

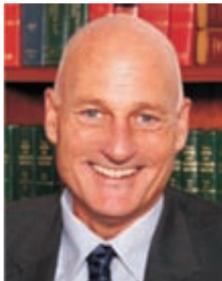
CASE SPOTLIGHT

# Fighting for Innocence from Behind Bars

## Wrestling Referee Files PRP Petition as WA Prosecutor Roe "Obstructs Justice"

By Edward Snook & Ron Lee  
Investigative Reporters

**Snohomish County, WA** – Imagine for a moment, if you will, that you are in prison. You're there for one of the most heinous crimes anyone can be accused of, and you are, in fact, innocent. You see, you were a wrestler, and after a severe knee injury, a wrestling referee. You loved the sport and being able to mentor the young wrestlers in your



Prosecutor Mark Roe

community, especially those who were having trouble in life. You had been likened to being everyone's big brother. One night you allowed two of these troubled youth to spend the night at your home – it's your first mistake. Because of the pain in your knees you take some strong, yet effective, pain medication and head off to bed leaving the two youth unaccompanied – your second mistake.

Continued on page 2

FLORIDA SPOTLIGHT

# No Justice for Property Owner

## "Victimized by Realtor & Indian River County Corruption"

By Joseph Snook  
Investigative Reporter

**Vero Beach, FL** - For years Manuel Casares enjoyed the respect of his community. As a highly successful business professional not only did he financially advise nationally prominent money managers with their personal investments, he managed money for retired CEO's, and wealthy businessmen. He was intimately involved with a number of local charitable organizations, and was the former president of Indian River Land Trust during the Campaign for McKee Botanical Gardens. According to others, Manny is, "well known and widely liked."

These types of activities were just business as usual for members of his family and heritage. Manny was born in Washington D.C., the son of



Manuel "Manny" Casares

Diplomat parents from Spain and Ecuador. His Father, who worked at the Spanish Embassy was the son of prominent "hero" political journalist Manuel Casares Sanchez, who received the Civil Medal of Merit for his contributions in fighting Communism. Two of Manny's paternal granduncles were the lexicographers of the Ideological Dictionary of the Spanish Language. One granduncle, Julio Casares-Sanchez is considered to be, "the Webster of Spain, writing language translation dictionaries in 6 languages." Julio was fluent in 17 languages, having an academic career at the Real Academy of Spain and serving in the Ministry of State in several Foreign Service envoys including a delegation to Tokyo.

Manny's forefathers were one of the founding families of San Sebastian,

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# "Minister Who Feeds Homeless Falsely Arrested 5 Times"

By Joseph Snook  
Investigative Reporter

**Vero Beach, FL** - Fred Luongo, a minister and food bank owner of more than 20 years from Vero Beach, Florida has been "forced" to close down his non-profit food bank. Fearing for his life, Fred hasn't even lived at his own home for over a year. His problems began in 2002 when his new neighbor opened up several businesses surrounding his home and non-profit food bank which are located on the same street. Since the arrival of Jeff Gomez, Fred's neighbor, also the owner of Coast to Coast Landscaping among other businesses, life has been, "anything but



Indian River County Deputy Sheriff Teddy Floyd

normal" according to Fred. Fred continued, "The neighborly relationship started out like you'd expect, friendly

and respectful. Mr. Gomez first approached me offering to trim some bushes between our businesses. He was a landscape

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# Prosecutor Threatens Alleged Victim? ADA breaks the law to obtain a conviction

By Joseph Snook  
Investigative Reporter

**Bend, OR** - On March 22, 2012, Nicholas Waldbillig was speechless as the jury's verdict was read to him in court, "Guilty." Nicholas had just been convicted of kidnapping along with multiple sex crimes. His sentence, 20 years in prison for raping/kidnapping his ex-girlfriend Julie Driskell.

He had previously turned down several plea deals thinking it was all just a bad dream that would be sorted out once the facts, or the un-truths (prosecutors lies) were presented to jurors. In return, he expected the jurors to find him innocent; after all, he knew what did and didn't



Nicholas Waldbillig

happen, and he believed his innocence was clearly evident.

Unfortunately, the system doesn't always work that way, and today, Nick is sitting in a prison cell fighting for justice. He not only claims his innocence, he believes important factors played a significant role in his conviction. His attorney, "wasn't there" for him when it counted. Looking back, money was a big factor and Nick believes that, "Once the money ran out, so did the perception of legal representation."

More concerning, Assistant District Attorney Kandy Gies (Prosecutor) reportedly threatened the "victim" with

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FEATURED INJUSTICE

# Vet. Falsely Convicted By a Lying Judge

By Pat Shannan  
Investigative Reporter

David Hinkson discovered and manufactured mineral replacement health products that combine with vitamins to rebuild the body's own natural disease fighting immune system. His God-gifted instincts and talents, not unlike those of Nikola Tesla a century earlier, have allowed him to see the world through a scientific lens as few humans can. So why would the Department of Justice target and jail a man so valuable to his generation? Did Big Pharma fear



David Hinkson

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POLICE BRUTALTY

# Sheriff Mack Witnesses Abuse of "Bedridden Woman"

By Edward Snook,  
Investigative Reporter

**Tomball, TX** - Nannette Carley's life was seemingly normal. She owned a small business, paid the bills, enjoyed her family - the kind of things most people take for granted. When she moved to the quaint, little city of Tomball, Texas, everything changed.

Within four years of her relocation to Tomball, the Tomball Police Department had reportedly charged her with infractions/crimes 24 separate times, arresting her on numerous occasions, which caused her to spend many nights in jail. Due to the arrests and incarcerations, Nannette stated that she, "missed work, lost over \$60,000 in personal property, and spent



Rob Hauck, retired police chief and newly appointed Assistant City Manager of Tomball, Texas

countless, tireless hours along with her hard-earned money defending herself." Nonetheless, she still had felony charges and impending court dates looming. At one point, Nannette stated had seven cases, with 20 separate charges, set for trial on the same day! To complicate matters, Nannette was

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# Our 'System' at Work

By Ron Lee  
The Verbal Assassin

We, the people, lost in Ferguson, and then N.Y. — not because the people took to the streets and smashed and burned and shot and looted, however mindless those activities were and made humanity seem. It was a greater loss, the further erosion of our rights and just superiority as sovereign citizens above government officials who are nothing more than our employees. In a system of justice that I know — and report on regularly — that lies and steals and cheats to get its man, I know, too, it protects its own with the same vigilance. And the lack of indictments were, to me, no exception. They were reminders that the system is broken and the world we live in is controlled.

What I personally took away from the explanation of how and why the grand jury came to its decision to not indict Officer Darren Wilson is that had he been anyone other than a police officer, he would likely be facing charges. The same is true of NYPD Officer Daniel Pantaleo.

Let's be real. A grand jury isn't a magical group of people who know all and see all; it is a group of people who get to see only the evidence the prosecuting attorney decides to show them. So if the prosecutor has an agenda to not prosecute, the evidence will reflect that agenda. And the grand jury will come back with the corresponding ruling. It's that simple, and everything is supported by the government's own statistics. According to the Bureau of Justice Statistics, U.S. attorneys prosecuted 162,000 federal cases in 2010. Grand juries declined to return an indictment in only 11 of them.

It really is an "us" and "them" thing now. And no matter what your ethnicity, we as citizens have now been reminded that to be them means they get treated differently than if they were us.

It's sad. And what is worse is you have the mainstream media out there promoting this as either right or wrong, but both sides are calling these travesties a race issue and not seeing them for what they really are — miscarriages of justice, pure and simple.

Police agencies have paid out millions of dollars in civil liability claims across this country where bad police officers have killed, maimed or otherwise harmed the citizens they are supposed to protect. But few, if any, ever face criminal charges for their obviously criminal actions. If they are held civilly liable, they should be held criminally liable as well.

Every day, there is more evidence of corrupt police officers overstepping their bounds and abusing their authority. And there are more people facing false charges, stacked by scum-sucking prosecuting attorneys who just want a conviction. What a joke.

So what is the solution?  
In our day and age of technology, there is no reason that every police officer shouldn't be mandated to wear a personal recording device, live streaming to the public where it can be independently saved.

Also, we have to eliminate the immunity prosecutors and judges enjoy. With their protections gone, bad police officers will have no one to protect them, and the system will be taken back by the public it is supposed to serve.

We have to ensure our justice system blindly seeks justice and the corruption that now plagues it is extinguished.

I invite all righteous prosecutors, police officers, public defenders and truly unbiased judges to join me at the US-Observer as we continue our fight against everything that is wrong in the system. Join us as contributors and expose those who violate their oaths and harm the citizens.

We have to make sure that what happened in Ferguson and NY, and in every other city where the system has overstepped its bounds, doesn't ever happen again.

That is something I am sure we can all agree on. ★

Continued from page 1 • Fighting for Innocence from Behind Bars

While you were sleeping, one of the boys, Patrick O'Neil, who just happens to be a former WA State champion, "rapes the other young man", Steven Atter, who is semi-homeless at the time. According to Atter, O'Neil then, "messes" with you while you're "out" by taking sexually explicit pictures in what could be considered a professional "Set-Up" and then places the pictures on your computer.



Referee Brian Garvie

When you find out what happened you confront the young "rapist" and the next thing you know, he has gone to the police and accused you of sex abuse. The police immediately place the blame on you, because you are the "Adult." They start their one-sided investigation, ignoring your story. When other young wrestlers, including Steven Atter, try to tell the police that it was O'Neil who molested them and many others and that you would never do anything out of line with any of them, the police ignore this extremely relevant and valid evidence.

A corrupted prosecutor named Mark Roe becomes involved.

In your third mistake, you hire an allegedly incompetent, thieving attorney named John Crowley, and the news media start their false, yet sensational stories about the "Monster who rapes children" and your life begins to take an uncontrollable, downward spiral that you can't stop — all for a series of mistakes, none of which were crimes.

It plays like a movie, doesn't it? A sick, twisted tale of deceit, where you are the innocent victim. Sadly, this is the true story of Eugene Brian Garvie, who has had to endure this miscarriage of justice since 2006.

### ENTER THE US-OBSERVER

In what can be described as a break in the case, the US-Observer began investigating and found more than enough evidence that proved O'Neil was the sexual predator and not Garvie, and in the article "Wrestling Champ O'Neil – Serial Rapist? Innocent Referee in Prison?" we outlined our case of Garvie's innocence - the bombshell being, of course, the statement of the supposed victim himself, Steven Atter. There were also several other people who stepped forward claiming to be sexually abused by O'Neil and also that there were as many as 100 other victims. We made all of our evidence available to Snohomish County Prosecutor Mark Roe's office, who should have pursued O'Neil and applied this information to Garvie's case. But what came of it — Nothing!

Then we ran our follow-up, "Serial Rapist' Headline Brings Silence," and again we were met with... silence. Not one person stepped forward in objection or denial of anything that had been written; no demand for retraction or lawsuit claiming libel was received. That in itself can be offered as proof that if it were untrue, Edward Snook

and the US-Observer would have been sued long ago. It proves, as well, how depraved and destructive the criminal justice system in Snohomish County, WA is — to let an innocent man rot in prison while the real perpetrator is free, and according to US-Observer sources (up to 6 months ago) is reportedly snorting cocaine and still raping other young men.

they hold Judge Wynne accountable?

### THE SYSTEM'S OBSTRUCTION OF JUSTICE?

In the article "Wrestling Champ O'Neil – Serial Rapist? Innocent Referee in Prison?," we told how eye witness Steven Atter had been threatened and basically told to remain silent regarding the truth about this case or he would be "imprisoned." Well, Atter did not remain silent and he is currently in jail. Is this a coincidence? We are informed that people are currently attempting to place money on his inmate account to enable him to make calls and that Snohomish County Prosecutor Mark Roe or those he is directing have intercepted the funds in an effort to silence him.

Further, we were recently informed that a person involved with the Garvies has been contacted by a detective for "questioning". This person reportedly refused to cooperate, however, we were subsequently told that because this person was afraid of retaliation by police that they turned on Garvie. This person called our office and threatened that if we used their name that they would assist the prosecution (they would have to lie to assist). After a minor investigation we learned they intended to twist the fact that Ralph Garvie has assisted Brian's main witness financially, into the misconception that Mr. Garvie was paying for Steven Atter's testimony, when nothing could be further from the truth. Mr. Garvie has helped this person financially as well as many indigent people who he felt compassion for, especially those victimized by the corrupt legal system in Snohomish County, WA. I know first-hand that Ralph Garvie never paid for any testimony as I was the person who questioned Atter and recorded his unsolicited statement. I also know first-hand that both Ralph and Brian have assisted numerous people with food, shelter, etc., in the past.

We just received a threatening letter that this person sent to Brian in prison. After speaking with this individual and being told of their fear of the system, we have agreed to withhold their name from this publication. Publishing their name would actually serve no purpose whatsoever. What a tragedy, when an individual fears their legal system!

All in all, Snohomish County District Attorney Mark Roe is plenty worried after reading Kato's PRP and he is reacting as any cornered "criminal" would — he is attempting to obfuscate the truth.

It is highly recommend our readership get on the computer and read the entire history of this case at www.usobserver.com. You can find the articles by searching for Brian Garvie on our site search. You will be shocked and most likely find that this is probably the most alarming and tragic story you have ever read — one that not only reads like a movie, but will most likely end up being one. The ending, however, has yet to be written. It will either be an inspiring film about how an innocent man was vindicated, or a tragedy describing how the system fails the innocent and lauds the truly guilty.

*Editor's Note: Have information? Contact Edward Snook at 541-474-7885 or by email at editor@usobserver.com. ★★*

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# Josephine County, Oregon 2015: Higher Taxes or Jail Closure?

By Joseph Snook  
Investigative Reporter

Undoubtedly, 2015 has already caught the curiosity of many citizens as local governments across the United States prepare to release their annual budgets. For Josephine County, Oregon the looming budget shortfalls are overwhelming.

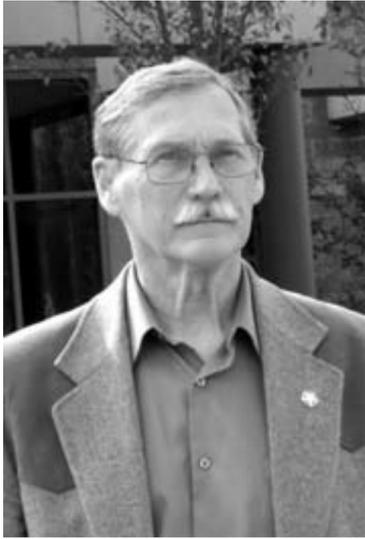
Josephine County is largely a retirement community with nearly half of the population age 50 or greater. Grants Pass and its surrounding communities which make up Josephine County have some serious issues that aren't likely to be resolved anytime soon. One major issue is the Sheriff's Department. The question being asked by many is; will the jail stay open? And more often, "Will there be a Sheriff's Department at all?" Both good questions, but many people who I've talked to don't have a legitimate understanding of the problems our sheriff's department is facing.

After eight years of serving the community, Sheriff Gil Gilbertson will soon be replaced by Dave Daniel, the newly-elected Sheriff. Let me be the first to tell you, Dave Daniel has a mountain of inherited budget problems to deal with, and they weren't created by Gil Gilbertson. Sheriff Daniel will inherit the common misconception by many that he is responsible for his department's funding. All too often I hear people say, "I called the cops (sheriff's), but they never came." This statement is true, but the statement which usually follows, "we need a new Sheriff," is simply incorrect.

The Sheriff, whether it be Dave Daniel, Gil Gilbertson, or anyone else for that matter, does not create the department's budget. So, who does? The three elected county commissioners do. Even then, the county budget is heavily impacted at "higher levels" of government. Many people who follow this issue have referred to Senator Ron Wyden as, "a big road block for O&C funding," giving county commissioners a more difficult task of producing and implementing no-nonsense funding options.

No response to a 911 call doesn't equate to, "the Sheriff not doing his job." There are only three deputies on average, patrolling at any given time; yes, only three deputies to serve and protect roughly "50,000 people." Furthermore, the sheriff's department is also responsible for, "(serving) civil papers, providing court security, ...concealed weapons permits, and staffing the county jail among other things."

During a recent conversation with Sheriff Gil Gilbertson, he was optimistic about his retirement, although I know he'll miss law enforcement - it's in his DNA. Just weeks before he retires, Gil could be found working on ways to implement cost saving strategies for the Sheriff's Department. One being a similar plan that Dave Daniel will be working on; community involvement. Gil's plan, "Operation Safe Keeping" lays out beneficial steps for the safety of Josephine County, without the presence of a fully operational Sheriff's Department.



Sheriff Gil Gilbertson

One problem that Gil shared is the projected budget for next year of 1.6 million. "No matter how you look at it," he said, "we will have a closed jail if things stay the way they are." Gil continued, "We must have a minimum of over 3 million dollars to keep our jail open." Putting costs into perspective, The Sheriff's Department's budget, according to Gil, has dwindled from 12 million in 2011, to 5.7 million in 2012, followed by an estimated 1.6 million in 2015. All of this is related to the O&C federal payments that the county is no longer receiving in full.

Dave Daniel, the newly elected sheriff, also weighed in on the funding crises. His approach is, "organize existing watch groups already working to help protect our community and bring them together." Daniel continued, "Obrien, Williams, Sunny Valley, and others all have their own ideas and boundaries, but criminals have no boundaries." He believes further organization with surrounding communities, getting them all, "on the same page," will help alleviate the crises.

According to Gilbertson, tax levies (higher taxes on county property owners) are an unlikely option to help fund the Department. In fact, voters have consistently voted "no" on every single levy proposal since 2000, according to Gil. Some residents say, "it's only a couple dollars, why not? We can afford that." Other's have stated, "a couple dollars here, a couple there, it all adds up to hundreds a year and we simply can't afford it." Good policies make great communities, but when a problem like the Sheriff's budget is placed solely on the property-owning taxpayer we apparently have a larger problem.

## WHY CAN'T WE AFFORD A LEVY?

The demographics of Josephine County leave little to be desired economically and the statistics support the problem. Nearly 30% of Josephine County residents receive some kind of welfare, with over 30% of its residents on food stamps. Over 20% of Josephine County residents live at, or below the poverty level. Josephine County also has the second highest percentage of people living in poverty in the entire state, just behind Malheur County, according to OregonLive.com.

Additionally, our unemployment rate is in the double-digits. Roughly 50% of our residents are at or near retirement (fixed incomes). A well-known home builder stated, "we need a strong economy before a tax hike will resonate with our county." Considering the statistics, they're representative of why the voters have turned down increased tax levies to fund law enforcement over the last 14 years.



Sheriff-Elect Dave Daniel

only, not ownership. We need to get out of the O&C County Association, file a lawsuit against the BLM (Bureau of Land Management) for breach of contract, and take back out lands." This begs the question: Why are we not collecting a payment, in lieu of tax from the Federal Government for keeping our lands? This raises more debatable questions. Some say, "there is no history of legislation where our lands could be reverted back to county ownership or management." Others say, "the U.S. Constitution (Article 1: section 8, clause 17) never gave our federal government the power to own more than 10 miles square in any state, without consent of the state legislature - which is evident in most Eastern States."

Sustainable timber harvests are not the only natural resource solution; mining also has a (potentially) strong presence in Josephine County. Mining could generate more jobs, giving more people an income, generating additional income tax revenue. Alternative environmental solutions such as industrial hemp also present viable options that could potentially work, considering the strong opposition by environmentalists to harvesting timber, and mining. People have been talking about harvesting hemp on our county lands for years, which is now legal. Hemp, not to be mistaken for marijuana, has a profitable yield, especially taking into account the 50,000 uses it provides. It can also potentially be harvested up to three times annually.

Conducting further research, I ran across The American Lands Council (ALC). It appears that, "federal lands" are being, or attempting to be "taken back by the people and/or individual states." According to ALC's website, "The Mission of the American Lands Council is to secure local control of western public lands by transferring federal public lands to local stewardship." Earlier this year, Peter Defazio (D) stated, "Josephine County is 70 percent (1,149.4 square miles) owned by the federal government (including county and state lands) and is surrounded by federal forest lands in need of management."

The solution given by ALC appears to be exactly what many people have been asking for, especially considering what Defazio stated. Some people believe that taking back our lands (from the federal gov't.) won't work, or, has as good of a chance as "forming the State of Jefferson." Perhaps this is the mindset that has kept us so dependent upon federal funds, which is now bankrupting our local governments, and attributing to our double-digit unemployment rate.

Josephine County must eventually take necessary measures to utilize our natural resources in a sustainable manner, providing for ourselves and our community. This is nothing new. If we fail to get resolution, we will likely see more welfare dependents along with a continuously failed budget for law enforcement. The majority of voters in Jo Co have indicated several times - they do not want "more taxes." The general consensus among Jo Co residents is, "funding government by placing more taxes on us, (property owners) will not happen. Our elected officials shouldn't put their budget before the will of the people who elect them. The budget shortfall is solely due to the O&C Timber Funds. If the federal government won't fund our county (revenue from federally controlled land), then we must not penalize the people for their in-actions."

In the near future, something will happen, and this writer believes the residents will be looking at higher taxes mandated by the state.

If it's not too late already, Josephine County residents should be proactive in pursuing alternative funding in order to keep a "mandated tax hike at bay." If the public doesn't want higher taxes, it will take all of us, working to implement revenue generating solutions - our own editor, Ron Lee, has one such proposal; a nationwide raffle of local goods and services which he says could generate over \$500k a year for the sheriff.

One thing is for sure, until we either find ways to generate revenue, or the state mandates a tax hike, law enforcement will be almost non-existent in the county and our jail ... who knows? **\*\*\***

## POTENTIAL SOLUTIONS?



Commissioner Simon Hare

Simon Hare, the youngest county commissioner in the state who is about to start his second term, weighed in on the crisis we face. He believes that, "congress hasn't committed to funding in a timely manner." The federal government has provided logging counties with funding in exchange for "not harvesting timber," better known as the O&C Timber Funds. Simon continued, "there are trees on the carpet in the capital for a reason, it's what Oregon does."

Speaking of projects that could help, Simon continued, "managing our county forests better could result in roughly \$4-500,000.00 additional funds annually." Managing our resources more efficiently is something Simon is, "always working on." With a need of 12 million dollars required to effectively fund our county government, Simon has been, "focused on small projects that are much easier to complete. This will help allocate funding, which will 'chip away' at the overall budget deficit."

Another solution described as, "totally likely" by Simon is some sort of a state mandated tax increase or fee increase on Josephine County residents. If the funding simply isn't there, the commissioners could declare, "a criminal justice state of emergency," which would give the state power to implement increased taxes, without a vote of Jo Co residents, "matching .50 cents on the dollar for tax revenue." Simon touched on increased taxes, claiming, "That would likely make the people mad, and we'd (commissioners) all be recalled," if the commissioners signed a law enforcement state of emergency declaration.

Commissioner Hare continued, "I have asked several non-binding questions in an effort to help leaders advocate for more timber harvests. 89% said they wanted timber to be harvested, and the forest replanted after wild fires. 70+% said that forest management was an appropriate revenue stream to pay for vital county services. The only real solution is higher taxes or shared receipts from timber harvests on O&C (50%) lands or Forest Service (25%)."

This past July, Sheriff Daniel started working with citizens and private businesses, privately retaining a poll conducted by Strategic Research Institute. The poll was conducted for the purpose of securing a tax levy. The poll found, according to Daniel, that, "the Citizens of Josephine County will pass a levy if they're promised three things; rural patrols, safe children and jobs." The levy costs would be \$1.49 per \$1,000.00 in assessed property value. Although Daniel is not directly responsible for the sheriff's budget, he was working on a solution well before he was elected.

Taking a more direct approach to the issue, Tim Cummins, an expert in timber acquisition, stated, "the O&C lands were for management



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# In The News

## WHAT THE?! SPOTLIGHTS

### Study: SBA Subsidizing Luxury Retailers and Fortune 100 Companies



By Peter Fricke

A new study claims that many of the loans given out by the Small Business Administration in the last few years have gone to luxury industries and subsidiaries of large corporations, instead of typical main street businesses.

According to a report released on Monday by Open the Books, a group that catalogs government spending, SBA awarded 34,677 loans valued at \$1 million or more between 2007 and 2013, worth a little more than \$67 billion together.

About 20 percent of that total (just over \$13.5 billion) went to companies that are not normally thought of as "small businesses," including country clubs, Rolex and Lamborghini dealers, Napa Valley wineries, and even affiliates of Fortune 100 companies.

Adam Andrzejewski, the report's author and founder of Open the Books, notes that the SBA's motto is, "The SBA helps Americans start, build, and grow businesses," but says supporters of the agency "will be hard pressed to justify many of the examples cited in our report."

For instance, SBA loaned \$760 million to retailers of luxury goods, including \$21 million to exclusive Rolex jewelers, \$37 million to other high-end jewelers, \$3.5 million to Lamborghini dealers, and \$91 million to beauty spas. Another \$393 million went to restaurants, some of which are "millionaire fast food franchisees."

In addition, more than \$4 billion in loans "flowed to business

serving the Wealthy Lifestyle," such as high-end vacation destinations and "luxury pet resorts." Notably, some of the top recipients of SBA loans for the vacation/recreation industry were also among America's wealthiest communities, including Beverly Hills, Napa, and Park City, Utah.

Perhaps the most startling finding, though, is that from 2006 to 2012, more than \$250 million in SBA loans "went to ten Fortune 100 companies and their affiliates"—Chevron/Texaco, Ford, General Motors, Exxon, Marathon, Sears, State Farm, Allstate, SuperValu, and American Express.



The single biggest recipient was Chevron/Texaco, which received \$109.5 million to expand its network of retail dealers. "How is it," Andrzejewski asks, "that the affiliated business financially qualifies for Chevron licensing, but is so under-capitalized that it still qualifies for government loans?"

"Contractors to Wal-Mart, the world's largest retailer, received \$12.76 million" worth of SBA loans, as well. Although the contractors are technically independent of Wal-Mart, Andrzejewski points out that "Wal-Mart is the net beneficiary of lower contractor costs because of the taxpayer subsidized guarantees."★

## Federal Government made \$20 billion in secret purchases in recent months

By Scott MacFarlane

(NBC 4 Washington) - The federal government has spent at least \$20 billion in taxpayer money this year on items and services that it is permitted to keep secret from the public, according to an investigation by the News4 I-Team.

The purchases, known among federal employees as "micropurchases," are made by some of the thousands of agency employees who are issued taxpayer-funded purchase cards. The purchases, in most cases, remain confidential and are not publicly disclosed by the agencies. A sampling of those purchases, obtained by the I-Team via the Freedom of Information Act, reveals at least one agency used those cards to buy \$30,000 in Starbucks Coffee drinks and products in one year without having to disclose or detail the purchases to the public.

A series of other recent purchases, reviewed by internal government auditors, include wasteful and inappropriate purchases by government employees -- including a gym membership and JC Penney clothing -- that were not detected or stopped until after the purchase was completed.

The I-Team's findings have been the subject of a Congressional hearing and created scrutiny from taxpayer watchdogs for the Department of Homeland Security, which made the Starbucks purchases and declines to publicly detail them.

A "micropurchase" is a purchase costing less than \$3,000 in which a government-issued purchase card is swiped. The U.S. Departments of State, Homeland Security, Veterans Affairs, Transportation, and Defense, each made tens of millions of dollars of "micropurchases" in the past year, according to an I-Team review. But each agency said it does not make public an itemized list of its transactions, limiting the information to internal government reviewers and users of the federal Freedom of Information Act.

The I-Team, using the Freedom of Information Act, received a list of "micropurchases" made by the Dept. of Homeland Security at Starbucks vendors nationwide in 2013. The list includes dozens of transactions, including in Washington, D.C., and Maryland. Several of the purchases were made at an Alameda, California, Starbucks vendor and cost more than \$2,400 each, just below the \$3,000 threshold for which purchases need not be publicly disclosed. After reviewing the I-Team's findings, Rep. John Mica (R-FL), chair of a U.S House Oversight subcommittee said, "When you have \$10,000 being spent at one Starbucks by DHS employees in one city in six months, someone is abusing the purchasing permission that we have given them."

Anne Richards, an agency auditor, told Mica and committee members, "Most of the purchases seem to be legitimate use of the cards." She said, "We will be looking at all of those purchase. And as part of our audit ... we will be looking at the types of purchases in which coffee shops jump out at you."

Some of the Starbucks purchases cost less than \$40, indicating a potential small-scale, individual gift-cards or drink purchases.

Department of Homeland Security spokesman Sy Lee said, "These purchases were made for various reasons, following standard purchase card policy and guidance. The Department of Homeland Security is required to follow the Federal Acquisition Regulation when using appropriated funds to purchase supplies or services on behalf of the federal government. To ensure accountability, all purchase card transactions are approved in accordance with DHS purchase card policy."

At an October hearing of the U.S. House Oversight Committee -- a hearing triggered in part by the findings of the I-Team -- federal auditors revealed instances of misuse of "micropurchase" authority by the U.S. Labor Department and the Environmental Protection Agency. The Labor Department audit showed a government purchase card was used for JC Penney clothing. The EPA audit showed a credit card holder used the card for a gym membership.

Miller said he unearthed instances of "micropurchase" malfeasance at the General Services Administration, too. "We've had a case where a high-level executive used the purchase card for hotel rooms and spas," he said. "It was a purely personal (purchase)."

Miller said if federal agencies must make large coffee purchases, they should use the traditional federal procurement system, to ensure the best value for taxpayers.

An I-Team review of federal agency purchase records shows each major federal agency spends millions of dollars a year on "micropurchases." The



General Services Administration and Department of Interior each shared details about the "micropurchase" items bought by their agency employees.

But other federal agencies declined.

U.S. Department of Veterans Affairs spokeswoman: "The VA does not publish the FY's micropurchases as they are stored by USBank and they include personally identifying information."

EPA spokeswoman: "There is no requirement for agencies to collect, report, maintain, or publicly post information on awarded micro-purchases."

Department of Transportation: Micropurchase information is available through federal FOIA process

U.S. State Department spokeswoman: "Nearly all State Department "micro purchasing" -- procurements under \$3,000 each transaction -- are processed using a US Government purchase card. State complies with all current Federal disclosure requirements for micro purchasing and other government data disclosures. We do not have a list of micro purchase to provide. The appropriate mechanism for requesting that information would be a FOIA request."

Health and Human Services spokesman: "Bottom line is that the authorities and systems for managing and recording micropurchases (less than \$3,000) are distributed widely across HHS and its ten agencies. There is no central database that collects all of this information from across the Dept. and is published publicly. We have received occasional requests over the years via FOIA for micropurchase data, and which we have provided based on the parameters of each request."

Department of Homeland Security spokesman: "These purchases were made for various reasons, following standard purchase card policy and guidance. The Department of Homeland Security is required to follow the Federal Acquisition Regulation when using appropriated funds to purchase supplies or services on behalf of the federal government. To ensure accountability, all purchase card transaction are approved in accordance with DHS purchase card policy."

Miller said "micropurchases", when not abused, benefit taxpayers. He said, "The micro-purchase authority allows front-line personnel to effectively and efficiently support the mission of the agency by allowing them to quickly acquire relatively low-dollar goods and services without the administrative processing costs, and thereby creating efficiency in the procurement process."★★★

### DHS STARBUCKS PURCHASES

Brian Miller, a former Inspector General for the U.S. General Services Administration, said the coffee purchases raise concerns. "I don't know the agency's needs or contingencies, but going to Starbucks seems like a really hard sell," he said.

He added, "The amount suggests that it may be an expense that could be anticipated. If so, a procurement official should think through how to best procure these items in a systematic way. The competitive process should ensure that the government does not pay too much for an item. To get the best prices, a procurement official should follow the competitive bidding process. The micro-purchase authority allows agencies to respond quickly to contingencies and unforeseen needs."

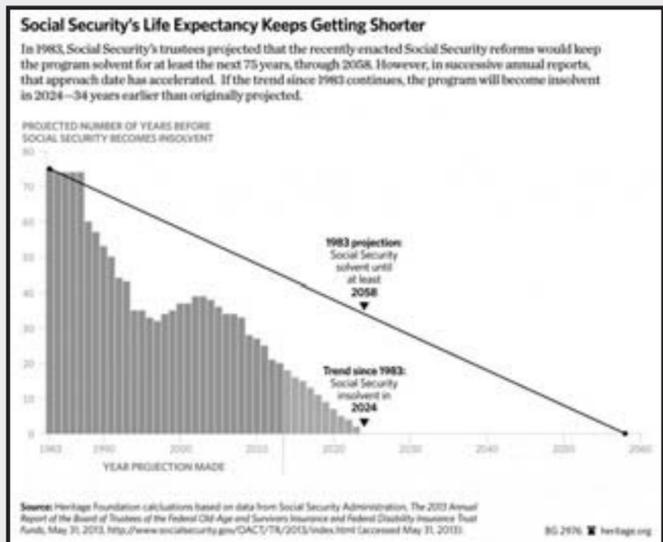
## Chart: Social Security to become insolvent far earlier than expected

By Monica Sanchez

(MRC TV) - According to research by policy experts Rachel Greszler and James M. Roberts at The Heritage Foundation, Social Security's end-date is fast approaching, calculated to arrive far earlier than originally expected.

"Social Security's trustees projected in 1983 that the recently enacted Social Security reforms would keep the program active for at least the next 75 years, through 2058," reports The Daily Signal.

With each successive annual Social Security Administration (SSA) report, however, the federal program's approach date has accelerated, Heritage experts find.



The chart above, based on data from a 2013 SSA report, depicts the trend. "If the trend since 1983 continues, the program will become insolvent in 2024--34 years earlier than originally projected."★★★

## FBI report confirms crime fell while gun purchases soared in 2013

By Awr Hawkins

As gun sales soared in 2013--with the number of background checks for gun sales breaking records--the FBI reports that violent crime fell sharply below 2012 figures, and property crime rates fell sharply too.

On January 6, Breitbart News reported there were 21,093,273 background checks for firearm purchasers conducted in America in 2013. And while this number of background checks represented a record, we explained then that the number of guns sold could be many times higher. That is because background checks are done on gun purchasers, not on the number of guns being purchased.

For instance, if everyone who went through a background check then purchased three guns, the number of guns sold in the retail market alone would have been 63,279,819. That's not even counting the number sold privately.

And what happened as all these guns came into



private hands? Violent crime and property crime fell.

According to an FBI report released on November 10: "violent crimes in 2013 decreased 4.4 percent when compared with 2012 figures, and the estimated number of property crimes decreased 4.1 percent [as well]."

These record gun sales and the subsequent reduction in crime square perfectly with a Congressional Research Service report covered by Breitbart News on December 4, 2013. That study showed that the number of privately owned firearms in America increased from 192 million in 1994 to 310 million in 2009. At the same time, "firearm-related murder and non-negligent homicide" fell from 6.6 per 100,000 Americans in 1993 to 3.6 per 100,000 in 2000.

The bottom line: more guns equals less crime.★★★

# No felony charges for Seattle Police Department cop's bone-breaking punch to the face of handcuffed woman

By Mike Carter  
Seattle Times staff reporter

Federal prosecutors say they will review an incident in which a Seattle police officer punched and seriously injured a handcuffed, intoxicated woman, after King County prosecutors said Friday they won't charge the officer.

Emily Langlie, spokeswoman for acting U.S. Attorney Annette L. Hayes, said her office will look at the June 22 incident involving Officer Adley Shepherd for a possible federal criminal civil-rights violation.

The decision comes after King County Prosecutor Dan Satterberg announced that his office would not seek a state felony charge against Shepherd, 38, a nine-year department veteran, for punching Miyekko Durden-Bosley in the back of his police cruiser.

Durden-Bosley, 23, was intoxicated and was verbally abusive after her arrest outside the home of a Seattle man whose mother had called the police. Durden-Bosley swore at Shepherd and kicked at him while being shoved into the back of a police cruiser, according to the investigation.

Shepherd reacted by punching her once in the face, fracturing the orbit of her right eye. Shepherd suffered no visible injuries, according to court documents.

Shepherd has been on paid administrative leave since the incident.

Satterberg's decision reflects a deep difference of opinion between his office and City Attorney Pete Holmes, whose criminal chief reviewed the case earlier and thought it "undoubtedly met the felony standard," according to a news release issued by Holmes on Friday.

Holmes sent the case to Satterberg because the city attorney has no jurisdiction to prosecute felony crimes.

It now appears Shepherd will not be charged criminally unless the U.S. Attorney's Office determines that his actions violate federal civil-rights criminal statutes. Such prosecutions are very rare and hard to prove.

A Seattle Times review of such cases showed

there has been only one federal criminal civil-rights case filed against a law-enforcement officer in recent history in the Western District of Washington — a 2008 charge against a former King County deputy for kicking and beating a handcuffed woman.

A jury acquitted the deputy at trial. Shepherd faces a review by the SPD's Office of Professional Accountability to determine whether his actions fell within department policy. He could be disciplined or fired, but would not face jail time or other criminal sanctions.

His attorney, Eric Makus, said his client is anxious to return to work. "He is pleased that he has been exonerated from any wrongdoing," Makus said.

The department said Shepherd will remain on administrative leave pending the internal investigation.

The incident was caught on in-car video, and its almost six-month investigation has been a hot potato for prosecutors and law-enforcement officials alike. The SPD turned its investigation over to the Washington State Patrol (WSP), which recruited the director of training at the state police academy, Robert Bragg Jr., to review the video and its investigation.

He concluded that Shepherd's actions were inappropriate, inconsistent with best practices and inflicted unnecessary injuries to the woman.

Shepherd refused to give a statement to WSP investigators. Makus said that's because the investigators would not let him watch the dash-camera video of the incident beforehand.

Criminal prosecutors in Satterberg's office reviewed the video, reports and the investigation by a WSP detective sergeant and came to another conclusion.

King County prosecutors said they found that Shepherd had "acted professionally and with restraint up to the point where he was kicked in the head by the suspect as she was being placed in the patrol car."

"Officer Shepherd reacted instantaneously to the kick by the suspect, who was wearing boots, with one punch to the suspect's head which caused a fracture of an orbital socket."

Prosecutors concluded that, in Shepherd's



Officer Adley Shepherd



Miyekko Durden-Bosley

case, they could not overcome the legal burden that requires them to prove beyond a reasonable doubt that the force used by the officer was not necessary.

"While officer Shepherd may have had other options or alternatives, we have concluded that we would be unable to prove that officer Shepherd's use of force was criminal" prosecutors said.

The decision, which has been pending since October, comes as public outcry grows over incidents in Missouri and New York where police officers have not been prosecuted despite using deadly force against unarmed individuals.

In Seattle, protesters have gathered nightly downtown this week to express their outrage over what they consider a lack of police accountability.

The video — which has not been publicly released — does not clearly show whether the kick struck Shepherd, although he can be heard saying, "She kicked me," according to the documents.

The Washington State Patrol found that it was not clear whether Durden-Bosley's kick connected with the officer, even after the video was enhanced by the FBI and a private video company.

Shepherd and Durden-Bosley

were both treated at Harborview Medical Center, where State Patrol investigators later served a search warrant for medical records.

After the kick, Shepherd is heard on the video saying, "My jaw is jacked," and complained of soreness in his jaw and a shooting pain in his face. However, the records obtained from Harborview showed "no obvious injury."

In approving the search warrant, King County Superior Court Judge Sean O'Donnell found, based on an affidavit by a State Patrol investigator, that there was probable cause to believe Shepherd committed the crime of felony second-degree assault.

Durden-Bosley was taken to jail after her injuries were treated, and she spent four days in jail for investigation of assaulting a police officer before the case was dismissed. ★★★



Judge Sean O'Donnell

## Police Officer Reacts to Shoplifting Woman



William Stacy

(The Blaze) - A police officer in Tarrant, Alabama, responded to a shoplifting call at a local Dollar General store on Saturday where he encountered a woman shoplifting a carton of eggs.

As officer William Stacy confronted the woman about the incident, another customer started filming the interaction. However, the handcuffs didn't come out and there was no physical altercation as in much of the video footage played on the news — quite the opposite, in fact.

Instead of criminal charges, Stacy gave the woman a hug and bought her the carton of eggs she was trying to steal.

The officer told WIAT-TV that he realized he once responded to a previous call to the woman's home, where he witnessed the very tough living conditions of she and her children. Though he admitted it was "just a small glimpse into her life," Stacy said seeing the home was "enough to make an impression on me."

That's why Stacy decided to buy the carton of eggs for her so she could feed her kids, give her a hug and do his best to convince her not to attempt to steal anymore.

"I shouldn't have done that but my babies need food," the woman reportedly told Stacy.

"She tried to give me all the money she had. It was about \$1.25. I told her the best way to pay me back was to never do something like that again," Stacy recalled.

The officer only found out later that another customer had recorded the touching moment, which he was fine with. However, he wasn't expecting it to go viral.

"After all the stuff that's been going on all over the U.S. with law enforcement officers, this is a positive uplifting story. I'm just one out of hundreds of thousands that do this on a daily basis," Stacy told WAIT-TV. ★★★

## Police Depts Not Reporting Hundreds of Cop-Involved Homicides to the FBI

By Rachel Blevins

(BenSwann.com) - A recent analysis found that the killings of hundreds of individuals by law enforcement officers have not been reported to the Federal Bureau of Investigation (FBI).

The study, which was first reported by the Wall Street Journal on Wednesday, stated that after looking at records from 105 of the nation's largest police forces, there was a gap of 583 homicides that were not included in the FBI's records from 2007 to 2012.

The analysis found that the departments recorded 1,825 officer-involved killings over the five-year period, which was 45 percent higher than the tally of 1,242 that had been reported to the FBI.

According to Yahoo News, this massive gap "makes it nearly impossible to figure out how many people cops kill — justifiably or not — every year."

The Wall Street Journal reported that local police departments are not required to provide the FBI with either statistics or



detailed records on how many individuals are killed by police officers.

According to CBS News, police departments have "developed their own policies that generally permit officers to use force when they reasonably fear imminent physical harm," which ultimately gives officers "the benefit of the doubt by prosecutors," and makes and grand jurors "reluctant to second-guess their decisions."

This is evidenced in the case of Michael Brown, who was shot and killed by Officer Darren Wilson during a confrontation in Ferguson, Missouri, on August 9. The Grand Jury chose not to indict Wilson on murder charges,

sparking riots and protests throughout the country.

Another instance that recently ignited protests from the American public is the case of Eric Garner, who was choked to death by Officer Daniel Pantaleo in New York City, on July 17. The Grand Jury chose not to indict Pantaleo, despite the fact that unlike in Wilson's case, Pantaleo's actions were caught on video.

In addition to the freedom local police departments are given regarding their policies for use of force, they are also given a great amount of freedom when deciding how to use the military equipment they obtain with grants from the U.S. Department of Homeland Security.

As previously reported, the Federal Emergency Management Agency, which is in charge of providing grants for military equipment, does not have a system in place to determine the extent to which police departments use the equipment, and as a result the grant program "exists with little oversight." ★

## Troopers Drive Woman Across Utah to See Sick Son

By John Johnson

(NEWSER) - When 87-year-old Helen Smith of Nevada learned that her son was near death in a Utah hospital, she hopped in her car and began the 350-mile trip. The problem is that she was buzzed by a Utah trooper en route, and he pulled her over to issue a warning, reports KUTV. When Smith tried to pull back onto the highway, she backed right into Jeff Jones' patrol car instead. At that point, the distraught Smith told Jones about her son, and he engineered an unusual shuttle to get her to



Trooper Jeff Jones

the hospital. After arranging to have her car taken to the sheriff's department, the trooper drove her to the county line, then handed her off to another trooper, reports USA Today. In all, four troopers got Smith to the hospital to see her son, who was moved into hospice care today. "To hold her hand walking into the hospital was very, very rewarding," says Trooper Andrew Pollard, who handled the final leg into Ogden. Or as Smith puts it, "Four good-lookin' patrol boys brought me." ★★★

## US-OBSERVER NOTE ON FALSE CHARGES:

False prosecutions are getting some well needed main-stream attention these days. Over the past 25 years, the US-Observer has been the lone voice exposing this rampant issue. Our cases, over 4,200 of them, have led to vindication through the use of our services; an achievement no other group, lawyer or agency can claim.

In many cases, our clients haven't needed the use of expensive attorneys, as our investigations and publication are used to expose the truth to the world. It is this exposure that this otherwise beyond reproach system fears, and it works well.

We hope that every innocent victim of a false prosecution finds justice, and if you are facing false charges, please contact us.

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**LIBERTARIAN • li-b?r-'ter-ē-?n**

1 : an advocate of the doctrine of free will  
2 a : a person who upholds the principles of individual liberty especially of thought and action

—Merriam-Webster

# YOUR PERSONAL LIBERTY

Articles of Interest that first appeared on Personal Liberty Digest™ at Personalliberty.com

## Obama should wear a body camera



Hello. I'm Wayne Allyn Root for Personal Liberty. President Obama is right — finally. This could be the only time in six years that I've agreed with Obama. He says that police officers should wear body cameras. Bravo. That's the only smart move of his presidency. That's what I'd call a no-brainer.

Of course, Obama wants it for a different reason than I do. He is suspicious of cops. He thinks cops are often bad guys. He thinks cops are racist.

I think cops have an impossible job. I think cops deal with terrible people all day long. I think if people treated cops with respect, 90 percent of all violent confrontations with police and shootings by police would never happen. Body cameras are the perfect solution for both concerns.

It doesn't matter who is right: Obama or I. Body cameras solve the problem. Police will act completely differently, knowing they are on camera. And so will the people that cops deal and interact with every day. I've been in the television business my entire adult life. I've hosted, created and produced multiple hit television shows. And I can tell you that people always act differently when they know cameras are rolling.

So body cameras work for both Obama and me. Obama wants cops to stop beating and shooting unarmed or innocent citizens. Well, you can bet cops will think twice before escalating a confrontation, knowing it's all being recorded. And, of course, so will the people on camera interacting with the police. Everyone will be on his best behavior.

The main reason I support body cameras is far different than Obama's. I want to avoid or drastically reduce lawsuits against the police, thereby saving taxpayers hundreds of millions of dollars annually. If a police interaction with

bad guys is all captured on camera and the video proves the cop conducted himself professionally, there are no longer grounds for a lawsuit. Case closed.

My message to the bad guys is, "Smile, you're on 'Candid Camera!'" The cops and the taxpayers are the big winners once cops put on body cameras. I'll bet Obama didn't think about that.

But what's good for the goose is good for the gander. If Obama is such a fan of body cameras for police officers, why shouldn't politicians wear them too?

History proves politicians like Obama are far worse for the citizens and taxpayers than any police officer. Politicians are liars, crooks, frauds and criminals at a far higher rate than cops. Heck, at one point last year, we suffered a crime wave by Democratic politicians from coast to coast. Many of them will go to prison.

But the worst example of lies, fraud and taxpayer abuse is Obama himself. He lies about virtually everything. He said, "If you like your insurance, you can keep it." Not true: Millions of Americans have had their insurance canceled, with millions more to come. He promised we could keep our doctors, too. Not true. He said rates would go down \$2,500 per family, per year because of Obamacare. Instead, rates went up dramatically during Obama's presidency. Now, because of Obamacare they are going up dramatically again. Our deductibles and co-pays have doubled, too. He also claimed it wasn't a tax, yet it turned out to be one of the biggest tax increases in history.

Don't take my word for it. Just watch Jonathan Gruber (the architect of Obamacare) on video. He says Obama lied. He admits



Jonathan Gruber

Obama and the architects of Obamacare committed fraud to fool the stupid voters. He admits they couldn't tell you the truth, or you wouldn't have bought the product. That's fraud. And we got him on video saying it. See how valuable video cameras are?

Don't forget Benghazi. Obama and Hillary



Clinton claimed that fiasco was all due to a movie that no one in the Middle East ever watched. That's called a cover-up. Wouldn't you have liked a body camera in the room as Obama and Clinton made up that story?

Don't forget the IRS scandal. Obama claimed it was tiny, unimportant and never rose above a few bad apples in one office in Cincinnati. All of that has been proven untrue. The attacks came from many IRS offices across the country. The attacks just happened to be aimed at groups and individuals that criticized the president — like me. I was targeted and attacked from the Las Vegas IRS office.

Next, we found out thousands of IRS emails had been destroyed — emails that could implicate the White House in the targeting. Just last week, we found out that the IRS handed confidential and private tax information to the White House. Why? Wouldn't you have liked a body camera in the room as Obama met with the heads of the IRS and the IRS government employees union hundreds of times to plan and plot this massive scandal?

The list of lies, fraud and violations of the Constitution by Obama is long and seemingly endless.

What a cop does to some random perp doesn't affect my life. But lies and crimes committed by

politicians like Obama dramatically affect all of our lives.

The deals they cut in the backroom should be watched and heard by all of us. We, the taxpayers, pay their salaries. It's time that politicians — in particular, presidents — wear body cameras. It's time for real transparency. It's time for politicians to live by the same rules as the rest of us.

So let's agree with Obama about putting body cameras on cops. Then let's make him live by the same rules as the rest of us. It's time to watch the politicians.

Look at the bright side. If nothing else, we can finally learn how good Obama's golf game is.

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## Americans are mad as hell and we're not going to take this anymore



By John Myers

**"Americans are slow to anger, but once they do get angry, they are impossible to stop."**

— Kathleen Troia McFarland, former speech writer to Defense Secretary Caspar Weinberger

Revolts come to a boil like water in a saucepan. At first, there are a few bubbles. And then suddenly, there's an eruption of molecules crashing together in a furious frenzy. Vladimir Lenin said, "There are decades where nothing happens, and there are weeks where decades happen." It has been so from the Bronze Age through the Arab Spring.

It is not surprising that America is on a slow simmer as mass protests break out ostensibly over the way police treat blacks. That anger is in some cases reasonable for the ongoing street demonstrations, but the actions of police in 2014 are no different than they were in 1994 or 1974.

In August, USA Today reported:

*Nearly two times a week in the United States, a white police officer killed a black person during a seven-year period ending in 2012, according to the most recent accounts of justifiable homicide reported to the FBI.*

*On average, there were 96 such incidents among at least 400 police killings each year that were reported to the FBI by local police...*

*The reports show that 18% of the blacks killed during those seven years were under age 21, compared to 8.7% of whites.*

And while the data before that period hasn't been compiled, I suspect this rate is no higher than it was in the 1990s and probably lower than it was in the 1960s.

Race relations are the touchstone for the current outrage. But the principle reason for the outrage has more to do with the political divide within the country after four decades of ruinous economic policies. Today, there are close to 50 million Americans living in poverty who need "supplemental measures," which is government-speak for handouts.

According to Planet Money, food stamps keep 5 million people barely above the poverty line while Social Security keeps more than half of all Americans 65 and older out of poverty.

It is not just that one-sixth of Americans are poor. More than half are not doing as well as they were a decade ago, and they aren't doing nearly as well as the average American was doing four decades ago.

Last summer, Forbes contributor Louis Efron wrote: "Despite the significant decrease in the official U.S. Bureau of Labor Statistics (BLS) unemployment rate, the real unemployment rate is over double that at 12.6%."

The discrepancy comes from another polite word Washington uses, the "marginally attached," which should be renamed the "barely surviving." Those are Americans who want to work but have been unemployed for more than four weeks. They, along with "involuntary part-time workers" (those who want to work full time but their hours have been cut back), total almost 10 million. That is 10 million Americans who are scraping by to survive. I believe a good estimate of the number of Americans who understand that they are doing far less well than they used to do

is tens of millions.

### IT'S NOT YOUR FATHER'S OLDSMOBILE

In 2009, the U.S. auto industry employed 880,000 people. That was 435,000 fewer than it employed at the beginning of the decade. The decline in the number of U.S. manufacturing jobs has continued unabated through 2014, and I know of no economist who expects that trend not to continue.

Consider that the membership in the United Auto Workers union topped out at 1.5 million in 1978 and stands today at about 400,000. Making a good living at the auto plant or any other manufacturing plant out of high school is a thing of the past. That is bad news for the ex-mid class but a bonanza for companies like Walmart, which employs 1.4 million Americans and pays the majority of them less than \$12 an hour.

I, too, would be angry if my dad worked at the Oldsmobile plant back in the day and built our family a good life with a high school education while I, with a college education, lived on the edge of existence while working as a cashier. Take that anger from one person, apply it to the millions of Americans who have seen manufacturing jobs disappear over a generation and you can see why the nation could be at a tipping point.

### OCCUPY WALL STREET WAS THE FIRST BUBBLE TO BOIL

The 25th anniversary of the fall of the Berlin Wall was recently celebrated. While it seemed at the time to be spontaneous combustion, those who understood history saw the initial breakup of the Soviet Union beginning in Poland in 1980. It was that tiny spark from the Solidarity movement that a decade later unchained Eastern Europe.

Future writings of the American revolt may

date to the Occupy Wall Street protests of 2011. Former Republican presidential candidate Mitt Romney said that while there were "bad actors" in those protests, he also realized they struck a nerve with many Americans. Romney later expressed sympathy for the movement, saying, "I look at what's happening on Wall Street and my view is, boy, I understand how those people feel." If a rich man like Romney could understand how the downtrodden feel, I suspect many millions of Americans understand how the downtrodden feel.

### NOTHING CIVIL ABOUT CIVIL WAR

This feeling of not being heard, of not mattering, of the country being run by corporations and of our elected representatives being bought and paid for by the mega rich is creating a rage that is leading people to protest. It would be naive to believe it is solely happening because cops are killing blacks (and whites for that matter).

For his 1978 movie "Network," Paddy Chayefsky famously wrote this line: "I'm mad as hell and I'm not going to take this anymore!"

What the protests tell me is that America is at an epochal shift. Race relations are a factor, but there are many others: anger at the president, anger at Congress and anger over taxation, as the divide grows between Americans who want to be productive and those who will enslave themselves to government in return for a welfare existence.

Soldier and diplomat Lieutenant-General Sir John Bagot Glubb studied the lifecycle of empires. He found that typically empires last 250 years, or 10 generations, from the pioneers to the conspicuous takers.

The United States has existed for 240 years. The current political system of the U.S. may have a decade left or perhaps longer. But given the Internet, I would not count on it. \*\*\*

# PERSONAL LIBERTY CONTINUED

Articles of Interest that first appeared on Personal Liberty Digest™ at Personalliberty.com

## Murder by Revenue Enhancement

By Bob Livingston

Eric Garner was black, but that's not why he was targeted for abuse by New York LEOs (legally entitled to oppress). No, Garner became a target because he was allegedly selling a perfectly legal product in a way that deprived the state and city of New York of taxes, and the state and city of New York couldn't abide that.

In their never-ending quest for more "revenue" and to keep the people "safe" from the "evils" of tobacco, New York City and New York state politicians levied a tax of \$5.85 per pack on cigarettes. So rather than pay that exorbitant price, New Yorkers turned to the black market. Black market cigarettes now make up almost 61 percent of the cigarette sales in the area. That's a lot of money the city and state believe they are missing out on.

Garner was standing on a sidewalk hurting no one when he was accosted by badge-wearing thugs operating on behalf of the city's division of theft, i.e., revenue department. He declined their offer to accompany them to headquarters, so Officer Daniel Pantaleo grabbed Garner from behind in a chokehold, and three fellow officers wrestled him the ground and suffocated him, ignoring his complaints that he couldn't breathe. The officers then stood by and did nothing while Garner died, never once attempting to resuscitate him even when they realized he was in trouble.

Of course Pantaleo was not indicted by the grand jury. The grand jury is run by the prosecutor. The prosecutor is part of the system, as Pantaleo is part of the system. The system protects its own — just as it did in the Michael Brown case, and just as it has done countless times in countless cases.

Pantaleo and the other LEOs who stood by while Garner suffocated murdered him. But also complicit are the bureaucrats and politicians that Pantaleo and his gang work for. Because politicians and bureaucrats never have enough "revenue" to spend on their pet projects or to keep the people "safe," they raise taxes and create new "laws" — thereby creating new criminals who weren't criminals before — and



Eric Garner when approached by officers and then later being placed in a choke-hold and wrestled to the ground.

send out swarms of enforcers to enforce new laws and arrest newly created criminals.

And if you've encouraged politicians to raise taxes and raise taxes and raise taxes again so that some pet project or social program can be funded at higher and higher levels, or if you've ever supported "sin" taxes in order to curtail behavior you don't approve of, you're complicit in Garner's death, too. New York Mayor Bill de Blasio, a Communist, vowed in press conference this week to have his thugs continue to "strictly enforce" the anti-cigarette laws. After all, "The law is the law," said the mayor, one of the creators of said laws.

This is what big government looks like.

After all, it's all about keeping everybody "safe," right? And we end up with murder by revenue enhancement, all in the name of keeping the people "safe."

The New York City Patrolmen's Benevolent Association issued a statement on Orta's arrest with harsh words for "criminals like Mr. Orta who carry illegal firearms who stand to benefit the most by demonizing the good work of police officers."

A telling statement, that is also a cleverly veiled threat to anyone who dares expose police misconduct.

### CHARGES FOR VIDEOGRAPHER

While the grand jury gave a pass to the thugs caught on video murdering Garner, the man who made the video was not so lucky. Ramsey Orta, Garner's friend who videoed the takedown and gave the video to CBSNew York, was indicted on Aug. 15 on a weapons charge after police claim they saw him hand a .25 caliber pistol to a friend.

Orta's wife, Chrissie, claims Orta called her the day after Garner's death was declared a homicide and told her New York police were "trying to pin something" on him. Orta's mother told CBSNew York that police had been following him since Orta made the video.

Orta, who has prior convictions on drug and weapons-related charges, claims he's not guilty.



Ramsey Orta

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## Sessions: Obama plans direct cash payments for illegals

By Sam Rolley

Alabama Republican Senator Jeff Sessions continued his criticism of President Obama's immigration actions, taking the president to task for the White House admission that illegal immigrants will receive tax credits under the plan.

White House Press Secretary Josh Earnest then told reporters that Obama was working to turn illegal immigrants into U.S. taxpayers.

"That does mean that they're going to be filing their taxes on a regular basis and that does mean that if they qualify for the child tax credit, for example, as a taxpayer that would be something that they would benefit from," he said.

Sessions told National Review that the tax benefits are proof that the Obama administration plans to further ignore the nation's laws.

"He has now launched a new \$100 million facility and staffing operation to provide illegal immigrants with the exact benefits rejected by Congress — including work permits, Social Security and Medicare," Sessions said. "These credits will cost American taxpayers billions every year and represent an enormous cash transfer from American workers to lower-wage illegal workers. These tax credits are not refunds, but a direct cash payment from the Treasury to illegal immigrants — at a time when the Treasury is running huge deficits."



Senator Jeff Sessions

Sessions has also recently criticized the Department of Homeland Security for "misconduct on a gross scale" for failing to deport illegal immigrants.

"Despite a massive rush on the border, deportations have continued their steady and dramatic decline. Interior deportations have fallen 23 percent since last year alone, and have been halved since 2011....," Sessions said.

He continued, "The effective result of the Administration's non-enforcement policy is that anyone in the world who manages to get into the interior of the United States — by any means, including overstaying a visa — is free to live, work, and claim benefits in the United States at Americans' expense. Again: this is the result of lawless orders issued by this Administration."

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By Sam Rolley

The latest figures out from the International Monetary Fund show that the U.S. has been overtaken by China as the world's leading economy after about a century and a half of U.S. economic dominance.

The IMF numbers show China on track to produce \$17.6 trillion worth of goods and services compared to the U.S.'s slated \$17.4 trillion.

The Wall Street Journal's Market Watch explains:

These calculations are based on a well-established and widely used economic measure known as purchasing-power parity (or PPP), which measures the actual output as opposed to fluctuations in exchange rates. So a Starbucks venti Frappuccino served in Beijing counts the same as a venti Frappuccino served in Minneapolis, regardless of what happens to be going on among foreign-exchange traders.

PPP is the real way of comparing economies. It is one reported by the IMF and was, for example, the one used by McKinsey & Co. consultants back in the 1990s when they undertook a study of

economic productivity on behalf of the British government.

Yes, when you look at mere international exchange rates, the U.S. economy remains bigger than that of China, allegedly by almost 70%. But such measures, although they are widely followed, are largely meaningless. Does the U.S. economy really shrink if the dollar falls 10% on international currency markets? Does the recent plunge in the yen mean the Japanese economy is vanishing before our eyes?

The numbers are eye-opening, but they don't mean that the U.S. is in danger of rapidly losing world economic influence just yet.

A number of contributing factors, including the U.S.'s 2008 self-inflicted financial crisis, slowed U.S. economic output at a time when China was beginning to realize unprecedented financial growth. As the U.S. economy strengthens, the margins could shift. China's large population also makes it far from the world's wealthiest nation, with a per-person gross domestic product less than one-quarter of that in the United States.

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# COMMENTARY Your Right to Speak Out



By Judge Andrew Napolitano

(FoxNews.com) - The city of Ferguson, Mo., is now burned into our consciousness in a way that few other places are. In my youth, the race riots in Newark, Detroit and Los Angeles marked turning points in my own and in the public's awareness of the problems of a black underclass that perceives itself as being so unfairly governed by a white power structure that it resorted to violence.

Those disturbances also revealed the difficulties of hardworking black families trying to make decent lives for themselves by endeavoring to leave the inner cities and, as basketball player-turned-philosopher Charles Barkley stated, the opportunities of inner city "scumbags" willing to steal and pillage and incite for some temporary material or political gain.

We saw this again in Los Angeles during the Rodney King affair, in which a jury in a state prosecution acquitted two white cops of savagely beating an unarmed black man, and the mobs rioted. Thereafter, the same cops were charged with federal crimes based on the same facts and were convicted by a federal court.

As bad as it was for those cops to have beaten King, it was worse for the government to

## Are the police our servants or our masters?

violate the prohibition on double jeopardy by using the legal fiction of federal jurisdiction and federal prosecution as being so distinct from what the State of California had tried and failed to do that the second trial did not constitute a constitutionally prohibited repeated attempt to convict. It did.

Fast-forward to Ferguson, and we see the toxic mixture of a black underclass and a white power structure and the corrupt advantages that people on the make and people on the take can exploit from it.

In Ferguson, the law enforcement case is far more straightforward than the racial complexities. A white cop put 10 bullets into the body of an unarmed black youth with whom he was wrestling for control of his gun. The cop succeeded in wresting the gun from the youth and then proceeded to kill him. Once the cop had control of the gun and the youth had been immobilized, all additional gun firing is criminal. That the youth was the aggressor does not diminish the cop's obvious criminal overuse of deadly force.

The grand jury -- whose job is merely to certify that the state has enough evidence to justify the charges it seeks to present against a given defendant -- was subjected to the type of evidence that only trial juries hear, including a soliloquy from the cop himself and all the exculpatory evidence the prosecutor could find.

Prosecutors often loathe and sometimes even hide exculpatory evidence, but this county prosecutor must have been afraid to seek an indictment,

and so he shrewdly manipulated this grand jury out of its role of determining whether the state had probable cause to try the cop and into the role of a trial jury, which is to judge whether the state has proved guilt beyond a reasonable doubt.

If the feds now come along and indict the cop on federal charges, they would be correcting the error and perversion of the grand jury. This would not be double jeopardy as in the King case, because the cop in Ferguson has never been charged on the basis of the facts in this case.

Would we even know of this case if both the cop and the youth had been of the same race? Probably not.

The long and unhappy history of race relations in America now has another fiery chapter with more tragedy.

The tragedy is the result of the governmental use of race as a basis for decision-making. When cops are hired because they are white, when police suspect criminal behavior on the part of youth because the youth is black and then act on those suspicions, when a predominantly black populace feels -- however accurately or inaccurately -- that it is being treated unfairly by the government and the government fails to address this perception, when hucksters and scumbags who are drawn to these conflagrations use racial vulnerability to rob and pillage and arouse and destroy, and when the sides are arrayed along racial lines, the government has failed

to protect the liberty and property of the people it was hired to protect.

The failure in Ferguson is across the board. From a city government whose police force makes its minority populace feel vulnerable and defends an unnecessary public killing by one of its cops, to a county prosecutor afraid to take responsibility for a proper public prosecution, to a governor missing in action, to a president who sounds like he wants to federalize police, we have an out-of-control stewpot boiling over into a wave of destruction.

The police need to be strong enough to protect life, liberty and property, and vulnerable enough to tolerate all political opinions, even those filled with ignorance and hate. The militarization of local police -- perfected during the past two presidential administrations, which have given local cops military surplus intended to be used on enemy armies in foreign lands -- if uncorrected, will lead to a police state. A police state is one in which the government's paramount concern is for its own safety, and not for the lives, liberties and properties of those it has sworn to protect.

Are the police our servants or our masters? Can the mobs in the streets express political opinions without harming innocents? Can the government be dedicated to preserving the personal liberty -- the right to be oneself -- of even the most vulnerable among us? Can we use the tragedy of Ferguson to achieve a freedom-generated nonracial consensus on all this?

If we fail to address this maturely, I fear that more Fergusons will soon be upon us.

*Andrew P. Napolitano, a former judge of the Superior Court of New Jersey, is the senior judicial analyst at Fox News Channel.*

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## When Prison Guards Kill Inmates: Florida's Prison Massacre Revealed



By Jessica S. Henry  
Chair, Department of Justice Studies  
Montclair State University

(Huffington Post) - Prisoners are forgotten people. Locked away, they are totally out of sight, and even more out of mind.

Yet prisoners are among society's most vulnerable populations. Like children, they are completely dependent on others for everything from food to clothing to medical care. But unlike children, who are mostly cared for by parents who have their best interests at heart, prisoners are overseen by prison guards. This

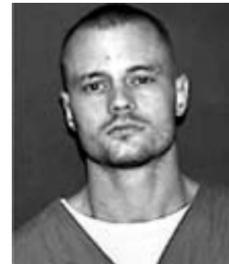
makes them even more vulnerable: Prisoners rely completely on prison guards for everything, and if they are being abused by those guards they are not in a position to tell anyone, not a single person -- not a teacher or a church member or any other members of the community -- because prisoners don't live in the community. They live behind steel, locked doors. Which is why violence against prisoners by prison guards is such a terrible abuse of power.

To be clear, the thought of a prison guard abusing a prisoner does not sadden most of us the way that child abuse does. This is because most of us assume that the prisoner is a fundamentally bad person who deserves whatever is coming to him. But bear in mind that most prisoners are incarcerated for non-violent offenses -- a notion that should impact anyone's idea of the "bad" prisoner. And even those who have committed violent offenses don't deserve to be brutalized.

Allegations of horrific and widespread abuse of Florida prisoners -- a story broken recently in a series of articles by the Miami Herald -- serve to remind us that we cannot, and should not, forget about prisoners. Take, for example, Darren Rainey and Randall Jordan-Aparo, who purportedly died in unthinkably cruel

ways at the hands of their guards.

According to reports, in 2012, Darren Rainey, a mentally ill man serving a two-year prison sentence for a non-violent crime of cocaine possession, defecated in his cell and refused to clean it up. In response, guards allegedly forced Rainey to stand in a tiny shower cell under scalding hot water for almost two hours. Fellow inmates reported that Rainey screamed in agony until his skin literally separated from his body. Rainey was found lifeless in the shower stall -- apparently boiled to death at the hands of his guards.



Randall Jordan-Aparo

In 2010, Randall Jordan-Aparo was serving a two-year prison term for the non-violent crime of check forgery. While serving his sentence, Jordan-Aparo had a flare-up of a rare blood disorder. After Jordan-Aparo's desperate pleas for proper medical treatment annoyed the guards, they sprayed lethal doses of mustard-colored gas into his tiny cell. Jordan-Aparo was found dead, a Bible under his shoulder, his face next to the bottom of the locked prison cell door, as if searching for a last gasp of air. The cause of death was listed as an infection related to the blood disorder, with no mention of the strange orange residue coating his body.

The deaths of Rainey and Jordan-Aparo are horrific.

In recent weeks, and seemingly in response to Florida media reports about their deaths, Florida Secretary of the Department of Corrections Michael Crews dismissed 32 guards who were accused of criminal misconduct or wrongdoing stemming from inmate deaths at four different prisons throughout the state. In doing so, the Florida Department of Corrections has perhaps taken a

first, small step in addressing the allegations of violence and cruelty exhibited within the prison walls throughout the state. But for every death, for every act of vicious abuse, there were likely scores of guards, medical personnel, and prison administrators -- maybe even senior prison administrators -- who actively participated or tacitly acquiesced in the murderous, abusive behavior.

It does not bode well for correctional overhaul in Florida that Mr. Crews has handed over the investigation of 85 non-natural prison inmate deaths to the Florida Department of Law

Enforcement, the same agency that closed its investigation on Jordan-Aparo's death without any findings of wrongdoing. FDLE was already investigating nine additional mysterious inmate deaths.

Nor does it bode well that upon learning of the 32 dismissals, officials from the Florida Correctional Union called the firings a "massacre."

There seems to have been a massacre in Florida's prisons, all right. But it's most certainly not the firings.

It will take genuine leadership, a major housecleaning, and correctional union cooperation to overcome what appears to be an ingrained and devastating culture of abuse in Florida's prison.

It is often said that the measure of a civilized society is how it treats its most vulnerable members. We need to care about and remember our prisoners, many of whom are poor people of color serving relatively short prison sentences for non-violent offenses. The consequences of forgetting, as demonstrated in Florida, are deadly. \*\*\*

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"Congress has not unlimited powers to provide for the general welfare but only those specifically enumerated.  
... A wise and frugal government... shall not take from the mouth of labor the bread it has earned."  
—Thomas Jefferson

# COMMENTARY

## I Spent 17.5 Years in Prison for a Crime I Did Not Commit



By Gloria Killian

I spent 17 ½ years in prison for a crime that I did not commit—and I faced the death penalty twice for that crime. Following my conviction I was sentenced to 32 years to life, and I fought this case for a total of 23 years before my conviction was reversed and I was finally released. Despite the devastation that my wrongful conviction wreaked upon my life and my family, my most important experiences really had nothing to do with my case.

Prior to being sent to prison, I knew nothing about incarcerated women and, like most of society, I couldn't have cared less. I assumed that all people in prison belonged there, and

that they deserved whatever happened to them.

Nothing could be further from the truth.

I learned that women in prison are just people like you and me. Their experiences may have been very

different from ours and they have clearly made some bad choices, but these women are not monsters. Instead they are our mothers, daughters, sisters, aunts and cousins. They have the same wants, needs and desires that we all do, and they very much want to do better. It is criminal for society to turn their backs on the incarcerated and treat them as if they are irredeemable, for most are not. They just need some help from others—as we all do at some time in our lives.

Recognizing these basic facts is the first step toward improving the lives of women in prison. Next we must change the prison system from paramilitary organizations designed by men and for men to systems that realize that

women are different from men and should be treated accordingly. Prisons as currently structured are abusive, coercive, and destructive to women's self esteem, abilities, and families. Women who have been



molested, battered, raped, or abandoned as children, as 85% of them have been, need to be treated in ways that can rebuild their self esteem and abilities to function in society. Warehousing women in the Prison Industrial Complex accomplishes nothing and returns

women to society more damaged than when they initially entered the system.

Realistic case management, evaluation, and treatment will lead to rehabilitation, a better prison experience, and a better future for the women upon their release. Services should be provided according to the needs and experiences of each woman. 80% of all incarcerated women have experienced some type of violence in their lives, so individual and group therapy is crucial for those who have been battered, molested, and otherwise abused. Education and job training will provide women with the necessary tools to change their lives; more importantly it will give them hope.

Women and their children suffer tremendously when they are separated by incarceration. Family visitation and child reunification programs will allow women and their children to maintain the most important relationships in their lives, and provide a better future for their families.

Being smart on crime is not being "soft on crime" and the changes outlined above will improve the lives and futures of incarcerated women—which will benefit all of society.

★★★



By Michelle Alexander

(NY Times) - After years as a civil rights lawyer, I rarely find myself speechless. But some questions a woman I know posed during a phone conversation one recent evening gave me pause: "What would happen if we organized thousands, even hundreds of thousands, of people charged with crimes to refuse to play the game, to refuse to plea out? What if they all insisted on their Sixth Amendment right to trial? Couldn't we bring the whole system to a halt just like that?"

The woman was Susan Burton, who knows a lot about being processed through the criminal justice system.

Her odyssey began when a Los Angeles police cruiser ran over and killed her 5-year-old son. Consumed with grief and without access to therapy or antidepressant medications, Susan became addicted to crack cocaine. She lived in an impoverished black community under siege in the "war on drugs," and it was but a matter of time before she was arrested and offered the first of many plea deals that left her behind bars for a series of drug-related offenses. Every time she was released, she found herself trapped in an under-caste, subject to legal discrimination in employment and housing.

Fifteen years after her first arrest, Susan was finally admitted to a private drug treatment facility and given a job. After she was clean she dedicated her life to making sure no other woman would suffer what she had been through. Susan now runs five safe homes for formerly incarcerated women in Los Angeles. Her organization, A New Way of Life, supplies a lifeline for women released from prison. But it does much more: it is also helping to start a movement. With groups like All of Us or None, it is organizing formerly incarcerated people and encouraging them to demand restoration of their basic civil and human rights.



Timothy Lynch

what prosecutors would do to people if they actually tried to stand up for their rights. The Bill of Rights guarantees the accused basic safeguards, including the right to be informed of charges against them, to an impartial, fair and speedy jury trial, to cross-examine witnesses and to the assistance of counsel.

But in this era of mass incarceration — when our nation's prison population has quintupled in a few decades partly as a result of the war on drugs and the "get tough" movement — these rights are, for the overwhelming majority of people hauled into courtrooms across America, theoretical. More than 90 percent of criminal cases are never tried before a jury. Most people charged with crimes forfeit their constitutional rights and plead guilty.

"The truth is that government officials have deliberately engineered the system to assure that the jury trial system established by the Constitution is seldom used," said Timothy Lynch, director of the criminal justice project at the libertarian Cato Institute. In other words: the system is rigged.

## Go to Trial: Crash the Justice System

I was stunned by Susan's question about plea bargains because she — of all people — knows the risks involved in forcing prosecutors to make cases against people who have been charged with crimes. Could she be serious about organizing people, on a large scale, to refuse to plea-bargain when charged with a crime?

"Yes, I'm serious," she flatly replied. I launched, predictably, into a lecture about

In the race to incarcerate, politicians champion stiff sentences for nearly all crimes, including harsh mandatory minimum sentences and three-strikes laws; the result is a dramatic power shift, from judges to prosecutors.

The Supreme Court ruled in 1978 that threatening someone with life imprisonment for a minor crime in an effort to induce him to forfeit a jury trial did not violate his Sixth Amendment right to trial. Thirteen years later,

relented to a plea. She was sentenced to 10 years' probation and ordered to pay a \$1,000 fine. Then her real punishment began: upon her release, Ms. Stewart was saddled with a felony record; she was destitute, barred from food stamps and evicted from public housing. Once they were homeless, Ms. Stewart's children were taken away and placed in foster care. In the end, she lost everything even though she took the deal.

On the phone, Susan said she knew exactly what was involved in asking people who have been charged with crimes to reject plea bargains, and press for trial. "Believe me, I know. I'm asking what we can do. Can we crash the system just by exercising our rights?"

The answer is yes. The system of mass incarceration depends almost entirely on the cooperation of those it seeks to control. If everyone charged with crimes suddenly exercised his constitutional rights, there would not be enough judges, lawyers or prison cells to deal with the ensuing tsunami of litigation. Not everyone would have to join for the revolt to have an impact; as the legal scholar Angela J. Davis noted, "if the number of people exercising their trial rights suddenly doubled or tripled in some jurisdictions, it would create chaos."

Such chaos would force mass incarceration to the top of the agenda for politicians and policy makers, leaving them only two viable options: sharply scale back the number of criminal cases filed (for drug possession, for example) or amend the Constitution (or eviscerate it by judicial "emergency" fiat). Either action would create a crisis and the system would crash — it could no longer function as it had before. Mass protest would force a public conversation that, to date, we have been content to avoid.

In telling Susan that she was right, I found myself uneasy. "As a mother myself, I don't think there's anything I wouldn't plead guilty to if a prosecutor told me that accepting a plea was the only way to get home to my children," I said. "I truly can't imagine risking life imprisonment, so how can I urge others to take that risk — even if it would send shock waves through a fundamentally immoral and unjust system?"

★★★

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Erma Faye Stewart

No wonder, then, that most people waive their rights. Take the case of Erma Faye Stewart, a single African-American mother of two who was arrested at age 30 in a drug sweep in Hearne, Tex., in 2000. In jail, with no one to care for her two young children, she began to panic. Though she maintained her innocence, her court-appointed lawyer told her to plead guilty, since the prosecutor offered probation. Ms. Stewart spent a month in jail, and then

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Continued from page 1 • No Justice for Property Owner

Spain and served as scribes and knights of the feudal kingdom in medieval times. Today, the family home serves as one of the cultural centers of San Sebastian, Spain.

Manny's mother Caridad Casares Urgelles Puente shared equally in noble heritage serving Ecuador as Social Secretary (not security) at the Embassy in Washington D.C., then as a business development liaison at the Consulate in New Orleans, followed by being Consul General for Ecuador in London where her humor and liveliness got her personal invitations to dine with Queen Elizabeth. Her Father Jose Luis Urgelles Caamano, an attorney, left Spain where he was born, to work in Ecuador and develop the family land grants in the province of El Oro. Working for a large banana grower/exporter near Guayaquil, he moved to Havana Cuba where he married Caridad Puente Duany. Returning to Ecuador, he developed some family lands into five plantations, growing bananas, rice, cacao, and coffee. He eventually entered politics, becoming Ecuador's "Minister of Agriculture."

Manny's political learning was greatly attributed to his father's extensive home library. At age 16, Manny wanted to know why the U.S. was a republic. His father handed him a book containing the five dialogues of Plato including, "The Republic," (a discourse with Socrates). Abruptly, when Manny was only 18, his father died in an accident making Manny, "head of the household." His duties included escorting his mother to black tie functions at the U.S. State Department and other prominent Washington D.C. social affairs. Manny soon found himself socializing with presidents, ambassadors, Henry Kissinger and other prominent world leaders. The most lavish being the Shah of Iran's 50th birthday jubilee at the Iranian Embassy. Putting himself through college while working part time with some of Washington's best caterers, Casares overheard many closed door deals between congressmen, senators, prominent businessmen and even some Supreme Court Justices.

As Manny grew up, he continued living up to his family legacy. His life was full of family and he was a very productive individual in his community. His life as he knew it would soon change, dramatically. While purchasing a "historic" home in 2005, he entrusted a realtor who he is still in litigation with today. Casares bought the historic home advertised as

"restored" by Norris & Company, soon finding out that the home was anything but, "restored."

The freshly painted home was not restored at all, the renovations, "hid the material defects" that negatively affected its value. Realtor Ron Hughes of Norris & Co. reportedly failed to disclose the flooding, hurricane repairs, termites, and water intrusion issues with Manny before the home was sold.

Shortly after purchasing the home, Manny was informed by professionals that it should be "torn down." Hughes as it turns out allegedly had other issues with non-disclosure of material defects affecting the value of homes he was selling. Casares informed Hughes and Norris of the issues and sought legal help from attorneys. Casares eventually compiled enough evidence begging the question; Does corruption in the legal system in Indian River County rival that of Cook County Illinois? Manny believes without any doubt that the answer would be, "yes."

After a year of wasting time with his first attorneys, Casares hired a Ft. Pierce attorney who filed a simple two element claim - Johnson v. Davis non-disclosure of hidden but known defects materially affecting the price of a home.

Attorneys who begged anonymity stated their firms had a policy not to take on cases like this one, where the unlawful acts of other attorneys had to be exposed for justice, for fear of the Bar finding any excuse to retaliate against them. Impartial Attorneys stated to Casares that, "as neither fraud, nor negligence were pled in his complaint, under Florida law defenses for either would be unlawful, impertinent, and subject to sanctions both for the defendant and his or her attorney. Norris' liability insurer knew, or should have known about Hughes/Norris non-disclosure issues as party to other suit(s) (the insurance agent was the spouse of a Norris principal



Realtor Ron Hughes

partner)."

Defending claim under a, "reservation of rights letter", Norris' insurer, "threatened non-payment" if, immaterial, non-judicial fraud was proven (no plaintiff would have either as part of claim or case as either would insure non-payment by insurer exclusions). Owners and managers of Norris and Hughes under defenses controlled by their insurer asserted an, "unlawful negligence claim" and, "fraudulently asserted no knowledge of defects (which was impeached by 6 witnesses under oath in depositions)."

Casares' attorney failed to file a requisite motion (Fl. Statute 57.105) for sanctions against defendants Hughes and Norris and their attorney for the alleged fraud and negligence defenses. Negligence (when asserted as a count in complaints go to comparative fault under Florida law), would likely reduce Manny's ability to recover his losses by 40 to 60%.

Casares, forced to maintain a water damaged home eventually became ill from toxic black mold, hidden beneath the "freshly painted walls." Making matters worse, Manny stated he was eventually, "preyed upon by my (Manny's) own attorney and defendants in a conspiracy which included adding negligence elements language to my amended complaint without my knowledge. The amended complaint included a personal injury claim for mold injury and damages (excluded from coverage by insurer)."

After 9 years of legal battles, Manny finally sought alternative resolution to his ongoing legal issues. Deciding to take his case public, Manny contacted The US-Observer with hope of bringing justice to him and his family. All Manny originally wanted was to hold the realtor accountable. Now, Manny has discovered, "there are many more people involved than my original realtor - and the ability to get justice is largely obstructed by the good ol' boys who are 'deeply rooted' in Indian River County, Florida."

**Editor's Note: Photos of the property may be viewed on-line. Many names were omitted from this article until further investigations are conducted. If you, or anyone you know has any information regarding the people mentioned in this article, please contact the US-Observer immediately - this is an active investigation. You can reach us at: editor@usobserver.com or by calling, (541)474-7885. \*\*\***

Continued from page 1 • "Minister Who Feeds Homeless Falsely Arrested 5 Times"

guy, and I was okay with that. Everything seemed normal."

It wasn't long before problems ensued. Sprinklers from Mr. Gomez's property were reportedly spraying onto Fred's property, constantly hitting his food bank cargo truck. After addressing the issue in a respectful way, Fred thought the problem was resolved, yet "the sprinklers continued." The continuous spraying of Fred's truck caused rust, eventually requiring new paint. At this point, Fred wondered, "why?" Unable to resolve the problem peacefully, Fred contacted code-enforcement and filed a complaint.

After receiving the complaint, Mr. Gomez entered Fred's food bank and confronted Fred. Gomez asked that Fred, "personally contact him with any future problems," according to Fred. It wasn't long after Fred noticed his truck was still being sprayed by Mr. Gomez's sprinklers.

Fred approached Mr. Gomez, attempting to handle the problem like neighbors, but once he informed Gomez of the ongoing problem, like he was asked to do, Mr. Gomez allegedly responded, "I don't have time for that." Mr. Gomez then, "slammed his door, nearly severing my thumbnail," Fred stated.

It was now obvious to Fred that Mr. Gomez, "wouldn't peacefully resolve the problem."

As time passed, Fred grew increasingly worried about Mr. Gomez's businesses. It was reported that Gomez owned around 40 large work trucks that were constantly speeding down the dirt road they shared, creating large amounts of dust. Fred was also concerned for the safety of others as some of the truck driver's consistently failed to make a "full stop" at the stop sign by Fred's food bank. The drivers were also constantly honking their horn(s), creating more concerns.

Next, Fred noticed that his plants were, "being hacked with machete's by Gomez's employees."

Looking back, Fred recalled a time when Mr. Gomez inquired about buying Fred's property. Fred originally claimed that he wasn't interested in selling. Fred responded to the request, "the food bank will stay open until I retire."

Was Mr. Gomez purposely creating problems with Fred to force the sale of Fred's property?

Fred finally offered to sell above market value. The price Fred wanted reflected the pay-off for the land along with the cost to reimburse contributors of the food bank. As Mr. Gomez rejected the offer, Fred remembered Gomez saying, "I'm gonna take it from you and there's nothing you will be able to do about it."

Soon after, Fred's plants at his food bank started dying. Unable to determine why they were dying, Fred re-planted them. They died again. Fred re-planted again. They died. Eventually, Fred "discovered employees of Mr. Gomez were spraying my plants with what appeared to be poison." Fred eventually contacted the EPA, resulting in an investigation that led to, "confirmation of poison present on his vegetation."

During the time Fred's plants were "being sprayed," Fred suffered from several health complications before he found out about the "poison he was constantly touching on his plants."

In 2007, Fred had a temperature of 104.1 on his birthday, but was not able to pin point the exact cause. Fred was hospitalized temporarily. He had fluid in his lungs, which confirmed an infection. Coupled with a high fever and wheezing while breathing, he was prescribed an antibiotic. Fred was bedridden for several more weeks. After the prescription ended, Fred was still ill, so he went to the emergency room three more times over a period of six or seven months. Fred also went to several other doctors in the meantime, trying to find out the exact cause of his illness. In total, Fred sought help from seven other doctors/specialists, but nothing was confirmed as the cause for his failing health. His appetite was extremely less than normal,



Fred Luongo

urine was burning for four consecutive years, bloating on minimal amounts of meals, the more he consumed, the worse he felt. Fred began waking up with severe acid reflux, to the point he had to go to the emergency room again. Fred had never had any problems with acid reflux. His eyesight was dramatically affected. He went from only using reading glasses to permanent glasses in a short period of time. Fred was finally diagnosed with blepharitis and conjunctivitis. His eyes were constantly burning, sensitive to light, sore, itchy and dry.

Was the spraying of his plants causing Fred's health problems? Fred was continuously re-planting vegetation without knowing his plants were "contaminated with poison".

In early 2009, Fred's plants were killed again. He contacted law enforcement to file a complaint for trespass and destruction of his property. Fred thought the only person(s) possibly responsible

for the damage were Mr. Gomez, or his employees. Responding to the claim, Deputy Teddy Floyd arrived at Fred's property and allegedly convinced Fred to drop the complaint. According to Fred, Deputy Floyd stated, "forgive the driveway (damage), forgive the plants, you're a man of faith." Fred reluctantly agreed with Deputy Floyd, giving Gomez the "benefit of the doubt."

Shortly before the situation was resolved, Mr. Gomez arrived. Having had "no luck" dealing with Mr. Gomez, Fred began walking away to avoid any conflict. As Fred walked away, Deputy Floyd attempted convincing Fred to, "stay and fix the problem like men." Fred continued to walk away.

He stated that Mr. Gomez shouted, "that's okay, my wife's at the courthouse right now getting an injunction on you. You threatened my kid on Saturday morning!" According to Fred, he's never threatened any child, furthermore, he's, "never knowingly talked to Gomez's kid."

At this point, Fred immediately contacted his attorney and was advised to "lock his door and stay in his house." Sure enough, the next day, deputies knocked on Fred's door and served him with a temporary injunction (restraining order). Fred claimed that Deputy Teddy Floyd lied on his report, which likely attributed towards the granted injunction.

The injunction was for "500 feet." How could Fred work at his food bank, which was obviously much less than 500 ft. away? Eventually the injunction was modified to 50 feet, but soon after, Fred wasn't even willing to go back to work, in fear of being falsely arrested. According to Fred, false claims from, "flipping off Gomez," to "drawing religious symbols in the dirt with a garden hose" have all resulted in him being wrongfully arrested.

Having back problems and a previous back surgery, his false arrest(s) have worsened his back problems. Fred stated he was, "hand-cuffed and put in a small chair by Deputy Henry Makaruo for eleven hours during Thanksgiving weekend (2009)." Fred alerted the deputy that he was hurt and tried to stand up, only to be told that if he, "kept getting up" he'd be, "bound in a wheelchair hand and foot and his (Fred's) mouth would be gagged." All of this was a direct result of, "false allegations and arrests" according to Fred.

In all, Fred has spent over 10 days in jail, for "five false arrests." He's lost his business and he hasn't lived at his personal residence in fear of being wrongfully arrested. Multiple Indian River County Sheriff's Deputies have "aided in Fred's false arrests." One deputy stated to Fred that, Mr. Gomez, "knows somebody at the Sheriff's Office," which allegedly was the

reason why Fred was having numerous unresolved problems with Mr. Gomez.

FALSE CONVICTION?

Fred recently went to trial for "violation of injunction" and, "resisting arrest." The crime he allegedly committed - "flipping off Mr. Gomez." Who arrested Fred for his alleged crime? Lieutenant Kent Campbell of the Indian River County Sheriff's Department. What is the significance of Lt. Campbell arresting Fred? Kent Campbell is a Lieutenant. It's not common for someone holding that title to make an arrest for violating an injunction order. You see, according to Lieutenant Kent Campbell, he is, "in charge of the entire county (Indian River) at night." Lt. Campbell also stated he was responsible for 2 Sergeants, a K-9 unit, patrol, and 18 deputies. Lt. Campbell's car wasn't even equipped to transport criminals during Fred's arrest. Even more troubling, there was, "no video or audio evidence gathered from Lt. Campbell's car or person that supported Lt. Campbell's claims."

During a conversation with Sergeant Eric Flowers, an Indian River County Sheriff in charge of media relations, he stated, "all of our vehicles are equipped with dash cameras. We have several deputies who are wearing body cameras in a trial phase." He continued, "the policy is that if they're (deputies) involved in an incident ah, you know, they, they are required to record it. It is part of the policy." Going even further, Sergeant Flowers stated that, "dash cameras have been used by their department for over 11 years."

Is Lt. Campbell exempt from department policy? Why wasn't there any video footage from his person or his vehicle, after all, he was the arresting law enforcement officer. Shouldn't he, the person "in charge of Indian River County" be setting the standard for other deputies?

Causing even more doubt, Lt. Campbell, "knows" Mr. Luongo. He knows him well enough to refer to him by his first name, "Fred." Are they friends? Doubtful.

Furthermore, Lt. Campbell's wife works for Jeff Gomez. Yes, Lt. Campbell has a direct connection to Gomez, who made the complaint. According to Lt. Campbell, he is also, "friends" with Jeff Gomez. Conflict? Apparently not.

I found it interesting that Fred's attorney, Jacob Noble asked Judge Joe Wild during Fred's recent trial to give a particular instruction to the jurors while they deliberated. The particular instruction according to Judge Wilde, "the fact that the witness is employed in law enforcement does not mean that his testimony deserves more or less consideration." It was obvious that Lt. Kent Campbell was seemingly biased, thus the need for that particular instruction. Judge Wild continued, "Okay. You are the first person to ask for that." Not one other attorney, according to Judge Wild, has asked that testimony of law enforcement be given, "more or less consideration because of the job title." Despite that instruction, Fred ended up convicted of, "resisting arrest without violence," and, was acquitted of the injunction violation.

There are many issues with Fred's conviction, which will be addressed during his appeal.

It's concerning that the alleged police abuse leveled against Fred, and others alike, has increased distrust between law enforcement and the public. Fred Luongo had, "never been arrested in his entire life (44 years)" until Jeff Gomez moved next door. What is to come of Fred Luongo, a minister who ran a food bank for more than two decades while preaching the word of God to the homeless? This writer believes that Mr. Luongo has a bright future ahead. The US-Observer is actively investigating this case and will continue to keep the public informed!

**Editor's Note: Do you know Jeff Gomez? Are you a resident of Vero Beach, Florida? Do you know Deputy Teddy Floyd, or Lieutenant Kent Campbell? Have you been, or do you know others who have been abused in Indian River County? Call 541-474-7885 or send an email to editor@usobserver.com. \*\*\***



Jeff Gomez



Lt. Kent Campbell

Continued from page 1 • Sheriff Mack Witnesses Abuse of Bedridden Woman

battling a life-threatening thyroid disease that often left her bedridden. This same disease had killed Nannette's mother when she was Nannette's age.

The nightmare started in 2008 when Nannette called the Tomball Police Department to report a stolen credit card. After an uncomfortable encounter with police regarding the matter, Nannette regrettably remembers "laughing" in an attempt to ease what she described as an "awkward interaction." Thus began Nannette Carley's tumultuous relationship with the Tomball Police Department.

A few weeks later, Nannette was pulled over just a few blocks away from her home by Officer Kenny Yoho. Her ex-husband, who was nearby, offered to produce Nannette's auto insurance documents, but Officer Yoho allegedly refused acceptance. Officer Yoho then inexplicably ordered Nannette's ex to leave. After Nannette's ex-husband obliged, Yoho wrote Nannette a ticket for, of all things, not having current auto insurance. The ticket was later dropped.

It wasn't more than a month later that Nannette had her next run-in with Tomball police. While visiting a nearby apartment complex, Nannette was detained and questioned for almost an hour despite the fact that no victim came forward and no crime had been committed. When she asked the Tomball Police Officers why she was being held against her will, they informed her that they received a complaint that "someone was trespassing at the apartments and wouldn't leave." Nannette was eventually told she could leave.

As the weeks passed, Nannette stated that she received, "one ticket after another." While she was able to prove her innocence against the unfounded accusations and citations, her health began to deteriorate, making it more difficult for her to keep up with the constant "barrage of attacks" by Tomball PD. The seemingly endless cycle of paperwork and court dates grew overwhelming, and she simply was not able to keep up. "In the beginning," Nannette said, "I just thought they had me confused with someone else. What I later came to find out was that Tomball Police Officer DeWayne Eickenhorst was spreading lies about me at the department, touching off a 'get her' mentality amongst other Tomball police officers." Ironically, it was actually other Tomball police officers who reportedly "informed" Nannette of the slander.

It was only a matter of time before Nannette missed a court date. After suffering a demobilizing heart attack, and surgery, Nannette asked to reschedule one of her court dates, or, for the court to dismiss the charges on account of her compromised state of health. According to Nannette, in spite of her heartfelt and seemingly reasonable requests, Judge Laryssa Korduba, "declined to help and issued warrants for Nannette's arrest."

The harassment of Nannette Carley increased, and she soon suffered another heart attack, again requiring surgery. While Nannette recovered at home, Officers Chris Burns and Alfred Hernandez parked their squad car nearby, reportedly setting up watch on a regular basis in front of Nannette's home. On one occasion, Nannette remembered the officers, "banged on her front door for over 45 minutes." Meanwhile, Nannette, suffering from her chronic illness, trying to recover from a heart attack, as she lay in bed unable to respond or get the rest she needed.

Hidden around the corner in the church parking lot or behind another car at the end of her street, Officers Burns and Hernandez, "monitored Nannette's friends, family, and visitors, never wasting an opportunity to pull them over and write a ticket as they came and went." With seemingly unbreakable focus and patience, they waited to "pounce on Nannette whenever she left the house," which wasn't often, due to her compromised health. While her caretakers did most of her errands, the few times she did leave the safety of her home, Tomball police were usually there to meet her.

According to Nannette, Officer Virginia Gorman went as far as knocking on Nannette's door, "demanding her identification so she could write her more tickets." When she refused to oblige Officer Gorman, which she undeniably had the right to do; she was, "cited five times." Two weeks later the US Postal Service delivered the citations - two for a dog at large, two for an unvaccinated dog, and one for failure to supply Officer Gorman with identification. Nannette stated that, "these charges were absolutely false."

Documents obtained through the Texas Public Information Act (TPIA) subsequently revealed that Officer Gorman had, "lied on

sworn statements in order to file charges and issue warrants against Nannette."

Fast Forward to February 25, 2012.

Nannette was driving home after running errands when a Tomball PD vehicle began



Nannette Carley

following her just a few blocks away from her house. She pulled into her driveway and removed her keys from the ignition only to be met by two TPD officers with their guns drawn ordering her to step away from her vehicle. While in her own driveway, having committed no crime, Tomball PD Officers arrested her for felony evasion. Unbeknownst to the two officers, Former Sheriff Richard Mack, whose car they had passed in pursuit of Nannette, witnessed the entire wrongful arrest and has provided a signed affidavit regarding this information.

Nannette was then taken to police headquarters. A little less than an hour later, her purse, which had been locked in the car she was ordered to exit at gunpoint, arrived at the police station, allegedly missing \$4,000.00. Officer Burns was responsible for the chain of custody of the purse, and he claimed to have no knowledge of the money or of what may have happened to it.

Having witnessed the arrest, Sheriff Mack went to the police department to offer his assistance. He tried to reason with Tomball police officers, pointing out that the arrest he had just witnessed had no legal grounds. Nonetheless, they refused to give in, continuing their pursuit for Nannette. Unfortunately for Tomball PD, the Harris County District Attorney's Office refused to charge Nannette for felony evasion. Once again, Nannette was released without any formal charges filed, but only after spending the entire day in jail before being released after midnight to walk home alone in the dark.

Tomball Police continued to, "Harass Nannette's family, friends, and co-workers, constantly stopping and ticketing them for no apparent reason." Nannette almost got used to the, "site of guns pointed her direction" every time Tomball police officers "unfoundedly pulled her over." According to Nannette, eventually, "the gun-wielding cops began to point their pieces at anyone riding along with her."

In spite of the fact that the charges against Nannette Carley were consistently dismissed due to insufficient evidence for prosecution, the harassment escalated.

While Nannette was on her way home from the pharmacy after picking up some of her medication, Tomball Police Officer Chris Burns pulled her over. Knowing she had been unsuccessfully cited four or five times in the past for diving with a suspended license, Officer Burns allegedly tried a new tactic. Since each of the previous citations had been dismissed on account of the fact that Nannette did not have a suspended driver's license, he charged her with "Failure to Display Driver's License on Demand." Well aware that a conviction for this charge could not be obtained without bending the truth; Officer Burns, "committed felony perjury," by reportedly lying on the witness stand to convict Nannette.

Four witnesses subsequently came forward, attesting to the fact that Officer Burns had committed felony perjury to get Nannette convicted of a simple citation. They even sent affidavits of probable cause for Officer Burns' arrest to Harris County Sheriff Adrian Garcia, but Sheriff Garcia allegedly, "did nothing, ignoring the affidavits and refusing Nannette's requests for a meeting."

After spending a number of nights in jail for another false arrest, Nannette was released in

late 2012, just in time to travel to Las Vegas to receive a "Citizen of the Year" award from the Constitutional Sheriff's and Peace Officers Association." Sheriff Jeff Christopher of Sussex County, Delaware bestowed on her the title of "Honorary Deputy Sheriff." These don't sound like the kind of accolades given to criminals; nevertheless, Nannette would be locked up by TPD again within 24 hours of returning home.

In June of 2013, Nannette had another encounter with Tomball PD. Nannette had allowed one of her staff members to stay free-of-charge in a fully-furnished home she owned a few doors down from where she lived herself. Unfortunately, Nannette learned that this staff member was "stealing from her." During a confrontation with the alleged thief/employee, the police were called, and they threw Nannette off of her own property where she had been graciously allowing the "thief" to stay. TPD allegedly threatened to charge Nannette with trespass if she didn't vacate the premises.

Witnesses recall that the woman who was staying in Nannette's home, Summer Marie Presswood, and her boyfriend, Ryan Roch, were, "discovered with over \$2000.00 in stolen company products previously destined for Nannette's customers." Additionally, "\$400 worth of stolen office supplies were found in the custody of Presswood and Roch." Rather than arrest the "thieves", TPD threatened to arrest Nannette if she insisted on pressing charges. A search of the home also allegedly revealed drugs and drug-use paraphernalia, but TPD "ignored the drugs."

Presswood and Roch were reportedly allowed to illegally squat in Nannette's newly furnished home.

Witnesses continued, "TPD promised Nannette that if she submitted a 3-day-vacate notice to the residents of her property, they would force Presswood and Roch to vacate once the three days were up." In the meantime, Nannette spent \$7000 to have private security officers ensure that none of her possessions or business products left the property. Three days passed, and TPD told Nannette that she still needed to file a formal eviction notice if she wanted Presswood and Roch gone. Why?

Over the next 45 days, Nannette worked tirelessly to legally evict Presswood and Roch. Several encounters between Nannette, the "two thieves," and TPD took place. Former Police Chief Robert Hauck, well aware of Nannette's situation as well as the alleged thievery and drug use going on in the house, promised Nannette that he would, "arrest Presswood and Roch if any of Nannette's property was missing." In the meantime, Nannette was given no way to enter the property she so graciously allowed her employees to live in, and she had no legal method by which to remove her possessions. When Nannette tried to ensure her property was not damaged or stolen by hiring private investigators and security to follow Presswood, "TPD again threatened to charge her with harassment."

Once Nannette was finally allowed to enter the home she owned, she discovered that, "all of her new solid-wood and leather furniture and new appliances had been stolen along with office equipment, sinks, faucets, shower-heads, the garbage disposal, cabinet-knobs, curtains, curtain-rods, a trampoline, and about \$6000.00 worth of religious books, and other stored items and appliances." Nannette explained, "The house was basically trashed and gutted!"

Nannette immediately called TPD. They first informed her that it was a civil issue, not theft, but upon her insistence they hesitantly filed a report and promised to, "arrest Presswood."

Detective Albert Chambers was assigned to the case. After a brief investigation, he informed Nannette that there was no way to prove that Presswood had stolen the items. This he insisted in spite of the fact that Presswood had, "returned Nannette's stolen cell phone and stolen car title" to Chambers

himself. Nannette recalled, "a flat screen television the same size and description of the one stolen (from Nannette's house) eventually turned up at the local pawn shop, pawned by Presswood, and at Presswood's new home, a nearly-new trampoline identical to the one missing (from Nannette's rental property) was proudly displayed," but Chambers and his fellow officers at TPD did nothing.

Presswood and Roch were never arrested or charged with any crimes associated with the theft of Nannette's property.

Continuing with their harassment of Nannette, TPD finally got the Harris County DA's office to bite on the bogus charge of felony evasion. Reportedly, Nannette's attorney Andrea Kolsky stated that charge should never have been filed in the first place. Chief Hauck allegedly insisted that the District Attorney's office, "get her for something." Succumbing to pressure from TPD and Chief Hauck, the DA's office refused to do the right thing and began prosecuting Nannette.

On the day of her hearing, Nannette stated that she "fell ill, vomiting and defecating blood." Showing up late due to her physical condition, Judge Susan Brown sentenced her to 5 days in jail to, "teach her a lesson" about tardiness. In no condition health-wise to spend time in jail, combined with fear of the lewd victimization she'd been subjected to by fellow prisoners during previous stints in jail, she took a plea bargain for "failure to stop," avoiding jail time.

During this period of time, Tomball Police Officers Chris Burns and Alfred Hernandez were spotted by neighbors on at least, "two occasions" performing illegal searches of Nannette's two homes while she was away. These same officers also allegedly sought entry to her home on four separate occasions, claiming 911 calls were received from the residence. Nannette and her employees confirmed that all phone lines in the house had been previously disconnected, cut, and capped. With no phone lines connected in Nannette's residence, there is absolutely no possibility that any 911 calls were made, begging a number of questions. Why were there claims of calls being made? If there were calls made, who made them and where did they come from? Is it possible that no calls were made and TPD chose to act in accordance with its own set of abusive rules?

Not one public official or employee has been arrested for their alleged crimes against Nannette Carley. According to Nannette, Gary Hammond, the Tomball PD Internal Affairs officer, "investigated" a number of these issues and, "failed to find any crimes committed by TPD." Gofigure...

In a desperate act to protect their own interests, "TPD refused to release video-taped footage of many incidents involving Nannette," stating that they, "lack the proper equipment to redact (edit out private information such as addresses, ID#'s, etc.) the footage."

During all of the arrests, searches, citations, and investigations, Nannette was never found in possession of anything illegal. Furthermore, aside from the "failure to display" charge, which is currently in the appeals process, TPD only had two charges stick, both of which are more than highly suspicious. After over 24 arrests or citations, years of harassment, and numerous dropped charges, only one citation and one misdemeanor remain.

The cost of all of this is astonishing. Nannette, "closed her previously successful business, moved, attended dozens of court dates, lost \$4000 cash in the purse incident, suffered \$60K in damage to her house, spent several nights in jail, spent thousands on jail bonds, paid \$25K in security and investigative fees to protect her property, and over \$25K in legal fees."

How much money has the city of Tomball spent to get one citation and one misdemeanor conviction of an ill lady described by many as a generous, successful, "Citizen of the Year?" Furthermore, how much more is it going to cost Tomball to undue this mess?

The US-Observer will be moving forward with further investigations until the issues and questions raised in this article are addressed, and Nannette is both vindicated and compensated for the unjust events that have taken place. We are confident that we will obtain evidence that forces the filing of charges against those who violated Nannette's rights.

If you have any information regarding anyone in this article, please contact the US-Observer immediately at (541)-474-7885 or editor@usobserver.com.

★★★

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Continued from page 1 • Veteran Falsely Convicted By Lying Judge

his success? It wouldn't be the first time.

Hinkson enlisted in the U.S. Navy at age seventeen during the Viet Nam conflict and served honorably as a helicopter mechanic. After his discharge, his pursuit of truth took him on two separate missions at once. In addition to developing natural preventives for the human body, he also took on the dangerous task of exposing the deception of the Internal Revenue Service to the American people via his Las Vegas radio show. Both such pursuits have proven to be fatal to other truth-seekers preceding him.

A mineral is not a drug; and, since David kept the minerals in their pure form, the FDA and "Big Pharma" could not stop him from selling them. But it was within their power to falsely accuse him of mislabeling his products – a felony. Whether he mislabeled or not wasn't their real motivation. He became a force they could not control. David, like many veterans today, has been persecuted by his own government – a government that he, like other veterans supported unconditionally when they were in the service. (So what happened to reciprocal support for veterans today?)

Shocked to learn that he was the target of false accusations in 2002, David could not overcome the stampede of government agencies that worked in tandem with the FDA to ambush and take him down. With the help of a lying judge, a deceiving prosecutor and a "perjuring government witness," the U.S. government (through fraud and deception) managed to stop David's contribution to health. "You lie, and I'll swear to it," is the federal government's mantra. Now in his eleventh year in prison on a 43-year sentence, David awaits ultimate justice – his release – because he has again asked the Ninth Circuit Court of Appeals to review his case, but this time for Actual Innocence rather than some minor technical trial defect like in his direct appeal years ago. He languishes in jail, convicted of a crime that he did not commit and, in fact, never happened.

Judge Richard C. Tallman, who conducted David's sham trial in 2005 on murder solicitation charges, sentenced the then 49-year-old Hinkson to what amounts to a life sentence – or death by time. This appellate court judge was designated by the Ninth Circuit to handle the trial when district judges withdrew from the case. According to former prosecuting attorney Wesley W. Hoyt, Judge Tallman "Proceeded with disregard for the Constitution and his sworn oath to uphold the law. He lied from the bench on the record, then converted his own courtroom into a crime scene by suborning perjury and conducted a secret, illegal and judicially unethical "ex parte" meeting with the government's star witness, Elven Joe Swisher; a known pathological liar."

Hoyt added: "The trial record shows that this meeting was held to refine the government's plot to convict David of a 'thought crime' that Swisher made up and attributed to Hinkson. The crime was a total figment of Swisher's imagination, who lied to two Grand Juries in 2002 and 2004 and then to the Hinkson jury in 2005. It was not until 2008 that Swisher was convicted and sent to prison for telling these exact same lies to the VA while stealing veteran's benefits. Both Judge Tallman and the prosecutor were aware of Swisher's Grand Jury perjury, but it is evident that part of the payoff for putting Dave Hinkson in prison for life was a free-pass letting Swisher get away with his Grand Jury lies." (i.e. Swisher should have been charged with perjury for lying to the Grand Juries but wasn't.)

The government's lying "star witness," Swisher, fictionalized that David offered to hire him to kill federal officials based on Swisher's so-called reputation as a "Korean combat hero." The prosecuting attorney presented Swisher to the

Hinkson jury as the real-deal, a "Korean veteran," even though Swisher never even set foot in Korea. Swisher's 2008 conviction for perjury, forgery, theft of government property and stolen valor (the crime of wearing medals he had not earned) came after Hinkson's trial and was based on Swisher's lies to the VA in 2004, as he fraudulently sought medical and disability benefits for war-wounds he never sustained.



Attorney Wes Hoyt

and FBI joined in falsely accusing David of soliciting Swisher to commit unthinkable torture-murder of federal officials and their families; a ruse to shock the jury into convicting David – and was a typical form of conflating horror, a technique often used by the government when prosecuting the innocent in similar phony murder-for-hire cases.

David Hinkson has recently petitioned the Ninth Circuit Court of Appeals for another review of his case based on his "actual innocence" (as is now clearly shown in Appendix C, the Affidavit of Wesley W. Hoyt filed in the public record of Ninth Circuit Case No. 14-16507). Proof of his innocence begins with the fact that Swisher was hospitalized from a massive heart attack in June of that year and was physically incapacitated, nonetheless, he testified in July or August of 2002 that he was being solicited for murder by Hinkson in Grangeville, Idaho at a time when Hinkson's Passport (with official stamps) shows he was actually in Ukraine negotiating the purchase of a factory building to produce his mineral dietary-supplements for world-wide distribution.

Judge Tallman personally controlled 'Pretrial Services' which had confiscated David's Passport, upon his arrest. Thus, Judge Tallman had control of the Passport and only had to say the word for it to be delivered to the courtroom. A truly neutral judicial official would have done so; but when asked to produce the Passport, Judge Tallman denied it saying: "It will only confuse the jury." Although subsequently requested from the government under the Freedom of Information Act (FOIA) neither the Passport nor a copy thereof was returned, according to Roland C. Hinkson, David's father.

Judge Tallman could have presented the Passport to the jury, or allowed David to submit it as a part of the exculpatory evidence showing innocence, but he refused – causing the jury to be deceived rather than just possibly confused.

What motivated Judge Tallman to prohibit the jury from considering David's Passport? Could it have been his desire to placate the Justice Department and thus win its support when eventually seeking higher office? These and other questions are being asked at the 9th Circuit, which has already broken the law by assigning only a two-judge panel (instead of three) to summarily deny David's request for review under the Actual Innocence standard. On direct appeal the Ninth Circuit could, and did, 'pot-shot' David's case, overruling the reversal in the Fletcher-Hug decision; but, now, under the Actual Innocence doctrine, the court has no choice, it must consider the "cumulative effect of all the evidence" not just one detail, as in the previous appeal. This doctrine will allow David to finally have his day in court, if the Ninth Circuit follows the law.

Anyone railroaded by the government – as David was – who can demonstrate he is truly innocent of a crime – as David now has – is entitled to his day in court at an evidentiary hearing to prove his case. So, we are all waiting, when will David have his hearing?

David now seeks review by an en banc panel (probably by another eleven judges) of the Ninth Circuit to see if the judiciary will: 1) hold Judge Tallman accountable for his crimes and remove him from David's case, 2) allow David an evidentiary hearing, 3) look at the totality of all the evidence, 4) acknowledge David's claims of innocence, and 5) eventually permit David to go back to his family. The issue has been that each time David has applied for review, the case was sent back to the "sentencing judge" – who is Judge Tallman –

But what about this judge? A federal judge is supposed to be neutral and is required to help the jury find the truth. Instead, Judge Tallman led the jury to believe in Swisher's fantasy of a secret mission to North Korea. In supporting Swisher, Judge Tallman actually became the perpetrator of several crimes committed in his own courtroom, all aimed at silencing David – who dared to challenge the authority of government agencies. In this hoax of a prosecution, the IRS

the one with a vested interest in covering up his own crimes committed from the bench in David's trial. The only solution, if fairness is to prevail, is to remove Judge Tallman from David's case.

All that is left in this veteran's "David vs. Goliath" struggle for freedom is the truth. However, federal judges today often make arbitrary rulings, excluding evidence of innocence (as Judge Tallman did) because proving innocence does not support the government's program of repressing the outspoken. When a judge will not allow the accused to present his/her evidence of innocence, a wrongful conviction is a certainty.

David has begged and pleaded with the Ninth Circuit to look honestly at his full situation. At first, on his direct appeal, he won. The three-judge Ninth Circuit panel composed of Judges Fletcher, Hug, and McKowen ruled that David had not had a fair trial, and they reversed his conviction. However, over time, the influence of Judge Tallman with many other Ninth Circuit judges was so persuasive it caused the Fletcher-Hug decision to be overruled in a very close six-to-five vote by the first eleven-member en banc panel, with Chief Judge Kozinski changing his vote to favor Hinkson recognizing that revealing to the jurors all of Swisher's lies about being a decorated veteran would have had a very strong impact on their decision. The first en banc opinion was nothing less than a slap-in-the-face to veterans and meant that the official stance of the Ninth Circuit Court is that military valor is of no significance; an insulting message to Veterans as a whole.

The above confabulation against David has now changed because Judge Tallman has been exposed as a liar, lying for Swisher, as if he was in league with him. In Judge Tallman's August 2012 Order refusing to withdraw as the judge of David's case, he brashly confessed that he did conduct the unethical ex parte meeting with Swisher during the 2005 trial and stated



Judge Richard C. Tallman

that the meeting was of no consequence. Yet, over time, the significance of that illegal meeting had a profound effect on the outcome of the case consistent with the ancient Greek maxim: Truth is the daughter of time. As the truth has leaked out, even the government had to admit Swisher was lying, which means the prosecutor also lied to the jury. In a country that claims justice under the law, how can a conviction predicated on lies from the judge, prosecutor and star witness stand?

Now, the following truths are known about Judge Tallman: 1) that he lied on the trial court record (perjury); 2) enabled Swisher to lie (subornation of perjury); 3) protected Swisher from cross examination about lying to the 2002 and 2004 Grand Juries (judicial bias); and 4) conducted an ex parte meeting with a witness (Swisher) immediately before he took the stand (showing extreme judicial bias because he obviously helped prepare Swisher for his testimony). The question is who can hold this out-of-control judge accountable?

The U.S. Supreme Court has ruled that no man or woman should ever be convicted based on lies. So, is it now time to follow the law and release David Hinkson? In 1993, the U.S. Supreme Court ruled that it is the job of federal courts "... to see that federal constitutional errors do not result in the incarceration of innocent person." Instead, Judge Tallman created errors to imprison the innocent.

The problem is that Judge Tallman, with a personal "axe to grind," started telling "tall-tales" about Swisher's fake secret-Korean mission; by doing so he gave authenticity to that fiction by stating Swisher landed in North Korea by "amphibious" craft, which is a detail not known previously and was new information introduced exclusively by Judge Tallman. Despite Judge Tallman's knowledge that Swisher never set foot in Korea, he lied to enhance Swisher's credibility and the veracity of his story that he had killed "many" in combat (an essential piece of the government's theory of the case).

Neither Judge Tallman nor the prosecution informed the jury of the falsehoods before deliberations despite the fact that the U.S. Supreme Court requires government lies to be revealed to the jury in order to prevent a fundamental miscarriage of justice; because people can't be convicted based on lies in a free society. By vouching for Swisher as a Korean combat soldier, Judge Tallman suborned Swisher's perjury – which itself is a crime. The association of Korean War Veterans has already indicated its disgust of Swisher for his crimes and stolen valor which cheapens the sacrifice of all veterans, especially those who gave their lives in conflict. Anyone who has ever sat on a jury knows it makes a huge difference if the government witness is considered a pathological liar or a reliable truth-teller. If the jury could not believe

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# Law Lets I.R.S. Seize Accounts on Suspicion, No Crime Required

By Shaila Dewan

(New York Times) - **Arnolds Park, Iowa** — For almost 40 years, Carole Hinders has dished out Mexican specialties at her modest cash-only restaurant. For just as long, she deposited the earnings at a small bank branch a block away — until last year, when two tax agents knocked on her door and informed her that they had seized her checking account, almost \$33,000.

The Internal Revenue Service agents did not accuse Ms. Hinders of money laundering or cheating on her taxes — in fact, she has not been charged with any crime. Instead, the money was seized solely because she had deposited less than \$10,000 at a time, which they viewed as an attempt to avoid triggering a required government report.

“How can this happen?” Ms. Hinders said in a recent interview. “Who takes your money before they prove that you’ve done anything wrong with it?”

The federal government does.

Using a law designed to catch drug traffickers, racketeers and terrorists by tracking their cash, the government has gone after run-of-the-mill business owners and wage earners without so much as an allegation that they have committed serious crimes. The government can take the money without ever filing a criminal complaint, and the owners are left to prove they are innocent. Many give up.

“They’re going after people who are really not criminals,” said David Smith, a former federal prosecutor who is now a forfeiture expert and lawyer in Virginia. “They’re middle-class citizens who have never had any trouble with the law.”

In response to questions from The New York Times, the I.R.S. announced that it would curtail the practice, focusing instead on cases where the money is believed to have been acquired illegally or seizure is deemed justified by “exceptional circumstances.”

Richard Weber, the chief of Criminal Investigation at the I.R.S., said in a written statement, “This policy update will ensure that C.I. continues to focus our limited investigative resources on identifying and investigating violations within our jurisdiction that closely align with C.I.’s mission and key priorities.” He added that making deposits under \$10,000 to evade reporting requirements, called structuring, is still a crime whether the money is from legal or illegal sources. The new policy will not apply to past seizures.

The I.R.S. is one of several federal agencies that pursue such cases and then refer them to the Justice Department. The Justice Department does not track the total number of cases pursued, the amount of money seized or how many of the cases were related to other crimes, said Peter Carr, a spokesman.

But the Institute for Justice, a Washington-based public interest law firm that is seeking to reform civil forfeiture practices, analyzed structuring data from the I.R.S., which made 639 seizures in 2012, up from 114 in 2005. Only 1 in 5 was prosecuted as a criminal structuring case.



The I.R.S. seized almost \$33,000 from Ms. Hinders.  
Photo: Angela Jimenez for The New York Times

The practice has swept up dairy farmers in Maryland, an Army sergeant in Virginia saving for his children’s college education and Ms. Hinders, 67, who has borrowed money, strained her credit cards and taken out a second mortgage to keep her restaurant going.

Their money was seized under an increasingly controversial area of law known as civil asset forfeiture, which allows law enforcement agents to take property they suspect of being tied to

crime even if no criminal charges are filed. Law enforcement agencies get to keep a share of whatever is forfeited.

Critics say this incentive has led to the creation of a law enforcement dragnet, with more than 100 multiagency task forces combing through bank reports, looking for accounts to seize. Under the Bank Secrecy Act, banks and other financial institutions must report cash deposits greater than \$10,000. But since many criminals are aware of that requirement, banks also are supposed to report any suspicious transactions, including deposit patterns below \$10,000. Last year, banks filed more than 700,000 suspicious activity reports. Owners who are caught up in structuring cases often cannot afford to fight. The median amount seized by the I.R.S. was \$34,000, according to the Institute for Justice analysis, while legal costs can easily mount to \$20,000 or more.

There is nothing illegal about depositing less than \$10,000 cash unless it is done specifically to evade the reporting requirement. But often a mere bank statement is enough for investigators to obtain a seizure warrant. In one Long Island case, the police submitted almost a year’s worth of daily deposits by a business, ranging from \$5,550 to \$9,910. The officer wrote in his warrant affidavit that based on his training and experience, the pattern “is consistent with structuring.” The government seized \$447,000 from the business, a cash-intensive candy and cigarette distributor that has been run by one family for 27 years.

There are often legitimate business reasons for keeping deposits below \$10,000, said Larry Salzman, a lawyer with the Institute for Justice who is representing Ms. Hinders and the Long Island family pro bono. For example, he said, a grocery store owner in Fraser, Mich., had an insurance policy that covered only up to \$10,000 cash. When he neared the limit, he would make a deposit.

Ms. Hinders said that she did not know about the reporting requirement and that for decades, she thought she had been doing everyone a favor. “My mom had told me if you keep your deposits under \$10,000, the bank avoids paperwork,” she said. “I didn’t actually think it

had anything to do with the I.R.S.”

In May 2012, the bank branch Ms. Hinders used was acquired by Northwest Banker. JoLynn Van Steenwyk, the fraud and security manager for Northwest, said she could not discuss individual clients, but explained that the bank did not have access to past account histories after it acquired Ms. Hinders’s branch.

Banks are not permitted to advise customers that their deposit habits may be illegal or educate them about structuring unless they ask, in which case they are given a federal pamphlet, Ms. Van Steenwyk said. “We’re not allowed to tell them anything,” she said.

Still lawyers say it is not unusual for depositors to be advised by financial professionals, or even bank tellers, to keep their deposits below the reporting threshold. In the Long Island case, the company, Bi-County Distributors, had three bank accounts closed because of the paperwork burden of its frequent cash deposits, said Jeff Hirsch, the eldest of three brothers who own the company. Their accountant then recommended staying below the limit, so for more than a decade the company had been using its excess cash to pay vendors.

More than two years ago, the government seized \$447,000, and the brothers have been unable to retrieve it. Mr. Salzman, who has taken over legal representation of the brothers, has argued that prosecutors violated a strict timeline laid out in the Civil Asset Forfeiture Reform Act, passed in 2000 to curb abuses. The office of the federal attorney for the Eastern District of New York said the law’s timeline did not apply in this case. Still, prosecutors asked the Hirsches’ first lawyer, Joseph Potashnik, to waive the CARFA timeline. The waiver he signed expired almost two years ago.

The federal attorney’s office said that parties often voluntarily negotiated to avoid going to court, and that Mr. Potashnik had been engaged in talks until just a few months ago. But Mr. Potashnik said he had spent that time trying, to no avail, to show that the brothers were innocent. They even paid a forensic accounting firm \$25,000 to check the books.

“I don’t think they’re really interested in anything,” Mr. Potashnik said of the prosecutors. “They just want the money.”

Bi-County has survived only because longtime vendors have extended credit — one is owed almost \$300,000, Mr. Hirsch said. Twice, the government has made settlement offers that would require the brothers to give up an “excessive” portion of the money, according to a new court filing.

“We’re just hanging on as a family here,” Mr. Hirsch said. “We weren’t going to take a settlement, because I was not guilty.”

Army Sgt. Jeff Cortazzo of Arlington, Va., began saving for his daughters’ college costs during the financial crisis, when many banks were failing. He stored cash first in his basement and then in a safe-deposit box. All of the money came from paychecks, he said, but he worried that when he deposited it in a bank, he would be forced to pay taxes on the money again. So he asked the bank teller what to do.

“She said: ‘Oh, that’s easy. You just have to deposit less than \$10,000.’”

The government seized \$66,000; settling cost Sergeant Cortazzo \$21,000. As a result, the eldest of his three daughters had to delay college by a year.

“Why didn’t the teller tell me that was illegal?” he said. “I would have just plopped the whole thing in the account and been done with it.” ★★

### Continued from page 12 • Veteran Falsely Convicted By Lying Judge

Swisher because his Korean secret mission was faked, how could they believe that Dave Hinkson solicited him to commit murder? But, with the Judge and prosecutor certifying that Swisher was authentic and no contrary evidence permitted, what else was the jury to believe? That’s how David Hinkson was convicted and that’s how the government convicts so many other innocent people — they never get their day in court to tell their side of the story!

The Chairman of the House Judiciary Committee, Bob Goodlatte (R-Va), needs to know that all of us who love liberty will stand up and be counted because we still believe judges must have integrity. We who deplore the kind of false accusations made by Swisher, along with crimes committed by a federal judge and the Justice Department, must stand together or the alternative is a police state. None of us has any hope of maintaining our liberty when there is no judicial accountability for misconduct. If not called to responsibility by the House Judiciary Committee, then who will hold Judge Tallman accountable? Remember, Ninth Circuit Judges are a part of a “crony system,” scratching each other’s backs, and they cannot be expected to hold him accountable!

A card, letter, fax, phone call or email from each person who reads this article, demanding an investigation into the illegal and unethical behavior of Judge Richard C. Tallman for lying in open court and for suborning perjury, with an eye toward his impeachment, is the only thing that will stop these evil practices which have now reached epidemic proportions and are a fast growing cancer in America.

Tell Congressman Goodlatte that you believe no judge should be allowed to lie and get away



Bob Goodlatte (R-Va)

with it. Remind him that the Constitution requires him, as the Chairman of the Judiciary Committee in the U.S. House of Representatives, that it is his job, to impeach federal judges, like Richard C. Tallman who commit “high crimes and misdemeanors.”

Contact Congressman Bob Goodlatte Chairman, House Judiciary Committee by calling/faxing/writing him at one of his offices to register your concern and ask him “What will it take for you, Congressman Goodlatte, to start an investigation?”

Goodlatte’s main office is located in Washington DC and may be contacted at:

2309 Rayburn HOB  
Washington, DC 20515  
Ph: 202-225-5431  
Fax: 202-225-9681  
Committee Phone: 202-255-3951

P.S. Remember, Congressman Goodlatte is not just a representative for the people of Virginia, Oh, No, he is the Chairman of the House Judiciary Committee. That job is National in scope, so, don’t allow his staffer’s to tell you if you are not from Virginia your input does not count. He represents the entire nation when he became the Chairman of this extremely powerful and prestigious committee.

For more information go to:  
[www.rolandhinksonfiles.com](http://www.rolandhinksonfiles.com) or  
[www.davidhinkson.info](http://www.davidhinkson.info).

**Editor’s Note: The US-Observer has a keen interest in this case. Anytime one of our military veterans are falsely and maliciously targeted or prosecuted we take it personal.**

**As such, we are beginning a cursory investigation and ask that anyone with information about any wrongdoings of Judge Richard C. Tallman contact us immediately.**

**Also, we are asking anyone with personal information on Representative Bob Goodlatte to please pass it on to us.**

**A good judge doesn’t prosecute innocent people, and a good representative doesn’t hesitate to hold bad judges accountable.**

**Contact us at 541-474-7885 or by email at [editor@usobserver.com](mailto:editor@usobserver.com). ★★**

Continued from page 1 • Prosecutor Threatens Alleged Victim?

criminal charges if she didn't give false testimony against Nicholas! Without the "victim's" testimony, it was reported the facts didn't represent a crime. Nicholas firmly believes that instead of dismissing the charges once the evidence showed his innocence, the prosecutor made sure to create the evidence by threatening Driskell. He believes that it was this "evidence" that convicted him in the eyes of the jury.

Julie Driskell, the alleged victim has avoided this writer like the plague. There are, and will continue to be reports involving her and this case until questions are answered. Witnesses stated, "her father Michael K. Driskell is a convicted sex offender," who has an undeniably odd grasp over Julie's mental state-of-mind and her unwillingness to communicate. It was also alleged that Julie's mother Kathy A. Driskell is a, "patient at a California mental institution who suffers from multiple mental disorders." Kathy's alleged mental condition has caused concern for Nicholas as he tries to understand why Julie would accuse him of such horrible crimes he, "never committed."

If Nicholas is correct in his assessment that Julie (his ex) was scared, and threatened into lying about the events, there's still hope for him; hope that the three years he has already spent



The Waldbillig Family

behind bars will be his last if Julie does what is right.

Julie Driskell has since moved from Bend, OR., and it was reported that she may have had a change of heart about helping imprison Nicholas for 20 years. If so, we strongly urge her to come forward. Lies perpetrated by government can cause extreme mental anguish. If Julie was threatened to frame Nicholas, there are advocates here to help. Time is a beautiful thing in this case. Statute of limitations have reportedly passed, so, if she was threatened by the prosecutor, she can now speak

freely, without fear of being prosecuted. If Nicholas is guilty, then come forward, too. I know that news reports regarding a dark period of my life would be enough to make me put this issue to rest, one way or the other...

Julie Driskell - if not for the sake of Nicholas, do it for yourself. Help us confirm or lay our suspicions to rest. You deserve to get on with life, and if Nicholas is truly innocent, he absolutely deserves freedom.

Nicholas recently filed an appeal. He still believes in justice. This writer believes there's much more to this story than what has been told and I will keep digging to inform the court of public opinion.

**Editor's Note: We've just received notes about this case that weren't previously obtained. We will be conducting further investigations, likely resulting in more reports. If you have any information regarding Julie Driskell, Prosecutor Kandy Gies, or anyone else involved, please contact us immediately. editor@usobserver.com - 541-474-7885. Logon to usobserver.com for the original article about Nicholas Waldbillig's case by using our search engine located on our home page.** ★★★

## Dollree Mapp, 1923-2014: "The Rosa Parks of the Fourth Amendment"

By Ken Armstrong

**(The Marshall Project)** - Time is not always kind to the people whose names get attached to landmark legal cases. Ernesto Miranda, the defendant whose 1966 Supreme Court case forced police to inform suspects of their basic rights ("You have the right to remain silent...") was stabbed to death in a skid-row bar. Clarence Gideon won a 1963 Supreme Court case, *Gideon v. Wainwright*, that established the right of poor defendants to court-appointed lawyers. When he died a decade later the former mayor of his hometown recalled him as a "no-good punk." It fell to the American Civil Liberties Union to put a marker on his grave.

Before the Gideon ruling, before Miranda, there was *Mapp v. Ohio*, the 1961 Supreme Court decision some legal scholars credit with launching a "due process revolution" in American law. The Mapp ruling changed policing in America by requiring state courts to throw out evidence if it had been seized illegally. The woman behind the ruling, Dollree "Dolly" Mapp, died six weeks ago in a small town in Georgia, with virtually no notice paid. She was 91, as best we can tell.

Mapp's life was as colorful and momentous as her death was quiet. She went from being a single teenage mother in Mississippi to associating with renowned boxers and racketeers in Cleveland to making her way in New York City, where she launched one business after another. "Some of them were



Dollree Mapp outside her home in Cambria Heights, New York in 1971. - Courtesy of the Mapp Family

fight. Mapp had accused Bivins of beating her - "I had to leave him or kill him, and I wasn't ready to kill him," she would later tell one author. (Bivins had accused Mapp of trying to destroy his career by feeding him fatty foods.) After the split Mapp had been briefly engaged to boxer Archie Moore, the light heavyweight champion. But they never married, and she later sued for breach of promise.

In May of that year, police were investigating a bombing at the house of Don King - a numbers racketeer who later became a famed boxing promoter - when they received a tip that a suspect might be hiding in Mapp's home. Three officers showed up at Mapp's place, demanding to be let in. Mapp refused. She called a lawyer, who advised her to relent only if police produced a warrant. Even then, the lawyer told her, she should make sure to read it. About three hours later, the police, now between 10 and 15 in number, pried a door to force their way in. A lieutenant, waving a piece of paper, said they had a warrant. Mapp asked to see it. The lieutenant told her no. So Mapp grabbed the paper from him and stuffed it down the front of her blouse. She would later testify to what happened next:

"What are we going to do now?" one of the officers asked.

"I'm going down after it," a sergeant said.

"No, you are not," Mapp told the sergeant.

But the sergeant "went down anyway," grabbing the paper back and keeping Mapp from ever reading it. In years to come, she would say she suspected the paper was blank.

The police found the man they were looking for (although he was later cleared in the bombing). But the search didn't end there. Led by the sergeant who had retrieved the dubious warrant - a man who would later say Mapp had "a swagger about her" - police searched every room, upstairs and down, rummaging through boxes and drawers. During this search they found a pencil sketch of a nude and four books considered obscene, with titles that included "Memoirs of a Hotel Man" and "Affairs of a Troubadour." Mapp told police the materials belonged to a former roomer, for whom she had stored them. But she was charged under an

Ohio law that made possession of obscene material a felony. At trial, Mapp testified that when an officer found the books, "I told him not to look at them, they might embarrass him." The jury took 20 minutes to convict, after which Mapp was sentenced to up to seven years.

Out on bond, Mapp appealed - first to the Ohio Supreme Court, where she lost, then to the U.S. Supreme Court, which agreed to hear her case. Oral argument can be a dry affair. But Mapp's case was an exception. The justices drew laughs from the courtroom gallery while leaving no doubt how absurd they found Ohio's obscenity statute. They took turns toying with the lawyer for the state, asking, if mere possession of obscene material constituted a crime, why the clerk of court had not been indicted, or the administrators at certain university libraries, or psychologists, or bibliophiles.

When Mapp's attorney, Alexander L. Kearns, presented his case, he spoke with "all the bravado of a Clarence Darrow and the inflection of W.C. Fields," according to one book.

In their initial consideration of the case all nine justices agreed that the obscenity law violated the First Amendment. But when Associate Justice Tom C. Clark drafted the majority opinion, he shifted the focus of the case to the Fourth Amendment, which prohibits unreasonable search and seizure. By the time Mapp's case reached the Supreme Court, it had become clear that the police never

unreasonable searches into a right without a remedy, making it hardly any right at all. In Mapp's case, five Supreme Court justices decided to change that. They threw out Mapp's conviction and declared that the rule excluding illegally obtained evidence would now apply in all the states - a judicial thunderclap that served notice of a court that would be reining in police in the years to come.

After her conviction was vacated, Mapp moved to Queens, New York. In 1971 police searched her home - this time, with a valid warrant - and found \$150,000 worth of heroin and some stolen property. She was convicted of possession of drugs and, under new tough-on-crime laws signed by Gov. Nelson Rockefeller, received a mandatory sentence of 20 years to life. Mapp would later claim that the police had set her up due to her notoriety.

Mapp served time at the Bedford Hills Correctional Facility for Women, where she became friends with Deidra Smith, who was also serving a lengthy drug sentence. "Dollree walked with an air of royalty," Smith said. She refused to eat in the prison cafeteria, because it reminded her of animals feeding at a trough. Instead, food was brought to Mapp by another inmate. Smith and Mapp helped organize opposition to the so-called Rockefeller Drug Laws, which were later rolled back, with many of the mandatory minimums eliminated, and Mapp, who did extensive research in the law library, helped other inmates with such issues as visitation rights. In 1980 Gov. Hugh Carey, no fan of the state's unforgiving drug laws, commuted Mapp's sentence, and she was paroled soon after.

After her release, Mapp worked for a non-profit that provided legal assistance to inmates. A talented seamstress and dressmaker, she also threw herself into a variety of businesses, from beauty supplies to furniture upholstery to real estate. She spoke at law schools about *Mapp v. Ohio* and was interviewed for several books. A 1987 book co-authored by Fred Friendly, former president of CBS News, said: "Dollree Mapp is still a handsome, verbal woman, who has all the charisma and body English of a knockout." Priscilla Machado Zotti, a political science professor at the U.S. Naval Academy, called Mapp fond of "colorful tales, embellished with curse words and opinionated bravado." Carolyn Long, a political science professor at Washington State University-Vancouver, interviewed Mapp when she was around 80. Mapp was steely and unapologetic, Long wrote in a book published in 2006; in a recent interview she added, "I'm not easily intimidated, but I was intimidated by her."

The accounts of Mapp's life are rife with conflicting information - on when she was born, where she was raised, and even the race of her parents. Mapp was, it is fair to say, an unreliable narrator: She told different writers different things. Tiffany Mapp, who was Dollree's great niece and who became her legal guardian, said Dollree repeatedly shaved years off her age. All the inconsistent birth dates "gave me fits with Medicare," her great-niece said. Mapp's family said the correct story is this: Dollree was born on October 30, 1923; she was raised in Forest, Mississippi, one of seven children; her heritage was mostly a mix of African American and Native American; and Dollree left Mississippi for Cleveland after having a child as a teenager.

Mapp's only child, Barbara, died in 2002. About the same time, Mapp began showing signs of dementia. She continued to drive a "big old [Ford] Expedition" into her late 80s, Carolyn Mapp said. Tiffany Mapp recalled, "My great aunt was very, very, very strong willed," adding: "She didn't prepare for death. I think Aunt Dolly thought she was going to live forever." Dollree Mapp died October 31 in Conyers, Georgia. Her family plans to spread her ashes in the front yard of her home in Queens. ★★★



Mug shots of Dollree Mapp in 1957. - Cleveland Press

legitimate, and some of them were whatever they were," said her niece, Carolyn Mapp, who looked after her aunt in her final years. Along the way she tangled with police, and when she stood up to them in Cleveland - a black woman, staring down a phalanx of white officers in the 1950s - she made history.

Wayne LaFave, professor of law emeritus at the University of Illinois and a leading scholar on search and seizure, called her the "Rosa Parks of the Fourth Amendment." From talking to Mapp's family and friends, it's clear that she wasn't always easy to get along with. "She could be difficult, OK?" said Deidra Smith, a friend of about 40 years who adds: "She was brilliant and beautiful and bold." It was Mapp's boldness - "strong willed," is how she's described, time and again - that most defined and served her as she confronted illegal police tactics and draconian laws. Mapp was at her most determined "if you told her no. That just meant yes to her," said Carolyn Mapp, who lives in Georgia. "She didn't let go of anything."

In 1957, Dollree Mapp, an African American woman then in her 30s, rented half of a two-family house in Cleveland, where she lived with her daughter. Although she had no criminal record, she had ties to Cleveland's underworld. Mapp was divorced from Jimmy Bivins, a great boxer of the era who defeated eight world champions but never got a title



Dollree Mapp, left - Courtesy of the Mapp Family

had obtained a warrant to search Mapp's home. Lewis Katz, a law professor at Case Western Reserve University in Cleveland, would later write: "The illegal entry of Mapp's house by the police was nothing extraordinary; it was an everyday fact of life for blacks and other racial minorities. Police throughout America were part of the machinery of keeping blacks 'in their place,' ignoring constitutional guarantees against unreasonable arrests and searches and those that barred use of 'third-degree' tactics when questioning suspects."

Ohio, like many states at the time, allowed evidence to be used even if it had been seized illegally. That turned the prohibition against



Dollree Mapp - Courtesy of the Mapp Family

# Behind the Messy Science of Police Lineups

By Josh Sanburn

(TIME) - A National Academy of Sciences report recommends sweeping changes to how police departments conduct lineups as researchers remain at odds

In 1984, Thomas Haynesworth—an 18-year-old resident of Richmond, Va.—was accused of rape by five women, one of whom had identified Haynesworth by spotting him on the street. Later, four other victims picked his face out of a police lineup. That was the man who raped them, they said. One of them even told the jury, “He had a face I couldn’t forget.”

Haynesworth was convicted in three of the attacks and sentenced to 74 years in prison. But he was innocent.

In 2009, DNA testing linked Leon Davis, who had been convicted of other assaults in the Richmond area around the same time, to one of the women who initially accused Haynesworth of rape. Several attorneys eventually investigated the cases involving Haynesworth and reached the conclusion that in fact Davis was responsible for all three rapes. In March 2011, Haynesworth was released from prison after almost 30 years behind bars. In December, he was fully exonerated.

The Haynesworth case is one of the most egregious to emerge from the fallibility not only of human memory but of police lineups and the way they’re often conducted around the country.

Most people think of the lineup the way it’s often shown in movies or on TV: You bring a handful of unsavory guys into the police station. One of them is the real suspect while the others are just fillers. Then the witness immediately points and says, That’s him!

But few departments conduct lineups today with live suspects. Most use photo arrays, sometimes on a computer, that are presented to a witness. Over the last few decades, a handful of researchers have studied the way those lineups are administered with troubling conclusions: Too often, police lineups lead to eyewitness misidentifications, put innocent people in prison and allow the real culprits to go free.

According to the Innocence Project, eyewitness misidentification has been a factor in 72% of convictions that have been overturned by DNA testing. The National Registry of Exonerations, which works in conjunction with the University of Michigan, traces 507 of the 1,434 exonerations back to mistaken witness identification. But according to researchers, many police departments don’t know the underlying problems associated with troublesome lineups, don’t have the resources to conduct better ones, or are confused as to the best way to go about them.

On Thursday, the National Academy of Sciences, a non-profit organization of experts and academics around the U.S., released the first comprehensive report to review decades of literature on lineups while offering sweeping recommendations on how they should be conducted, including ensuring that those administering them are not aware of the suspect’s identity, developing standard instructions for witnesses so as to not bias their pick, videotaping the ID process and recording confidence statements from witnesses at the time of an identification.

“Eyewitnesses that lead to erroneous convictions are very disturbing,” says Tom Albright, a professor at the Salk Institute for Biological Studies, who co-chaired the committee. “It’s bad for society if the bad guys go free, and it undermines the criminal justice system, which is a serious long-term problem potentially.”

A number of factors can affect a person’s memory, especially in a charged moment like when a crime is taking place. If someone has a gun, for example, we’re more likely to pay attention to the weapon than the face of the person holding it. Our emotions and internal biases can alter the way we remember an incident. Or maybe the problem comes from something as simple as the angle from where someone witnesses a crime and an inability to get a good look at the perpetrator.

“I argued that what we should be concentrating on are the variables over which the justice system has some control and help advise the legal system about how they might reduce the likelihood of mistaken identifications,” says Gary Wells, an Iowa State University professor who has been the leading researcher on lineups for years.

Wells was essentially a one-man shop of eyewitness research through the 1980s and into the 1990s. He helped introduce the idea of the double-blind procedure, in which officers who were administering a lineup didn’t know the real suspect from the filler picks. By doing so, officers couldn’t ask leading questions that could

bias the witness. He championed sequential lineups (photos shown one at a time) over simultaneous lineups (photos shown together and often six at a time), arguing that it was a more difficult task for eyewitnesses and would provide a higher standard for IDing a suspect.



Thomas Haynesworth



Thomas Haynesworth upon his release

But his research often went unnoticed, remaining stuck in the halls of academia and not taken seriously by law enforcement or merely unknown to officers in the field.

“I think we’d still have this huge gap where the work we’ve done would be written off as pointy-headed researchers in the lab,” Wells says, “until the DNA exonerations came.”

Around the late 1990s, as DNA testing took off, it turned out that a number of false convictions could be traced back to witness misidentification. Soon after, then-Attorney General Janet Reno created a working group that included Wells to produce some basic guidelines for how police departments in the U.S. should conduct lineups.

In the last 15 years, a number of police departments have begun taking those reforms seriously. Baltimore, Boston, Dallas, Denver, Minneapolis, Philadelphia and San Diego have all changed the way they conduct them in the last several years, and most of those agencies have implemented blind, sequential procedures.

For the most part, the recommendations released by NAS on Thursday endorsed many of the things for which Wells has been long arguing. The report calls for law enforcement agencies to provide officers with training on vision and memory as well as guidance on how to prevent contamination of a witness with leading questions that could affect their decision-making. It also calls for double-blind lineups and standardized instructions to inform witnesses that the suspect may or may not be in the lineup. It pushes agencies to document confidence judgments from witnesses at the time of an identification, confidence that can often irrationally grow in strength by the time they’re called to the witness stand. And it urges agencies to videotape the entire ID process.

However, it doesn’t recommend sequential or simultaneous lineups, in part because the academic debate over the two has gotten messy.

A new way of studying the accuracy of a lineup has emerged in the last few years, most prominently by John Wixted of the University of California-San Diego, who uses something called a “receiver operating characteristic,” or an ROC curve, which takes into account witness confidence in an identification. Eyewitness confidence numbers are plotted along the curve and appear to show that administering a simultaneous lineup has produced more accurate IDs than sequential ones. Other ROC studies appear to have similar findings.

Another study conducted by Wixted and Karen Amendola of the Police Foundation has analyzed lineup selections as they relate to the strength of evidence in actual cases over time in Austin, Texas. That study also appears to have found that sequential lineups are not superior to simultaneous ones and that, in fact, innocent suspects are less likely to be mistakenly identified from simultaneous lineups.

Some researchers, however, dispute those studies. Among the naysayers is Jennifer Dysart, an associate professor of psychology at John Jay College of Criminal Justice.

“They’re getting these really crazy data that are completely inconsistent with the general pattern of results,” Dysart says.

She says she believes Amendola has incorrectly analyzed her numbers regarding the Austin evidence-based findings and didn’t have a sample size big enough to conclude that simultaneous lineups are a superior method. But she also believes there may be ulterior motives at work in the new ROC analyses done by Wixted and others.

“I think they want to take down Gary because he’s been the lead researcher in the field of eyewitness identification for over 35 years,” she says.

“There’s a lot of noise out there,” Wells acknowledges, referring to the ongoing simultaneous/sequential debate. “I think it’s fair to say that it’s unresolved at the moment. I have a feeling that in the end, we’re going to end up discovering that there’s not a huge difference between them.”

The NAS recommendations steer clear of the back-and-forth entirely. But most lineups researchers praised the report’s findings overall, including Wells.

“This is a huge shot in the arm,” Wells says. “It’s a ringing endorsement of the science. And now we have the task of bridging the gap between the science and the legal system.”

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# Judge Explains Why Prosecutors Don't Want To Fix Our Broken Justice System

(Business Insider) - One of America's most iconoclastic judges, Jed Rakoff, recently attacked rampant plea bargaining that leads many innocent people to plead guilty.

He recently spoke to Rakoff about why America's prosecutors don't want to get rid of the mandatory minimum sentences that perpetuate this plea bargaining.



Judge Jed Rakoff

Mandatory minimum sentences were enacted during the crime wave of the 1970s and 1980s and force judges to mete out certain prison sentences without regard for mitigating factors. Prosecutors can charge defendants with crimes that carry stiff mandatory minimum sentences, making these (often poor) defendants reluctant to take their chances at trial.

In his recent essay in The New York Review of Books, Rakoff says mandatory minimums have allowed prosecutors to “bludgeon defendants into effectively coerced plea bargains.”

Rakoff — who’s famous for blocking the SEC’s attempt to settle a case with Citibank — argued in his recent New York Review Of Books essay that prosecutors abuse their power. Specifically, he argues, they’re exploiting their ability to scare defendants into pleading guilty in exchange for a reduced sentence.

This is a system that leads 97% of federal criminal defendants to plead guilty if their cases aren’t dismissed, and it is one that rarely exposes all of the facts of a case to either the judge or the jury.

If mandatory minimums were eliminated, there would likely be fewer plea bargains. But that’s probably not going to happen any time soon, Rakoff told me recently over the phone.

“When Attorney General Holder suggested even some modest reforms in sentencing, a great many prosecutors including many in his own department came down on him and were very critical,” Rakoff said.

“They think they need this weapon [mandatory minimums] to coerce cooperation, so they’re looking at it from a different standpoint,” he added. “So many of the big cases are made through flipping cooperators, and they think this gives them the weapon they need to flip a cooperator.”

For his part, Rakoff doesn’t believe threats of insanely long prison sentences are necessary to flip cooperators. The threat of jail alone is usually enough.

“Jail is a really nasty place, and nobody really wants to go there,” Rakoff said. “I don’t think mandatory minimums are necessary at all for getting cooperators, but the present prosecutors think they are.”

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# Are You Facing False Criminal Charges? Have You Been a Victim of False Prosecution?



## Welcome to the largest racket in history: The American Justice System

If you are facing false charges and a prosecution then you are aware of how the 'justice' industry (racket) in America works. You (the innocent person) have been falsely charged with a crime. Most of the time you receive a myriad of stacked charges intended for the sole purpose of extracting a "plea bargain" from you.

You then rush to an attorney, pay him a huge retainer to cover the usual \$175.00 per hour (if not higher), which he/she charges, to supposedly defend your innocence. The attorney usually files some motions, writes some worthless letters and makes many unproductive (unless they pertain to you accepting a plea bargain) phone calls until you are broke. Generally you haven't even started your trial and 99% of the time the attorney hasn't completed any investigation.

All of a sudden your attorney is telling you that you can't win your case and you should accept the benevolent plea bargain that the almighty district attorney has offered you. "Do you want to take the chance on spending 30-40 years in prison when you can plea bargain for 18 months," your attorney tells you. What happened to: "I think we can win this case, it's a good case." Remember? Isn't that pretty close to what your attorney told you as he/she was relieving you of your money?

You then accept a plea bargain and go to jail or you have a jury trial, you're found guilty (because your attorney hasn't produced enough evidence-if any and because the judge directs the jury to find you guilty) and then you go to jail. When you finally wake up you realize that on top of now being a criminal, you are flat broke and incarcerated. You find that the very person (your attorney) you

frantically rushed to retain, became your worst enemy.

There is only one way to remedy a false prosecution: Obtain conclusive evidence, investigate the accusers, the prosecutors, the detectives and then watch the judge very carefully. In other words, complete an in-depth investigation before you are prosecuted and then take the facts into the public arena.

The US~Observer newspaper will not waste your time or your money. This is not a game, it's your life and your freedom. We do not make deals. If you are innocent, then nobody has the right to steal what belongs to you, most of all, your liberty. Nobody! That includes your attorney - as well as your supposed public servants.

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The US~Observer investigates cases for news and therefore we don't print that which can't be resolved. We want to win, just as you want to prove your innocence.

Do not contact us if you are in any way guilty and for justice sake, don't wait until they slam the door behind you before contacting us if you are innocent.

**Call Us Today!  
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**If you prefer email:  
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**"One false prosecution is one too many  
and any act of immunity is simply a government  
condoned crime." - Edward Snook, US~Observer**

The US~Observer's services have

# VINDICATED



over 4,200 cases to-date. Here are a few:

**Ryan Sanchez**

**Victim: Custody**

**Status: Full Custody**

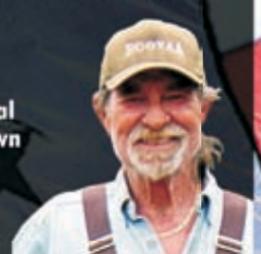
"You were a big change for the good in this case."



**James Roberts Charges: Three Misdemeanor's**

**Status: Acquitted**

"(The US~Observer was) pivotal in my defense. I was going down if I hadn't contacted Edward Snook."

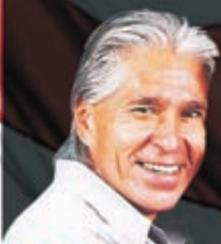


**Reno Francis**

**Conviction: Murder**

**Status: Released**

"I'm proud of what you (the US~Observer) are doing. You have all of my respect. Ed (investigative reporter) has all of my respect. I love him very much."



**Sarah Walker Victim: DHS Abuse**

**Status: Dismissed**

"Thank you. Thank you so much. We can finally move on with life."



**Michael Young**

**Charges: Felony Sex Abuse**

**Status: Dismissed**

"Without the US~Observer's help, the outcome would not have been what it is today. Jen and I are more appreciative than you could imagine."



**Armando Garcia Charges: Felony Rape**

**Status: Acquitted**

"Not many people would've been on the side of someone who was being accused of such charges. I really appreciate what the US~Observer did for me."



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