts four and Five Unlawful Imprisonment to which to Angelly and Carlos Ortiz, those charges as well are missing most of the elements of the offenses charges and no constitute a crime, when Judge Pickholz had herd that no evidence was presented Judge Pickholz on purpose omitted the instruction on what it means to be exposed to a risk of serious physical injury (See Exhibit F) Trial Transcripts pages 433-436 to review how Judge Pickholz did not instructed on what it means to be exposed to a risk of serious physical injury]. As well Judge Pickholz reduced the elements of Unlawful Imprisonment in the First degree count five which to Carlos Ortiz,

reduced the elements into two when the statute require five different and distinct elements, as well reducing the chance and the opportunity that the Jury would find to defendant innocent]. Also See pages 465-466, to review that Mr. Williams did not <sup>^</sup>preserved that the verdict was repugnant, the Jury has a right to reject a bad and Unconstitutional Law, but here Judge Pickholz stated, I am the sole Judge of the law in this case what I say goes, See page 4 to review when the Judge Pickholz stated what I say goes. Then the Jury followed a back law unknown to our Constitution, also See Page 411 to review that Judge Pickholz know the important of the jurors in our system of justice, how the jurors take time from their lives, their work schedules to serve and how much the system of justice need them. Judge Pickholz and lawyers in this case, betray the Jurors and used them to find an innocent man guilty, they betray their Oath of Office, betray the public trust, and betray our Constitution.

10. Another prove that this trial was fixed, is that the prosecution prodded to lie under oath the only witness Angelly Ortiz during the independent source hearing, provide false testimony, creating dishonest and untruthful evidence, all of them know that Angelly Ortiz was lying under oath, and Mr. Williams did not cross-examine Angelly Ortiz during that hearing (See Exhibit F) [Independent source hearing page 61 to review that Mr. Williams did not cross-examine Angelly Ortiz]. If Mr. Williams would cross-examine Angelly Ortiz would prove that She was lying under oath and the case should be ended. Angelly ortiz stated that, Wilson Gonzalez introduced defendant to her, and that She recognized defendant from the year before when She came for her vacation in 1998, See pages 53-54,57 to review Angelly Ortiz testimony. That specific hearing require that the witness to know the accused before the incident happened, and that a third person familiar with the two, the witness and the accused to take the stand for confirmation, and the only person who know angelly and defendant is wilson Gonzalez, that's why She stated that Wilson Gonzalez introduced defendant to her. See page 55 to review that Angelly Ortiz contradicted herself, She stated that She did not see Pedro on October 06, 1999 and that She did not recall the image of Pedro, and also See page 238 to review Wilson Gonzalez testimony when he stated that, never introduced defendant to Angelly Ortiz. Furthemore, to prove that defense counsel did not represent his interests, he failed to present as defense evidence, a statement made by detective Tom Eddie the interrogation of Wilson Gonzalez

(See Exhibit J) [Wilson Gonzalez statement, during Wilson interrogation by Detective Tom Eddie]. Wilson Gonzalez stated that He met Cachi through Wendy Wilson cousin, He continue stated Cachi wife was Luz and Luz was in Colombia when Wilson met Cachi. (See Exhibit F) [Trial Transcripts page 223 to review that Wilson statement during interrogation was corroborated at Trial]. Also See page 177 to review that Luz was in Colombia in 1999 that as well was corroborated at Trial, that Wilson met Cachi when Luz was in Colombia in 1999. That defendant did not know Wilson in 1998, that Angelly Ortiz was prodded to lie under oath when She stated that Wilson introduced the defendant to Her when She came for Her vacation in June 1998, If Mr. Williams would cross-examine the Only Witness Angelly Ortiz during the independent source hearing the case should be ended, all that prove show that the trial was fixed and Mr. Williams was working against defendant in favor of the Assistant District Attorney, Mr. Williams violated the authority to conduct defendant case with all the knowledge and skills He possess. Defendant when to trial with 9 charges without any evidence for those charges, Mr. Williams doesn't tried to reduce the counts of that alleged indictment. He blatantly misrepresented defendant and did not do his due diligence to represent defendant to the best of his ability. His feilure to represent defendant competently and zealously in strict compliance with his legal duty as mandate by the Constitution (People V. Baldi, 54 N.Y. 2d 137 (1981) or Strickland V. Washington, 466 U.S. 668 (1984). Judge Pickholz and Mr. Williams failed to exercise careful surveillance to ensure that defendant was not deprived of all his Constitutional rights by overzealous prosecutor attempting to protect his case in leaving defendant in ignorance of the substance of the accusations, must be firmly rebuffed, this especially is so when the indictment itself provides no crime.

11. Finally, the state deprived the defendant of his liberty without Due Process of Law, and defendant was Sentencing under the Unconstitutional Law, that the indictment does not allege an offense know to the Law, and defendant is entitled to his discharge. Judge Pickholz pronounced Her illegal and Unconstitutional sentence, ignoring the Jury decision which acquitted defendant of drug possession, drug sell and drug conspiracy, then Judge Pickholz, based Her ilegal sentence on the drug charges. (See Exhibit F) [Sentence transcripts pages 13 and 14].



12. If we have Law, have to be enforce, that where the language of a statute is clear and unambiguous, the Courts must give effect to its plain meaning. Defendant is practically Kidnapped in Jail, without committing any crime, without Due Process of Law, without a Grand Jury indictment, and without a sealed indictment. Defendant had made a state habeas corpus right to immediate release Form: CPL § 120:4 upon 2018 up-dated Law reviewed by Honorable Judge Robert G. Bogle upon the ground that accusatory instrument filed with Justice Judge is insufficient to confer Jurisdiction to issue warrant of arrest [Form: CPL § 120.20]. Even though an arrest warrant was never issued by a Judge against the defendant, Honorable Judge James P. Gilpatric, J.S.C. from Supreme Court Ulster County, dismissed defendant Habeas corpus, and contradicted Honorable Robert G. Bogle who is the author of "Criminal Procedure in New York" My habeas corpus was dismissed even though has merit, based on Constitutional Law Form: CPL § 120:4 and Form: CPL § 120.20.

I trust the information provided herein may assist you in evaluating the unknown Law to our Constitution that I endured from Judge Pickholz, defense counsel Mr. Williams, Assistants District Attorneys Mr. Drucker, Mr. Kratville and Associate Court Clerk Flora Duffy, during that illegal and Unconstitutional trial, is a clear violation of the public trust, because all these prove show that they fixed the trial.

My family and I are fighting for my freedom that I am entitled.

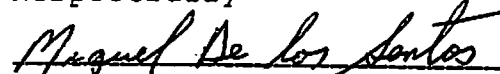
My family had made two videos on youtube, please check under titles.

Court Corruption in Manhattan New York

An innocent man in New York Jail

But if my family have to stand before the Court demanding that Justice to be properly served, they are able to do it, and they don't going to stop until then.

Respectfully



Miguel De Los Santos Din: 14A5516 --  
Shawangunk Correctional Facility  
200 Quick Road  
P.O.Box 700  
Wallkill, New York 12589

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