

Phone call between Adam Bereki and Sergeant Hernandez

Recording Name:

[E6 SAPD- COMPLAINT SGT. GIL HERNANDEZ

REFUSAL TO INVESTIGATE 071320]

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1 Berekhi: And then, a couple of days later, I sent her a reply
2 back, and she said that she received the reply and
3 would forward that to you. And it's been three weeks
4 now and I've not received any reply whatsoever.

5 Hernandez: I see. Oh okay. So I just got this now and, uh,
6 I'm told that you requested a conversation regarding
7 our -- our response. Uh, and so I just kind of
8 (inaudible - 0:00:29) inquire what, um -- what else --
9 what you're looking for beyond our -- our -- our
10 response, um --

11 Berekhi: Okay. Did you --

12 Hernandez: -- or (inaudible - 0:00:39) our --

13 Berekhi: -- did you, um, just so I'm clear, did -- did you read
14 the response that I sent in relations to the initial
15 request that I made?

16 Hernandez: Yes. So I read the one that was dated, uh --

17 Berekhi: Let me look that --

18 Hernandez: -- June 5.

19 Berekhi: Okay. Let me just --

20 Hernandez: June 5, to (inaudible - 0:00:57) Rodriguez.

21 Berekhi: Yes, at th- --

22 Hernandez: And you -- you attached, uh, um, some, uh, federal
23 statutes, uh (inaudible - 0:01:07) --

24 Berekhi: Right, and a California case -- a California case
25 regarding that.



1 Hernandez: Yes. Yes. I did read that.

2 Bereki: Okay.

3 Hernandez: Yeah.

4 Bereki: So, um, I -- I guess what -- what I was calling the
5 chief for was at this point, um, I was going to
6 inquire about making a complaint because, um, I think
7 that there is a serious dereliction of duty going on
8 and, um, it needs to be handled. Um, I realize the,
9 uh, sensitivity of this issue, um, but -- you know, I
10 -- I served as a police officer for ten years, so I'm
11 not -- I -- I -- I do know a bit about this and I'm --
12 I'm reaching out to your agency for help, and I
13 believe you have jurisdiction over this issue, and I'm
14 not --

15 Hernandez: We do not.

16 Bereki: -- get- -- you don't?

17 Hernandez: We don't.

18 Bereki: Okay, c- --

19 Hernandez: That's the -- that's what complicates it for us
20 because, although the federal court is within our city
21 limits it is a federal court that is --

22 Bereki: Okay, this happened in state court.

23 Hernandez: Okay, even -- even state court, I mean we don't have
24 jurisdiction over our local judges.

25 Bereki: But -- but you have jurisdiction when a person, who is



1 not acting within lawful authority, commits a crime.

2 Correct?

3 Hernandez: So -- I'm sorry, what's the crime that you're
4 alleging? That -- that a -- that a judge committed a
5 crime?

6 Bereki: Yes.

7 Hernandez: Against you?

8 Bereki: Yes. Multiple crimes. One of them is theft, and the
9 other one is violation of multiple, um, rights that
10 are protected by the California constitution and the
11 constitution for the United States. So -- so let --
12 let -- le- --

13 Hernandez: Well let me ask you this, Mr., uh -- let me a- --
14 let me ask you this, Mr. Bereki -- is that how I
15 pronounce your name?

16 Bereki: Just -- just call me Adam. It's fine.

17 Hernandez: (Inaudible - 0:03:07) --

18 Bereki: Wha- -- what's your first name, again?

19 Hernandez: Gil.

20 Bereki: Gil? Okay, cool.

21 Hernandez: Yes sir. So, Adam, um, I'm assuming the theft
22 allegation is because of losses, uh, y- -- loss of,
23 uh, attorney fees or -- or -- or penalties resulting
24 from the outcome off your case?

25 Bereki: Um --



1 Hernandez: Correct?

2 Bereki: -- well --

3 Hernandez: He didn't go -- he didn't go and take your clothes,
4 or take your money, or -- or go to your house, take
5 something from you?

6 Bereki: That -- not, not in that regard.

7 Hernandez: (Inaudible - 0:03:36).

8 Bereki: No, the judge did not do that. However, under law,
9 there are certain requisites that a judge has to
10 follow regarding the amount that they can take, or
11 order in a judgment. So let's say --

12 Hernandez: Okay.

13 Bereki: -- that -- that -- that -- that you commit a crime of,
14 um, driving without a license.

15 Hernandez: Yes.

16 Bereki: The judge can't find you for a million dollars.

17 Hernandez: Correct.

18 Bereki: Right? So if he does, and the law only allows for a
19 fine of \$100 --

20 Hernandez: Correct.

21 Bereki: -- then \$999,990 is theft because it's an excessive
22 fine and there is no authority under the law,
23 conferred by the legislature, for the judge to order a
24 fine in that amount.

25 Hernandez: So are you alleging that this judge fined you an



1 excessive amount and then he kept that money for
2 himself?

3 Bereki: No. I'm alleging that the --

4 Hernandez: (Inaudible - 0:04:28) theft.

5 Bereki: -- judge ordered that -- that I give this money --
6 that I pay this money to another person without con- -
7 - without any lawful authority. So he's ordering to
8 take my property to give it to somebody else without
9 lawful authority. That is theft.

10 Hernandez: So you disagree -- well it's not that (inaudible -
11 0:04:53) -- yeah, under the -- under the, uh,
12 definition of theft in, uh, the California Penal Code,
13 that is not theft. That is a decision made by a judge
14 that maybe, uh, you have an argument for it being
15 outside of his authority. I can -- I could see where
16 that's going. Um, but there's a -- there's an appeal
17 process for that, that another judge can review, or
18 another court can review the case (inaudible -
19 0:05:20) --

20 Bereki: Gil?

21 Hernandez: -- (inaudible - 0:05:20) who is outside --

22 Bereki: Gil? I went to that process and the three appellate
23 justices did the same thing.

24 Hernandez: (Inaudible - 0:05:29).

25 Bereki: They did exactly the same thing. And no joke -- I --



1 I mean I -- I'll just share with you that, like on the
2 22nd of June the U.S. Supreme Court came down with a
3 ruling that very much supports my case, and the
4 accusations that I'm making to you right now.
5 However, there's still criminal vi- -- so if a j- --
6 if -- if one of your officers acts without authority
7 and takes something from somebody, whether they order
8 someone to do it or not, they are complicit in the
9 taking of property without authority. And that is
10 theft. I'm -- I -- ca- -- I mean maybe we can --
11 Hernandez: (Inaudible - 0:06:05) that's not -- we're not
12 comparing apples to apples here, though. So if an
13 officer took something from a -- took something from a
14 person, wh- -- whe- -- regardless of authority had
15 anything to do with it, just if he took something from
16 a person that didn't belong to them, okay, and for --
17 and he kept it for themselves, for their own personal
18 gain, you're right, that would be theft. Uh, if they
19 weren't allowed, they didn't have permission and they
20 -- they didn't have a right to his property. Um, but
21 i- -- what we're talking about is a judge making a
22 decision based on the evidence and the -- the facts
23 that he considered in -- in that case. And he made a
24 decision, uh, that was of no personal gain to him, was
25 just a decision, like many others he's made in his



1 career, and that -- they have either -- the -- the
2 judicial system has a, uh, uh, a hierarchy that we are
3 not part of, you know what, uh, uh -- a law
4 enforcement entity does not go in and -- w- -- we're
5 not part of the appeal process to rectify a, uh, a --
6 a --

7 Berekhi: I -- I understand. Gil, I understand that you're
8 saying. But there -- there is a crime that's been
9 committed. And you are the principle law enforcement
10 agency --

11 Hernandez: That's --

12 Berekhi: -- for dealing with the commission of crimes that
13 violate the penal code. Now if 484 or 487 isn't the
14 statute that we need to look at, then let's go with
15 211. Because that is the taking of property by means
16 of force or fear. And that has occurred. And it
17 doesn't -- it -- it -- whether the person takes the
18 property and gives it to someone else and they don't
19 keep it is -- ha- -- is not an element of either one
20 of those statutes. It is the taking of property. You
21 can give it away after you take it, you can give it to
22 someone else if you want to. You can turn it in to
23 charity for all it matters.

24 Hernandez: Um, I think we're stretching even -- even talking
25 about, uh, 487. Um, now force or fear by a court, uh,



1 does not, uh, fit the definition of force or fear.

2 Now even though a court can compel you to do something
3 because of the legal system, they can compel people to
4 -- but they can also, uh, the -- the court hears
5 arguments on both sides and they make decisions based
6 on evidence provided.

7 Bereki: Right. S- -- so -- so I --

8 Hernandez: There's no -- there's no force or fear there.

9 Bereki: Oh -- oh -- oh --

10 Hernandez: (Inaudible - 0:07:21) definition of 211.

11 Bereki: -- okay, s- -- so --

12 Hernandez: So I respectfully disagree with you.

13 Bereki: Okay, I -- I -- I respect your disagreement. But
14 let's say that a judge -- let's say that a police
15 officer, um, he's off duty, and he goes to someone's
16 house and he takes something from them, all right?
17 And he says, "Oh, I'm -- I'm --"

18 Hernandez: (Inaudible - 0:08:53) apples to apples, Adam.

19 Bereki: Okay, well --

20 Hernandez: Apples to apples. With the -- the scenarios you're
21 giving me are not even close --

22 Bereki: Okay.

23 Hernandez: -- to what we're dealing with (inaudible - 0:09:00).

24 Bereki: S- -- so -- so -- okay, let me explain it in a
25 different light. Let me explain it in a different



1 light. Would you agree -- we'll go step by step.

2 Would you agree that the constitution and the laws of
3 the State of California authorize judges to perform
4 certain behaviors?

5 Hernandez: Yes.

6 Bereki: Okay. And would you agree that the constitution and
7 the laws of the State of California also withhold
8 certain authority from judges to do certain things?

9 Hernandez: I -- I don't know. I don't know. I mean -- I think
10 -- I think it would --

11 Bereki: Okay.

12 Hernandez: -- (inaudible - 0:09:32) any -- any citizen from
13 breaking the law --

14 Bereki: Oh -- oh -- okay.

15 Hernandez: -- (inaudible - 0:09:35) no judge is above that.

16 Bereki: Okay. Okay. So -- so let's just -- I know it's not
17 apples to apples but let's just really simply go to
18 the fa- -- to the example of -- of an officer in a
19 police department. The law confers on a police
20 officer --

21 Hernandez: They're not (ph) (inaudible - 0:09:49) -- Adam --
22 Adam -- Adam -- out of courtesy for your time and my
23 time let's stick to apples to apples.

24 Bereki: Uh, uh -- okay. I --

25 Hernandez: That -- that -- that would be better.



1 Berekhi: I -- I will stick to apples to apples, but I -- I do
2 feel that I'm being respectful of your time. I'm just
3 trying to explain th- -- the aspect of the judge and
4 then I will move on. Can you -- can I have that time
5 to just make that one little explanation?

6 Hernandez: Sure.

7 Berekhi: Okay. So -- so would you agree that the laws of the
8 State of California and the constitution confer on
9 police officers powers to do certain things?

10 Hernandez: Yes.

11 Berekhi: Okay. Would you also agree that the laws of the State
12 of California and the constitution withhold certain
13 powers and authority from police officers?

14 Hernandez: Yes, that's -- that's reasonable.

15 Berekhi: Okay. The same thing applies to all public officials.
16 There are limits to their authority, things that they
17 cannot -- can and cannot do. When they do those
18 things within their authority they are under immunity
19 for performing those acts. Like let's say that, um,
20 uh, a pol- --

21 Hernandez: You have five seconds (ph) (inaudible - 0:10:57).

22 Berekhi: Okay. Okay. So now, if an -- a public official does
23 something and they do not have authority to do it,
24 they are no longer acting as a public official because
25 they are without the balance of their duties.



1 Hernandez: Okay.

2 Bereki: Their duties say you must do X, Y and Z. If they
3 don't do X, Y or Z, they're not acting in that
4 official capacity. So they're not acting as a judge.

5 Hernandez: So -- okay, let me -- let me -- let me ask you this.
6 Um, if -- if the judge dec- -- uh, uh -- decides in
7 your favor or against your favor, uh, a- -- and you
8 disagree with -- or the other side dis- -- disagrees
9 with it, disagreed with his decision --

10 Bereki: Correct.

11 Hernandez: -- there is a process to review that further.

12 Bereki: Correct.

13 Hernandez: Right?

14 Bereki: But what I'm talking to you about --

15 Hernandez: So it's (inaudible - 0:11:54) you --

16 Bereki: Gil?

17 Hernandez: -- (inaudible - 0:11:55) committed a theft, there is
18 a process for --

19 Bereki: Yes.

20 Hernandez: -- (inaudible - 0:11:59) being judged by a court of
21 law, right?

22 Bereki: It --

23 Hernandez: (Inaudible - 0:12:02). So they -- it's an
24 allegation against you. The police comes in,
25 investigates. Then provides that investigat- -- the



1 outcome of that investigation to the court. Now the
2 court -- or to the -- the DA's office. The DA's
3 office could say, "Not enough evidence to file." Or,
4 they say, "No, we have enough evidence to file." The
5 court now hears the case. Defen- -- the defendant has
6 an opportunity to defend themselves. They're innocent
7 until proven guilty, right? And at some point, based
8 on the laws of our land, we have agreed that the final
9 word is with either a jury or the judge.

10 Bereki: No, we have not.

11 Hernandez: (Inaudible - 0:12:47).

12 Bereki: That is -- that is incorrect. That is incorrect
13 because the supreme law of the land is actually the
14 Constitution, not what a judge says or does.

15 Hernandez: And in the Constitution it states that at some
16 point, when we can't agree, somebody's gotta make that
17 decision. Somebody's gotta -- somebody's gotta be the
18 -- the -- the -- the mediator or that -- that -- the -
19 -the final word. And we have to accept, whether we
20 like it or not.

21 Bereki: N- -- yes.

22 Hernandez: (Inaudible - 0:13:16) outcome of that decision.

23 Bereki: That -- that -- that what you are talking about is
24 when a judge is using lawful authority. You've left
25 out the point that is the paramount importance here,



1 which is that they acted without authority.

2 Hernandez: Okay.

3 Bereki: Without law.

4 Hernandez: Let's -- let's -- let's take it -- now let's take
5 it --

6 Bereki: Okay.

7 Hernandez: -- that -- the process for that, because they are
8 human, right? The process for that is if they out- --
9 acted outside of their authority, within the scope of
10 a -- a -- a court proceeding --

11 Bereki: Okay, there's another point right there --

12 Hernandez: -- okay?

13 Bereki: -- that is not within the scope of a court proceeding.

14 Hernandez: Well that -- and that -- now we're getting into
15 legal definitions here.

16 Bereki: Okay. W- --

17 Hernandez: He didn't -- he didn't step off his bench and
18 emptied your pockets. He didn't -- he didn't wait for
19 you in the parking lot and emptied -- if a judge did
20 that, absolutely.

21 Bereki: Okay. Okay, let's -- Gil --

22 Hernandez: (Inaudible - 0:14:11) like that.

23 Bereki: -- Gil -- Gil, let's stay right there. What is the
24 difference, then -- let's say this -- I'm gonna use
25 apples to apples here. You're talking about a judge



1 takes something -- if a judge came to my person while
2 I'm walking down the road, he takes money out of my
3 pocket and he gives it to someone else. You're
4 saying, in that instance, I could report a crime to
5 you. But now if I judge puts on a black robe and sits
6 on a bench inside of a room and he says, "Oh, I'm a
7 judge, now take out that million dollars in your
8 pocket and give it to that person," you're saying
9 that that's not theft? And the judge had no authority
10 to do -- to make that order. See? It's -- it's what
11 -- this si- -- the situation is very simple. I'll put
12 it to you like this. A motorist, driving down the
13 road gets pulled over by a police agency for not
14 having a driver's license. The cops -- writes a
15 ticket, cite and release. They go down to court and a
16 judge says, "Okay, first time offense. The fine for
17 that is \$250." All right? That's been taken to be a
18 reasonable and necessary fine. It is within the law.
19 It is within the excessive fines clause, and every bit
20 of authority was done there.

21 Hernandez: Right.

22 Bereki: Take no problem with the cop, no problem with the
23 judge, no problem, nothing.

24 Hernandez: (Inaudible - 0:15:31).

25 Bereki: Now let's say in that same example that person gets



1 the ticket, they go down to court and the judge says,
2 "You're to give your entire life savings to the -- to
3 the State of California." And you say, "Under what
4 authority?" And he says, "Under my authority. You're
5 to give your entire life savings. And if you don't,
6 you're going to bankruptcy." Now in that situation
7 the judge does not have authority to render a judgment
8 in that amount. The only authority he has to render
9 the -- that -- the judgment in is for the \$250.
10 That's what the legislature has said, "Here's the
11 amount that the judge can order." If he goes beyond
12 that amount he's not acting within authority. And so
13 he's not sitting in the capacity as a judge. He is
14 taking something from someone, whether giving it to
15 the state or giving it to another person, that he has
16 no authority to take. So now, in the case of my -- my
17 situation, I was fined a million dollars, that's 46
18 times my net worth, for not having a construction
19 license, allegedly. There is no law in the State of
20 California -- and I'll be happy to show you all the
21 laws on the subject, that authorizes a judge to take
22 that amount. Just to give you a -- a -- a --
23 something to compare to, the maximum criminal penalty
24 that a judge can order in a criminal, unlicensed
25 contractor case, is \$5,000 -- 5,000. Oftentimes they



1 award --

2 Hernandez: (Inaudible - 0:17:12) civil or criminal?

3 Bereki: That is criminal.

4 Hernandez: But wa- -- was -- was this in a civil court or -- or
5 criminal court?

6 Bereki: This was in a civil case but it's really --

7 Hernandez: (Inaudible - 0:17:21) --

8 Bereki: -- here's the problem -- it is really a criminal case
9 because the statute --

10 Hernandez: But it was in a civil court, though, right?

11 Bereki: But n- --

12 Hernandez: It's civil courts do grant judgments that are beyond
13 5,000. Way beyond that. You know that.

14 Bereki: Correct. But here's the thing, Gil. First off --

15 Hernandez: Sometimes ridiculous amounts.

16 Bereki: -- they -- they have to --

17 Hernandez: (Inaudible - 0:17:40).

18 Bereki: -- they have to be within the confines of the
19 Constitution. And there are criteria within the
20 Constitution. Number one, in the case that I sent
21 you, was by a California court. It says that you have
22 to take into a- -- account the reasonableness of the
23 offense. A million dollars is not reasonable.
24 Second, you have to take into account the person's
25 ability to pay. How am I going to pay something



1 that's 46 times my net worth? These are all criteria
2 that have been established by the United States
3 Supreme Court and the California Supreme Court that
4 require judges to act within their authority. If they
5 don't take into account these considerations they're
6 not acting within the authority and their judgment is
7 void. I- -- i- -- i- -- i- -- it's -- it's not
8 difficult. I- -- i- -- i- -- it just -- th- -- it --
9 it's impossible, that either under the excessive fines
10 clause of the State of California, or the United
11 States, which are both in your policy that you have to
12 respect, the rights of state -- the state citizens and
13 citizens of the United States, and here I'm reporting
14 to you a public official who is not following these
15 duties, and therefore committing a crime.

16 Hernandez: It doesn't apply to that. And that's why -- so here
17 -- let's -- let's just go down that road, okay?

18 Bereki: Okay, yeah.

19 Hernandez: You -- you come -- you come in. I take your
20 statement.

21 Bereki: Great.

22 Hernandez: You -- you gi- -- you give me, uh, uh -- the
23 evidence that you provided in court, and -- and your
24 transcripts and -- and I -- I -- I book them into
25 evidence and I take your statement.



1 Berekí: Great.

2 Hernández: Basically, you know, you -- you went to court for
3 this and -- and, uh -- the -- the other party alleged
4 this, or you alleged this, or whatever. We go through
5 the whole thing. Record it. We upload it. And then,
6 uh, we send it to the DA's office.

7 Berekí: Okay.

8 Hernández: Uh, a- -- oh, uh, at some point we request, uh, uh,
9 an interview with the judge.

10 Berekí: Okay.

11 Hernández: "Uh, Judge, uh, w- -- uh, we'd like to sit down with
12 you." "I don't have time." Okay, let's try to get a
13 -- let's try to get a court order to, uh, compel that
14 judge to come provide a statement, uh, on a -- on a
15 decision that he made in a civil court, uh, to a local
16 police department --

17 Berekí: Okay.

18 Hernández: -- which I -- I would venture to say that has never
19 been done.

20 Berekí: I've never heard of compelling someone to make a
21 statement.

22 Hernández: Right.

23 Berekí: You can't do it.

24 Hernández: (Inaudible - 0:20:19) --

25 Berekí: So it's not --



1 Hernandez: -- especially a -- a judge.
2 Bereki: Well anyone.
3 Hernandez: So (inaudible - 0:20:22) --
4 Bereki: So --
5 Hernandez: -- all right, so he says -- so, well -- b- -- le- --
6 le- -- let's -- let's just say what -- what we have,
7 uh, I -- I -- I -- I don't know how we w- -- would
8 even, uh, get -- get a statement from him. Let's say
9 he -- he says, "Okay, uh --" well, that wouldn't have
10 happened (inaudible - 0:20:39).
11 Bereki: Let -- can I interrupt you for just a second? We --
12 y- -- all the time we arrest people, and they don't
13 wanna give a statement. Or we get a crime report
14 about a suspect and they don't wanna give a statement.
15 We cannot compel them.
16 Hernandez: (Inaudible - 0:20:50). Sometimes they do.
17 Sometimes they give -- they give statements. But we -
18 - yeah, we're not gonna do -- we can't compel, you're
19 right.
20 Bereki: Exactly. So -- so this is --
21 Hernandez: (Inaudible - 0:20:55) --
22 Bereki: -- no different. So no different. So I've come down
23 and made a crime report. I said, "The judge committed
24 a crime."
25 Hernandez: Right.



1 Berekhi: You've taken a report. You have all the evidence.
2 And he says, "Look, I don't wanna talk to you. I'm
3 asserting my Fifth Amendment privilege."

4 Hernandez: Right.

5 Berekhi: Or whatever. He's not under arrest at that point but
6 he just says, "I don't wanna talk to you." So then
7 you send the case over to the DA. What's the issue?

8 Hernandez: Right. Right. But before I do that I have to
9 determine a violation of the law.

10 Berekhi: Okay. Great.

11 Hernandez: And -- and it doesn't fall under, uh, 487, uh, 211,
12 uh, you know, uh --

13 Berekhi: Okay, so let's go to -- let's go to 487.

14 Hernandez: -- (inaudible - 0:21:31) section are you talking
15 about --

16 Berekhi: Okay.

17 Hernandez: -- a judge, uh, me basically, uh, contradicting the
18 de- -- the decision of a -- of a judge in his court.

19 Berekhi: No, you're -- you're contradicting the decis- -- the
20 taking of property without judicial process. It is
21 different if I'm just --

22 Hernandez: (Inaudible - 0:21:54) the process, right? You were
23 in court, and --

24 Berekhi: -- yeah, but it was not a lawful process. They didn't
25 follow the law.



1 Hernandez: (Inaudible - 0:21:59) finding against you (ph).

2 Bereki: Correct. Correct. But the finding was not made by
3 lawful process.

4 Hernandez: So Adam, this is what I'm saying. This is -- this -
5 - s- -- so this -- that, I've -- I -- I would venture
6 to say, has happened because that's why we have an
7 appellate court system, and --

8 Bereki: Okay, but Gil?

9 Hernandez: -- (inaudible - 0:22:20) and those appellate courts
10 have reversed findings based on, uh, (inaudible -
11 0:22:25).

12 Bereki: Correct. I agree with you. But if the appellate
13 court makes the same errors, now what? I'm still out
14 a million dollars and it wasn't done lawfully.

15 Hernandez: Then --

16 Bereki: And that is a crime --

17 Hernandez: -- (inaudible - 0:22:36) then maybe there weren't
18 errors.

19 Bereki: They are. The Supreme Court of the United States just
20 came out and said they are.

21 Hernandez: So then why don't you appeal it to the next court?

22 Bereki: There is no appeal to be made. Gil, it's over.

23 Hernandez: So -- so then you wanna go all the way down to the
24 city police department to -- to find some justice here
25 where you've gone to higher courts, and they told you



1 --

2 Berekhi: Okay, let's -- let's -- let's read 484 of the penal
3 code. It says --

4 Hernandez: Adam, it does not apply.

5 Berekhi: Gil?

6 Hernandez: I'm telling you right now. You can waste your time,
7 uh, (inaudible - 0:23:15) --

8 Berekhi: Can you show me -- can you please re- -- tell me where
9 in there it doesn't apply? I am -- I am happy -- I am
10 open-minded, I'm open-hearted, I'm reasonable. I
11 would like to see here how it doesn't apply. It says
12 "every person" -- does that include a judge?
13 Absolutely. The word "person" includes a judge --
14 "who shall feloniously --"

15 Hernandez: (Inaudible - 0:23:39). It's -- it -- it's -- it --
16 it does not include a judge in his court. Adam, you
17 know that.

18 Berekhi: I -- I don't know that, Gil.

19 Hernandez: (Inaudible - 0:23:45) performing the duties of his
20 job. If -- if --

21 Berekhi: No. If he's not -- if he's not --

22 Hernandez: -- (inaudible - 0:23:52) --

23 Berekhi: -- okay.

24 Hernandez: -- which is different.

25 Berekhi: So, Gil, can you give me the example -- we're just



1 gonna take authority here. It doesn't matter whether
2 we're talking about a judge or a police officer. But
3 what can a police officer do that is not within his
4 tho- -- authority that he can be held criminally
5 liable for? If he does an act --

6 Hernandez: Adam?

7 Bereki: -- and he's -- he -- he is not authorized by the law
8 of the state to do that act, he's not acting in
9 official capacity anymore. And he can be sued civilly
10 and held criminally liable. A police officer's not
11 above the law --

12 Hernandez: Correct.

13 Bereki: -- and neither is a judge. When they are a- -- when
14 they take actions that are with -- that are clearly in
15 violation of penal law or constitutional law, they are
16 not acting within their authority. And so -- so just
17 as if one of your officers pulled me over and ripped
18 out my stereo and took it I could come down to your
19 police department and I could say, "Hey, he stole this
20 item of mine." And you could say, "Yep, he took the
21 stereo, he was not acting within his authority. We're
22 going to file criminal charges against him." He wh- -
23 - did it even when he was in a uniform. Or you could
24 do what -- what -- what you're saying right now is you
25 could say, "Well, Adam, the officer thought it was in



1 his legal authority to take your stereo. So he's not
2 committing a crime. I'm not gonna take a report."
3 That's what you're saying to me.

4 Hernandez: That's not what I'm saying to you because those are
5 two different scenarios. If a officer too your
6 stereo, that's your property.

7 Bereki: Okay, but --

8 Hernandez: (Inaudible - 0:25:30) from you for his own personal
9 gain, at -- outside of a courthouse --

10 Bereki: Okay.

11 Hernandez: -- um, either outside of his jurisdiction -- this is
12 a judge that acted in his jurisdiction (inaudible -
13 0:25:40) --

14 Bereki: No, that's what I'm saying to you.

15 Hernandez: -- (inaudible - 0:25:41) system.

16 Bereki: That is what I'm saying to you, Gil.

17 Hernandez: (Inaudible - 0:25:44) you don't agree with what is -
18 - what his -- what his findings were --

19 Bereki: It's -- no --

20 Hernandez: -- but a -- a -- a higher court also agreed with
21 him.

22 Bereki: Uh, no, they didn't.

23 Hernandez: Oh man.

24 Bereki: The United States Supreme Court actually disagreed
25 with them.



1 Hernandez: Adam, the -- the -- the United States Supreme Court
2 did not hear your case.

3 Bereki: They heard a case --

4 Hernandez: (Inaudible - 0:26:04) appellate. It was an
5 appellate court, right?

6 Bereki: Okay. Hang on a minute. Let -- let's --

7 Hernandez: Adam --

8 Bereki: -- le- -- we're tal- -- we're -- we're going -- like
9 we're talking about different things at the same time.

10 Hernandez: Adam, but yeah, but you -- you're -- you're --
11 you're tracking (ph), um, maybe similar cases, but
12 just the way -- a- -- and I haven't read the cases
13 that you (inaudible - 0:26:19) provided --

14 Bereki: Okay.

15 Hernandez: -- (inaudible - 0:26:21) --

16 Bereki: I -- okay.

17 Hernandez: -- some -- some legal professional has to make those
18 legal interpretations of the cases if they even apply.
19 'Cause they may not even apply.

20 Bereki: I -- uh --

21 Hernandez: So (inaudible - 0:26:33) --

22 Bereki: Gil, I understand what you're coming from. But what
23 you're saying --

24 Hernandez: -- (inaudible - 0:26:35) you're comparing -- by the
25 way you're comparing, um, uh, uh (inaudible -



1 0:26:42), uh, scenarios (inaudible - 0:26:44) your
2 case, I -- I would (inaudible - 0:26:46) -- I -- I
3 would guess that that case file that you provided
4 (inaudible - 0:26:50) isn't even comparable to what
5 you (inaudible - 0:26:52) doing.

6 Bereki: Okay, and -- and what -- on what grounds would you
7 make that assumption?

8 Hernandez: Just based on the way (inaudible - 0:26:58) of
9 theft, of (inaudible - 0:27:04 to 0:27:08) property on
10 the street by -- by -- by (inaudible - 0:27:12) it's
11 not even close.

12 Bereki: N- -- okay, but -- but -- but the -- the point that
13 you're missing is that you keep saying that the -- you
14 said the judge did it within his jurisdiction. The
15 word jurisdiction means authority.

16 Hernandez: But Adam, that's you. That's your opinion. That's
17 (inaudible - 0:27:27) --

18 Bereki: It's -- it's -- it's not, Gil.

19 Hernandez: You can have another court that -- you had another
20 court that reviewed your case, and also agrees with
21 it. But (inaudible - 0:27:36) --

22 Bereki: Gil, they did not.

23 Hernandez: -- (inaudible - 0:27:38).

24 Bereki: They did not. Gil, they did not. Okay? I- -- i- --
25 le- -- let me -- let me back up --



1 Hernandez: (Inaudible - 0:27:42).

2 Bereki: Okay, okay. Le- -- let -- let me -- let me explain
3 what happened, okay? There's something in law that's
4 called disgorgement. The word disgorgement basically
5 means to give up. But in law that action, the w- --
6 the action of disgorgement, just like the action of
7 theft or the action of robbery, has certain elements
8 to it. Those elements, for an action for
9 disgorgement, are basically that you have to give up
10 your profits when you commit a wrong. It's the same
11 thing in a robbery. A guy goes down, he robs a bank.
12 He's been unjustly enriched by however amount he
13 robbed the bank. Let's just say it's 20 grand. He --
14 he then has to give back, he has to make restitution
15 for the money that he took, the money that he profited
16 illegally.

17 Hernandez: Yes.

18 Bereki: S- -- so the judge orders that he give back the
19 \$20,000. That is an order for disgorgement. That's
20 lawful. Okay, now --

21 Hernandez: Yes.

22 Bereki: -- let's say you hire me to build you a custom house.
23 You -- you pay me a million dollars and I go out and I
24 buy all the materials, and I hire all the laborers,
25 and I build you th- -- the house, valued at a million



1 dollars. Now you find out, you say, "Uh-oh, Adam
2 wasn't licensed." You go down to the court and you
3 say, "I want disgorgement. He didn't have a license
4 to do my project." So under a cause of action for
5 disgorgement the judge can refund -- well, the --
6 under a cause of action for disgorgement the judge is
7 authorized to refund the amount that I profited. So
8 what you have to do is when you have to say, "Look,"
9 you have to call in an expert witness, and you have to
10 say, "We went through his accounting, we went through
11 of his records. He profited \$100,000 off of this
12 million-dollar contract." And that is the amount that
13 I would have to refund. That is not what they did
14 here.

15 Hernandez: (Inaudible - 0:29:41).

16 Bereki: There is no evidence of that. They took the entire
17 million dollars and made me refund the million
18 dollars, and the people kept their house. That's the
19 problem. So now, when it came to what the Sup- --
20 U.S. Supreme Court ruled on just recently, they -- it
21 was in the context of something called SEC
22 disgorgement. And this is when a -- a -- a day trader
23 commits Securities and Exchange fraud on people that
24 are making investments with them. It's the same type
25 of action. They -- they took money that they didn't



1 have the right to take and they have to give back the
2 money that was illegally taken. But what the Supreme
3 Court said, which is the same thing I'm saying to you,
4 is the court is required to make offsets for the
5 reasonable value of services that were provided, in
6 other words, meaning that in my situation the court
7 had to take into account that I provided a million
8 dollars' worth of remodel construction to these
9 people.

10 Hernandez: (Inaudible - 0:30:50) --

11 Bereki: And the court never did that.

12 Hernandez: (Inaudible - 0:30:53) --

13 Bereki: Because the court didn't do that it's no longer a
14 civil judgment. It becomes a penal judgment. And
15 because it's a penalty it's subject to the excessive
16 fines clause of both the California constitution and
17 the United States Constitution. And in those
18 excessive fines clauses they withhold authority from a
19 judge to issue a fine unless it meets certain
20 criteria. The clauses -- the excessive fines clause
21 say "excessive fines shall not be imposed." In the
22 same thing it says a -- a police officer shall not
23 take property that does not belong to them. It's the
24 same thing. So --

25 Hernandez: Okay, so (inaudible - 0:31:35) --



1 Bereki: -- if you -- so --

2 Hernandez: -- I -- I'm not qualified to agree or disagree with
3 that, uh, I -- I (inaudible - 0:31:39) --

4 Bereki: Okay. Okay, so --

5 Hernandez: -- (inaudible - 0:31:41) time --

6 Bereki: -- that -- that is -- that's fine. But what I am --

7 Hernandez: (Inaudible - 0:31:44) --

8 Bereki: -- what is within your purview, that I believe you are
9 qualified, is that if I come to you and I'm able to
10 make a complaint that shows that a public official,
11 acting without lawful authority, is taking something
12 from me, whether it's given to something else, is not
13 a -- a -- a matter of the statute. It says, "Every
14 person who shall feloniously steal, take, carry, lead
15 or drive away the personal property of another, or who
16 shall fraudulently appropriate property which has been
17 entrusted to him or her, or who shall knowingly and
18 designedly, by any false or fraudulent representation
19 or pretense, defraud any other person of money, labor
20 or real or personal property --" it goes on to say
21 all of those things, which are in 484. Those are all
22 the taking of property without a lawful authority.
23 That is theft.

24 Hernandez: Right, now because you say --

25 Bereki: No, I -- I'm not saying because I say, Gil.



1 Hernandez: -- (inaudible - 0:32:51).

2 Bereki: The Constitution says it.

3 Hernandez: That's where -- that's where you lose that and --
4 and (inaudible - 0:32:55) --

5 Bereki: Gil?

6 Hernandez: -- and there was no personal gain, none of that
7 applies, that you just read right now -- none of that
8 applies, and the -- and the difference is -- if -- if
9 -- even if it did -- if it did apply, you say he's
10 outside of his au- -- his lawful authority.

11 Bereki: Well it is your duty to investigate whether he is
12 within or without his lawful authority. I am -- I am
13 reporting to you that a public official that I believe
14 a crime has been committed and a public official is
15 acting without authority in the taking of my property.
16 It is then your duty, under your, um --

17 Hernandez: But -- but it's not -- it's not.

18 Bereki: -- policy.

19 Hernandez: It's -- you're right, if there was a crime. If
20 there was a -- if there was (inaudible - 0:33:34) --

21 Bereki: Well, y- --

22 Hernandez: -- statute that we could investigate --

23 Bereki: There is.

24 Hernandez: -- uh, uh, in -- in good -- in (inaudible - 0:33:39)
25 --



1 Berekí: There is.

2 Hernandez: -- if we could in- -- if we could investigate it and
3 there isn't, Adam. There isn't.

4 Berekí: Okay, can you please --

5 Hernandez: Not -- not -- not based on -- not based on the
6 circumstances that you describe. If -- if -- if this
7 was -- this -- this is based on a legal proceeding in
8 a court of law. And w- -- w- -- i- -- which is where
9 this occurred.

10 Berekí: Okay.

11 Hernandez: If -- if it were -- if it were outside of that I
12 would say, "You know what? Let's look at this." Or,
13 "Let's have the DA's office look at this." A- -- a- -
14 - absolutely. I would- -- I would refer you. I would
15 even say, "Let's have a DA investigator, uh, contact
16 you and -- and -- and examine this (inaudible -
17 0:34:19) --

18 Berekí: Okay. Why don't -- why don't we do that? Because
19 you've shared with me --

20 Hernandez: (Inaudible - 0:34:24). No, you should call the DA's
21 office and maybe -- maybe you -- you get a better, um,
22 from them directly. (Inaudible - 0:34:24) would have
23 to file this (inaudible - 0:34:34) --

24 Berekí: O- --

25 Hernandez: -- regardless of what we (inaudible - 0:34:35).



1 Berekí: Right, but the D- -- but --

2 Hernandez: (Inaudible - 0:34:35) a spectacular investigation.

3 Berekí: -- the -- the investigation has to begin with you,
4 from my understanding. Now I may be wrong there. Can
5 --

6 Hernandez: Well --

7 Berekí: -- can be DA --

8 Hernandez: -- (inaudible - 0:34:45). I mean the -- the -- what
9 you're alleging -- we have never, ever (inaudible -
10 0:34:50) case like that. (Inaudible - 0:34:53) that,
11 from my 20 years on the job.

12 Berekí: I -- I agree. I never heard anything like that
13 myself.

14 Hernandez: (Inaudible - 0:34:58).

15 Berekí: But it --

16 Hernandez: (Inaudible - 0:34:59) go to (inaudible - 0:34:59),
17 local law enforcement agency has ever done that
18 before.

19 Berekí: Doesn't matter.

20 Hernandez: It --

21 Berekí: Doesn't matter. I'm coming to you with --

22 Hernandez: -- (inaudible - 0:35:07) --

23 Berekí: -- the basics -- uh, I'm coming to you with an
24 allegation that a public official is acting without
25 their authority to take property from me. Whether



1 they -- it -- it doesn't matter if they dressed up in
2 a costume and worn a black robe or they donned the
3 uniform of a patrol officer, it doesn't matter. If
4 they don't have authority to --
5 Hernandez: Adam?
6 Bereki: -- take it it's theft.
7 Hernandez: Adam?
8 Bereki: Yes, Gil?
9 Hernandez: Uh, I -- out of all respect to you I'm not gonna,
10 uh, uh -- I don't wanna, uh, uh, be out of line, or --
11 or -- or be disrespectful to you. I think I -- I mean
12 we've spoken here for, uh, close to 40 minutes now --
13 Bereki: Okay.
14 Hernandez: -- uh, and y- -- you're not gonna convince me that a
15 crime has occurred here.
16 Bereki: Okay, that's great.
17 Hernandez: (Inaudible - 0:35:55) --
18 Bereki: So -- so now --
19 Hernandez: -- extent -- not even to the extent that we should
20 investigate (inaudible - 0:36:00) --
21 Bereki: Okay, great.
22 Hernandez: -- okay?
23 Bereki: Gil?
24 Hernandez: I'm not gonna tell you (inaudible - 0:36:02) --
25 Bereki: I hear you.



1 Hernandez: -- tell you.

2 Bereki: I hear you.

3 Hernandez: Um, uh, we're out of our jurisdiction here. It --
4 even -- if something had occurred there's an appeal
5 process for that. Uh, I don't think you are
6 interested in -- in -- in pursuing that, or I don't
7 know if that's even an option anymore, um --

8 Bereki: Um, all of those options have been pursued, and the
9 people that -- the appellate justices are committing
10 the same lawful violation that the trial court judge
11 is. I -- what I'm -- what I'm reporting to you is a
12 systemic problem in California, a systemic, criminal
13 problem --

14 Hernandez: (Inaudible - 0:36:37) --

15 Bereki: -- being perpetrated by judges.

16 Hernandez: Let me ask you this.

17 Bereki: Yes?

18 Hernandez: And -- and I think you'll agree with me, that who
19 gives the power to the judicial branch to be able to,
20 uh, uh, decide on -- on -- on, uh -- on -- on, um, the
21 statutes established -- statutes -- statutes?

22 Bereki: The people by way of the Constitution.

23 Hernandez: (Inaudible - 0:37:01) --

24 Bereki: Article one, section 10, or --

25 Hernandez: -- (inaudible - 0:37:03) --



1 Berekhi: -- I'm --

2 Hernandez: -- the only, um, uh, segment of government that can
3 -- can make alterations to that, or -- or -- or enact
4 new laws to -- to prevent, the (inaudible - 0:37:19) -
5 -

6 Berekhi: Okay, well what you're talking about, Gil, the example
7 that you gave me, is a judge acting within his
8 authority.

9 Hernandez: Okay, so -- so if -- if there's -- if there's
10 something wrong with our system --

11 Berekhi: No, there's nothing wrong with it, they're just not
12 acting within their authority.

13 Hernandez: So who would hold the judicial branch accountable if
14 they -- if they acted outside of their authority?

15 Berekhi: Well, it depends. If what they did was a criminal act
16 you would go to the police department where the crime
17 occurred, and you would make a crime report. Because
18 i- -- because the law -- the -- the -- the penal code
19 --

20 Hernandez: (Inaudible - 0:38:01) --

21 Berekhi: -- applies to everybody.

22 Hernandez: But it does not pertain to s- -- to -- to legal
23 proceedings within the court of law.

24 Berekhi: But that's if --

25 Hernandez: It does not apply to that.



1 Berekí: -- if -- if the judge is acting within his authority.

2 Hernández: Adam --

3 Berekí: I agree with you.

4 Hernández: -- (inaudible - 0:38:18) does not apply to judicial
5 proceedings within the court of law.

6 Berekí: Okay, so you're saying that a --

7 Hernández: (Inaudible - 0:38:24) --

8 Berekí: -- judge can commit a crime in a courtroom? He can
9 just completely, like -- let's say that you went in
10 there and, um, let's say you were a -- you were in
11 divorce proceedings and the law says that the judge is
12 to give 50 percent to you and 50 percent to your -- to
13 your wife. But what if the judge came in and said,
14 "Okay, Gil, I want you to give your wife a million
15 dollars." And you said, "Judge, on what authority?"
16 "Well, because I said so."

17 Hernández: So then you go to the district court of appeals,
18 which is a higher authority --

19 Berekí: Right.

20 Hernández: -- and (inaudible - 0:38:58) that judge (inaudible -
21 0:38:58) --

22 Berekí: And then the district court of appeal --

23 Hernández: -- (inaudible - 0:39:01) police department (ph) is
24 not a higher authority than that judge. That's what
25 I'm trying to say.



1 Berekí: O- --

2 Hernandez: It's like -- it's like you're -- you're -- you know,
3 y- -- y- -- you feel like you're, uh -- like you're,
4 uh, your mom did something, uh, you know, your mom
5 didn't feed you enough, uh, protein in your dinner.
6 And so you -- y- -- you -- you go and you tell your
7 little brother.

8 Berekí: No, Gil, Gil?

9 Hernandez: Uh, (inaudible - 0:39:20) Mom -- Mom -- Mom
10 (inaudible - 0:39:24)," when you should have went to
11 the -- you know, y- -- your dad or -- or her -- or --
12 or your grandfather to -- to rectify it.

13 Berekí: No.

14 Hernandez: (Inaudible - 0:39:31) your little brother's not
15 gonna fix it.

16 Berekí: Gil, I think you're --

17 Hernandez: (Inaudible - 0:39:33) what you're doing.

18 Berekí: -- no, it's not, okay? Because what -- the -- the --
19 the analogy that you're using is not the -- the actual
20 level of authority is the law itself. It's not the
21 police department. You are --

22 Hernandez: But ultimately -- ultimately i- -- it's -- okay, so
23 ultimately if we package this case (ph) and let's say
24 the DA's office said this -- this was wrongdoing here,
25 who is gonna decide on that case down the line?



1 Another judge.

2 Bereki: Correct. That's the law.

3 Hernandez: (Inaudible - 0:40:03).

4 Bereki: That -- just like if you broke the law or I broke the
5 law, a judge --

6 Hernandez: (Inaudible - 0:40:07).

7 Bereki: -- is gonna decide on it.

8 Hernandez: But there would have to be a legal statute that was
9 violated, and we haven't found one.

10 Bereki: We- -- well y- --

11 Hernandez: We haven't found one. You (inaudible - 0:40:16)
12 found one.

13 Bereki: -- o- -- okay, so -- so -- so -- so let's -- can you
14 pull up, um, 484 on the LegInfo website.

15 Hernandez: 484 is not gonna be it, Adam. I'm sorry. Twenty
16 years on the job, I -- I -- I know what 484 is.

17 Bereki: Okay, c- -- then can you explain why it would not be a
18 -- can you explain to me why it would not be
19 appropriate here?

20 Hernandez: Because -- because, uh, 484 does not cover a
21 judge's, um, discretion (ph) in a court of law.

22 Bereki: Okay, we're not -- but --

23 Hernandez: (Inaudible - 0:40:46) does not apply to that.

24 Bereki: -- Gil, we're not talking about --

25 Hernandez: (Inaudible - 0:40:49) system was set up.



1 Berekhi: Gil?

2 Hernandez: That's not the way your constitution (inaudible -
3 0:40:53) --

4 Berekhi: Gil? We're not talking about a judge's discretion.
5 We're talking ab- --

6 Hernandez: (Inaudible - 0:40:58) --

7 Berekhi: Gi- --

8 Hernandez: -- you're just not recognizing the discretion of the
9 judge. You're no- -- you're not -- you're not
10 recognizing it (inaudible - 0:41:03) other court, an
11 appellate court that is a higher court than the court
12 where you, uh -- that -- that -- that grants the
13 million-dollar, um, uh, fee, uh, (inaudible - 0:41:14)
14 another (inaudible - 0:41:15) higher court --

15 Berekhi: Okay.

16 Hernandez: -- (inaudible - 0:41:18). He's not wrong.

17 Berekhi: Le- -- Gil, let's go back to the -- let's go back to
18 the example of you getting divorced from your wife.
19 So you're in court --

20 Hernandez: Adam, I'm not gonna go back and forth with you.

21 This -- this w- -- this is not (inaudible - 0:41:26) -
22 -

23 Berekhi: Well -- well -- I -- I -- I'd appreciate --

24 Hernandez: You seem like a nice guy. Uh, uh -- maybe -- maybe
25 you would -- maybe, uh, you'd be more open to, um, a



1 conversation with an attorney.

2 Bereki: Gil?

3 Hernandez: That's --

4 Bereki: I've had many conversations with attorneys.

5 Hernandez: -- (inaudible - 0:41:39) --

6 Bereki: I don't -- I don't need to go down --

7 Hernandez: -- (inaudible - 0:41:42) right now.

8 Bereki: What's that?

9 Hernandez: You know, and, uh, you're talking to a police

10 sergeant right now. Um --

11 Bereki: Great.

12 Hernandez: -- right, right, (inaudible - 0:41:50) an attorney's

13 job, but --

14 Bereki: O- -- okay.

15 Hernandez: -- (inaudible - 0:41:53) this is (inaudible -

16 0:41:56) for (inaudible - 0:41:57) your time. I mean

17 this is best suited for a conversation with, uh, a

18 legal professional, and just exactly what you're

19 talking about because --

20 Bereki: Gil?

21 Hernandez: -- (inaudible - 0:42:12) what you would like it to

22 be (inaudible - 0:42:14) me it -- it's just not

23 (inaudible - 0:42:13), Adam.

24 Bereki: Gil?

25 Hernandez: It -- it's not a (inaudible - 0:42:17) --



1 Berekhi: Okay.

2 Hernandez: -- it's not a tool (ph) (inaudible - 0:42:17) --

3 Berekhi: Ha- -- hang -- hang on a minute.

4 Hernandez: -- never --

5 Berekhi: Can you -- can you please explain to me this? L- -- I

6 need to go back to the divorce example really quickly.

7 Let's say that there's --

8 Hernandez: (Inaudible - 0:42:27).

9 Berekhi: -- let's say that there's a law that -- that allows

10 the judge to gi- -- that you have to give 50 percent

11 of your property to your wife, and the judge says, "I

12 don't care about that. Gil, I've heard bad shit about

13 you. You give your wife a million dollars."

14 Hernandez: Adam?

15 Berekhi: And so y- -- Gil, let me finish, please.

16 Hernandez: Adam, I know, but (inaudible - 0:42:44) --

17 Berekhi: Let me finish, please.

18 Hernandez: -- I know what you're gonna say.

19 Berekhi: W- --

20 Hernandez: (Inaudible - 0:42:49) way above and beyond

21 (inaudible - 0:42:51) the million dollars, (inaudible

22 - 0:42:50), you know, the -- the -- the maximum

23 penalty was, uh, \$1,000.

24 Berekhi: Okay.

25 Hernandez: And he goes to a million dollars. I -- I get that.



1 Berek: Okay, so now --

2 Hernandez: Now, it -- that's the same reason -- that's why I
3 asked you if it was a criminal court or if it was a
4 civil court because you, and -- and I'm sure you'll
5 agree with me, you've seen -- uh, it's -- it's, uh,
6 it's -- you can google -- you can go -- you can
7 google, uh, um, uh, settlements, or -- or -- or, uh,
8 uh, civil court, you know, um, uh (inaudible -
9 0:43:22) --

10 Berek: Okay, I -- Gil, I ag- --

11 Hernandez: -- (inaudible - 0:43:23) --

12 Berek: -- okay, hang on a minute. Hang on a minute.

13 Hernandez: -- ridiculous amounts of money.

14 Berek: I -- I do agree with you. However, those judgments
15 that were made were also made within the bounds of the
16 Constitution. What we're talking about here is not.
17 That's the difference.

18 Hernandez: It's not the local police department that rectifies
19 that, though. That --

20 Berek: Okay, so -- so -- so --

21 Hernandez: -- (inaudible - 0:43:44) that process.

22 Berek: -- so -- so --

23 Hernandez: (Inaudible - 0:43:47) you.

24 Berek: -- wa- -- well if -- if a crime has been committed
25 you're a part of that process. So -- so that's a --



1 Hernandez: A crime has not been committed.

2 Bereki: Okay, so let me ask you this. Again, back to the
3 divorce example, really quickly. The judge -- the
4 maximum the judge could take -- let's just say in your
5 divorce proceeding, was \$1,000 and he orders a
6 million. So you say, "Judge, where is your authority
7 to take a million dollars from me?" And he says,
8 "Well, Gil, I just made it up. There isn't any." And
9 you say, "Well, you can't just do that because you're
10 not acting within the law." And so you say, "Okay,
11 fine, Judge. I'm gonna appeal." So you go to the
12 appellate court and the three justices say, "Yeah, he
13 had authority to do that." And so you say to them,
14 "Where? Where is his authority?" And they cannot
15 give it to you. So then you say, "Well wait a minute.
16 Now what's happening is I have a -- I have a process
17 that was designed by the Constitution, that gives the
18 judge, through the legislature, the authority to take
19 a certain amount. And that is the law. The law,
20 black letter law, says in this case Gil is -- Gil has
21 to pay \$1,000. But the judge has ordered a million.
22 So now the judge is taking something from you without
23 lawful authority, meaning theft. If you take
24 someone's --

25 Hernandez: But that's -- that's -- but that's what you're



1 saying, though, but you got three judges that said,
2 "He is (inaudible - 0:45:09) --

3 Bereki: Gil?

4 Hernandez: -- within his authority."

5 Bereki: It di- -- no, the three judges are wrong, and I'm
6 happy to sit down and show that to you.

7 Hernandez: (Inaudible - 0:45:15). So now four judges are --
8 are -- are -- you're saying that four judges now are
9 guilty of some type of theft.

10 Bereki: Yes. And I can show you the Supreme Court case that
11 shows that they're -- that they're -- they're
12 completely guilty. I can show it to you. But you
13 keep --

14 Hernandez: (Inaudible - 0:45:31) --

15 Bereki: -- you keep thinking that -- that there isn't a crime
16 here. And what -- what I -- I don't seem to
17 understand and -- and -- and if you can explain it to
18 me I -- I -- I'm here and open to listen to it. I
19 really am.

20 Hernandez: I don't think you are, Adam.

21 Bereki: If -- if you have a public official --

22 Hernandez: (Inaudible - 0:45:48) accepting the judgment of
23 three appellate judges --

24 Bereki: Gil?

25 Hernandez: -- that are -- that are much more, uh, uh, they're -



1 - they're -- they're legal versed (inaudible -
2 0:46:00) --
3 Berekhi: Okay, and they --
4 Hernandez: -- (inaudible - 0:46:02) than any of us.
5 Berekhi: So let me just give you an example right now.
6 Hernandez: (Inaudible - 0:46:05).
7 Berekhi: Let me give you an example.
8 Hernandez: (Inaudible - 0:46:05).
9 Berekhi: Let me give you another example right now.
10 Hernandez: Adam, I don't need any more examples.
11 Berekhi: Here's the case. Right now --
12 Hernandez: Adam? I --
13 Berekhi: Gil?
14 Hernandez: -- don't need any more examples.
15 Berekhi: Gil? You're --
16 Hernandez: I have to get off the phone now.
17 Berekhi: Okay, so ultimately you're saying you're not gonna
18 take the crime report?
19 Hernandez: We are not gonna take that report.
20 Berekhi: Okay, great.
21 Hernandez: Okay.
22 Berekhi: I would like to speak to --
23 Hernandez: And I -- I would suggest you (inaudible - 0:46:24).
24 You can talk to some -- maybe talk to your legislator.
25 Berekhi: Gil?



1 Hernandez: You -- you -- you did mention that.

2 Bereki: Gil, thank you so much for that. But what I'd like to
3 do right now is either, a) talk to the chief, or b)
4 talk to someone in professional standards so that I
5 can make a complaint for --

6 Hernandez: (Inaudible - 0:46:39).

7 Bereki: -- dereliction of duty. Can you --

8 Hernandez: So Adam, the -- the -- the respondent to your
9 original Public Records Act was Commander Rodriguez.

10 Bereki: Okay.

11 Hernandez: He is our commander of our professional standards,
12 uh, division.

13 Bereki: Great.

14 Hernandez: Okay? So he responded to you. And (inaudible -
15 0:46:56) --

16 Bereki: He -- he responded to a --

17 Hernandez: -- and --

18 Bereki: -- Public Records Act request --

19 Hernandez: Yes --

20 Bereki: -- and now I am making a request to make a complaint
21 for dereliction of duty.

22 Hernandez: Okay, so, are you local?

23 Bereki: I am.

24 Hernandez: Okay. You can come into the station and we will
25 provide you with a complaint form (inaudible -



1 0:47:15).

2 Bereki: Okay, great. Is the --

3 Hernandez: (Inaudible - 0:47:17) --

4 Bereki: -- because of the COVID crisis thing going on right
5 now, is the complaint available, uh, online, or can
6 you email it to me?

7 Hernandez: I can -- uh, you know what? That's a good question.
8 I can mail it to you, for sure.

9 Bereki: Great.

10 Hernandez: Uh, I can mail it to you for sure.

11 Bereki: Great.

12 Hernandez: Uh, is that -- this is -- uh, I -- I will tell you
13 this. It is against our policy to refuse a person
14 from, uh -- that's interested in filing a complaint.
15 So if you wanna do that you -- you are -- you are
16 within your right. I'm not gonna refuse you that.
17 But I'm just -- I -- you know, just out of -- out of
18 courtesy to you -- I mean I spoke to you for 48 -- 49
19 minutes now.

20 Bereki: Great.

21 Hernandez: Okay?

22 Bereki: And I appreciate that.

23 Hernandez: (Inaudible - 0:47:57) I didn't take this lightly.
24 Okay? Um, but I also have a job -- you know, the
25 chief has, uh -- and -- and not that your --



1 (inaudible - 0:48:08) --

2 Bereki: So -- so Gil? Let me ask you this. What if I'm

3 right? What if I'm right?

4 Hernandez: Adam?

5 Bereki: What if I'm right, Gil?

6 Hernandez: Okay.

7 Bereki: What if I'm right?

8 Hernandez: Adam, this is what I'm gonna say to you.

9 Bereki: Mm.

10 Hernandez: Um, you had four judges evaluate this case. We --

11 we here at the police department -- I'll speak for

12 every person here -- we are not -- uh, we would be

13 outside of our jurisdiction to contradict four judges.

14 Bereki: Even if they committed a crime?

15 Hernandez: (Inaudible - 0:48:41).

16 Bereki: Even if they comm- --

17 Hernandez: That's -- that's your opinion.

18 Bereki: No, okay, but I'm just saying let's give a

19 hypothetical example.

20 Hernandez: (Inaudible - 0:48:44).

21 Bereki: If they committed a crime --

22 Hernandez: (Inaudible - 0:48:48) back and forth. I'm sure

23 you're a good guy, Adam. I -- I don't -- I don't

24 wanna be --

25 Bereki: Gil?



1 Hernandez: -- invective (ph) or (inaudible - 0:48:54) --

2 Bereki: I -- I -- I -- I'm not trying to go back and forth
3 with you. I'm just trying to understand that if --

4 Hernandez: (Inaudible - 0:48:57) --

5 Bereki: -- if I came to you --

6 Hernandez: That's the problem. That's where we disagree.

7 There is not crime that has been -- been committed.

8 This was a decision that was made in a court of law

9 that we as a society recognize as the final word. You

10 think people on death row agree with the findings of

11 (inaudible - 0:49:17) --

12 Bereki: If -- if -- if they are within the law -- I get it.

13 You can -- you can be upset --

14 Hernandez: Yeah.

15 Bereki: -- and you can say, "Okay, I don't agree with it, but

16 it's within the law." I'm talking about something

17 totally different, Gil.

18 Hernandez: Right.

19 Bereki: I'm talking about some- --

20 Hernandez: (Inaudible - 0:49:29) by three additional judges

21 that say it was.

22 Bereki: Okay, well here -- let me tell you something right

23 now. Right now the Supreme -- U.S. Supreme Court

24 that I -- case that I'm talking about. It just

25 overruled the Ninth Circuit -- the Ninth Circuit is a



1 court of appeal, and there are three judges that are
2 there, and it just voided their judgment because they
3 said they were wrong for the same reason in my case.
4 Hernandez: Okay, Adam, so then why don't you have your attorney
5 appeal this to the Supreme Court, then?
6 Bereki: Because they c- -- they do not have to hear your case,
7 Gil. It's not a matter of they have to take their
8 case and give you justice. If they don't wanna hear
9 it they don't have to. You're done.
10 Hernandez: Then -- then you're done, Adam.
11 Bereki: No, I'm not done.
12 Hernandez: (Inaudible - 0:50:15).
13 Bereki: I am not done. There is --
14 Hernandez: (Inaudible - 0:50:18) you're seeking -- you're
15 seeking some type of relief through the local police
16 department. Why -- why are you roping us into
17 something that is done? (Inaudible - 0:50:27) --
18 Bereki: Okay, because --
19 Hernandez: You -- you took the process (ph).
20 Bereki: -- because, Gil --
21 Hernandez: You (inaudible - 0:50:31) it the right way.
22 Bereki: -- because, Gil --
23 Hernandez: (inaudible - 0:50:31) --
24 Bereki: -- a crime has been committed. It is unlawful --
25 Hernandez: There is none.



1 Berekhi: Okay.

2 Hernandez: (Inaudible - 0:50:37) crime has not (inaudible -
3 0:50:37) --

4 Berekhi: Fine. Gil, I'll give you my address. Can you please
5 send me the form? Or I can give you my email, too, if
6 you're able to scan it --

7 Hernandez: I sure will. I sure will, but you're -- you're
8 basically -- uh, I'm not gonna try to dissuade you
9 from a complaint. That's your right. You -- you
10 (inaudible - 0:50:49) --

11 Berekhi: Great.

12 Hernandez: -- you -- you're (inaudible - 0:50:50) --

13 Berekhi: Just --

14 Hernandez: -- you -- you can -- you can submit a complaint
15 form, and complain on every employee that -- that --
16 that took the time to talk to you, and to hear you
17 out. And -- and -- and -- and -- and discussed it
18 with you.

19 Berekhi: But ultimately did --

20 Hernandez: (Inaudible - 0:51:03).

21 Berekhi: -- not do their job. You ultimately did --

22 Hernandez: (Inaudible - 0:51:05).

23 Berekhi: -- not do your job, Gil. That's the -- the complaint.

24 Hernandez: (Inaudible - 0:51:08). That's fine. Uh, uh,
25 against -- against the opinion of four judges. Rope



1 me into it. Do what you want.

2 Berekì: Okay.

3 Hernandez: Okay, Adam? What -- what's your address?

4 Berekì: 8 --

5 Hernandez: Uh, is it a complaint? (Inaudible - 0:51:19)

6 original, um, letter?

7 Berekì: Yes it is.

8 Hernandez: Let's see, I got, uh, uh, 818 Sprint, uh, Costa

9 Mesa, California, USA, and then I --

10 Berekì: S- --

11 Hernandez: -- got your email, Aberekì@Gmail.com?

12 Berekì: Yes, Spirit is --

13 Hernandez: (Inaudible - 0:51:33) all that correct?

14 Berekì: -- Spirit is correct, yes. If -- it -- not Sprint.

15 Hernandez: (Inaudible - 0:51:37).

16 Berekì: Yeah.

17 Hernandez: Oh, I'm sorry, 818 Spirit?

18 Berekì: Yes.

19 Hernandez: Costa Mesa, California?

20 Berekì: Yes.

21 Hernandez: Okay. I am gonna forward this to, uh, Commander

22 Rodriguez who's our, uh, who's our, uh -- uh, internal

23 affairs, uh, commanding officer.

24 Berekì: Okay.

25 Hernandez: Uh, I'll let him know that we spoke and, uh, i- --



1 if it's appropriate he will get, uh, an complaint form

2 --

3 Bereki: O- --

4 Hernandez: -- forwarded to that address, okay?

5 Bereki: Okay, no, there's not an if -- if it's appropriate. I

6 -- I'm asking you for a complaint for.

7 Hernandez: (Inaudible - 0:52:04) gonna -- it -- that -- that's

8 ultimately -- ultimately gonna be -- the complaint

9 will ultimately be investigated by his office. So, um

10 you'll get your complaint form. I'm not gonna -- I'm

11 not gonna be the guy that decides yes or not. You'll

12 get it.

13 Bereki: Okay. Okay.

14 Hernandez: Okay, Adam?

15 Bereki: Okay, great. Thank you so much for your time.

16 Hernandez: (Inaudible - 0:52:19).

17 Bereki: I appreciate it.

18 Hernandez: Okay.

19 Bereki: Bye-bye.

20 Hernandez: Have a good day. Bye-bye.

21

22

23

24

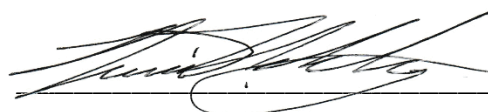
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