

**IN THE COURT OF APPEAL
OF THE STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT, DIVISION ONE**

Case Nos.: B341119 (consolidated with B345361)
Los Angeles County Superior Court No.: 20STCV37498

ALKIVIADES DAVID, et al.,
Defendants and Appellants,

v.

JANE DOE,
Plaintiff and Respondent.

**APPELLANT’S SECOND SUPPLEMENTAL NOTICE
(REGARDING RECORD INTEGRITY, PREJUDICIAL ERROR, AND FAIRNESS)**

Date: April 2, 2026

Appellant Alkiviades David, appearing in propria persona and as a disabled litigant, respectfully submits this Second Supplemental Notice to assist the Court in evaluating the integrity of the record and the fairness of the proceedings underlying the judgment on appeal.

This submission does not introduce a new theory. It consolidates and clarifies the consequence of matters already raised in Appellant’s prior filings, including the clarification that the Rizzo Text Messages identify “mk” as Mahim Khan and identify Carl Dawson as a witness “they need.”

I. THE ISSUE NOW BEFORE THE COURT

The issue before this Court is no longer limited to whether individual error occurred, but whether the judgment can safely stand on the record as it presently exists.

II. CONVERGING DEFICIENCIES IN THE RECORD

The record presented to the trial court did not include material evidence that existed and was available at the time of trial, including:

1. The testimony of Carl Dawson, a known and available witness whose evidence directly contradicts the central allegations in dispute;

2. Medical evidence establishing Appellant's documented traumatic brain injury (TBI), including reports from Dr. Eric Wexler dated May 6, 2023, and Dr. George Karampoutakis dated November 2, 2023, together with related diagnostic materials;

3. Contemporaneous communications demonstrating both counsel's knowledge of this evidence and a breakdown in representation during critical stages of the proceedings.

These are not collateral matters. They go directly to the reliability and completeness of the evidentiary record.

III. PREJUDICE AND FAIRNESS

The absence of this material was not harmless.

It deprived the trier of fact of critical information bearing directly on credibility, capacity, witness evaluation, and Appellant's ability to meaningfully participate in his own defense.

As a result, the record upon which the judgment rests does not reflect a full and fair presentation of the case.

IV. AUTHORITY OF THIS COURT

This Court has authority under California Rules of Court, rule 8.155, and Code of Civil Procedure section 909 to address an incomplete record and to consider additional evidence where necessary to ensure a just determination of the appeal.

Where the integrity of the record is in question, the Court is not confined to a purely formal review and may act to prevent a result resting on a materially incomplete evidentiary foundation.

V. CONSEQUENCE

In light of the foregoing, Appellant respectfully submits that the judgment cannot safely stand on the present record.

The issue is not merely whether additional material exists, but whether the judgment rests on an incomplete and therefore unreliable evidentiary foundation.

VI. RELIEF REQUESTED

Appellant respectfully requests that the Court:

1. Consider this Notice together with Appellant's prior supplemental filings;

2. Grant appropriate relief to ensure a fair and complete appellate review, including augmentation of the record, consideration of additional evidence, or remand as necessary; and
3. Grant such other and further relief as the Court deems just and proper.

STATEMENT OF TRUTH

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

This filing is made personally due to my documented traumatic brain injury (TBI) and resulting disability, which has materially affected my ability to rely on prior counsel and to protect my own position in the proceedings.

/s/ Alkiviades David

Alkiviades David

Appellant, In Propria Persona (Disabled)

Dated: April 2, 2026