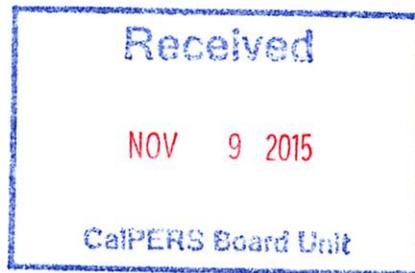


**ATTACHMENT C**  
**RESPONDENT'S ARGUMENT**

Phillip Garrido, CDCR# AH-9000  
California State Prison-Corcoran  
4A-4R-11L  
P.O. Box 3476  
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November 2, 2015

Respondent's Argument

Case No. 2014-1076

This case is a matter of law. The law has been broken. It is clear Ms. Franzen was unable to respond to the time, date, year, or month, stating it was 1988. The Probate report submitted as Exhibit 1-A states that she was disoriented. This is based on questions asked by Probate investigators on 11/19/09. This 20 year loss of recall is also confirmed by Probate through a telephone interview on 11/03/09 with Ronald Garrido. He states in Exhibit 1-A, Lines 10-11, Page 6 submitted in my appeal:

"She remembers things from 20 years ago but appears to have trouble remembering more recent events."

That statement submitted by Ronald Garrido is a clear conflict with a written response by him submitting testimony that Mr. and Ms. Martins questioned her about family events from the past and her recollection of events of Phillip Garrido's arrest and their statement that she had a good grasp of the reality of the facts is in direct conflict with Probate's investigation and statements provided to Probate by Ronald Garrido.

Ronald just showed that her mind was unable to recall events of the past 20 years. His so called grasp on reality testimony is in direct conflict with his statement to Probate. Exhibit 1-A, Line 9, Page 6 clearly states: He asked her "if my brother's been there [to visit] and she said 'yes.'"

So now she is seeing events that never took place. To confirm this I

submitted confirmation in Exhibit 2-B, Page 2, Paragraph #6 where he states "mother believes you and Nancy are visiting her every few days," stating "hard to believe that she can in her own mind reason that out." He just clearly showed and admitted he knows her ability to reason and grasp reality does not exist.

He goes on to state, "It is so hard for her to understand that you and Nancy will be in jail for the rest of your lives, but every time she tells me that I repeat what I have told her." Pay close attention to his following statement as to why he is doing this: "I want her to know and comprehend the truth." He is clearly admitting that he must repeat this over and over because she cannot comprehend the truth! He just stated that she in her own mind cannot reason that out and that she believes Nancy and I are visiting every few days, meaning she has a form of insanity. This means she does not have the capacity to recall or reason for her self, that someone must do this for her. What makes this a clear medical fact is stated by her medical records as having dementia. In Exhibit 1-A, Lines 3-6, Page 9 it goes on to state Ms. Franzen may be adjudged to lack the capacity to give informed consent for medical treatment in the future.

It clearly shows that she was adjudged so due to her medical file, stating she is unable to properly provide for her physical health, food, clothing, or shelter and is unable to manage her financial affairs. Due to these facts, it seemed necessary to appoint a conservator to ensure her well-being. The fact is that she could not even mentally complete an affidavit of voter registration, clearly marking her as unable to manage her affairs (Exhibit 1-A, Page 4, Line 7 and Exhibit 1-A, Page 9, Lines 9-13). In line 13 they are showing Ronald has appeared to act appropriately but declined responsibility to ensure he would act in her best interest in the future by stating "he has thus far."

Because she was unable to complete an affidavit clearly shows that she was unable to write a will. When answering the questions of date, month, year, and expressing that she was at her home, fixing her own meals, not remembering if her brothers or sisters were alive shows her recall was not legally possible to ascribe to her own will. Thus any such document could not be of her own will.

The very nature of questionings are designed to determine the soundness of her mind. She failed the requirements of an affidavit and was at a loss under own will to recall the events recent or of 20 years ago. In fact, she had three brothers, not two, of whom was Leo Smith (the oldest) who was dead by killing his wife and himself, proving her recall is not limited to just 20 years but her whole life.

In fact, after five weeks of my arrest, she could not comprehend that I or Nancy were incarcerated, still seeing us in her own mind (Ronald stating that he cannot believe that she can reason that out). The Probate report states that Ronald visits his mother 3 to 4 times a week, stating that every time that she tells him this that he repeats what he has told her before. After five weeks, she is still seeing us visiting her. She not only did not retain what he has repeatedly told her but believes we are visiting her.

What you are seeing is a man who is stating that he cannot understand how she can reason that out, showing he is fully aware that she cannot reason and that she is not competent in understanding and that she does not have a very good grasp of reality. The facts showed that she is out of her mind and having hallucinations. The fact is that she could not recall the month, day, and year and was 20 years in the past. She could not recall on her own that she was not at her home fixing her own meals but rather in a medical care facility. She could not recall her own awareness that her two brothers were still alive of whom her own recall seen them deceased. Knowing full well Ronald was fully aware of Leo Smith's suicide and murder of his wife. Yet said nothing about this to the investigator while he himself stood there during this questioning, thus being fully aware that his mother was unable to reason, having proven she has lost connection with reality, unable to recall events, family, where she was and then gets up in front of you stating she had a good grasp on reality, fully aware and competent in understanding is a lie.

This is a matter of Probate law. Just imagine the impact this will have when not only has he lied about her state of mind, thus committing perjury, but he has used the authority Probate gave him to write a new will of a clearly marked dementia elderly person who cannot legally consent.

The next law he clearly breaks is that he, a conservator, writes the will of a mentally ill, elderly person, naming himself as the sole benefactor. This is an outrage and a clear violation of law and will clearly impact the laws governing these issues. If I had the full rights of an attorney, this would be over. After all of this evidence, only a medical examiner from her medical files could be his witness, not a childhood friend who acted on Ronald's behalf, who spoke against Probate findings. They are not qualified witnesses.

I call your attention to Ronald's statements in Exhibit 2-B, Page 2, #5 the last three lines stating "she can no longer be there to extricate you from the situations that you have created for yourself," showing it is now in his control that she cannot help me as she always has.

Proof of this is in Page 2, #7 where she states "There is no way that you or your attorneys can keep me out of any legal situations." Note he states "keep me out," clearly showing he is bent on controlling his mother's rights. She then had no rights to her own feelings in these matters, that now she is no longer able to love or care for me because his conservatorship gives him full legal rights over over. Who she loves and cares for are now under his control. He states in #5, "you have always been the favored son." I submit this and the following as evidence that his intentions were selfishly motivated to use Probate to attain control over his mother. By the very fact that his mother did not even register that I had been arrested, stating in #5, "I had to explain to her what you have done." She already went through interviews with the authorities who dismissed her due to her mental state as unfit for any statements, leaving her alone as she could not legally testify to any of it, confirming this with her medical files.

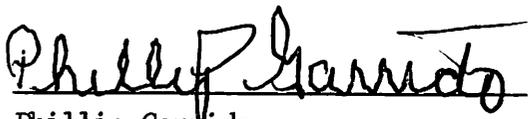
Why does he need to tell her?...because she has no memory of the event. So here is his mother who clearly cannot recall under a man who is bent on convincing a mentally ill elderly person (who is at peace) that she must be subjected to his hate even though he states it devastates her to hear. Time after time, three to four times a week and still after five weeks, Probate finds her unable to recall the event with Ronald stating that . he asks her if his brother has been there to visit..she says yes!

It clearly shows his concern is not honorable, and in fact is contemptible, and arrogantly motivated to attain her estate. Probate would find this behavior unfit for a conservator and not in her best interest. The U.N. and all of its members adopted laws on what constitutes brain washing and mind control. His behavior clearly violates those laws showing his actions are a clear disregard of her own rights and welfare.

So he personally conducted himself in a highly arrogant manner to attain her hate. It never worked! So he, not her, wrote his own will, for himself. She was asking for me to the end. She personally could not recall. She always answered the same questions, the same way. He was an angry, arrogant man determined to control her mind. It failed, so he lied, broke state law governing mentally ill dementia patients, broke laws governing the rights of a conservator to write himself his own will. He clearly showed that he will now be in control, his will, and not allow his mother to help me ever again. These are very serious charges violating his mother's mental illness and Probate law.

Our mother called me to her one day expressing on her own that she did not want to leave Ronald anything. How can she recall or understand what he was doing to her when she could not understand that I was incarcerated. I have no hate for Ronald or anger. I thank you for your time. I ask you to please designate the decision as Precedent.

Respectfully submitted,

  
Phillip Garrido