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**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

<p><b>ALKIVIADES DAVID, et al.,</b> Defendants and Appellants,</p> <p>v.</p> <p><b>JANE DOE,</b> Plaintiff and Respondent.</p>	<p><b>APPELLANT'S MASTER CONSOLIDATED SUPPLEMENTAL SUBMISSION</b></p> <p>(Motion to Augment Record Under Rule 8.155   Dawson Evidence as Completion of Existing Record   Record Integrity   Request for Continued Stay)</p> <p><b>Date:</b> 2 April 2026</p>
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**I. INTRODUCTION**

This submission is filed in support of the appeal and invokes this Court's authority under California Rules of Court, rule 8.155 (augmentation of the record) and Code of Civil Procedure Sec. 909 (additional evidence in the interests of justice).

The appeal turns on one decisive issue:

A witness identified contemporaneously in materials already before this Court - Carl Dawson - was never heard at trial. His sworn testimony directly contradicts the central allegation. The jury therefore decided the case on a materially incomplete record.

**II. CONTEMPORANEOUS RECORD ALREADY BEFORE THIS COURT**

The Mary Rizzo Text Messages (Exhibit: RIZZO TEXTS) - already part of the appellate record - expressly identify:

"mk, Carl, and Chasity" as witnesses "they need."

This contemporaneous evidence establishes that Carl Dawson was known, identified, and considered material at the time of trial.

**III. CENTRAL EVIDENCE: CARL DAWSON**

Carl Dawson, former Head of Marketing at FilmOn TV Networks and employer of Mahim Khan, has provided:

1 Affidavit of Carl Dawson (Exhibit: DAWSON AFFIDAVIT)

1 Recorded Deposition Testimony (Exhibit: DAWSON VIDEO RECORDING - YouTube:  
2 <https://www.youtube.com/watch?v=4hA5gNBE0Jw>)

3 This evidence completes the evidentiary picture already before this Court.

4 **Critical Content (DAWSON AFFIDAVIT; DAWSON VIDEO RECORDING)**

5 Dawson states that Margarita Nichols:

- 6 1 admitted the relationship was consensual,
- 7 1 confirmed the Appellant did not rape her, and
- 8 1 described pressure from lawyers to pursue a different narrative.

9 This constitutes direct contradiction of the core allegation presented to the jury.

10 **IV. THE CLOSED EVIDENTIARY LOOP (WITH CITED RECORD)**

11 The evidentiary structure is now complete:

- 12 1 RIZZO TEXTS identify Dawson as a required witness
- 13 1 SHOEFIELD AFFIDAVIT (Exhibit: SHOEFIELD AFFIDAVIT) shows no support for the  
14 allegation
- 15 1 CALENDAR AFFIDAVIT (Exhibit: CALENDAR AFFIDAVIT) shows no support for the  
16 allegation
- 17 1 DAWSON AFFIDAVIT / DAWSON VIDEO RECORDING directly contradict the  
18 allegation

19 This evidence is neither cumulative nor collateral; it directly resolves the central factual  
20 dispute presented to the jury.

21 The record was never whole.

22 **V. STRUCTURAL FAILURE OF THE TRIAL RECORD**

23 Carl Dawson was:

- 24 1 identified contemporaneously (RIZZO TEXTS),
- 25 1 available and willing (DAWSON AFFIDAVIT), and
- 26 1 materially exculpatory (DAWSON AFFIDAVIT; DAWSON VIDEO RECORDING).

27 He was not called.

28 Trial counsel - Fred Heather and Robert Shapiro - failed to present this evidence.

This failure is further corroborated by:

1 EMAIL RECORD (Exhibit: EMAIL RECORD - HEATHER COMMUNICATIONS)

1 MEDICAL COMMUNICATIONS (Exhibit: MEDICAL CORRESPONDENCE FILE)

These materials, already referenced in the record, confirm a breakdown in representation.

**VI. DISABILITY AND ACCESS TO JUSTICE (CRITICAL TO RECORD INTEGRITY)**

Appellant suffers from a documented traumatic brain injury ("TBI"), supported by MRI Report (Exhibit A), NeuroQuant Analysis (Exhibit B), ASL Perfusion Study (Exhibit C), and the November 2, 2023 Psychiatric Evaluation by George Karampoutakis, M.D. (Exhibit D). These materials establish structural impairment affecting executive function, memory, concentration, and the ability to manage complex litigation and supervise counsel.

As a direct consequence, Appellant was unable to ensure that the known, identified, and material witness (Carl Dawson - expressly referenced in the contemporaneous Rizzo Texts) was presented at trial, and trial counsel's failure to call that witness went uncorrected.

This impairment goes directly to the completeness of the trial record and the Court's obligation to prevent a miscarriage of justice. See, e.g., *People v. Williams* (1988) 44 Cal.3d 883, 906 (appellate courts may take additional evidence where necessary to ensure a just determination of the case).

**VII. PROCEDURAL VEHICLE (RULE 8.155 / CCP Sec. 909)**

Appellant respectfully requests that this submission be treated as, or accompanied by, a Motion to Augment the Record under Rule 8.155, incorporating:

1 DAWSON AFFIDAVIT

1 DAWSON VIDEO RECORDING (YouTube: <https://www.youtube.com/watch?v=4hA5gNBE0Jw> - material portions stitched/continuous from timestamps 10:18:26 to 11:10:26 plus supporting segments 00:00:24-00:07:02, 10:24:09-10:31:03, 10:31:03-10:37:00, 10:37:00-10:44:09, 10:44:09-10:49:01, 10:49:01-10:53:13, 10:53:13-10:57:05, 10:57:05-11:01:13, and 11:01:13-11:10:26).

This evidence could not reasonably have been presented effectively at trial due to breakdowns in representation (EMAIL RECORD - HEATHER COMMUNICATIONS) and documented cognitive impairment (Exhibits A-D).

**VIII. RELIEF SOUGHT**

Appellant respectfully requests:

1 Immediate augmentation of the record to include the DAWSON AFFIDAVIT and DAWSON VIDEO RECORDING.

- 2 Admission of the evidence under CCP Sec. 909, if required.
- 3 Recognition that the trial record is materially incomplete.
- 4 Continuation of the stay of enforcement pending full review.
- 5 Any further relief the Court deems just.

**IX. CONCLUSION (EVIDENCE SYNTHESIS)**

The Court now possesses:

- 1 RIZZO TEXTS identifying Dawson,
- 1 SHOEFIELD AFFIDAVIT and CALENDAR AFFIDAVIT showing no support,
- 1 DAWSON AFFIDAVIT / VIDEO RECORDING directly contradicting the allegation, and
- 1 MRI / NEUROQUANT / ASL / PSYCHIATRIC REPORTS (Exhibits A-D) explaining why this critical witness was never properly presented.

This is converging evidence, not cumulative.

A judgment cannot safely stand where the trier of fact never heard the testimony of a witness the opposing side itself identified as necessary.

**REFERENCED EXHIBITS AND AUTHORITIES**

Referenced Item	Description / Use in Submission
RIZZO TEXTS	Contemporaneous text messages identifying Carl Dawson as a witness they needed.
DAWSON AFFIDAVIT	Affidavit offered as direct contradictory evidence on the core allegation.
DAWSON VIDEO RECORDING	Recorded testimony cited as completing the evidentiary picture.
SHOEFIELD AFFIDAVIT	Referenced as showing no support for the allegation.
CALENDAR AFFIDAVIT	Referenced as showing no support for the allegation.
EMAIL RECORD - HEATHER COMMERCE	Referenced to show breakdowns in representation.
MEDICAL CORRESPONDENCE FILES	Referenced to corroborate representation and access issues.
Exhibits A-D	MRI Report, NeuroQuant Analysis, ASL Perfusion Study, and Psychiatric Evaluation support.
Rule 8.155 / CCP Sec. 909	Procedural basis requested for record augmentation and additional evidence.

**STATEMENT OF TRUTH**

I believe that the facts stated in this submission are true.

1  
2 /s/ Alkiviades David

3 Appellant

4 Date: 2 April 2026

5 SwissX Island Network (SIN Network)

6 Media - Civic Infrastructure - Sovereign Oversight

7 Core Platforms: FilmOn.com - SwissXTV.com - ETV.com - ShockYA.com - TVMix.com - HologramUSA.com -  
8 SwissX.com

9 Federated Distribution: EchoSphere News - Flux Daily News - Next Pulse News - MetaWorld Media -  
10 Quanta.Report - Civitas.Global - Neutral Echo News Network - World Voice News - Deep Roots News -

11 RealTime Wire - SnapScope - Pulse Wire - OnPoint Now - FlashPoint News

12 Jurisdictional Anchor: Antigua & Barbuda / London UK / Zurich Switzerland

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