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7 **SUPERIOR COURT OF CALIFORNIA**

8
9 **COUNTY OF SACRAMENTO**

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11 -----x
12 Pamela Barnett) Case No. 34-2010-00077415
13)
14 Plaintiff,)
15 v.) **MEMORANDUM OF LAW**
16 Damon Jerrell Dunn (A.K.A. Damon Dunn);)
17 Debra Bowen individually and officially as) **in Support of an Order to Show**
18 The California Secretary of State;)
19 Edmund G. Brown Jr. (A.K.A. Jerry Brown)) **Cause for Injunctive Relief by**
20 Officially as The California Attorney General)
21 and individually; and John Doe(s)) **Writ of Prohibition and**
22 and Jane Doe(s))
23 Defendants) **Writ of Mandamus**
24 -----x

25 **INTRODUCTION**

26 I am Plaintiff Pamela Barnett self represented without being an attorney. This is
27 the Memorandum of Law accompanying the declaration in support of expedited
28 injunctive relief for a Writ of Prohibition, Mandamus and other relief based upon
29 precedence facts and law as the Court deems necessary. I am confident in the
30 applicability of the relief requested herein based upon the facts, law precedence and
31 my command experience gained in 14 years of military service as a Captain with
32 experience as a public affairs, intelligence staff officer of a communication battalion as
33 commander of 40 solders at any one time training every unit for combat readiness for

1 the Iraq / Afghan wars; and thereafter, have four years experience as a licensed
2 California Real Estate Broker, and am currently raising my infant son and four year old
3 daughter until time permits my business to occupy my efforts again. As alleged in my
4 complaint, I am a duly registered elector and affiliated member of the California
5 Republican Party, and scheduled to vote at the June 8, 2010 Republican direct Primary,
6 and then at the General Election in 2010; and as such, I am adamant on the
7 requirement that any candidate and or public officer serving the people of the state of
8 California must absolutely be above any appearance of impropriety as the fiduciary
9 guardian of our public records, as it is the most important office in the State and Nation,
10 as California may be the sixth largest economy in the world that determines the election
11 of the President and as such must have a secretary of state the people must trust and
12 have confidence in to safeguard their property and proprietary records.

13 ARGUMENT ON THE FACTS

14 For very good reason, I do not trust Defendant Damon Jerrell Dunn (a.k.a Damon
15 Dunn, Defendant Dunn), who based upon the facts and law cannot be entrusted with the
16 responsibility to serve as the Secretary of State. To my alarm Mr. Dunn has been wrongly
17 placed on the California Republican Party primary ballot as a declared candidate for the
18 State of California Republican Party Candidate for Secretary of State of California on
19 June 8, 2010, aided and abetted by Defendant Debra Bowen who in her official capacity
20 as the Secretary of State of the State of California with CAL. ELEC. CODE § 10:
21 California Code - Section 10 is the chief of elections officer of the state, and has the
22 powers and duties specified in Section 12172.5 of the Government Code, is without the
23 discretion in her ministerial duties to make the outrageous connivance done in the

1 matter of Mr. Dunn's ballot access; and therefore. Mr. Dunn must be removed before the
2 election and or a writ of prohibition and mandamus issued to guarantee to the people of
3 California that the records and proprietary property would remain safe.

4 That accordingly to CAL. ELEC. CODE § 18500: California Code, as the facts show
5 Mr. Dunn commits fraud or attempts to commit fraud, and as with any person who aids
6 or abets fraud or attempts to aid or abet fraud, in connection with any vote cast, to be
7 cast, or attempted to be cast, is guilty of a felony, punishable by imprisonment for 16
8 months or two or three years, and must be removed from the ballot and the People of
9 California protected from his pattern of connivance entering such office of trust..

10 Furthermore was he already Secretary of State, accordingly to CAL. ELEC. CODE §
11 18501: California Code - Section 18501, and Mr. Dunn such public official who
12 knowingly violates any of the provisions of this chapter, and thereby aids in any way the
13 illegal casting or attempting to cast a vote, or who connives to nullify any of the
14 provisions of this chapter in order that fraud may be perpetrated, shall forever be
15 disqualified from holding office in this state and upon conviction shall be sentenced to a
16 state prison for 16 months or two or three years; and must be removed from the ballot
17 and the people of California protected from his pattern of connivance.

18 That before the advent of the 2002 Help America to Vote Act there is the history
19 surrounding the National Voter Registration Act of 1993 (a.k.a. "Motor Voter") that
20 nationally with ACORN and other Social Justice Organizations is infamously known and
21 here in California especially, has an outrageous history that must not be forgotten and
22 guarded against a repeat by a trustworthy Secretary of State so as not to allow the
23 treachery of voter fraud again as associated with the 1996 election of the Honorable
24 Robert K. Dornan, Republican Congressman who in his own words (see Exhibit 4), "was

1 *outrageously defeated by Democrat Loretta Sanchez by a minimum of 2,369 and*
2 *possibly 4,623 alien votes... with impunity in which not a single individual was charged*
3 *with thousands of felonies having been committed”.*

4 That for an example of ballot removal in re: William Wallace Murrey sought the
5 American Independent Party line and was originally approved by the Orange County
6 Registrar on the ballot, and Mr. Kelly the Orange County Registrar was notified that
7 Murrey was a Republican until late December 2009, so Mr. Kelly removed Mr. Murrey
8 from the Ballot and held that it was an oversight by the Orange County Registrar’s office,
9 which is a decision available by FOIL.

10 However, the case before this Court and the Secretary of State is not about a simple
11 ballot removal as with Mr. Murrey, because Mr. Dunn is culpable by withholding his
12 previous registration address then acted to further conceal the existence of the previous
13 address of registration in Florida by attempting to expunge it thereby exhibits what in
14 jurisprudence doctrine of Bad-man theory a bad person represents as the best test of
15 what the law CEC §8001 actually is. Because Mr. Dunn carefully calculated precisely
16 what the rules allow and attempted to operate up to for maximum campaign exposure
17 and fund raising capability with CEC §8001(a) 1 only, but knowing there was a
18 permanent record in Florida that would jeopardize his candidacy Mr. Dunn went beyond
19 the limits of the law and with unclean hands attempted to expunge the Florida records
20 thereby combine as an admission against interest to be considered by the Court herein.

21 **ARGUMENT ON THE LAW**

22 The California Election Code (CEC) requires that to be eligible to be a qualified
23 candidate for Secretary of State a declared and a nominated candidate shall under §201
24 of the California Elections Code “be a registered voter and otherwise qualified to vote for

1 that office at the time nomination papers are issued to the person”; and Mr. Dunn’s
2 Registration Form is to be deemed invalid for being falsely submitted without voluntary
3 correction of what otherwise would be an inadvertent error or omission wasn’t in facts
4 was intentional and malicious concealment in order to circumvent any ministerial
5 investigation of a prior registration that would trigger use of CEC 8001 (a) 2 beyond the
6 simple “New “ registration as applies with use of CEC 8001 (a)1 ONLY.

7 In that CEC and related law requires with CEC § 8001: California Code - Section
8 8001. (a) No declaration of candidacy for a partisan office ... shall be filed, by a
9 candidate unless (1) at the time of presentation of the declaration and continuously for
10 not less than three months immediately prior to that time, or for as long as he has been
11 eligible to register to vote in the state, the candidate is shown by his affidavit of
12 registration to be affiliated with the political party the nomination of which he seeks, and
13 *(2) the candidate has not been registered as affiliated with a qualified political party*
14 *other than that political party the nomination of which he seeks within 12 months,*
15 ... (b) The elections official shall attach a certificate to the declaration of candidacy
16 showing the date on which the candidate registered as intending to affiliate with the
17 political party the nomination of which he seeks, and indicating that the candidate has
18 not been affiliated with any other qualified political party for the period specified in
19 subdivision (a) immediately preceding the filing of the declaration.

20 That according to CAL. ELEC. CODE § 18203: California Code - Section 18203.
21 Mr. Dunn must be considered in light of his withholding of the prior registration address
22 from the SOS when he filed or submits for filing a nomination paper or declaration of
23 candidacy knowing that it or any part of it has been made falsely is punishable by a fine

1 not exceeding one thousand dollars (\$1,000) or by imprisonment in the state prison for
2 16 months or two or three years or by both the fine and imprisonment.

3 Moreover, Defendant Dunn committed voter fraud according to statutes CEC
4 §18203 and §18500 by intentionally not entering in his voter registration card
5 information about the fact that he registered somewhere before and that he registered
6 as a Democrat, maliciously failed to provide at Section 16 of the form shown as Exhibit
7 A that he was previously registered in Florida, and thereby concealed evidence of a
8 crime Defendant Dunn intended to commit to become California SOS. The Registration
9 form does NOT differentiate any prior registration address, which may be active, inactive
10 or expired does not apply and that the SOS ministerial duty does not give discretion.

11 That based upon information and belief and according to a letter written April 13,
12 2010 by Jean Marie Atkins Director of Voter Administration the Duval County Board of
13 Election and obtained in person by Dr. Orly Taitz while in Florida, on July 10, 2009,
14 Defendant Dunn contacted the Florida Board of Elections to have any record of
15 enrollment or affiliation with the Florida Democratic Party in the Duval County database
16 expunged from the official record.

17 The Florida Board of Election database in Duval County records that Defendant
18 Dunn registered in Florida, is shown previously affiliated with the Democratic Party.

19 That based upon information and belief the Florida Board of Elections Official with the
20 fiduciary duty to safeguard the records of the Board of Elections including those of
21 Defendant Dunn refused to expunge the records when he asked July 10, 2009, and
22 prove that Defendant Dunn was a Florida Democrat within the 12 month period prior to
23 Defendant Dunn declaring his candidacy in California on November 5, 2009.

1 That according to CAL. ELEC. CODE § 17: California Code - Section 17. The
2 Secretary of State shall establish and maintain administrative complaint procedures,
3 pursuant to the requirements of the Help America Vote Act of 2002 (42 U.S.C. Sec.
4 15512), in order to remedy grievances in the administration of elections. The Secretary
5 of State may not require that the administrative remedies provided in the complaint
6 procedures established pursuant to this section be exhausted in order to pursue any
7 other remedies provided by state or federal law. The creation of a national voter
8 registration database with the Election Assistance Commission is to prevent multiple
9 registrations and voter fraud that since 1993 and Motor Voter has been rampant and
10 epidemic requiring rigorous use of HAVA to prevent fraud by the SOS and this Court.

11 ARGUMENT FOR RELIEF

12 Venue is proper in the County of Sacramento and this is the proper court for this
13 complaint as the events complained of occurred within this county because it involves
14 the Secretary of State of California (SOS) and a candidate for Secretary of State as is
15 Defendant in the California statewide Republican Party Direct Primary ⁽¹⁾, and then the
16 General Election ballots with CA Election Code (CEC) § 12; and at a Jury trial General
17 Damages be assessed were the Primary to proceed illegally, would result in Defendants
18 liability to reimburse the cost of the Republican primary and costs incurred of any
19 opposing candidate and or Plaintiff herein along with those similarly situated; and that
20 jurisdiction shall be given preference in the CA Courts with CAL. CCP. CODE § 44 ⁽²⁾

¹ CAL. ELEC. CODE § 316: California Code - Section 316. "Direct primary" is the primary election held on the first Tuesday after the first Monday in June in each even-numbered year, to nominate candidates to be voted for at the ensuing general election or to elect members of a party central committee.

² : CA. CCP Code § 44, California Code - Section 44. Appeals in probate proceedings, in contested election cases, and in actions for libel or slander by a person who holds any elective public office or a candidate for any such office alleged to have occurred during the course of an

1 that according to CAL. ELEC. CODE § 8800: California Code - Section 8800. No
2 candidate whose declaration of candidacy has been filed for any primary election may
3 withdraw as a candidate at that primary election. Must be removed by Judicial Order for
4 injunctive relieve issuance of a Writ of Prohibition and Mandamus accordingly and for
5 such other and further relief as the court may deem just and proper.

6 I declare under penalty of perjury under the laws of the State of California that the
7 foregoing is true and correct. Respectfully submitted by,

8 DATED:
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election campaign shall be given preference in hearing in the courts of appeal, and in the Supreme Court when transferred thereto. All these cases shall be placed on the calendar in the order of their date of issue, next after cases in which the people of the state are parties.