Promoting Excellence in Investigative Journalism

US OBSERVER
Vindicating the Innocent

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OKANOGAN INJUSTICE

WA Prosecutor Karl Sloan - Misconduct and Patterns of Malicious Prosecutions

By Edward Snook
Investigative Reporter

Okanogan County, WA – The US~Observer has published numerous articles on James and Angela Faire who were falsely charged with serious crimes by Okanogan County, WA Prosecutor Karl Sloan on June 19, 2015.

For James, those charges include Murder in the First Degree. Past articles include extensive facts of this case and we would prompt anyone who hasn't read them to do so. A site search at usobserver.com for James Faire will provide all previous articles.

Each and every fact in this case proves that James and Angela Faire are innocent of all

Prosecutor Karl Sloan

criminal charges and many of the facts prove that Sloan's manufactured victims are factually the ones guilty of committing felony crimes against the Faires and others.

Concerning the major false

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CUSTODY CASE SPOTLIGHT

Did a Mother Ravage Her Family, Leaving Children in Peril?

With Reports of Neglect, Substance Abuse, DUI Arrest, Physical Abuse & Divorce it Appears So...

By Joseph Snook
Investigative Reporter

Medford, OR – In January of 2015, after 15 years of marriage, Carla Hegler up and called it quits on her husband Brian Hegler. Of their four children, the 7 and 11-year-old were unfortunately caught in the middle as they are minors.

After several attempts to repair his family, Brian finally had to accept the tough fact that it was really over. Attempting to limit further damage than just the divorce, Brian has been doing everything in his power to help end his son's and daughter's suffering – for over two years.

The boy had previously runaway from Carla five times, as he felt neglected by her. Information obtained by the US~Observer staff shows that in 2015, Carla lost custody of the 11-year-old boy to Brian. A domestic dispute between Carla and her then 11-year-old son left him with a "bite on his ear." After the bite incident, Carla was arrested by the Central Point Police for assault and booked on

Son's ear after Carla Hegler (right) allegedly bit him.

harassment charges. Officer Munoz of the Central Point Police Dept. contacted Oregon Department of Human Services (DHS) to report the abuse. Carla was eventually labeled an abusive parent by DHS in a report that was later obtained by the US~Observer.

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4th Amendment Violation - Sealed Search Warrant Affidavits

Minns to be heard by Fifth Circuit

Lawyer Michael Minns to take case before the Fifth Circuit

By Edward Snook
Investigative Reporter
Editor Ron Lee Contributing

During the early morning of March 22, 2016 a dozen armed soldiers took over an airplane hangar. An "onlooker" might have thought they were there to capture terrorists, stop a drug smuggling ring, or perhaps save a hostage from being whisked away on one of the many jet airplanes present. A half dozen airline pilots, a secretary, a custodian, were all held at gun point for questioning. There were no drugs. No terrorists. No hostages. Unless you considered the employees of the Jet Leasing company to be hostages in that moment. This was simply an armed raid by the government of the United States of America, and the Internal Revenue Service, to seize paper belonging to Justin Smith. They seized hundreds of pounds of paper. Boxes of paper. And, they seized cell phones, electronics, and check books. And, they questioned everyone on the premises. The literal ton of materials were then boxed up and labeled and sent off to the IRS building.

The "onlooker" generally believes that this use of force by

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DHS Steals Bluetear Newborn

The Bluetear Family: Dorothy, son Uudam, and Snowwolf

By Edward Snook
Investigative Reporter

Douglass County, OR – Glendale, Oregon couple Snowwolf Bluetear and his wife Anna became the proud parents of a beautiful, yet premature baby boy they named Uudam on May 28, 2016.

Uudam was born with serious, yet non-life-threatening health issues, just like many other children. He needed special assistance, a task his well accomplished Mother was equipped to handle. Anna gave birth to Uudam a month and a half early due to severe preeclampsia. She spent eight days at Three Rivers Hospital in Grants Pass, Oregon recovering.

On June 8, 2016, just eleven days after

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YOUR VINDICATION

If You're in Trouble, We Help

By US~Observer Staff

Many people wonder how a newspaper can help a person facing criminal charges, or those who are being faced with being victimized in a civil issue. People find it difficult to understand that maybe their first stop when they are falsely accused, charged or abused should be the US~Observer.

So... Why the US~Observer? The answer is quite simple. We win your case.

When an innocent person is charged with a crime, or taken advantage of civilly, the US~Observer conducts a thorough investigation. We obtain evidence that attorneys and licensed investigators cannot obtain because of the many licensing rules they must follow. We have no rules. When an innocent person's life, freedom or property are in jeopardy, we quickly get to the truth and facts, no matter what it takes.

CRIMINAL CASES

Concerning false criminal

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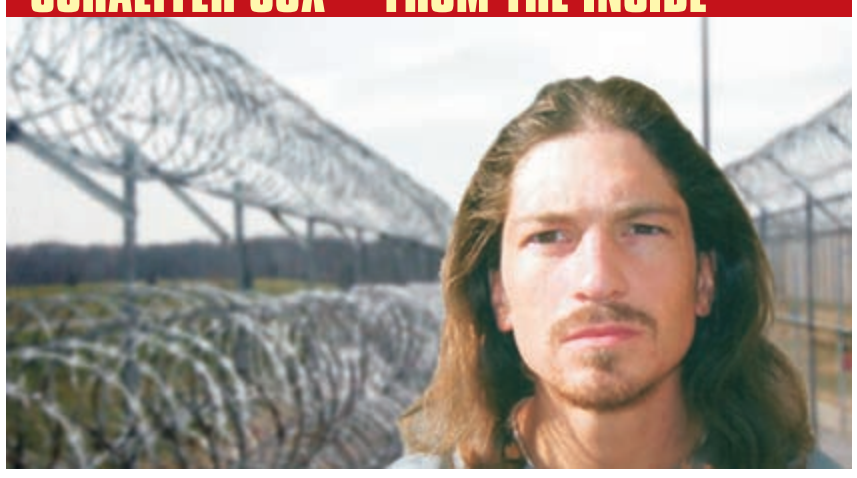
SCHAEFFER COX • FROM THE INSIDE



Deification of Government

By Schaeffer Cox

The 2nd Amendment is a lie...

Now of course, the 2nd Amendment itself is probably the truest and most audaciously American thing ever written; and I love it. But if you hear any court or federal official talking about how you have a 2nd Amendment right, rest assured you are being told a big fat lie by someone who is out to conquer you by clever deceit.

"If you can lose it, it's not a right." What the Feds tell you about the 2nd Amendment is like saying "This belongs to you forever until I take it away" or "you can count on me until I flake out" or "you won't get hurt unless you get injured." But look past their lies and they will lose their power.

What if the following happened? One morning by surprise, the Feds raid the homes of all gun owners in America. They ransack each

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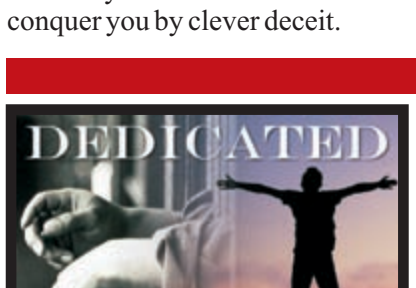

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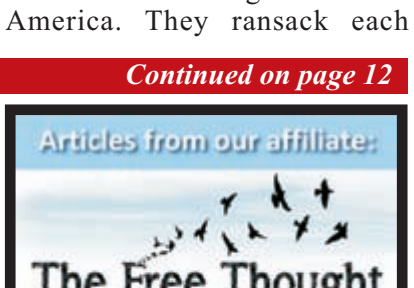

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Texas Couple Exonerated 25 Years After Being Convicted of Lurid Crimes That Never Happened

By Jordan Smith

Fran and Dan Keller sign their exoneration paperwork in Austin, Texas, on June 20, 2017.

(The Intercept) - TWENTY-FIVE YEARS after they were convicted of a crime that never happened, Fran and Dan Keller were formally exonerated on June 20 in Austin, Texas.

The couple's prosecution in 1992 was part of a wave of cases across the country amid an episode of mass hysteria known as the Satanic Panic. Beginning in the 1980s, accusations flew that the childcare industry had been infiltrated by bands of Satanists hell-bent on brainwashing and sexually abusing young children. The Kellers' exoneration closes a decades long chapter of profound injustice for a couple that paid an exceptionally high price for the credulousness of local law enforcement.

"I still can't believe it's happening," Fran, now 67, said on Tuesday morning while driving with her husband to sign the legal paperwork. She's still wary; they've been waiting for this day for so long she isn't yet sure it is real. "I guess I'm just tired of having to hang on for so long."

Dan, 75, is slightly more upbeat — he always thought this day would come. He recalled a sleepless night in prison in 1995 when he said he heard God. "He said, 'You're going home, but I have some things to sort through first.'" Dan said he slept soundly that night. "We have to try to not have doubt in our life."

The exoneration is the first for the nascent conviction integrity unit of the Travis County District Attorney's Office under the new DA, Margaret Moore. Court documents filed Tuesday announced that there is "no credible evidence" against the Kellers. Moore said she personally reviewed the case and believes exoneration "to be a just outcome."

Fran and Dan Keller were each sentenced to 48 years in prison for the alleged sexual assault of a 3-year-old girl who was an occasional drop-in at their home daycare center on the rural outskirts of Austin. The child initially accused Dan of spanking her "like daddy" used to, but under intense and repeated questioning by her mother and a therapist, the story morphed to include claims of rape and orgies involving children. From there, the number of children alleging abuse increased and the accusations grew even more lurid and confounding: The Kellers had sacrificed babies; they held ceremonies in a local graveyard; they put blood in the children's Kool-Aid; Fran cut off the arm of a gorilla in a local park; they flew the children to Mexico to be sexually assaulted by military officials.

When I began reinvestigating the case in 2008 for the Austin Chronicle, I was stunned to learn that police and prosecutors who had worked the case back in the early '90s still believed some of the most outrageous allegations leveled against the Kellers. The Austin Police Department refused to release its investigative report on the case, forcing the Chronicle to take the agency to court. We ultimately won the right to full, unredacted access.

After reading the report, it was not hard to understand why the department had fought to keep it secret. It was an ALL-CAPS, run-on-sentence fever dream full of breathless accusations and absent any actual investigation that could prove or disprove the claims. On multiple occasions, the lead investigator took the girl who accused the Kellers to lunch at McDonald's before setting out for drives in the neighborhood where she would point out locations: Yes, she had been abused there; yes, she recognized the cemetery where the Kellers had killed and buried babies; yes, many of the residents of the quiet neighborhood were in on the hi-jinx. Not once did investigators question the child's statements.

My reinvestigation of the Keller case turned up evidence that would ultimately lead to their release from prison. The only vaguely physical evidence that tied the couple to any wrongdoing was the testimony of a young emergency room doctor named Michael Mouw, who had examined the girl and concluded there was damage to her vaginal area that could be the result of sexual abuse. As it turned out, the doctor was wrong. Mouw told me that not long after the Kellers were convicted, he attended a medical conference where he learned that what he had interpreted as signs of abuse were nothing more than a normal variant of female genitalia.

Mouw's medical opinion had fundamentally changed, offering the Kellers an avenue to challenge their conviction. During a hearing in the summer of 2013, he unequivocally stated that there was no doubt that the child's genitalia was normal and that he'd gotten it wrong when he examined her in 1991. He said that he tried to reach out to the Austin Police Department after he realized his error but was rebuffed by the detective, who was "convinced they were guilty."

After the 2013 hearing, DA Rosemary Lehmberg — who had been head of the office's child abuse unit at the time of the Kellers' prosecution — ultimately agreed that the couple had not received a fair trial, and they were released shortly before Christmas that year. While there was no doubt the couple would not be retried, over the intervening years, Lehmberg declined to take the final step and exonerate them, claiming to my former editor that she could not "find a pathway to innocence" for the Kellers. She was essentially trying to prove a negative — seeking evidence that would prove a crime never happened.

Without a formal exoneration, the Kellers struggled to rebuild their lives. They were still saddled with a conviction for sexual assault of a child, which made it nearly impossible to find work or a place to live. Without an income, they had to scrape by with the help of family and food stamps, and they have not been able to get the kind of medical attention they need for health issues prompted in part by abuses they suffered in prison.

The court filing Tuesday should pave the way for the Kellers to collect roughly $1.7 million each in state compensation for the 21 years they spent behind bars.

Still, the outcome should not be considered a victory for the criminal justice system. With a few notable exceptions, the law enforcement officials in Austin — police and prosecutors, as well as the state's Court of Criminal Appeals — failed the residents of the city and more importantly the Kellers by accepting the shocking allegations on their face and abdicating their duty to seek the truth of the matter.

If it weren't for the dogged support of people like Mouw and attorney Keith Hampton — who has spent more than six years toiling on the case for free in an effort to bring about this exoneration — the Kellers would still be in prison, and that is where they would have died.

Contrary to what many people might think, you don't have a right not to be convicted of a crime you did not commit. For the most part, the Constitution is silent on this point. Instead, the focus is on whether a person received a fair trial. Did you have at least minimally competent lawyers? Were you afforded the ability to cross-examine witnesses against you? If so, then your conviction — even for a crime that never happened — should stand. Once a person is convicted, the system works only to reinforce that outcome. That remains the reality for untold thousands who sit innocent behind bars today.

"I'm very happy for them, and this is huge for the ultimate resolution of this case," Hampton said of the Kellers. "We can't give them their 21 years back, but we are doing everything else we can to restore them. When we finally do that, then they'll be in a position to forgive us for what we as a society did to them." ★★★

PA Supreme Court rules police dashcam videos are public record, as lawmakers vote opposite

(RT.com) - Pennsylvania's highest court has said the public should have access to police dashcam video unless the footage is proven to be related to an ongoing investigation. Lawmakers, however, are voting to keep the recordings secret.

On Tuesday, the Supreme Court of Pennsylvania ruled 5-2 in favor of a lower court decision to grant access to dashcam videos from two state troopers with the Pennsylvania State Police (PSP) who responded to a car crash in 2014.

The case was filed by Michelle Grove, who requested a copy of the police report as well as any video or audio recordings pertaining to the car accident in Potters Mills, about 15 miles east of State College.

The court ruled that PSP dashcam videos were public record under the Right To Know Law, which states that commonwealth agencies must provide copies of all public records upon request.

PSP denied Grove's request on the basis that certain recordings, which are considered to be "criminal investigative records," are exempt from public disclosure under the Right To Know Law.

The police argued that their recordings are generally exempt, because they inherently contain criminal investigative material, but Justice Kevin Dougherty, who wrote for the majority, said the video only showed the troopers investigating the scene and talking to the drivers and witnesses.

"PSP simply does not explain how the video portion of the [recordings] captured any criminal investigation," Dougherty wrote.

However, the court agreed that the audio from the police interviews with the drivers and witnesses did contain investigative information, and was therefore exempt from public disclosure. The court ruled that the PSP was able to redact the audio, but they were not allowed to withhold the entire recording.

In her dissent, Justice Sallie Mundy said the video without the sound could still provide investigative information, such as "a witness's demeanor, physical condition, and gestures, which give context to the statements provided. As such, they are as related to the inquiry as are the contents of the statements."

The ruling states that the police cannot decline to release footage unless they justify why footage cannot be made public, and that decision must be made on a case-by-case basis.

Grove's lawyer, Helen Stolinas, said the ruling was "a decisive victory for the citizens of Pennsylvania and the press to remain aware of the activities of state and local officials and be able to scrutinize how public servants are performing their duties," according to the Associated Press.

The ruling comes as state lawmakers are about to vote on a bill that would nullify the court's decision by creating a new procedure for the public to access police recordings that would allow law enforcement officials to decline releasing recordings.

Introduced by Senator Stewart Greenleaf, SB 560 would require individuals that were denied access to police recordings to file a petition with the court for a hearing to appeal the police. The petitioner would be required to pay $125 and a judge would have to determine if disclosure of the video "outweighs the interests of the Commonwealth, the law enforcement agency or an individual's interest in nondisclosure."

Reggie Shuford, executive director of the American Civil Liberties Union (ACLU) of Pennsylvania, said the legislation "effectively hides what is captured by police cameras from the public. And that makes them merely another tool of surveillance."

"If the public cannot obtain video produced by police cameras, they shouldn't be used at all," Shuford said in a press release. "While body cameras may be valuable to officers in carrying out their daily duties, the idea of using these cameras came to prominence because people were demanding that police operate with transparency, fairness, and accountability."

Greenleaf said he expects SB 560 to be put to a vote next week, according to the AP. ★★★

DEDICATED to the INNOCENT

Stories of those who overcame the "justice" system and were freed

Freed From Death Row, Man Sues His Texas Prosecutor

By James Palmer

(Courthouse News) Houston, TX — A Houston prosecutor "went to unbelievable lengths to manipulate evidence," including threatening and jailing witnesses and concealing exculpatory evidence, to send an innocent, mentally disabled man to prison for 12 years — 10 of them on death row — the exonerated man claims in court.

Photo: Jay Forse, Publishing

Alfred Dewayne Brown upon his release

Alfred Dewayne Brown "maintained his innocence despite being falsely arrested, charged, and erroneously convicted," his attorneys say in the June 8 federal complaint. "Refusing to accept a generous plea bargain for a crime he did not commit, Mr. Brown risked separating from his family and friends and being put to death, in the hopes that justice would eventually prevail and that he would once again be a free man."

The 60-page lawsuit alleges a litany "woeful misconduct" by Houston police and Harris County prosecutors: exculpatory evidence languishing in a detective's garage for more than 10 years; witnesses "badgered and threatened;" an exonerating witness falsely charged with perjury, jailed and taken away from her children.

Brown sued Houston, Harris County, three Houston police officers, former Harris County Assistant District Attorney Daniel Rizzo, who prosecuted him, and the current District Attorney Kim Ogg for civil rights and due process violations.

The abuse was so severe and long-lasting that even former Governor Rick Perry denounced it in a speech after Brown was released, saying Brown's "life was almost ruined because of an overzealous prosecutor who concealed exonerating evidence," and the children of his falsely jailed girlfriend, whose exonerating evidence was concealed, "were put in harm's way because of a grand jury that acted as the arm of the prosecution, rather than as an independent check on government power."

Brown was wrongfully convicted of murdering two people, including a Houston police officer, during the robbery of a check-cashing outlet in 2003.

His attorney Gwen Richard said in an interview Monday that the lawsuit is the "final chapter" of Brown's search for justice after 12 years and 62 days in prison. Since he was released in 2015, he has been "living a peaceful, quiet life" as a construction and transportation worker.

Brown, who has an IQ of 69, was swept up into the city's investigation after defendant Rizzo threatened witnesses into implicating him in the robbery and double murder, according to the complaint.

Three men killed a police officer and a store clerk while robbing an ACE Check Cashing store in Houston, in April 2003. "Within minutes, breaking news alerted Houston residents to the crime and indicated that police were searching for a white Pontiac Grand Am," the complaint states.

This report of that day comes from the lengthy lawsuit, which alleges conspiracy, multiple constitutional violations, fabrication of evidence and supervisory liability.

On the day of the robbery and murders, witnesses LaTonya Hubbard and Letisha Price saw three men discussing their plan to rob the check cashing store, the complaint states. And the owner of a furniture store in the same strip mall as the ACE store saw two of the robbers preparing for the robbery.

Hubbard's sister, Alisha "Lisa" Hubbard, who lived in the same apartment complex as the robbers, saw one of them loading a gun next to the getaway vehicle identified in breaking news reports. She testified that she spoke with another resident at Villa Americana apartments, who identified the robbers as Shawn, Ghetto and Deuce.

But Lisa Hubbard changed her story after Rizzo pressured her to name Brown as one of the robbers discussing their plans.

"Mr. Rizzo told me that if I didn't stick to my statements, they could charge me with perjury," according to Lisa Hubbard's testimony, cited in the complaint. "The female with Mr. Rizzo then told me that not only would they charge me with perjury but that they would also charge me with theft of the $10,000 that Crime Stoppers gave me [for identifying the men]."

Lisa said she substituted Brown for Deuce "because I thought that is what Mr. Rizzo wanted me to do."

District Attorney Kim Ogg

LaTonya Hubbard also said she changed her story because of Rizzo's persuasion about Brown.

Brown, who lived with his girlfriend, Ericka Dockery, her children and Dockery's cousin, was asleep on the couch in Dockery's apartment on the morning of the robbery. Later that morning, Brown called Dockery while she was at a medical client's home.

Dockery testified that the caller ID on the client's phone was her home number.

"Despite this initial testimony, Defendant Rizzo refused to accept the truth. He badgered, harassed, and intimidated Ms. Dockery to change her testimony regarding Mr. Brown's alibi," the complaint states.

Rizzo threatened Dockery with aggravated perjury charges and said she would lose custody of her children if she did not retract Brown's alibi, and used a grand juror to threaten her, according to the complaint.

"One grand juror told her she seemed like a 'good, nice young lady' and 'a hard-working young lady,' but 'if we find out that you're not telling the truth, we're coming after you,'" according to excerpts from grand jury testimony cited in the complaint.

Dockery refused to change her testimony, so Rizzo followed through on his threats.

"Defendant Rizzo charged Ms. Dockery with three counts of aggravated perjury. She was arrested at her home, and her bond was set at $5,000 for each charge, which defendant Rizzo knew she could not afford."

After Dockery was jailed she did change her testimony, but she testified in 2011 that she corroborated Rizzo's story only because she was locked in a room with him and under duress.

Dockery's original testimony was vindicated in 2013 when defendant Houston police Det. Breck McDaniel found telephone records from the case in an evidence box in his garage. The records were notated to show that Brown had made the phone call to Dockery's client's house at the time she mentioned.

Rizzo had subpoenaed the telephone records during a court proceeding but they were not presented at Brown's trial.

"The defendants' failures to turn over this critical evidence, subsequent concealment of the records, and false testimony regarding the existence of the records constitute willful and malicious violations of Mr. Brown's constitutional rights," the complaint states.

The Harris County District Attorney's Office and Houston police did not immediately respond to a request for comment Monday. Courthouse News will add their comments when and if they respond.

Brown seeks punitive damages. He is represented by Gwen Richard with LeClairRyan in Houston. ★★★

17 years for looking like the real perpetrator

Photos: Kansas Department of Corrections

Richard Jones (left) was released from prison after investigators found that another man, Ricky Amos (right) committed the crime of which Jones was convicted.

By Kristine Phillips

(Washington Post) - Richard Jones had a party with family and friends at his home in Kansas City, Mo., on May 31, 1999. It was Memorial Day and his girlfriend's birthday.

A few miles across the border, in Kansas City, Kan., three people had been driving around, smoking crack cocaine all day. They eventually ran out of drugs, so they drove to a neighborhood where they knew people sold crack. The three pulled up outside a duplex where a man they knew as Rick joined them.

Rick sat in the front seat and told them to go to a nearby Walmart. He got out of the car and tried to snatch a woman's purse in the parking lot. She fought, and Rick ended up taking her phone instead. The woman didn't get a good look at her attacker before he and the others drove away. Neither did the store security guard. All they knew, according to court records, was that he was a thin, light-skinned black or Hispanic man with dark hair.

Police and eye witnesses eventually believed that man was Richard Jones, and that he likely went by the nickname Rick. He was arrested months later and convicted of aggravated robbery the following year, despite his alibi that he never left his house that Memorial Day. One of the witnesses said the robber had a tattoo on his left arm; Jones didn't have one at that time.

He was sentenced to 19 years of prison.

Jones sat behind bars, bitter and confused about why he was there, his attorney said. Finally, several years later, things began to make sense.

Investigators discovered that the crime Jones was convicted of was very likely committed by another man — his doppelganger with a somewhat-similar first name.

Ricky Amos had been in and out of prison since the 1990s, and at some point throughout the time that Jones was behind bars, the two men ended up in the same Kansas Department of Corrections facility. Inmates told Jones that a man who looks just like him was also a prisoner there. "Hey, you were in the cafeteria and you didn't say hello to me," others said, according to his attorney.

The resemblance was uncanny. Their braided hairstyles, goatees, dark eyes, thick eye brows and complexion all look strikingly similar.

"We were just like, holy crap," said Alice Craig, Jones's attorney.

Craig, an attorney for the University of Kansas School of Law Project for Innocence, took over Jones's case in 2015 — 15 years into his prison sentence and after Jones had lost in all of his appeals. He told her about his doppelganger. Slowly, things began to unravel.

Craig and her team found out that Amos lived with his mother in Kansas City, Kan., not far from the Walmart store where the robbery happened. They were evicted sometime in May 1999, Craig said, so they moved in with Amos's brother and his wife, who lived around the corner — in a duplex on West 41st Avenue, where the three addicts looking for drugs would later pick up the man named Rick.

The eye witnesses, including the robbery victim and the security guard, have since changed their previous testimonies. After they were shown side-by-side photographs of Jones and Amos, they said they wouldn't have been able to identify Jones as the real robber.

"I am no longer certain I identified the right person at the preliminary hearing and trial," Tamara Scherer, the robbery victim, said in an affidavit last year. "If I had seen both men at the time, I would not have felt comfortable choosing between the two men and possibly sending a man to prison."

Edward Miller Jr., one of the three other people in the car the day of the robbery, never identified Jones. He also was not entirely sure about the identity or physical appearance of the man they picked up; he only remembers that he was "smelly and ratty looking," he wrote in an affidavit.

"I remember having my doubts at trial," Miller said. "If I had been given these two pictures before trial, I would not have been able to tell them apart."

"If I were forced to pick one, it would be the man on the left," he added, referring to Amos's photo.

John Cowles, a former assistant district attorney who prosecuted the case, said he no longer has a clear memory of it, but said new evidence strongly suggests that the wrong man was prosecuted.

"The information provided to me by Ms. Craig has undermined whatever confidence I had at the time that the trial of Richard Jones resulted in a just result," Cowles, who's now in private practice, said in an affidavit. "It is not my place to reach a conclusion that the new information proves Mr. Jones's innocence, but I do believe that it would be appropriate for Ms. Craig to pursue whatever relief might still be available to Mr. Jones."

Jones's conviction was based solely on flawed eyewitness testimony, the greatest contributing factor to wrongful conviction, according to the Innocence Project. Equally flawed is the police photo lineup designed for witnesses to identify no one else but Jones, Craig said. It shows a picture of Jones, along with those of five other black men. He was the only one with light skin.

In a ruling issued Wednesday, Judge Kevin P. Moriarty of the 10th Judicial District in Kansas wrote that no reasonable jury would convict Jones if he were to be tried again, especially with evidence linking Amos to the crime.

Jones, now 41, was freed Thursday, just two years short of finishing his prison sentence. He spent 17 years behind bars, missing his children's childhoods and the births of his grandchildren. The Midwest Innocence Project also worked on his case.

Jones's case became widely known after the Kansas City Star recently published a story. A GoFundMe page set up to help him and his family has raised $22,390 as of June 23rd, 2017.

Amos has denied being involved in the robbery. Craig said Amos initially denied knowing the address of the duplex, but later admitted living there after he was confronted with a testimony from a young woman who knows him and his family.

Regardless, Amos will not be prosecuted for the robbery because the statute of limitation for the crime has passed.

Jones was not available for the interview Monday, but Craig said knowing about his doppelganger brought some relief.

"He spent a long time in prison being pretty bitter about being convicted of a crime that he didn't commit, and he knew he didn't commit," Craig said. "And he couldn't figure out why these people would pick him out of a lineup."

Finally, he knows why.

US~Observer Editor's Note: This could have been avoided had the case been adequately investigated. This is why people should contact the US~Observer first. ★★★

In The News

Inebriated deputy resigns and rakes in another $20k

By US~Observer Staff

Ex-Sheriff's Deputy Shane W. Jones

Okanogan County, WA – In February of 2017, we reported on Okanogan Sheriff's Deputy Shane W. Jones who in 2006 was fired by Okanogan County Sheriff Frank Rogers, for what has been described as belligerence and lying about a gun being in his vehicle when he had been pulled him over on the suspicion of driving under the influence. During that event, Jones' blood alcohol was registered as a 0.15, with 0.08 being the legal limit. According to reports, the DUI charge was deferred and five years later dropped.

Jones was apparently reinstated to his deputy position after an arbitrator determined the firing was too tough a penalty. Jones was awarded almost $200,000 in back pay and attorney fees.

On December 8, 2016 after being pulled over for driving down the wrong side of the road in his personal vehicle, Jones was found to be under the influence of prescription drugs and was put on administrative leave pending an internal investigation.

Now almost five months later, Deputy Jones has resigned, taking with him almost $20,000 ($19,713) in paid leave. And, due to a "conflict" it has been reported that Okanogan County had asked Grant County prosecutors to review the case for possible charges.

I would venture to say that after five months they aren't going to.

It just goes to show that it pays to be a part of the system in Okanogan County, even when you are bad. ★

Judge Approves $75M NYPD Quota Deal

By Adam Klasfeld

(Courthouse News) Manhattan, NY — A $75 million deal approved by a federal judge Monday will compensate roughly 850,000 black New Yorkers who blamed police quotas for phony summonses.


Judge Robert Sweet

"This civil rights class action is the paradigm of change and progress achievable in a society undergirded by the rule of law," U.S. District Judge Robert Sweet wrote in a 31-page ruling on Monday. "Skilled and dedicated counsel for the parties, aided by a highly experienced and pragmatic mediator, have reached a resolution benefitting all concerned."

The ruling comes seven years after East Village resident Sharif Stinson brought a 2010 class action suit that accused the New York City Police Department of running an unconstitutional quota system, primarily targeting people of color.

Multiple NYPD whistleblowers — notably, eight-year veterans, Adrian Schoolcraft and Pedro Serrano — have stepped forward in the intervening years with corroborating evidence, including videotapes of police brass ordering rank-and-file officers to ramp up so-called "productivity goals."

As Stinson's lawyers pursued evidence that the orders came from the top of the NYPD's chain of command, documents related to former NYPD Commissioner Ray Kelly and ex-chief of department Joseph Esposito went missing.

New York City settled shortly after Judge Sweet sanctioned them for "gross negligence" in evidence destruction.

Sweet now applauded both sides for the case's resolution.

"The strongly held positions, vigorously litigated and, initially, diametrically opposed, have been illuminated by facts developed in the discovery process and resolved," he wrote. "Thanks to the skill of those involved and a concerned administration, those injured will be compensated, police procedures will be clarified and strengthened, and the rights of all citizens will be fortified through what has been represented as the largest settlement of Fourth Amendment claims in New York City history."

The sheer number of New Yorkers of color believed to have had their rights violated adds up to a relatively small payout for each class member.

A $56.5 million pool will be used for maximum payouts of $150 per person and incident.

Five potential class members failed to sway Sweet that the portion sizes were too small.

"Given the degree of injury inherent in improperly receiving a summons, on average about five to ten minutes during which time the summons was written up while the class member simply had to wait, damages of $150 per summons is sufficient to find that portion of the settlement fair," he wrote.

The city has already sent out more than 922,000 notices to potential class members, and plans to look for more with an advertising campaign in major newspapers. A little more than 39,000 have submitted claims so far.

Any unclaimed money will go back to the city, and attorneys for the class will receive $18.5 million.

Within three months of the settlement's approval, the NYPD must start issuing department-wide communications that quotas are improper and subject to internal investigation.

The department must also revise its training for new recruits with instructions on blowing the whistle on violations.

Representatives for the city have not responded to a request for comment. ★★★

Driving America's High Incarceration Rate, Rural and Small-Town Jails

y Jon Schuppe

(NBC) - The nation's smallest jails, often overlooked in discussions about America's high incarceration rate, have been quietly driving a historic increase in the number of people behind bars, according to researchers.

These local jails, mostly serving rural communities with low crime rates, hold a disproportionate number of people who are waiting for trial and who are being held by outside agencies, such as overburdened state prison systems and U.S. Immigration and Customs Enforcement, a newly released report says.

That's because these communities generally lack the resources to steer low-level offenders away from pretrial detention, the researchers say. And many expand their jail capacities to win a bigger share of contracts from outside agencies.

The researchers, from the Vera Institute of Justice and the Safety and Justice Challenge, which both advocate for jail reform, released a report Tuesday aimed at bringing more attention to what's happening in the country's most sparsely populated regions.

"The growth in rural jail incarceration has really flown under the radar," said Jacob Kang-Brown, one of the Vera researchers who helped write the report. "Many reforms to change mass incarceration are concentrated in urban areas. We tend to think that punishment and over-incarceration follows crime, and crime tends to be worse in urban areas. But rural areas have a worse jail incarceration problem."

This conclusion is based on data from the Bureau of Justice Statistics, whose most detailed information about jail populations runs to 2013. The numbers show a dramatic increase over the last 25 years in the proportion of people being held in jail while awaiting for trial — those still presumed innocent but who cannot afford bail, or haven't been assigned it. That increase, fueled by tough-on-crime polices that grew out of 1980s drug scares, is now driving efforts to reduce incarceration rates by turning away from the use of money bail and expanding alternatives to jail.

Such reforms have focused on the nation's biggest jails, and have led to the leveling off or reduction of jail populations, the researchers said.

But in smaller jails, the trend has continued upward.

The researchers at Vera and the Safety and Justice Challenge broke out jail data from 1,936 rural counties — those with fewer than 250,000 people — and found that pretrial incarceration rates had jumped from 49 per 100,000 people in 1970 to 265 per 100,000 people in 2013.

By comparison, the pretrial incarceration rate in urban counties rose from 101 per 100,000 people to 200 per 100,000 people, and from 39 per 100,000 people to 178 per 100,000 people in suburban localities, according to the researchers.

"For a rural area to double or triple the size of its jail is unheard of in urban areas," Kang-Brown said. "No one is proposing we build a larger jail in New York City. But it's common for a rural county to go from 30 beds to 70 beds. That is part of the growth."

At the same time, smaller, cash-strapped counties have taken advantage of the continued appetite for jail cells by other agencies. Many state prisons remain overcrowded, and immigration crackdowns have pushed federal authorities to seek places to house people being considered for deportation.

Those contract jailings have grown fastest in rural areas, the researchers reported.

The researchers stressed that while the lack of resources — and the search for more revenue — were two of the biggest factors, the picture on the ground was a lot more complicated. One jail's expansion can turn on a variety of factors, including police and prosecutor's policies, judges' use of discretion and administrative decisions by jails. Local trends, such as spikes in opioid use, could also play a part.

They singled out Grant County, Kentucky as an "extreme example of what can go wrong."

After a rapid expansion to take in contract detainees, the county's use of pretrial detention exploded, the researchers said. Federal investigators found rampant abuses by guards, which led to the state prison system pulling out of its contracts. That put the jail — and county — in economic crisis, ultimately leading officials to raise taxes.

Then there are the individual tales of woe.

One of them is Jessica Jauch, who spent 93 days in the Choctaw County jail in Mississippi on drug charges before seeing a judge. She is suing the state over her criminal case, which was dropped after a police video revealed she was innocent.

Octavious Burks and Joshua Bassett are suing to force changes in another rural part of Mississippi where they were held for months without access to lawyers, in part because the local circuit court employed only two judges who took turns handling cases in four counties, their lawyer, Brandon Buskey of the American Civil Liberties Union, said.

"They've been doing this for a long time without any scrutiny," Buskey said.

In rural areas, "you do see people getting stuck more often," Buskey added. "Once you get a hearing, they tend to let you go. But it can take three, four months to get to that point. So the numbers tend to pile up."

★★★

Assistant District Attorney Arrested for Drugs and Theft

By Joseph Snook
Investigative Reporter

Ware County, GA – Fired recently for shoplifting and drug possession, former Ware County prosecutor Emily Christine Williams was lodged in Ware County Jail.

George Barnhill, the elected Waycross Judicial Circuit Prosecuting Attorney fired Williams shortly after the incident. "She'd been here eight weeks," previously practicing law in Jacksonville, Florida said Barnhill.

Since Williams was still a probationary employee, she was fired at will, according to Barnhill.

Williams is charged with theft by shoplifting, possession of a Schedule IV drug and failure to keep drugs in original prescription containers, according to the arrest report.

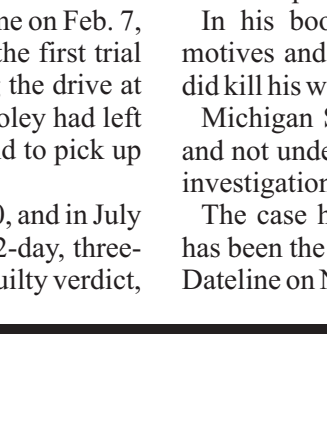
Crimes of dishonesty are quite telling about character. Perhaps former prosecutor Williams used her position as a prosecutor in Georgia, or Florida to obstruct justice in previous cases she prosecuted?

Editor's Note: If you, or anyone you know were robbed of justice by former prosecutor Emily Williams, please contact the US~Observer immediately by emailing editor@usobserver.com, or calling 541-474-7885. ★★★

Foley files lawsuit seeking payment for wrongful imprisonment

By Don Reid

(The Daily Reporter) Lansing, MI — Convicted, then acquitted for the murder of his wife, Dee Dee, Tom Foley has filed a lawsuit against the state of Michigan and Branch County for wrongful imprisonment.


Tom Foley

The suit was filed under the 2016 Wrongful Imprisonment Compensation Act in the Michigan Court of Claims by his criminal defense attorney, Thomas Schaeffer The Michigan legislature agreed to give persons wrongfully convicted $50,000 per year.

Foley was arrested and held for 568 days in the Branch County Jail and Michigan Department of Corrections, sentenced to life. He is seeking the statutory amount, plus amounts collected by the state for court costs and fines, totaling $77,808.72.

Foley was convicted in November 2009 for the murder of his wife of 15years, Dee Dee, but the conviction was overturned when new witnesses came forward.

Dee Dee was slain by a single shotgun blast while in the shower of their Girard Road home on Feb. 7, 2009. Witnesses came forward after the first trial and said they saw a white car leaving the drive at high speed. This was at a time after Foley had left the house with his son and son's friend to pick up supplies for the son's birthday party.

A new trial was granted in April 2010, and in July a new jury — following an intense 12-day, three-week trial — this time returned a not guilty verdict, after 10 hours of deliberation.

Schaeffer stated in the complaint that "new evidence was found that demonstrated that plaintiff was not the perpetrator of said crime and was not an accessory or accomplice to said crime."

Members of the wife's family still insist Tom Foley was the only one who could have murdered his wife, and that he got away with murder.

In May, the pastor who married the couple, Andrew Lombardo, published an Amazon Kindle online book Lombardo, who has since left the ministry and works in educational programming, spent several years on the book with the help of Tom Foley and others.

He finished the book over the last six months while working in English education in China. Lombardo claimed there was a "rush to judgement" and wants the state to go back and look again at the crime. He goes over details of the family, the investigation, trials, and other theories he developed.

In his book, Lombardo sets out six possible motives and scenarios, including that Tom Foley did kill his wife.

Michigan State Police consider the case closed and not under any consideration for a "cold case" investigation.

The case has drawn international attention and has been the subject of television shows including Dateline on NBC and on the Discovery Channel. ★

Former Cop Wrongfully Convicted Has $9 Million Verdict Reinstated

By US~Observer Staff

Washington State – Former police officer Clyde Ray Spencer was convicted and sentenced to two life terms, plus 14 years in 1985 for sexually abusing his own children. 19 years later, after evidence surfaced showing former Clark County Sheriff's Detective Sharon Krause violated Spencer's constitutional rights to due process by fabricating police reports, Spencer had his conviction overturned and was exonerated of all crimes. Spencer subsequently won a $9 million unanimous verdict by a civil jury in 2014.

Then, U.S. District Court Judge Benjamin H. Settle, unlawfully threw out the jury's decision. This week, Spencer received the long anticipated news – his award was reinstated by a Federal Court of Appeals.

Spencer's high-powered attorney from Chicago, Kathleen Zellner, posted on Twitter, "Just won Spencer case in 9th Cir. Police fabricators of evidence beware," Thursday morning.

Zellner was instrumental in getting Spencer's award reinstated. Zellner is also known for representing the highly politicized case of Steven Avery, who is the subject of Netflix's popular series, "Making a Murderer."

Also, in 2014 during Spencer's civil trial, the jury also found that Clark County Sheriff's Sgt. Mike Davidson, also Detective Krause's supervisor at the time, had an affair with Spencer's wife and was liable in his supervisory capacity.

Ray Spencer with his two children

Spencer was a motorcycle officer with the Vancouver Police Department at the time of his arrest.

As reported by the Columbian:

"The judge (Benjamin Settle) ruled in favor of Krause and Davidson on the grounds that Spencer did not introduce evidence showing Krause knew or should have known Spencer was innocent.

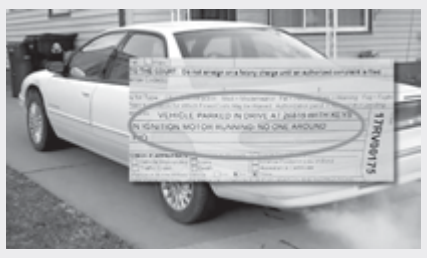
The appeals court, however, ruled that because Spencer provided direct evidence of fabrication by Krause, he didn't have to prove that Krause knew or should have known he was innocent."

Today, Spencer can finally begin to move forward with life after being wrongfully convicted. His case highlights how far government will go to obstruct justice. Whether you're a cop, or not, those with power will stop at nothing to protect themselves from being exposed and held accountable.

Not one person responsible for the travesty of justice against Ray Spencer returned calls for comment.

Former Detective Sharon Krause should have been charged and convicted for her role in stealing so many years, unjustly, from Ray Spencer. Instead, former Detective Krause is free, today. ★★★

Judge Rules Against Warming-Up Car on Private Property



By Joseph Snook
Investigative Reporter

Roseville, MI – Taylor Trupiano was issued a ticket by the Roseville, Michigan Police for leaving his car unattended while it warmed up in his own driveway. Last week, Trupiano lost in court. Then, his attorney got in trouble, too.

Judge Marco Santia
(Photo by Deb Jacques)

Without claiming to be the media, or getting 'special permission' from the court, Trupiano's attorney allegedly had someone broadcast the hearing on Facebook Live which the judge held him in contempt for.

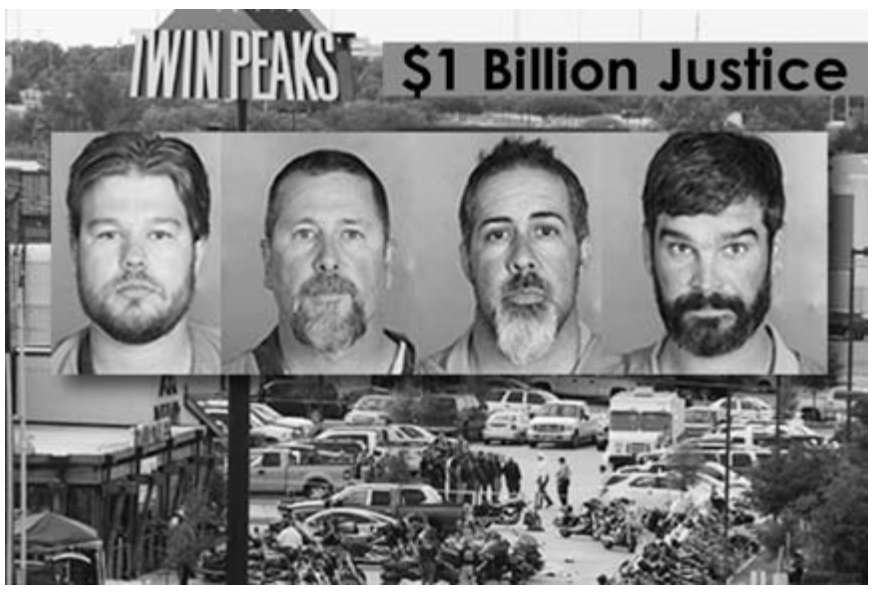
Trupiano's attorney, Nicholas Somberg stated, "This ordinance only applies to areas open to the public and according to people v. Raya, you cannot even get a DUI in your own driveway."

District Judge Marco Santia had a different view. As he ruled against Trupiano, he cited his opinion regarding the ordinance. The judge stated that if the vehicle is accessible to the public, and since strangers can gain access to your driveway, it's included.

Trupiano stated, "I don't think it applies to your private property and on top of that if it's a safety issue they didn't solve the safety issue by leaving a ticket. The car was still running (and) left unlocked."

An undisclosed person paid Trupiano's $128 ticket for him, but the court hasn't decided if it will accept the payment. Trupiano didn't say whether or not he plans to appeal the ruling. A property rights advocate stated, "it goes without saying that private property no longer exists when you can't even warm up your own car in your own driveway." ★★★

$1 Billion Lawsuit Filed Against City and Cops in Waco Biker 'Witch Hunt'



(From left) James Harris, Bonar Crump, Juan Garcia, and Drew King

By US~Observer Staff

Almost exactly two-years since a deadly shoot-out between the rival motorcycle gangs, the Bandidos and Cossacks, at the Twin Peaks restaurant in Waco, Texas, four men have filed suit against the city, the police department and the restaurant for a total of $1 Billion dollars. According to a Daily Beast article, Jim Albert Harris, Bonar Crump Jr., Drew King, and Juan Carlos Garcia maintain their civil rights were violated, their reputations slandered, and much more.

According to a 2015 article by Breitbart:

There is nothing at all to indicate the Grim Guardians are anything more than what they claim to be: a group of Christian motorcyclists committed to helping children. Austin police do not have the Grim Guardians listed as a criminal biker gang.

The Grim Guardians motorcycle club is an offshoot from a group called Guardians of Children that Garcia, King, Harris and Crump all belonged to. The Guardians are focused on helping victims of child abuse, often visiting children and conducting charity rides ...

Nor do the Grim Guardians' backgrounds indicate criminality. Garcia has an engineering degree and worked for the city of Austin. Crump graduated from Baylor University with a degree in English, and from Oklahoma Baptist University with a history degree, and he owns his own business.

... In the initial press conference after the shooting, Waco Police described "three men" on their way to Twin Peaks who had been arrested, making it sound as though the three were en route to take part in a planned biker brawl.

However, now that a police incident report has surfaced, it appears King, Harris and Garcia were arrested for being at the scene, and wearing leather jackets with Grim Guardians patches. There's no indication that the police officer actually knew who the Grim Guardians are, or what they do.

The police report says:

While speaking with all three men as they sat in the grassy area, noticed all three were wearing a black leather vest with several patches indicating they were a motorcycle club member. All three had on a black leather vest and on the back of it had the name GRIM GUARDIAN, ROCKER on the top patch and in the center of the black leather vest had a round patch with the symbol of half of a skull on one side and half of a Viking helmet on the other. Also a small patch MC standing for motorcycle club and a bottom rocker patch stating the words SLAUGHTER CREEK, representing the part of the city they were from.

In a press release, renowned biker lawyer Brent Coon said it is the "worst police operation initiated by law enforcement in the history of Texas…" and "will be shown to be one of the biggest blunders and cover-ups by any law enforcement agency in the country." He went on to say that the city will eventually be proven to be "in a witch hunt for bikers."

Any individual who has been falsely charged with a crime and is continually punished by a system that is unrelenting deserves justice. It will be interesting to see in the future if these four individuals deserve a Billion dollars worth of justice.

For what it's worth, our bet is on them. ★★★

Former Congresswoman Found Guilty, Faces 300 Year Sentence

Former Dem. Representative Corrine Brown

By US~Observer Staff

Florida – On May 11, 2017, Former Dem. Representative Corrine Brown was found guilty on 18 out of 22 criminal charges leveled against her. Brown's charges consisted of filing false income tax returns, conspiring to commit mail and wire fraud, aiding and abetting mail fraud charges, aiding and abetting wire fraud, engaging in a scheme to hide facts and corruptly endeavoring to obstruct and impede IRS laws. Although a sentencing date isn't set, Brown will be facing more than 300 years in prison for the crimes she was convicted of.

Brown was specifically ridiculed for a charity of hers, "One Door for Education," which raised $833,000 with only $1,200 actually being provided to the students who were supposed to receive the donations. The rest of the funds were alleged to have been spent on lavish parties, tickets to see Beyonce, NFL games, golf tournaments, cosmetic dermatology, Beverly Hills shopping and more.

When U.S. Attorney prosecutor Tysen Duva informed jurors that Brown spent $7,000 more than her income during one single month, Brown brushed it off by saying, "Sir, I'm just like anybody else. I know how to rob Peter to pay Paul."

Brown claims her former chief of staff was to blame, yet he claims she directly instructed him to steal money from a foundation and deposit the funds into her private account. At one point during trial, Brown had an emotional outburst, yelling, "He's trying to destroy my life."

The Department of Justice released a statement claiming Brown was a corrupt public official who undermined the integrity of government. Their statement read in part, *"Former Congresswoman Corrine Brown violated the public trust, the honor of her position, and the integrity of the American system of government when she abused one of the most powerful positions in the nation for her own personal gain. She shamefully deprived needy children of hundreds of thousands of dollars that could have helped…"*

Brown served as Florida's fifth Congressional district representative before losing during the August primary in the wake of her federal criminal charges. After 24 years in Congress, Brown's term ended in January. Brown will likely appeal her conviction as she claimed her innocence in a post conviction interview. Brown is free on bond until sentencing. ★★★

DNA Proves Man Not Father - Family Services Still Garnishes Wages

By US~Observer Staff

Overland Park, KS – Owing more than $36,000, plus interest for unpaid child support, Randy Bryant claims he doesn't owe a dime. Now, DNA is on Randy's side. In a recent test conducted for heart problems, both Randy and his thought-to-be daughter were informed what Randy had thought all along – he has a 0.00% chance of being the biological father. But the State of Missouri's Department of Child Services isn't so eager to stop garnishing his wages.

Randy Bryant

Born in 1988, Randy's daughter, Cassi Ferris grew up considering him a typical "deadbeat dad." The only time she remembers seeing Randy was several years after birth, when he was in handcuffs and headed to jail for one year because he couldn't afford to pay child support. Their relationship consisted of hard feelings. When Randy was informed that he had a potentially genetic heart problem, he reached out to Cassi, informing her – she may have it, too. That was when DNA testing commenced at separate labs, due to the awkward relationship.

Cassi Ferris

The tests revealed that Randy was not Cassi's father.

Despite the news of Randy being excluded as Cassi's father, the two met that following Saturday for breakfast. Strangely enough, their bond has grown since that day. Randy and Cassi went to a Red Hot Chili Peppers concert and Randy often watches Ferris' children play soccer games.

"I have this heartache on me. I grew up hating you and thinking you were this deadbeat person who rejected me. I like you. You're a good man," said Ferris.

Randy was told at a young age that he couldn't father children, which was partly why he always questioned whether or not Ferris was truly his daughter. Nonetheless, when talking about Ferris today, Randy stated, "I guess the spot-on term would be the daughter I never really had, really."

Randy still owes over $36k in back support. His wages are still being garnished – even after he provided proof to Missouri State that he is not the biological father.

Ferris doesn't receive the payments and supports ending them. Her biological mother still receives automatic payments and wants another test performed before she will support ending the payments.

Randy said, "I feel like the Department of Family Services just really doesn't care. 'Um, sorry. Case is closed. We are still going to take your money.' That isn't right!" Randy has hired a lawyer but says he's learned his lesson about child support. "I just learned over the years not to hold my breath for nothing… You might die!"

A CBS News affiliate reached out to Missouri's Department of Social Services regarding the continued garnishing of Randy's wages without response.

Editor's Note: Had Randy contacted the US~Observer he would likely have saved thousands by not paying unwarranted child support payments, preventing one year of incarceration for being falsely targeted by the State of Missouri's Department of Social Services. ★★★

Expect a billion more people within 15 years

By Josh Rosenblatt

(NEWSER) – The world's population is going to boom over the next 30 years, growing by a billion in just 15 years and 2 billion by 2050, according to a UN report released Wednesday. Half of that growth is projected to come in just nine countries, shaking up the list of the world's most populous nations and potentially affecting migration and employment patterns around the globe, reports the Guardian. Highlights:

• The world's population is currently 7.6 billion. That number will hit 8 billion in 2023, 8.6 billion in 2030, 9.8 billion in 2050, and 11.1 billion by 2100.

• The global population is current growing by 1.1% per year, equal to about 83 million people. That figure is down from 1.2% 10 years ago.

• More than half of the projected population growth over the next 30 years will occur in Africa. Between now and 2050, Africa is expected to add 1.3 billion people. Asia is expected to be the second largest contributor to the global population during that time, adding 750 million people.

• India, which currently has a population of 1.3 billion, will replace China as the largest country in the world in just seven years. China currently has 1.4 billion inhabitants.

• Nigeria, currently the seventh-largest country in the world, is growing the most rapidly among the countries on the top-10 list. The population of Nigeria is expected to pass that of the United States by 2050, making it the third largest country in the world,

• The nine countries where half of the world's population growth between now and 2050 is expected to be concentrated: India, Nigeria, Democratic Republic of the Congo, Pakistan, Ethiopia, the United Republic of Tanzania, the US, Uganda, and Indonesia.

• By 2050, seven of the world's 20 most populous nations will be in Africa.

• In contrast, every country in Europe is experiencing fertility rates below replacement levels, meaning their populations will decline without immigration. Eastern Europe, in particular, will be affected by this trend, with population levels expected to drop 15% in Bulgaria, Croatia, Latvia, Lithuania, Poland, the Republic of Moldova, Romania, Serbia, and Ukraine.

• The population aged 60 or over is growing faster than all other age groups. The UN report projects that the number of people aged 60 and above will more than double by 2050 and more than triple by 2100. That group will reach 1 billion people for the first time within the next few years.

• In 1950, the world's population was just over 2 billion.

★★★

Arizona law that turned parents into molesters is ruled unconstitutional by a federal judge

By US~Observer Staff

Arizona – Flipping the burden of proof from the state to the defendant in criminal prosecutions is the crux of this illegitimate law. In a report by Slate, "Last September, the Arizona Supreme Court issued a stunning decision interpreting the state's child molestation law to criminalize any contact between an adult and a child's genitals. In a 3–2 ruling, the court found that the law encompassed entirely innocent conduct, such as changing or bathing a baby. Arizona, the court held, could convict an adult for touching an infant's genitals—which carries a prison sentence of five years—without proving sexual intent. Instead, under the law, the accused had the burden of proving that (they) had no sexual intent to a jury and by a preponderance of the evidence. As the dissenters noted, the ruling turned 'parents and other caregivers' in the state into 'child molesters or sex abusers under Arizona law.'"

Fortunately for adults who were unjustly branded "molesters" for simply changing diapers or similar, a federal court recently intervened and ruled the Arizona law unconstitutional. In a lengthy ruling, U.S. District Judge Neil V. Wake explained how the law violated the Due Process Clause of the 14th Amendment.

Under current Arizona law, a person is guilty of molestation if they, "intentionally or knowingly … touch[es] … any part of the genitals, anus or female breast" of a child "under fifteen years of age."

The glaring problem is the law doesn't state touching must be for sexual gratification – basically labeling anyone who changes a diaper as… you got it – a child molester. Furthermore, it switches the burden of proof to the defendant – requiring they prove the touching was not sexual in nature.

Judge Wake's ruling overturned the criminal conviction of Stephen May, a swimming instructor who was found guilty of inappropriately touching four children. A jury found May guilty of touching the children, but not sexually, since the law didn't require that finding. May was sentenced to 75 years in prison. May isn't the only Arizonan to unjustly suffer under the law; Judge Wake noted the state has prosecuted plenty of parents, and successfully convicted some, for what may be totally innocent behavior. Those persons will likely ask a federal court to vacate their sentence.

What was probably intended to be a good law, failed miserably. Innocent lives were ruined and Arizona State continued to support the law, even upholding it at the State Supreme Court level. A federal court stepped in and was able to finally be a voice of reason before more parents, or innocent adults were wrongfully labeled child molesters.

The saddest part about being wrongfully convicted of sex abuse against a child is that your life is permanently ruined despite whatever time you spend incarcerated. Upon being released you still carry the stigma of that crime as you register for the rest of your life as a convicted sex offender. Good luck buying a home, living in a school zone, finding a companion, or getting a job. Although there are serious predators in this world, there are also many false allegations of such, especially in highly contentious divorce proceedings where one parent makes false allegations against another, resulting in wrongful prosecutions and convictions. Unfortunately, most people don't want to think traumatic injustices like these can occur until they become the victim. ★★★

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Welcome to the Free Thought Project — a hub for Free Thinking conversations about the promotion of liberty and the daunting task of government accountability.

Girl Convicted of Manslaughter For Causing Teen's Death with Text Message

By Matt Agorist

Taunton, MA — In the Land of the Free, you can and will be charged and convicted of manslaughter for texting your teenage boyfriend and telling him to kill himself. No physical action was needed on the part of Michelle Carter, then 17, to be complicit in her boyfriend's death other than sending text over the digital ether to be read by the troubled teen.

According to the AP, Juvenile Court Judge Lawrence Moniz found that Michelle Carter caused the death of Conrad Roy III, who intentionally filled his truck with carbon monoxide in a store parking lot in July 2014. Carter cried and clutched a handkerchief to her face as Moniz detailed her conduct in explaining how he reached his verdict, but she was stoic when it was formally pronounced.

The court based their case on the fact that as 18-year-old Roy climbed out of the truck as it filled with the poisonous gas and told Carter he was scared, she told him, via text message, to "get back in."

"This court finds that instructing Mr. Roy to 'get back in' the truck constitutes wanton and reckless conduct by Ms. Carter," the judge said.

As the AP reports, Carter's lawyer, Joseph Cataldo, argued Roy had a history of depression and suicide attempts and was determined to end his own life. He said Carter initially tried to talk Roy out of it and urged him to get professional help, but eventually went along with his plan.

However, the judge disagreed. He refused to take into account in his verdict any of Roy's previous suicide attempts.

While it was certainly careless of Carter not to call the police and inform them of Roy's attempt at suicide, she was a 17-year-old child when it happened. Also, according to Dr. Peter Breggin, a psychiatrist testifying for the defense, Carter was taking Celexa at the time — a drug that targets the brain's frontal lobe which controls empathy.

Breggin explained, noting the seriousness of the text messages, that Carter was under the impression that she alone could guide Roy to heaven and she would care for his family.

"I thought you wanted to do this. The time is right and you're ready, you just need to do it!" Carter wrote in one message.

"You can't think about it. You just have to do it. You said you were gonna do it. Like I don't get why you aren't," Carter wrote to Roy the day of his suicide.

Although prosecutors argued that the above texts support their erroneous claims that Carter is responsible for Roy's death, they appear to be based more on concern than malicious intent. However, that is irrelevant.

Even if Carter was sending texts to Roy every hour on the hour telling him to 'kill himself' — over and over again — she would still never be complicit in harming a single hair on Roy's head.

Conrad Roy III Michelle Carter

The court, in this case, would do well to review the old children's adage, "sticks and stones may break my bones, but words will never hurt me." They would also do well to remember what their mothers asked them when they tried to blame someone else for their actions as a child, "If someone tells you to jump off a bridge, are you going to do it?"

Luckily, the ACLU agrees.

The American Civil Liberties Union denounced the conviction, saying it "exceeds the limits of our criminal laws and violates free speech protections guaranteed by the Massachusetts and U.S. Constitutions."

As the AP reports, Matthew Segal, the ACLU's legal director for Massachusetts, called Roy's suicide tragic but said, "It is not a reason to stretch the boundaries of our criminal laws or abandon the protections of our constitution."

The dangerous precedent set in this case is a de facto attack on the freedom of speech and this ruling should be appealed immediately.

After the verdict, the judge ruled that Carter, who is now 20, can remain free on bail until her sentencing on August 3. For sending a text message, she now faces up to 20 years in a cage.

US~Observer Editor's Note: While Michelle Carter's words are reprehensible, so to is this courts ruling. The precedent set in this case will have every prosecutor in the country clamoring to convict every person who has ever sent a harsh text message to a friend or colleague.

Frankly, the judge missed an opportunity to be fair and get Carter the obvious help she needs through commitment or counseling. ★★★

Cop Arrested for Hit & Run and Dumping Victim Across Town

By Matt Agorist

Staten Island, NY — A Metro Transit Authority cop from Brooklyn was arrested this week after he allegedly dumped his hit and run victim on Staten Island after running him down with his cruiser in a crosswalk.

On May 26, 2016, according to court records, this cowardly cop ran over an innocent man while on duty and then refused to help him. Instead of help, officer Lawrence Ffrench threw his victim in the back of the police car and dumped him on Staten Island.

After dumping the injured man, Julio Canete, Ffrench then told his victim that if he told anyone he'd been hit by a cop "he was in trouble."

Canete was walking toward a bus stop in Bay Ridge when he was struck by Ffrench's marked MTA vehicle and thrown into the air, Assistant District Attorney Prabhalya Pulim said Thursday in court.

"The defendant's post at the time of the incident was traffic enforcement," Acting Brooklyn District Attorney Eric Gonzalez said. "He should have been keeping pedestrians safe — not endangering lives."

As the Daily News reports:

Ffrench is accused of picking Canete up off the ground near the corner of Gatling Place and 92nd St. and asking him where he lived. When a disoriented Canete told Ffrench he lived in Staten Island, the officer put him in the back seat of his squad car and drove him more than a half mile across the bridge, according to a lawsuit Canete filed in Manhattan Federal Court in May against Ffrench and the MTA.

The cop is suspected of leaving Canete, 41, on the pavement of a parking lot at Tompkins and Wadsworth Aves. in Staten Island — and driving away. Canete called 911. Prosecutors said at no point did Ffrench, a 10-year veteran, call for help — a charge the officer's attorney disputes. Prosecutors also said Ffrench drove the MTA car to an employee parking lot, got into his personal vehicle and returned to where he left Canete.

Canete has since filed a lawsuit, which notes, alongside prosecutors, that Ffrench then ordered him "not to tell anyone he had hit (him) with his police car."

After the severely injured man was finally picked up by an ambulance he spent four days in Staten Island University Hospital where he was treated for multiple injuries and underwent surgery on his knee.

Ffrench is charged with leaving the scene of an incident without reporting it, a felony, and third-degree intimidating a witness.

Naturally, Ffrench's attorney, Vesselin Mitev, did what most cop lawyers do when their officers are in trouble — he blamed the victim. Mitev shamelessly attempted to paint Canete as a crook out looking for a quick buck by getting run over by a cop.

"My client is the victim of what's known as a cashgrab when people try to get hit by a police car and sue the city. That's exactly what happened here," Mitev said.

Perhaps people would be more inclined to believe Mitev's bogus story if police officers hitting people with their wasn't so common. As the Free Thought Project routinely reports, cops hit people, including innocent pedestrians with their cars all the time.

Having a laptop out in front of you as you speed down the road, most assuredly, has its drawbacks, just ask Kaylem Gonzalez. Gonzalez, 15, was walking away from his home on January 14, 2015, when he was struck by a Temple police car. The officer in the car, according to the lawsuit, left him trapped under it, with the engine running.

For 10 minutes the 15-year-old boy was burned all over his body. He suffered multiple third-degree burns to his torso, thighs, and pelvis, including his genitals, caused by the hot engine.

"(The victim) was under the middle of the vehicle face up," the lawsuit petition says. "Emergency workers smelled the burning flesh, but no one made efforts to move the car or turn off the engine," the suit says. "He was unable to flee or do anything. He was being burned alive."

One needn't even be on a roadway to get run over by a police officer. Last year, Lindsey Gordon, 24, was out sunbathing on the beach when an out of control cop in his police cruiser came barrelling down the sand and ran her over.

Gordon, who merely wanted to catch some sun with her friend, was hospitalized in critical condition with a shattered pelvis and internal bleeding.

One of the reasons these officers of the law can drive like this is because they often get away with it.

Roza Sakhina, a Russian immigrant, was struck by officer Lori Lin Goulet on Aug. 16, 2013, and died five days later. The officer backed out of a parking spot and hit the elderly woman. Not only was Goulet not charged in Sakhina's death, but she wasn't disciplined in the matter and all and the report named Sakhina as the party at fault.

★★★

Kids Horrified After Cops Hold Mock Child Sex Trafficking Drill

By Jack Burns

Orange County, FL — The Florida Highway Patrol is reviewing its presence at the Girls State Program after troopers conducted a kidnapping/human trafficking drill which went "horribly wrong" according to WFTV News 9.

The girl's program is attended by some of best and brightest high-schoolers Florida has to offer. "Everyone who's going is at the top of their class," Cameron Carlyle said describing the high-quality candidates who attend the elite leadership camp. But no amount of education could have prepared the girls for what happened on the last night of their training.

The Girls State director along with six Florida State Troopers, all female, pulled an attendee aside and told her she would be participating in a kidnapping drill, one which highlighted the real-world problem of sex trafficking. Under the cover of secrecy, the volunteer named "Katrina" was taken to a safe place. Thereafter, roll call was taken with the remaining girls.

Carlyle, who volunteered this year to be a camp counselor, said when the count-off got to number 8, "We realized Katrina was missing." Soon the State Troopers began screaming, she'd been kidnapped, and blamed several girls for her abduction.

The troopers told the attendees the girl had been kidnapped and was probably sold as a sex slave to human traffickers who would use her for prostitution purposes.

They began blaming the other girls in the room, as well. "I'll never forget that feeling of just that 'it's totally my fault and now I'll have to tell her parents she'd been taken,'" Carlyle said speaking of the experience.

It wasn't until about a half-hour later, amid tears and paralyzing fears from attendees, that the girls learned their fellow camper was unharmed.

Carlyle said she had 17 girls who simply did not sleep that night, traumatized by the training experience gone horribly wrong. One girl in the program had been involved in a real human sex trafficking incident when she was younger and was emotionally shaken.

While the subject of sex trafficking is a very serious one which should not be taken lightly, it's safe to say the FL State Troopers may not have put enough forethought and planning into the exercise. The fact that one attendee had been sex trafficked is proof enough the troopers had not potentially considered all the scenarios.

Any serious attempt to help teens prepare for the potential of being exploited sexually, must include how pedophiles seek to become authority figures, so they can use those positions to take advantage of children. Merely tormenting girls by hosting a fake kidnapping does absolutely nothing to prepare them later in life for any real scenarios.

Terri Miller of Stop Educator Sexual Abuse Misconduct & Exploitation is considered a leading expert on educator sex predation. In a recent interview, Miller described how authority figures are often teachers. "Perpetrators often wear a mask of deception," Miller said. "It's very common for these perpetrators to be teachers of the year and award-winning coaches." She added the victim is, "the only one who knows the monster."

But as The Free Thought Project has all too frequently reported, pedophiles are often police officers as well. In North Carolina, a police officer was recently convicted with seducing and impregnating a 14-year-old after obtaining permission from the teen's mother to serve as her "mentor."

Just this month, a police chief was arrested on felony charges of attempting to engage in sex with a minor.

It's unclear if lawsuits will result from the FL Highway Patrol's missteps. However, make no mistake about it, leaders at Florida's celebrated Girls State Program and the FHP owe each girl an appropriate apology. After all, whether they want to admit it or not, they're now guilty of abusing children in their care, precisely what pedophiles do when given positions of authorities. ★★★

COMMENTARY Your Right to Speak Out

Rape Fakers Must Pay a Higher Price

By Michelle Malkin

(Truth Revolt) - It's settled, but far from over. The University of Virginia fraternity that was slimed and defamed by sicko fabulist Sabrina Erdely will receive a $1.65 million payment, the fraternity announced this week.

Erdely's manufactured tale of gang rape by Phi Kappa Psi members, spun through a manipulated UVA student dubbed "Jackie" and published by left-wing Rolling Stone magazine, combusted spectacularly after scrutiny by independent journalists in late 2014. The latest payout over the fictional hit piece comes in the wake of another defamation lawsuit by UVA dean of students Nicole Eramo. She won a $3 million jury verdict last year after suffering great damage to her reputation after Rolling Stone had painted her as an uncaring, obstructionist school official who covered up sexual assault on campus.

The judgment, Eramo told NBC 29 in Charlottesville, Virginia, last week, "was vindicating."

But is it enough to compensate for the harm done -- and is it enough to deter future rape hoaxers and their media enablers from perpetrating more lies against innocent young men?

Phi Kappa Psi initially sued for $25 million, but received a tiny fraction of that amount. Eramo's jury award also shrunk after she agreed to a settlement with Rolling Stone in April. Despite her court victory, she faced a mountain of legal bills related to trial costs and a threatened appeal.

And what about Erdeley's other victims?

Three other Phi Kappa Psi alumni, George Elias IV, Stephen Hadford and Ross Fowler, filed a third defamation suit that was dismissed by a federal judge last year. But in April, the 2nd Circuit Court of Appeals in New York heard arguments for reinstating the case. It will take considerable time and resources for the fraternity members to be made whole again.

Even more troubling: There are other forgotten targets of Erdely's shoddy slurnolism, again published by Rolling Stone, who have yet to see any accountability for her destructive words and actions against them.

In 2011, Erdely published a massive "investigation" in Rolling Stone alleging a "high-level conspiracy" to cover up sexual abuse by Philadelphia Catholic clergy. Erdely featured the graphic allegations of a troubled accuser known as "Billy Doe," who lodged wild rape charges against two Catholic priests and a lay teacher. His testimony resulted in the convictions of four men (one of whom died in prison), while "Billy" pocketed a $5 million settlement.

Ralph Cipriano, independent investigative journalist and founder of BigTrial, has extensively chronicled the lies, contradictions,

and schemes of former altar boy "Billy" -- a.k.a. Daniel Gallagher -- over the past five years. Last month, Cipriano reported that a key detective in the case, Joe Walsh, filed an affidavit in the Philadelphia Common Pleas Court outlining Gallagher's deception. When Walsh pressed Gallagher on whether his stories of "brutal anal rapes, death threats, (and) getting tied up naked with altar sashes" were true, Walsh wrote that Gallagher admitted he "just made up stuff and told them anything."

More damning, Cipriano reported, Walsh had "repeatedly informed the prosecutor in the case, former Assistant District Attorney Mariana Sorensen, that Gallagher wasn't a credible witness. Walsh also informed Sorensen that there was no evidence that backed up Gallagher's fantastic stories, and that the evidence gathered by Walsh actually contradicted Gallagher."

But the DA's office proceeded with the prosecutions, anyway. And Rolling Stone has never bothered to review or update Erdely's article -- or inform readers of the real scandal of yet another fake rape hoax and prosecutorial misconduct.

In 2013, Erdely published another piece of half-baked advocacy journalism on "The Rape of Petty Officer (Rebecca) Blumer: Inside the military's culture of sex abuse, denial and cover-up."

She's a one-trick pony, ain't she?

As Washington Examiner reporter Ashe Schow pointed out, Erdely "apparently made no attempt to contact members of the military involved in investigating the case, instead relying on victim's advocates with no direct knowledge" of Blumer's claims of being "roofied and raped."

Fraternities, religious institutions, the military, and the entire male population have been defamed by a lying liar with a laptop and her "progressive" editors at Democrat donor Jann Wenner's flagship rock music rag. All in service of promoting "rape culture" propaganda at any cost.

Too few journalists are willing to challenge the corruption of the criminal justice system in their backyards. Politicized police departments and pro-prosecution courts have failed to uphold the constitutional rights of the accused. The wheels of justice grind far too slowly for the falsely defamed and falsely convicted, fighting for their reputations or for their lives behind bars.

Juries need to send louder messages and impose strong deterrents against rape fakers and their propagandists. Make them pay. Big time.

★★★

You Won't Believe This Stupid New Law Against Cash And Bitcoin

By Simon Black

(SovereignMan.com) - This one is almost too ridiculous to believe.

Recently a new bill was introduced on the floor of the US Senate entitled, pleasantly, "Combating Money Laundering, Terrorist Financing, and Counterfeiting Act of 2017."

You can probably already guess its contents.

Cash is evil.

Bitcoin is evil.

Now they've gone so far to include prepaid mobile phones, retail gift vouchers, or even electronic coupons. Evil, evil, and evil.

These people are certifiably insane.

Among the bill's sweeping provisions, the government aims to greatly extend its authority to seize your assets through "Civil Asset Forfeiture".

Civil Asset Forfeiture rules allow the government to take whatever they want from you, without a trial or any due process.

This new bill adds a laundry list of offenses for which they can legally seize your assets… all of which pertain to money laundering and other financial crimes.

Here's the thing, though: they've also vastly expanded on the definition of such 'financial crimes', including failure to fill out a form if you happen to be transporting more than $10,000 worth of 'monetary instruments'.

Have too much cash? You'd better tell the government.

If not, they're authorizing themselves in this bill to seize not just the money you didn't report, but ALL of your assets and bank accounts.

They even go so far as to specifically name "safety deposit boxes" among the various assets that they can seize if you don't fill out the form.

(Yet another reason to consider storing cash, gold, and silver in an overseas safety deposit box.)

This is unbelievable on so many levels.

It's crazy to begin with that these people are so consumed by the fact that someone has $10,000 in cash.

But it's even crazier that they're threatening to take EVERYTHING that you own merely for not filling out a piece of paper, without any due process whatsoever.

Oh, and on top of civil asset forfeiture penalties, there are also criminal penalties.

Right now according to current law they can imprison you for up to FIVE YEARS for not filling out the form. Five years.

But apparently that doesn't go far enough to protect us against evil men in caves.

So this bill aims to double the criminal penalty to TEN years in prison.

And if that weren't enough, this bill also gives them with new authority to engage in surveillance and wiretapping (including phone, email, etc.) if they have even a hint of suspicion that you might be transporting excess 'monetary instruments'.

Usually wiretapping authority is reserved for major crimes like kidnapping, human trafficking, felony fraud, etc.

Now we can add cash to that list.

It's not just government spy agencies to worry about, either.

Banks in the US are already unpaid government spies, required by law to fill out suspicious activity reports on their customers.

Then Congress started expanding those requirements to include other businesses and industries that might come into contact with cash.

Stock brokers. Casinos. Currency exchanges. Precious metals dealers. Pawnbrokers. The Post Office.

According to the law (section 5312 of US Code Title 31), those industries are also required to spy on their customers for the government.

But under this new bill, they want to forcibly recruit even more unpaid spies, including any business which issues or redeems ANYTHING that's prepaid.

Prepaid credit cards. Prepaid phones. Prepaid retail gift cards. Prepaid coupons.

So, Amazon.com, which issues and redeems prepaid gift cards, will be required under this bill to file reports to the government.

For that matter, TGI Fridays and Chuck E. Cheese will also become unpaid government spies since they both issue and redeem prepaid vouchers.

Truly these Senators have figured out how to strike at the heart of ISIS.

Further, their bill wants to pull any business which "issues" cryptocurrency under the anti-money laundering regulatory umbrella.

Here's where these people demonstrate that they have no idea what they're talking about.

No one "issues" Bitcoin. There's no Bitcoin central bank. There's no Chairman of Bitcoin who decides on a whim to increase the supply.

Bitcoin is created automatically in amounts that are pre-determined by its code. It's software.

So the Senate is essentially trying to force the Bitcoin core software to comply with money laundering regulations.

How pathetically clueless.

The bill also attempts to drop a major bomb on Bitcoin by including it in the list of monetary instruments that must be reported when entering or leaving the US.

So theoretically if you leave the US with more than $10,000 in Bitcoin or Ether, you'd have to confess this fact to the authorities or otherwise face the aforementioned penalties, i.e. prison time, civil asset forfeiture, etc.

As Smaulgold.com's Louis Cammarosano explains, the bill contains a provision that would require the Secretary of Homeland Security and the Commissioner of U.S. Customs and Border Protection to devise a "border protection strategy to interdict and detect prepaid access devices, digital currencies, or other similar instruments, at border crossings and other ports of entry for the United States, including an assessment of infrastructure needed [emphasis added] to carry out the strategy."

The respective Secretary and Commissioner would present their findings to Congress no later than 18 months after passage of the bill.

The obligation to declare amounts in any form over $10,000 exists, irrespective of whether custom officials have a way of detecting such holdings. Since digital currencies technically travel with the holder where ever the holder goes, one would have to declare one's entire crypto portfolio each time the holder entered the U.S.

Such a declaration is not required for travelers who may happen to have bank accounts or precious metals worth more than $10,000 stored outside the United States.

The type of infrastructure required to detect foreign holdings may come in the form of (i) expanding Foreign Account Tax Compliance Act to currently unregulated foreign crypto currency exchanges and to non U.S. citizens. FATCA currently only applies to U.S account holders of certain foreign financial and non financial institutions; (ii) some type of global monitoring of blockchain activity; or (iii) extreme vetting at the border and penalties for non disclosure that would encourage full disclosure.

HOORAY FREEDOM!

As you can see, this bill criminalizes or delegitimizes the most mundane and harmless financial activities, all under the guise of keeping us safe.

Of course nothing in this bill is about keeping people safe.

ISIS couldn't care less about forms and penalties.

This bill is nothing more than another weapon in their ongoing War on Cash… and now cryptocurrency too.

US~Observer Editor's Note: The Sponsor of this bill is Sen. Chuck Grassley [R-IA], with Sen. Dianne Feinstein [D-CA], Sen. John Cornyn [R-TX], and Sen. Sheldon Whitehouse [D-RI] co-sponsoring this ludicrous piece of legislation. These "representatives" need to lose their positions. Nothing about this bill protects the average citizen. In fact, it harms them by increasing costs to banks, and financial vendors who then pass that cost on to the everyday citizen in the form of higher fees.

Government needs to stay out of our pocketbooks, especially when it comes to asset forfeiture. The government should never have the right to take your possessions because you failed to fill out a form. Stupid. Call your representatives today to oppose this dangerous bill.

★★★

"Our lives begin to end the day we become silent about things that matter." --Martin Luther King, Jr.

COMMENTARY

The DEA's Warrantless Cash Grab

Drug squads snag $4 billion using asset forfeiture

By C.J. Ciaramella

(Reason.com) - Do you want to know the dirty secret about how the Drug Enforcement Administration (DEA) confiscates suspected drug traffickers' money? The truth is, it's not hard: Agents just go to an airport and wait for cash to drop into their laps.

A March report by the Justice Department's inspector general (I.G.) found the DEA seized a whopping $4 billion in cash over the past decade using civil asset forfeiture, mostly from airports, train stations, and bus terminals.

Contrary to DEA rhetoric, these seizures have little to do with ongoing criminal investigations and everything to do with bringing in money. In 81 percent of the cases the I.G. reviewed, there were no accompanying criminal charges.

A 2016 investigation by USA Today found the DEA regularly mines American citizens' travel information and relies on a network of confidential informants in the travel industry, who often get kickbacks for snooping on suspicious passengers.

Common red flags include buying a ticket within 24 hours of travel, buying a ticket for a long flight with an immediate return, buying a one-way ticket, and traveling without checked luggage. They also include traveling to or from "a known source city for drug trafficking," which in practice can mean just about any major city in the United States.

The DEA detains suspicious passengers, questions them, and searches their luggage. If agents find large amounts of cash and think it's linked to drugs, they seize it—even if there is no hard evidence that it is connected to illegal activity. As the I.G. notes, agents "rely on their immediate, on-the-spot judgment." The passenger is then often released, bereft of money.

Many of these seizures are well over $100,000, but in some cases this "on-the-spot judgment" leads agents to seize smaller amounts of cash while failing to do any basic investigation. In 2014, agents at Detroit Metro Airport took roughly $25,000 from Christelle Tillerson after she was flagged for buying a one-way ticket to Los Angeles. According to the Detroit Free Press, Tillerson said the money was from her boyfriend's retirement account, and she was using it to buy a truck. She was never charged with a crime, and her lawyer said the DEA agents never even questioned her about drug trafficking.

Tillerson sued, and eventually the government gave back all of her money—except for $4,000. One wonders how the Justice Department determined that amount was likely connected to illicit activity while the other $21,000 was not.

In another case highlighted by the inspector general report, the DEA seized $27,000 from a man in an airport but let him keep $1,000 to travel home. If the task force agents really

thought that man's cash was connected to drug activity, why allow him to keep any of it? If they weren't sure, why take it in the first place?

There is no logical reason. Without clear evidentiary standards or guidelines—or even the convincing appearance of an ongoing criminal investigation—the DEA's asset forfeiture program becomes little more than a poorly disguised shakedown.

"When seizure and administrative forfeitures do not ultimately advance an investigation or prosecution, law enforcement creates the appearance, and risks the reality, that it is more interested in seizing and forfeiting cash than advancing an investigation or prosecution," the inspector general warned.

That reality is already here, and federal law enforcement officers are raking in hundreds of millions of dollars a year with little oversight or constitutional protections for property owners.

Most of these types of seizures are never challenged. The I.G. found petitions were filed in only 20 percent of the DEA cash seizures it reviewed. Of those that were challenged, though, 40 percent saw money fully or partially returned to the owner, indicating that there may be a significant number of unfounded seizures going unchallenged.

Darpana Sheth, an attorney for the libertarian nonprofit law firm the Institute for Justice, said in a statement that the I.G. report's findings "fundamentally undercut law enforcement's claim that civil forfeiture is a vital crime-fighting tool."

"Americans are already outraged at the Justice Department's aggressive use of civil forfeiture, which has mushroomed into a multibillion dollar program in the last decade," she continued. "This report only further confirms what we have been saying all along: Forfeiture laws create perverse financial incentives to seize property without judicial oversight and violate due process." ★★★

The Consent of the Governed

"The source of the government's authority is 'the consent of the governed.' This means that the government is not the ruler, but the servant or agent of the citizens; it means that the government as such has no rights except the rights delegated to it by the citizens for a specific purpose."

— Ayn Rand —

By Andrew Napolitano

(JudgeNap.com) - When former FBI Director James Comey gave his long-awaited public testimony about his apparently rough-and-tumble relationship with President Trump, he painted a bleak picture. The essence of Mr. Comey's testimony was that the president asked him to drop an investigation of retired Lt. Gen. Michael Flynn — Mr. Trump's former national security adviser — and then asked him to do so in return for keeping his job as FBI director and then fired him for not obeying his order.

On the other hand, Mr.; Comey confirmed that the president personally, as of the time of Mr. Comey's firing, was not the target of any FBI criminal investigation. It was not clear from the Comey testimony whether this exoneration was referring to salacious allegations made by a former British intelligence agent of highly inappropriate and fiercely denied personal behavior a few years ago in a Moscow hotel room or whether the exoneration was with respect to widely reported allegations that the 2016 Trump campaign may have helped Russian intelligence agents in their efforts to manipulate the outcome of the presidential election.

Nevertheless, there is no doubt the president is now a target of a federal investigation with respect to his dealings with the then-FBI director. So how could the tables have turned so quickly on the president, and who turned them? Here is the back story.

Prior to the Watergate era of the mid-1970s, the generally accepted theory of management of the executive branch of government was known as the unitary executive. This theory informs that the president is the chief executive officer of the federal government and is the sole head of the executive branch. He is also the only person in the executive branch who is accountable to the voters, as he, and he alone (along with the vice president, who is largely a figurehead), has been elected by the voters.

As such, this unitary executive theory informs, everyone in the executive branch of the federal government works at the pleasure of the president. Were this not the case, then vast areas of governance could occur and vast governmental resources could be spent by people who are unaccountable to the voters. And when the government is unaccountable to the voters, it lacks their consent. The consent of the governed is the linchpin and bedrock of popular government in America.

James Comey

There are, of course, today vast areas of government that are not responsive to the people and that lack the consent of the governed. The administrative agencies that write, interpret and enforce their own regulations and the deep state — the secret parts of the financial, intelligence and law enforcement entities of the government that never change, operate below the radar screen and have budgets that never see the light of day — defy the notion that the consent of the governed is the sole legitimate basis for government in America.

Yet the FBI is not in the administrative state or the deep state. It is front and center as the premier law enforcement agency of the United States government. It is far from perfect, and its leaders are as fallible as the rest of us, but we have hired the folks who work there to enforce the federal laws that implicate our freedoms and our safety. And we have hired the president to exercise his discretion as to which laws shall be enforced and against whom.

Thus, under this theory, the president is constitutionally, legally, morally and ethically free to direct any person in the executive branch as to how he wants that person to perform his or her job. And the recipient of such direction is free to resign if the direction appears unlawful. That is at least the theory of the unitary executive.

After the Watergate era, Congress altered the public policy of the country to reflect the independence of the Department of Justice, including the FBI. It did so in reaction to Nixonian abuses. Thus, the post-Watergate theory of the Department of Justice's role articulates that federal law enforcement is independent from the president.

The Comey testimony revealed serious efforts to reject the public policy of independence and return to the unitary executive. Mr. Comey revealed a Justice Department under former Attorney General Loretta Lynch in lockstep with the Obama White House and determined to exonerate Hillary Clinton in the espionage investigation concerning her emails, no matter the evidence. He also revealed his own view that President Trump's orders and quid pro quo offer with respect to Mr. Flynn were unlawful.

Where does this leave us today?

Today we have a White House under siege. The new Justice Department criminal investigation that the president is no doubt the subject of will attempt to discover whether he corruptly attempted to interfere with the work of an independent FBI and whether he attempted to bribe its then-director. The White House is also the subject of five congressional investigations involving the Russians and the 2016 election, the firing of Director Comey, and the recusal of Attorney General Jeff Sessions from much of this. And the investigation of Mrs. Clinton is back from the grave for a third time to determine whether she was exonerated because of a lack of evidence, a lack of will or an Obama political imperative.

These are perilous times for men and women of goodwill and intellectual honesty who are charged with enforcing our laws and running the government. The government should not be terrifying. But it must be fair and transparent. And it must always enjoy the consent of the governed. For without that consent, it is illegitimate.

★★★

By Joseph Snook
Investigative Reporter

Washington State – When Steve and Deborah McLain set out to build their dream home on 8 acres they purchased near the city of Tumwater, Wa., their permit was denied once the inspector saw a small mound of dirt. For the McLain's and others in the area, the government has put a stop to several building projects – all because of a gopher.

Back in 2014, three species of the Mazama pocket gopher were listed as threatened under the Endangered Species Act. Since the gopher was listed as threatened, several property owners have been fighting to build on the land they own.

After denied a building permit for their legally owned property, a frustrated Deborah McLain stated, "The gopher has been able to enjoy our property the entire time, and they have more rights to our property than we do."

One homebuilder stated the gopher issue is driving most builders out of the county in search of work.

Making this issue more complex, The U.S. Fish and Wildlife Service (USFWS), which listed the gopher as threatened, can't even provide population numbers for that species. In fact, the USFWS can't even provide a rough guess as to how many pocket gophers are living in Thurston County.

According to Washington state USFWS Supervisor, Eric Rickerson, "It's not based on number, it's based on area and threats." This statement by Mr. Rickerson is ripe for argument according to a group of property rights attorney's. One attorney said, "for argument sake – everything is a threat. The USFWS needs to be reined in from their overzealous actions that strip U.S. Citizens of property rights."

Adding another twist to this story, Thurston County officials are reportedly working on a conservation plan that would create a $42,000 gopher tax for homeowners who build on gopher habitat. A local resident who's opposed stated, "what kind of person is willing to pay $42,000 extra when they can buy and build elsewhere? This 'plan' will make property worthless in Thurston County!"

Thurston County Commissioner Gary Edwards, although opposed to the gopher tax, stated the county is trying to avoid costly lawsuits by environmental groups.

One thing is certain – if you plan on living in Thruston County, Washington you'd better think twice before deciding to build there. The Gopherment might just stifle your dreams.

★★★

Continued from page 1 • Sealed Affidavits, a 4th Amendment Violation - Minns to be heard by Fifth Circuit

his government must be justified. There must be a reason behind it. At least that is how most people think - if there is smoke, there must be fire, right? (Wrong) All the while, the "onlooker" gets to fill in the "fire" with his/her imagination. Speculation runs wild, as does the gossip, and pretty soon the general public believes everyone in that hangar must have been guilty of something. The government thrives on this wild misinformation, most of which they themselves promote in the mainstream media through the releases of their one-sided information. In fact, you could say they rely on it in order to prosecute.

As the US~Observer, our duty is to be more than just an "onlooker" – to, as our name implies, observe and determine the truth through serious research and analysis of the facts. It is a duty, quite frankly, we exceed in, as is evidenced by the thousands of charges we've defeated over the last 26-plus years fighting for the vindication of our clients. We counter the government's false information that they intentionally distribute to the jury pool when they file false charges, thus allowing the jury pool to obtain the truth and facts, substantiated with conclusive evidence.

Justin Smith on-board one of his former company planes

HISTORY OF THE SEARCH WARRANT

In 1789 when the Fourth Amendment was added to the Constitution of the United States, it had been written by our forefathers to address a serious human rights concern. The British were accustomed to "General" Search Warrants issued by their magistrates, the subjects of the King. These general warrants (certainly a slight improvement over a horde of soldiers simply grabbing people and property without a reason at all) allowed the King's soldiers to go into a home and take out whatever they desired, in the name of the King. They continued this "rule of King" in the colonies, who really didn't like it.

After Independence and adoption of the United States Constitution the concept of the Fourth Amendment was an evolutionary change in the pendulum of law in favor of the citizen, and against the rule of a King. It created the Specific Warrant. In order to get this piece of paper that allowed the ruler to use military force to grab things, the ruler had to get someone to swear to a good reason for it. If a crime had been committed, or was about to be committed, you'd have to put that into an oath on a piece of paper, and then tell a neutral magistrate what it was that the Ruler wanted to seize, and why. The effect on America was inspiring, and modifying. The Sheriff, or police, or military couldn't go into your home without a warrant, and they couldn't get one without having someone swear an oath as to what was to be seized and why, and without convincing a magistrate to give it to them.

The populace also abided by the Constitutional presumption of innocence. So the early "onlookers" would first presume that the government was pursuing someone, with probable cause, who was most probably innocent, but possibly not, and then would look to the "Observers" (the media of the time), who had sleuthed-out the facts, to disclose the truth.

Today, much of the mainstream media reports offer no observing at all, but simply parrot as "news" the press releases of the government. For the last twenty years, this has been particularly true with the reporting of Criminal Tax cases, where the media often won't even interview the defense, let alone look into their claims of innocence. The media just totes the government line.

Since 2007, when the US~Observer became involved in the Moran case and subsequent trial and began "Observing" criminal tax trials, the US~Observer has noticed something very troubling. Every single original warrant that was accompanied with an oath or affirmation, as required by the fourth amendment, relating to tax cases, has been sealed. The public does not get to read the oath attached.

There is no constitutional reason for the oath to be "sealed."

A sealed oath means that no one gets to see it without a further court order. It means that the public has to just accept these encounters with the police without the ability to question the truth of the oath, or even know specifically the reason something was to be seized. It converts the Specific Warrant into something more like the original General Warrant, and it defies the Constitutional protections of the fourth amendment. Throughout the United States these raids now happen on a daily basis.

Modern "Onlookers", now conditioned to believe presumed guilt, are just assuming that something really bad has happened, by someone who is really bad, and the government is "protecting" us. In reality it is the poorly regulated use of Police State powers, often against harmless, law abiding citizens. This was clear in the article about the Mattesons that this reporter covered in 2015 with the raid against Herb Friske, and the Moran trial in 2007 (these two cases and many more ended up in total vindication for the innocents that were attacked), and now in the Justin Smith Case in 2016 and 2017. Intelligent "Onlookers" see beyond rhetoric and know that the government does not always tell the truth and rarely protects them. People can connect the publishing of the truth regarding innocence with acquittals and vindication when they read such in the US~Observer newspaper.

WHY THE HANGAR WAS BREACHED

Commercial Airlines have a mixed duty with regard to excise taxes on fuel. If the airline rents out a plane, but the customer gets his gasoline from another company and his pilot from a third, the Airline has no duty to collect the excise tax. If the airline rents it all out, from one company, then that company has to collect and pay the excise tax. But what if three companies are involved? What if the plane is owned by one corporation, the gasoline sold by a second, and the pilot works for a third? The law is not settled if one person owns stock in all three companies. Can it ever be a crime if the law is not even settled, if the subject of an investigation may not even owe a tax at all?

With different partners and at differing levels, Justin Smith has some ownership in all three companies. As a result, he is now under criminal investigation for not paying the tax. Frankly, the investigation first needs to determine if a crime has even been committed, and second, if the unsettled law has even been violated! Intent or knowledge is one of the hallmarks of a crime; did he even know he was violating the law? The question an observer must ask is: "Can you be a criminal if you aren't trying to break the law, if in fact you are trying to follow the law?"

The Honorable Magistrate Judge Dena Palermo received an oath or affirmation attached to a request for a search warrant, and signed that warrant authorizing the Federal Government to seize papers at the airport Hangar where Justin Smith kept his Jet Planes for his lease service.

Renowned Criminal Tax Defense Lawyer, Ashley Arnett, of Minns & Arnett, was asked to go to the scene where the military raid was being conducted. Going into a battle ground is not for the weak of heart. Fortunately, Ashley is as tough as nails. After arriving there, and meeting with the government officials on hand, and watching the action, which was nearly over before the firm had even been called, it took Arnett about ten minutes to figure out who the two "informants" were.

An informant is someone who is on the inside of a business, who has some internal knowledge, and is cooperating with the government to help themselves out… but not necessarily being honest about it. An informant is usually one tiny step more ethical (but not always) than the jail house snitch who is being "paid" with money or time off from a sentence, to testify the way the government wants them to testify about someone the government if after. Sometimes the informant is a disgruntled employee or even an employee who wants to compete with the boss, and whose new enterprise would be helped by the boss going to jail.

On April 12, 2016, about three weeks after the "raid", Smith filed a motion with Judge Palermo to read the oath filed with her, which lead her to grant the warrant that resulted in the raid. Smith did this so he could know what was said and by whom.

At this time, Smith's counsel was in direct contact with the Assistant US attorney in charge, Justin Martin, and had assured him that any further warrants were not necessary, that Smith would turn over any papers that the law required to be turned over.

Smith's counsel was concerned that the government had previously seized attorney/client privileged documents in the hangar raid. One of the boxes the government seized was actually labeled by the government as "Attorney/Client information", so it defies reason to pretend the government was not in possession of materials they had no legal right to possess. The government likely perused the confidential information concerning the civil fight over taxes with Smith and the Civil arm of the government, that they had not been allowed to see previously. It bears mentioning that in the Moran case the government had also seized confidential records created by lawyers. This appears to be habitual conduct on tax cases.

A request was made by Smith's attorney on that same day for the government not to attempt to seize Smith's cell phone, and for the judge to prevent them from doing so, because he had daily communications with his civil attorney via text message. In fact, even during the raid, Mr. Smith was communicating on his phone with his civil lawyer… it was that same lawyer who retained Minns & Arnett to look into the case. The government was also asked not to review the box of attorney/client information, voluntarily, and to return it. The government had not responded to these civil requests.

That same day, before an entirely different Magistrate, Judge Frances Stacy, a request for two more warrants was filed, one for Justin Smith's warehouse, and one for his home. Were Judge Stacy and Judge Palermo told about the warrant requests in each other's court rooms? Was Judge Stacy told that a request to keep records confidential was on file in Judge Palermo's court room? What was on the three oaths? Were they consistent? Were they truthful? Was there a legitimate reason to keep all three sealed?

With guns drawn, a military force arrived at the home of Justin Smith and his house was searched from top to bottom. Smith voluntarily escorted the soldiers to his guns and weapons to avoid a problem. Special Agent of the IRS, Cory L'Heureux, asked Smith to speak with him, but by this time and for obvious reasons, he had no credibility with Smith. Smith asked if he was under arrest. He was not. So, he wisely and politely excused himself and walked away, no doubt infuriating the agent in charge.

On April 15th, the law firm of Minns and Arnett filed a motion to consolidate the three search warrants into one single court room, so that one Judge would have access to everything represented separately to each Judge, to determine if they had been told separate stories, or conflicting facts. Minns also asked that all three oaths be unsealed. The motion acknowledged that if there was anything that still wasn't known about the raids themselves (which seems unlikely) or future raids (which seemed unlikely until the Special Agent in charge began interviewing Smith's elderly mother), such as a confidential information (which is also unlikely since it is clear who voluntarily met with the government during the raids) that those names could be blacked out, to avoid interfering with the ongoing "investigation" whatever it was. No facts have been disputed. The excise taxes have not been collected because Smith believes he is not only not required to collect them, but not allowed to do so,… and he may or may not be right, that has not been litigated… the purpose of the three invasions (unless they were to collect confidential attorney/client information) is still not clear. There are no records the government did not have access to, through Smith, or through bank records, or both. So why spend a fortune in federal funds on three raids? What was sworn to and who swore to it? How could it be unreasonable for a citizen to learn the answer to these facts?

Judge Palermo granted the motion to consolidate on April 20, 2016.

On May 20th, Judge Palermo ordered the government to submit to her, under seal, versions of the three search warrant affidavits and a brief explaining what they wanted to release to Smith and what they wanted to keep hidden, and why, by May 27th.

The government responded by saying, on May 26th, essentially "No" to the court, and that they would file their objections at some time in the future and they requested a stay until that happened.

On June 1st Judge Palermo denied their motion and ordered them to file the brief "without further delay."

The government instead filed a Motion for Reconsideration and asked for more time. They also argued that the information would be "useless" to Smith. Who knows? Maybe it would be. But just in case, shouldn't Smith be the Judge of that? Shouldn't the truth behind three forcible entries and seizures of a law abiding citizen be available to that citizen, and to the public paying for these raids?

On June 6th Judge Palermo again denied the Government's motion and ordered them to file by June 10th.

On June 9th, they filed their confidential brief, and on July 15th Judge Palermo ruled against them again. She found their redactions of the oath to be excessive. She agreed that they could black out names and initials that would identify witnesses and confidential sources of information… but nothing more. No one knows what the government's specific arguments with the judge were, or their full legal reasoning, but the court again found their request to be excessive and denied it.

On June 29th, the Government appealed that ruling to the district court. Smith opposed that appeal.

Over the July fourth weekend, agent L'Heureux sent out a myriad of e-mails that made some suspicious that he wasn't even with the government… trying to contact all of Smith's clients, and financial supporters. Minns sent him a letter suggesting that his tactics weren't appropriate, reminding him what the fourth of July is actually all about…

On August 17, 2016, the District Court Judge, Honorable Gray Miller, ruled entirely on the government's side saying, because, "…the Fifth Circuit has not addressed whether there is a common law right of access to a warrant affidavit while an investigation is ongoing…" he would not, "create such a right absent Fifth Circuit guidance" and he sustained the government's efforts… and all of the affidavits remained sealed. Minns argued that the right to privacy, and the right to know the truth doesn't have to be created, it already exists, and rather than destroy the right, Judge Miller should have allowed Judge Palermo's ruling to stand, unless the Fifth Circuit decided to take it away again.

On December 2, 2016, Minns and Arnett filed their brief to the Fifth Circuit Court of Appeals and asked for an oral argument before a panel of appellate judges. It is difficult to get an audience with a circuit panel. Many lawyers never get one. Michael Minns has gotten oral argument granted before circuit panels in 90% of his requests. In the Smith case the government argued that oral argument should not be granted. The Fifth Circuit advises on its web page that they grant the right to be heard in oral argument only 12% of the time.

In May of 2017, the Fifth Circuit granted Minns' request for oral argument setting the oral argument tentatively in New Orleans for the week of July 31st.

ARGUING FOR YOUR 4TH AMENDMENT RIGHTS

While there are literally hundreds of published cases dealing with discovery of these ancient affidavits after an indictment has been filed, there are only two that deal with pre-indictment.

While not ruling specifically on the issue, the US Supreme Court has held that warrants are intended, in part, to inform the target of the reasons of the government's invasion of his or her privacy.

The Ninth Circuit seems to agree with the District Court and favor the government. The Fourth Circuit, in a case filed by the Baltimore Sun, clearly favors public access to the oath that supports a search warrant.

It has now been over a year since the three search warrant executions.

During the course of this case, the government's representatives, the Assistant United States Attorney (AUSA) and the IRS Special Agent, Cory L'Heureux, told Minns that Smith was on video tape "destroying records." Because of this alleged fact, L'Heureux threatened to file Obstruction of Justice charges against Smith.

As it turned out, the "video tape" did not show the destruction of any records. The video tape simply showed Smith pushing records (which may or may not be the records the government is talking about) into a warehouse for safe guarding, on a cart. There is no evidence of "destroying records" because there can't be. No records have been destroyed.

In its appeal response the government backs down a little and says that it has proof of "attempting to remove or destroy" records. They might as well say "attempting to rape, or to prevent a rape." And it would mean just as much. Removing records are just as easily an effort to protect them as anything else, and in fact, the records they originally claimed were destroyed, were all "captured" in the raid of the warehouse, and are now all in the possession of the government. The records that the government has claimed it was entitled to, and apparently were described in the secret affidavits, included the cell phone of Smith, with confidential attorney client text messages back and forth to his lawyers, as well as a box identified by the government as "Attorney/Client materials" which the government continues to claim are not attorney/client materials, and were seized under the warrant that did not call for confidential attorney/client materials.

If the special agent swore to one judge, that he had a secret tape showing records were destroyed, and if he swore to another judge that he had a secret tape showing instead that they were "removed", and if he is talking about the same records in a different sworn way to two different judges, that could be a reason why he is so concerned about these statements being made public. Of course he might not even be on the oath statements. It could be someone else. Or perhaps, everything in all three affidavits is verifiably true… which is of course why in a free country, with open court rooms, and transparency, this sort of cover up is not supposed to occur – the affidavits should be viewable.

The oral argument in front of the Fifth Circuit will be heard the week of July 31st…

Editor's Note: When Michael Minns takes on the IRS, more often than not, the IRS is left licking its wounds. Few Lawyers have accomplished the record of vindications that the US~Observer has - Lawyer Michael Minns and his "second to none" partner Ashley Arnett have a comparable win ratio, which is very rare. The US~Observer is proud to be associated with this powerhouse and we will continue to bring you news of their cases. Look for a follow-up article reporting on the oral arguments in this case and the resulting opinion of the Fifth Circuit.

★★★

SCOTUS: The Exonerated can have their money back

By Ron Lee
Investigative Journalist

(US~Observer) Washington D.C. – April 19, 2017 will forever mark the day when exonerated individuals were granted their rightful property back from the state. The Supreme Court of the United States (SCOTUS) ruled in the affirmative on *Nelson v. Colorado* that Shannon Nelson could recover the fines, fees and other costs associated with her case, which had been thrown out on appeal. The Colorado Supreme Court had, according to Justice Ruth Bader Ginsburg, just gotten it wrong when it came to their view on due process.

The case's chief complainant, Nelson, was convicted in 2006 on five counts of sexual and physical abuse of her four children, and she was sentenced to serve 20 years in prison. Her conviction was subsequently thrown out on appeal due to a trial error, and at retrial a new jury acquitted her of all charges. During her initial sentencing she was ordered to pay court costs, fees, and restitution totaling $8,192.50. After her acquittal she was refused a refund of the money she had paid, even though a Colorado appeals court stated that state law required it. Her case went to the Colorado Supreme Court who said that she had to comply with Colorado's Exoneration Act which required she prove her innocence.

Justice Ruth Bader Ginsburg

In her majority opinion of the court, Ginsberg pointed out the obvious to the Colorado Supreme Court by showing that a person whose conviction has been vacated in any way still has the full force of due process on their side and they are to be considered innocent until proven guilty. Ginsberg went on to explain, writing, *"Colorado also suggests that 'numerous pre- and postdeprivation procedures' — including the need for probable cause to support criminal charges, the jury-trial right, and the State's burden to prove guilt beyond a reasonable doubt — adequately minimize the risk of erroneous deprivation of property. But Colorado misperceives the risk at issue. The risk here involved is not the risk of wrongful or invalid conviction any criminal defendant may face. It is, instead, the risk faced by a defendant whose conviction has already been overturned that she will not recover funds taken from her solely on the basis of a conviction no longer valid. None of the above-stated procedures addresses that risk, and, as just explained, the Exoneration Act is not an adequate remedy for the property deprivation Nelson ... experienced."*

Finally, a tiny amount of common sense has injected itself into the justice system. ★★★

Oakland Police Officers' Sex Scandal

By Helen Christophi

Ex-Police Chief Sean Whent
Photo: Erin Brethauer, The Chronicle

(Courthouse News) Oakland, CA — Oakland's former police chief tried for six months to muzzle allegations that multiple officers sexually exploited an underage girl, and encouraged his department to drop its internal probe of the misconduct, according to a report released Wednesday by a court-appointed monitor.

The report, commissioned by U.S. District Judge Thelton Henderson, placed the bulk of the blame on former Police Chief Sean Whent and the scornful attitude he fostered toward certain police victims.

"Chief Whent sent an unmistakable signal that this case was not a priority," investigators Edward Swanson and Audrey Barron wrote in the 33-pagereport. "This is perhaps not an isolated occurrence, since witnesses from within and outside the department described a hierarchy of victimhood that led some in OPD to prioritize cases involving 'good' victims over victims with more complex histories. …

"She was a young woman who was alleged to have had repeated sexual contact with law enforcement officers — officers who took advantage of her age and vulnerability. Given the allegation that she had been sexually exploited by OPD officers, OPD owed her at least the same patience, concern, and investigative attention that they afford other victims. Put simply, CID [Criminal Investigation Division]and AID [Internal Affairs Division] wrote off this victim."

Allegations that a slew of officers from law enforcement agencies around the Bay Area had sex with the teenage daughter of an Oakland police dispatcher came to light in September 2015 after Oakland police Officer Brendan O'Brien killed himself and left a suicide note implicating several other Oakland officers.

O'Brien took his life partly because he feared what the girl, who went by the name Celeste Guap, would expose about him, according to the report.

But Whent did not tell Oakland Mayor Libby Schaaf or a federal monitor overseeing police department reforms about the allegations in O'Brien's suicide note. Instead, the allegations were passed on to the criminal investigation and internal affairs divisions, whose investigators conducted "deficient" and "defective" inquiries on which Whent failed to follow up.

"He did nothing to ensure the allegations were being investigated appropriately," the report states.

According to the report, the CID probe consisted simply of interviewing Guap and reviewing evidence on O'Brien's phone, and was closed within a week, with investigators concluding that no crime had occurred.

The CID punted the inquiry to internal affairs, which appointed just one investigator, who never interviewed Guap in person, ignored key leads and recommended discipline for a single officer.

Although 12 Oakland officers were eventually disciplined and six charged with crimes involving Guap, ranging from oral copulation with a minor to obstruction of justice, Swanson and Barron slammed the Oakland Police Department for failing to conduct a serious investigation until Judge Henderson intervened.

Citing "irregularities and potential violations" of a negotiated settlement agreement that requires OPD to coordinate with the district attorney's office on potential officer criminal misconduct that occurred during IAD investigation, Judge Henderson turned the investigation over to the federal monitor in March 2016, the same month "when the monitoring team learned, almost by accident and not from the chief, about the investigation," Swanson and Barron wrote.

"OPD's initial investigation of this case – both as a criminal matter and as an internal affairs matter – was seriously deficient," the monitors wrote. "If not for the court's intervention, we have no confidence that correct discipline would have ever been imposed, criminal charges filed, or departmental shortcomings examined."

Henderson appointed Swanson and Barron after Mayor Schaaf's outside investigator failed to issue any findings on why internal affairs failed to adequately investigate the case.

Although Schaaf and other city leaders "were actively involved" in overseeing the police departments own investigation after they learned about the allegations, Swanson and Barron found that they failed to press their investigator for answers after "many months" of stalled progress.

"I accept that criticism," Schaaf said at a news conference Wednesday. She added: "Those months we were very focused on the Ghost Ship fire recovery, as well as onboarding the new police chief, who is the most important part of addressing the concerns raised in this report."

Oakland settled a legal claim with Guap in May for nearly $1 million. Her attorney, John Burris, could not be reached for comment late Wednesday.

Oakland Police Chief Anne Kirkpatrick, who was hired in January after Whent and two other interim chiefs resigned during public revelations of the scandal, acknowledged the poor treatment some victims receive from OPD and vowed to root it out.

"This is all about course correction," Kirkpatrick said at the news conference. "One of the commitments I can make to you is how we treat our victims with new eyes and with care and attention. And that is what we are going to do." ★★★

Continued from page 1 • If You're in Trouble, We Help

charges, when we have acquired conclusive evidence of innocence we go to the elected prosecutor responsible for filing those false charges, and give him/her the evidence. Then, we demand that they drop the false charges they have filed. If they refuse, we take them into our court – the court of public opinion. Here, the two things they are protective of, or are always concerned with, their reputation and career, become vulnerable.

When we publish about them and the specific abuse they have leveled at an innocent person the game changes. Publicly, they must face their friends, family and community – our court is where accountability begins.

The prosecutor soon finds that the one and only thing that he/she fears is exposure. When they are faced with losing their career and/or reputation they usually do the right thing and dismiss the false charges. If they don't we escalate our exposure until they are forced to accept the truth – the facts!

Keep in mind that as we escalate our efforts publicly, any possible future jury pool is becoming aware of the false charge(s) as they read the facts on the front page of a national newspaper.

When prosecutors file charges they send press releases to the media. We do the exact same thing that prosecutors do except we publish absolute facts, obtained by conducting our thorough investigation; they often rush to judgment and release lies to the jury pool. They do this because it works and ensures them a conviction. We do this because it works and ensures the innocent person a dropped charge or an acquittal.

Again, at the end of the day the prosecutor either drops the false charge(s) or their reputation and career are demolished and they lose at trial. They lose because we were able to obtain crucial evidence that no one else could.

CIVIL CASES

We handle civil cases in much the same manner as our criminal cases. If someone has stolen from you, whether it be your money, property, child or other, we give that person, agency or other the chance to return your property. 80-plus percent of the time they comply because they cannot stand exposure – exposure can lead to possible criminal charges and huge civil damages payouts. Before long, they all either do the right thing and comply or they are ruined – ruined by the truth and facts.

If you are in trouble, don't roll the dice with just an attorney.

CRIMES UNANSWERED

Given the US~Observer's track record of defeating false criminal charges, it stands to reason that the US~Observer is definitely the "Go To" when someone is getting away with a crime or dishonest action.

Do you know someone who should be in prison? Did they harm you? Steal from you? Abuse you or someone you know?

Did the justice system turn a blind eye? Were they seemingly above the law?

Contact the US~Observer – We will ensure justice is served!

Go to usobserver.com for references – Call 541-474-7885 if you need our help.
★★★

Oregon Decides Roadkill Can Be Harvested to Eat

By Newser Editors

(NEWSER) – Some folks in Oregon might not want to ask where the elk burger or a venison steak they're being served came from. Under a roadkill bill passed overwhelmingly by the Legislature and signed by the governor, motorists who crash into the animals can now harvest the meat to eat, the AP reports. And it's not as unusual as people might think. Washington state began allowing the salvaging of deer and elk carcasses a year ago, and about 20 other states also allow people to take meat from animals killed by vehicles. Aficionados say roadkill can be high-quality, grass-fed grub. "A lot of people who don't hunt hear the word 'roadkill' and they get turned off," says one man who's harvested roadkill. "We're talking perfectly clean, cold meat."

Pennsylvania might top the country in road kills, with Oregon wildlife officials telling lawmakers that the eastern state had over 126,000 vehicle-wildlife accidents in 2015. Pennsylvanians can take deer or turkeys that are killed on the road if they report the incidents to the state's Game Commission within 24 hours. Gov. Kate Brown signed Oregon's bill last week after the Senate and House passed it without a single "nay" vote. Oregon's new law calls for the state Fish and Wildlife Commission to adopt rules for the issuance of permits for the purpose of salvaging meat for human consumption from deer or elk that have been accidentally killed in a vehicle collision. The first permits are to be issued no later than Jan. 1, 2019. The antlers must be handed over to the state's wildlife agency. ★★★

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How The BOP Uses CMUs To Silence Prison Writers

By Seth Ferranti

(HuffPost) - Counting the days takes on a whole new meaning when you're 22 years into a 25-year federal drug sentence. I was biding my time in a federal prison in Arkansas in 2013 when I was abruptly yanked from the compound and thrown into the Special Housing Unit. The reason? Writing articles critical of the federal Bureau of Prison's Residential Drug Abuse Program, prison authorities intimated. Having been a prison writer for 21 years, I was accustomed to a bit of harassment. But this time was different. More extreme.

After sitting in "the hole" under investigation for 30 days, I was informed by prison officials that if I kept writing I'd get transferred to a Communications Management Unit (CMU), where I'd sit in a roughly 6- by 9-foot cell, with all my external communications restricted and monitored, making it almost impossible to practice journalism. If I stopped writing altogether, I'd get nine months chopped off my sentence. Needless to say, I quickly put away my pen.

A post 9/11 creation, "Little Gitmos" ? a term the press coined for CMUs ? were opened in 2006, drawing a torrent of criticism. Called the "black ops unit" or "where they keep the terrorists" by prisoners, the BOP's program statement says "the purpose of the CMUs is to provide an environment that enables staff to more effectively monitor communication between inmates in CMUs and persons in the community." This, they claim, is necessary to ensure safety and to protect the public.

CMUs are hardly a new idea. ADX Florence, the BOP's Supermax has been around since 1994 when control and isolation units started popping up all over the country to house high profile prisoners like the "Unabomber" Ted Kaczynski and Chicago's Gangster Disciples boss, Larry Hoover. In 2013 Mother Jones named ADX one of America's worst prisons and reported that the facility was "pretty close to hell."

Rationale for CMUs was the heightened security surrounding the war on terror, says Paul Wright, founder and executive director of the Human Rights Defense Center. "But in the process the government has put dissidents, jailhouse lawyers, and prisoners that have been critical of the status quo there too." The Center for Constitutional Rights (CCR) found that 60 percent of the prisoners housed in the units are incarcerated on terrorism-related charges; the other 40 percent are just there to be silenced.

"Historically they've done this [kind of censorship] through ADX Supermax or control units," Wright tells OZY. And Rachel Meeropol, Senior Staff Attorney at CCR adds, "We have received complaints about writers and jailhouse lawyers going to CMU since early in their existence. It may very well be that the use has increased." But shrouded in secrecy, concrete evidence is hard to come by, still Meeropol contends that CMUs are being used to intimidate or silence prison writers.

One of the fundamental reasons CMUs are unconstitutional, according to the CCR's 2014 lawsuit, Aref v. Holder, is that prisoners don't know why they're transferred to these units or how they can get transferred back out. With no access to records on who's housed in them, or the reasoning behind these detainments, anyone who's confined is at the BOP's mercy. Restricted to one six-page letter per week, three 15-minute phone calls and four 1-hour visits a month, prisoners housed at a CMU are being held in limbo and nearly incommunicado, with little or no contact from the outside world. A death blow to a prison writer.

"They're really there as a punishment to keep them quiet and that's extremely concerning," says Amy Fettig, deputy director of the ACLU's National Prison Project. Usually reserved for domestic terrorism offenders who might be using outside channels to communicate, the BOP's initial justification for the units, she says, has been perverted to censor anyone who disagrees with prison authorities.

And those wielding the power of the pen have long known they're taking a risk. "As a writer in prison, you always know that you can get in trouble for writing," says John Broman, 37, who's serving an 18-year sentence for a bank robbery he committed to feed his heroin addiction. "Going to the hole for God knows how long ?- it's just something that we kind of accept. A job hazard."

Broman interviewed one of the World Trade Center bombers at USP Hazelton in West Virginia for VICE and got thrown in the hole for his efforts. He says his unit manager told him: "You're f**ked. You're going to the CMU." Efforts to reach the high security prison for comment went unheeded, as did missives to the BOP's Public Affairs Office requesting how many prisoners are housed in CMUs.

Rob Rosso, a prison writer from Arkansas, is doing life for a meth-related charge. He says he was transferred to FCI Terre Haute's medium security facility so that corrections officers could easily walk him from general holding to the CMU anytime he wrote an offending article. One such piece? "The Illegal Tobacco Trade in Federal Prison," which prompted his transfer from to Indiana from FCI Butner in North Carolina.

Daniel McGowan, a writer who did seven years for arson, first heard about the CMU when he was in transit. Housed at a low-security prison in Minnesota, FCI Sandstone, McGowan knew a CMU was certainly a possibility, but he'd thought he dodged it. But after writing some articles "about prison, the drug war, and how messed up the BOP is," the alleged Earth Liberation Front member, was snatched up and transferred to the CMU at USP Marion in Illinois.

"The BOP was not happy about what I was writing." McGowan tells me. "The CMU is used to house people the BOP is bothered by politically. They are very sensitive to criticisms of their prisons and will do anything they can to silence people." McGowan says the fact that he wasn't a gang member or violent made it improbable to send him to ADX. "Putting me in a CMU was much easier," he says. "They thought it would slow me down, but I kept writing."

The CMU is a pretty bizarre concept because the BOP is controlling people for what they might say, think, or do in terms of communicating with the outside world. That seems to be pretty antithetical to the whole notion of free speech, but they're getting away with it. Historically the notion of prison's been to deprive people of their liberty by keeping them locked up psychically, rather then this whole thing that you can control people's thoughts. It's pretty novel and draconian, both in concept and in implementation.

"All prisoners are intentionally removed from public attention, to varying degrees," Will Potter, an investigative journalist who gave a TED Talks presentation on "The Secret US Prisons You've Never Heard Of Before," tells me. "CMUs are a more extreme representation of prison policy. The government uses solitary confinement, special administrative measures, and other means to isolate prisoners from their communities and the public."

But I keep running into cases like Paul Bergrins. A former federal prosecutor and prominent defense attorney who ran afoul of the wrong group of prosecutors. Ones that were out to get him, no matter the cost or the laws they broke doing it. Not to say that Bergrin is innocent, I am not judge and jury, but I know what it's like being inserted into the criminal justice machinery thats been allowed to flourish unchecked in this country for going on thirty years.

Bergrin, sentenced to six life terms for murder and racketeering, was at the CMU unit at Terre Haute. He dared to do an interview with Don Diva magazine about what it was like living in a CMU. His raw portrayals of the reality he faced everyday were too much for the Bureau of Prisons. So they transferred him to ADX Florence. They didn't want to give him the low-budget treatment. It was time to step up to the big leagues. In prison at least.

The horrors of CMU's have been around for 10 years, but this new trend of using the units to silence prison writers is a blatant First Amendment violation. "Gagging people before they're able to say or write anything," is how Wright characterizes it. They're simply trying to "control people at every level of their communication before they're able to say it."

There are several different, sometimes overlapping reasons why this is happening, formerly imprisoned writer Barrett Brown says. "In some cases officials are legitimately concerned that the information getting out might lead to an investigation of their institution, which it occasionally does. In other cases, some official decides that his or her superiors would want the prisoner silenced, and acts in accordance with that belief, even when the prison wouldn't be threatened. There are also officials who simply enjoy the exercise of power."

With so little external oversight First Amendment violations go unreported "setting up a dynamic where abuse is much easier to perpetrate and much harder to uncover," Fettig says. "What we need is more public scrutiny, more press attention." Because when a government entity operates outside of the public sphere with no accountability, corruption can ensue. "Everyone that had any connection with you going there," Broman says. "Be it family, editors, girlfriends, etc. are gone. They'll won't tell you this. But no letters will go to them. Whatever you write isn't going to get there. The few people that you can write, if you write anything that they don't like, will face immediate dismissal from your life forever, or until the BOP decides to let you out of prison."

US~Observer Editor's Note: Schaeffer Cox is currently held in the Marion, IL CMU. He has had his communications cut for months at a time. In domestic cases like his, it is cruel and unusual punishment. ★★★

Continued from page 1 • Deification of Government

house, confiscate all the guns, traumatize the women and children, then send the men off to secret prisons for brutal "programming" that is designed to crush their free and proud American Spirit. Then the Feds put out a big propaganda cover story through their centrally controlled Mainstream Media about how the gun owners only had guns because they didn't trust the government, and this is dangerous, so that's why they had to get sent to prison camps. But even the propaganda cover story is just a bunch of hype the Feds whipped up for themselves to listen to, and help their own storm troopers feel good about committing acts of un-American treason.

What would you think if the scenario I just described went down in America? Well, that is exactly, exactly, exactly, what happened to me. So what is the difference if they do it to us one at a time, or all at once, or by little groups at a time? Nothing! The scale does not alter the nature of the essential act.

The saying goes "God created all men; Sam Colt made them equal." There's a lot of truth to that. Anyone who wants to disarm his fellow man is scared of equality. The disarmer wants to give himself an advantage so he can have dominion over his neighbor. This is evil. Tyrants don't have enough self respect to be able to interact with equals, only subjects.

As I watch more and more people get murdered by the cops they encounter in day to day life, I have tried to identify what all these killings have in common. And I have come to realizes that simply speaking to a cop respectfully as an equal is a mortal sin that can get you shot on the spot, no questions asked. And the Courts defend these field executions every time. When approached by a badge carrying priest of the "god state," you better lower your gaze and get down on bended knee. If you don't, you could be struck dead. It's sort of like a human sacrifice to an angry god.

What we believe eventually works its way out into practical realities we must live with. These killings are what happens when we set the state up as our god.

Most people don't think their philosophies all the way through to their logical end. But when you let your ideas run their course to their rotten fruit, then people can't help but see the results. America is being forced to look at the results of our idolatrous deification of government. And it's super ugly. This is a good chance for those of us who haven't lost sight of our core values to step in and offer the ideological solution that will heal our minds, our families, and our lives.

God made man, and gave him rights. Man created government to protect those rights. No government in the history of man has actually protected the rights of man. Maybe government is a failed experiment where man tried to make his own god that he could own and control. Maybe we should burn our wooden idols, so to speak, and just go back to God and patriarchic families that handle everything, from welfare, to defense, to business loans. It would sure beat the modern nation state that promises a fantasy of peace and prosperity but delivers the reality of carnage and poverty. Free your mind, and the rest will follow! It's not that hard. And it's a happy thing. I love you all.

The bastards haven't broken me :)

Schaeffer Cox is being held in the federal penitentiary's ultra-high-security Communication Management Unit in Marion, Illinois. Cox has served 4 years of his 26 year sentence and efforts are underway to make this his last.

If you wish to contact or make contributions to him write/send to: Francis Schaeffer Cox, #16179-006, U.S. Penitentiary Marion, P.O. Box 1000, Marion, IL 62959. ★★★

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To the Editor letters for publication are encouraged – they must be typed, a maximum of 400 words or less in length. Please submit photographs or artwork. Contact Editor for permission to submit in-depth articles up to 1,750 words, plus graphics. Opposition opinions are welcome.

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Get involved & send YOUR comments or concerns to the Editor
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$200 Million Paid in Three Years by One State –
The Costs of Wrongful Conviction in the U.S.

By Joseph Snook
Investigative Reporter

New York – The knowledge of egregious mistakes in criminal prosecutions across the United States are undoubtedly growing each year. With well over 2,000 exonerations to date, the need for criminal justice reform is a priority for those who have a first-hand knowledge of this travesty of justice. One less talked about issue involving criminal justice reform is the cost endured by taxpayers. These costs occur when elected prosecutors, police and judges make costly mistakes – some with intent. The conservative approach, commonly referred to as "tough on crime" critics are now widely starting to take notice. One state leading the national dialogue on this issue – New York, has paid at least $199,508,000 since the beginning of 2014 to those who were wrongfully convicted.

According to a report in the NY Times:

"A court notice made public this week provides the following information: Everton Wagstaffe and Reginald Connor, who spent years in prison wrongly convicted of a kidnapping, will be paid a total of $25.578 million by the city and the state.

Mr. Wagstaffe, who served close to 23 years, is to be paid a total of $14.578 million, and Mr. Connor, who did more than 15 years, $11 million.

The city will not make any admission of wrongdoing, officials say.

Which may come as a relief, or a surprise, to the public, who might have naïvely assumed that the payment of more than $25 million to two men sent to prison for a crime they did not commit was, in some small way, a sign that something had been seriously screwed up.

For years the Brooklyn district attorney's office defended the convictions. Sloppy, palpably false police work and testimony were written off as immaterial."

And then there's this argument: The United States Justice System although not perfect – is the most perfect justice system in the modern world. This argument is usually used as an excuse to pass liability by those who work for the citizens of the United States, or those who are fortunate enough to have no experience in this area.

Perhaps this "throw the book" (add criminal charges) at a criminal defendant and blackmail them into a plea deal is not working. This tactic has left many innocent men and women behind bars in fear of longer sentences if they exercise their right to trial. Many of them accept the deal, then start working to rightfully prove their innocence. When they're finally exonerated – the public pays. This is partly why more conservative-minded people are starting to jump on board with criminal justice reform.

Incentives, grants, case-loads and promotions for those who "serve justice" are contributing factors of wrongful conviction. The mainstream media's often regurgitated account of what the police report or prosecutor's office says, contributes to a biased public – the potential jurors. This is another contributing factor that increases guilty verdicts for criminal defendants who are actually innocent. And theses costly mistakes made by our criminal justice system are not limited to only New York, either.

Today, corrupt judges, prosecutors, police and others in government are being watched closer than ever. If you're an advocate for freedom – then that's a good thing. If you're in the position to take a life, then you are in a position to be held accountable. This line (policing, courts, etc.) of work isn't an average 9-5 job and should be taken very serious as lives are constantly at stake.

Read some of the stories of those who've spent decades confined to a small cell – in prison. Imagine if that person was yourself. Imagine if it were your mother, son or daughter. Imagine you have to pay to incarcerate these people, which every taxpayer does. Do you want your hard earned money being spent to pay an exoneree millions of dollars because a crooked cop or vindictive prosecutor didn't do their job properly?

State's that offer (surprisingly only about half offer restitution) innocent people compensation for crimes they did not commit will continue to suffer if nothing is done. States that do not offer compensation will receive hefty lawsuits if the don't compensate. Innocent men, women and their families will suffer if nothing is done. Taxpayers will continue to pay, too.

Let's start by electing people who will repeal immunity for those who not only incarcerate the innocent, but for those who cost taxpayer's millions while abusing their authority. Without accountability, there will never truly be "Justice for All."

Contact the US~Observer if you, or someone you know has been wrongfully convicted. ★★★

Continued from page 1 • WA Prosecutor Karl Sloan - Misconduct Patterns and Malicious Prosecutions

James Faire standing tall against false charges

charge of Murder in the First Degree against James Faire, the prosecution witnesses have stated in depositions that they hid their vehicles and themselves until the Faires arrived at Richard Finegold's property on Sourdough Road in Okanogan County to retrieve their personal belongings. The gang then surrounded Faire's truck in an attempt to keep them from leaving (kidnapping). The prosecution witnesses admit that George Abrantes attacked the Faires with a large logging chain with a padlock attached. They also admit that the Faires were attempting to escape the attack by 300 lb. Abrantes when Debra Long was ran over.

What is mind-boggling is that Prosecutor Sloan has these facts right in front of him, but has chosen to turn a blind eye to justice.

Early on we realized that Sloan was ignoring evidence and actually obstructing justice by using delay tactics. One such example is that Faire's Attorney Stephen Pidgeon has requested joint interviews of important witnesses on numerous occasions, only to be repeatedly stonewalled by Sloan.

When corrupted prosecutors like Sloan obstruct and when they completely ignore conclusive evidence, especially when it comes from prosecution witnesses, it becomes obvious that there are more bones buried in Sloan's closet.

Since publishing on this case we have received 29 complaints regarding Sloan from Okanogan County residents - 42 complaints have been received on other members of the Okanogan justice system. We have started looking into some of these complaints and we are going to begin publishing on them unless Prosecutor Sloan gets a "Brain" and stops targeting people without conclusive proof of them having committed a crime.

If we are forced to continue dealing with Prosecutor Sloan we will prove to the citizenry of Okanogan County exactly how corrupt he is and how he is factually and irresponsibly wasting valuable taxpayer dollars.

One such case we have been alerted to is that of Russ Arndt and his son. Mr. Arndt is a Chiropractor from Okanogan County who was falsely charged with 11 felony crimes related to "Intimidating a Public Official" and certain misdemeanors by Sloan on August 25, 2015. According to Arndt, his son was charged with the same.

On August 19th of 2015, as the Okanogan Complex Fire was rapidly approaching Arndt's property, he was forced to act quickly. He contacted fire command, asking for water trucks – he was told they weren't available so Arndt, his son and friends went to work. By August 20th they had extinguished the fire where it was threatening his property and some neighbor's properties who had already evacuated.

Shortly after that, firefighters entered Arndt's property to supposedly "look for hotspots." Arndt, who was understandably disgusted that they hadn't been there to help save his home and property, informed them they were trespassing and ordered them to leave – that he had taken care of all "hot spots."

Arndt's son eventually accepted a coerced plea bargain. He was required to complete 80 hours of community service, and if he was law abiding for one year his charges would be dismissed. He completed his year and we are informed his charges were dismissed.

Russ Arndt stood his ground and went to trial in October of 2016. He was acquitted of all felonies, however, the jury found him guilty of misdemeanor disorderly conduct. He attributes the one guilty finding to Sloan lying and exaggerating in court, coupled with the fact that a couple jurors were offended with him using foul language when he confronted the firefighters in 2015. Arndt was sentenced to one year of probation, required to pay court fees and complete an "Anger Management" course – he completed everything.

Arndt says that this ordeal has cost him over $30,000 in Attorney fees and costs. He is left with a complete lack of confidence in the justice system and a strong desire to hold Prosecutor Karl Sloan accountable for his corrupted actions – a position that most people who have complained to us about Sloan have taken.

Arndt is currently researching his legal options.

SLOAN'S ABUSE SEEMS ENDLESS

In another fabricated case involving Prosecutor Karl Sloan, Keith Holbrook, a 67-year-old Vietnam War Veteran has been wrongfully charged with arson. During the Carlton Complex Fire, Keith's dream retirement home burnt to the ground. His valuable gun collection, other assets and a newly remodeled home with a combined estimated value of over $750k was gone in a matter of minutes. According to receipts and other records, Keith had already been evacuated when the home burnt, yet Sloan has used a "fabricated" police report to continue his pursuit of a Veteran who has shrapnel lodged in his brain from Vietnam.

Mr. Holbrook has also been diagnosed with dementia by multiple doctors. They have stated he is incapable of forming intent to commit the crimes he has been accused of. Furthermore, his home was under insured for $146k, which clearly shows there would be no motive for Keith to burn his own home. Disregarding these facts, Sloan has continued to vindictively harm Keith Holbrook by not dismissing this false and fabricated case, threatening what is left of this war hero's freedom.

We will be publishing on the Arndt, Holbrook, and other cases in a more detailed manner in upcoming editions of the US~Observer – be sure to subscribe and have the newspaper delivered to your mailbox.

Editor's Note: Prosecutor Karl Sloan has obviously been enjoying his powerful position which has enabled him to abuse innocent defendants whenever his demented impulses drive him to do so. He will soon be surprised to find that all those "bones buried in his closet" are coming back to bite him – big time!

If Sloan were a better chess player he would stop his abuse and save himself and those who have assisted him a whole lot of embarrassment, coupled with endless, horrible exposure.

Be sure to watch the James and Angela Faire video which is featured on our website (www.usobserver.com). The video can also be found by searching, "Unfair Prosecution: The James and Angela Faire Story"

Anyone with information about corruption within the justice system in Okanogan County is urged to contact Edward Snook at 541-474-7885 or send an email to editor@usobserver.com. ★★★

Continued from page 1 • Did a Mother Ravage Her Family, Leaving Children in Peril? ...

According to a witness, "Since that day, Carla has used her influential attorney and her huge salary to make Brian's life, even the lives of her own children, a living hell." Her fight to keep Brian's daughter away from him has led to several legal battles. Now, Brian is fighting back so that he can have the right to see his daughter more than once a week.

Brian has no criminal history, no reported substance abuse, no DUI's, so why would Jackson County Circuit Court Judge Timothy Gerking keep ruling against him? Close family members stated that Carla's "faucet of funds" (her reported $250-plus k-yr. salary) and "experts" are in part why the rulings have not been in Brian's favor. Now, the US~Observer has investigated this family travesty and are championing the fight for this loving father to have the time he deserves with his daughter, as well as time for the son to be with his sister.

CARLA HEGLER'S CRIMINAL HISTORY

Carla Hegler's criminal history appears extensive. According to reports, Carla was previously arrested for Driving Under the Influence (DUI), recklessly endangering another person, criminal mischief in the second degree, harassment, violations, contempt of court, and another more recent DUI in February, 2017.

Aside from her criminal history, Carla has another set of concerning findings against her. The Oregon Department of Human Services (DHS) produced a motion to the court shortly before Brian was awarded sole custody of his son in 2016. In the report, DHS's Social Service Specialist Alyssa Cauble stated, *"The mother, Carla Marie Esselstrom's (Hegler) substance abuse interferes with her ability to safely parent the child. The mother physically abused the child's sibling; therefore, this child's welfare is endangered. The father, Brian Hegler does not have sole legal custody of the child (son) and cannot protect the child from the mother's abusive/neglectful behavior."* With a strange twist of events, Brian's daughter was left in Carla's custody after this report was produced, although his son was not. According to records, Carla Hegler has also had a, *"criminal no contact order"* issued against her, preventing her from previously seeing her son. The boy's grandfather witnessed Carla "drive through his lawn in an attempt to run the boy over with her vehicle" shortly before Brian was awarded sole custody.

Carla Hegler (right) partying with her underage eldest daughter

Judge Timothy Gerking

Again, considering these circumstances, why would Judge Timothy Gerking keep Brian's daughter in Carla's custody? Furthermore, why would Judge Gerking only allow Brian to see his daughter one time per week? Witnesses have stated the Judge Gerking is biased against Brian and his son, and does not want the boy to tell his sibling what their Mother has done.

FALSE ALLEGATIONS AGAINST FATHER

A friend of the family stated that Brian has now been wrongfully accused of, *"alienating the affections of (his son) toward his mother."* After Carla's domestic dispute with her young son, she denied ever biting his ear. Since that day, her son has reportedly wanted nothing to do with her until she apologizes. Her son has been waiting for that apology since November of 2015.

Somehow, Carla managed to persuade the court, with the help of her attorney and paid experts, that Brian and her son are liars. Her attorney claimed she never bit the boy's ear, attempting to justify her actions, essentially trying to make that event seem like a parenting matter, not a crime. In one motion to the court, Carla's attorney, Craig Galpern stated, *"She did not bite her son."* Since then, Judge Gerking has believed the mother and Carla has had her way in his courtroom. The judge talked with the boy in private, reportedly without his father or an attorney to represent the boy. According to Brian, the only attorney present was Carla's.

At the time, Brian was represented by Attorney John Hamilton, who reportedly stated, *"I don't know what happened in there, but the judge thinks (son) will create a problem between (daughter) and Carla."* Brian's son allegedly told Judge Gerking that he wanted his sister to know what his mother did to him. He wanted her to know the truth. Unfortunately, Brian was not present to hear what was being asked of his son privately in the judge's chambers.

To date, Brian says he's not certain if his daughter saw the ear bite incident or not. He's refrained from talking to her about specifics in fear that it would somehow be used against him.

In January of 2017, a psychologist named Scott Bandoroff, hired by Carla's attorney, testified that he was *"biased"* and wanted to see the young boy attend a camp for troubled youth – it was a camp Bandoroff had reportedly been financially associated with. While testifying, Bandoroff didn't mention a single word about the questionnaire Brian's son made for Bandoroff, with the #1 concern being that his mother has never apologized for biting his ear. All Bandoroff really had to share was that he recommended the boy be detained in a wilderness therapy program that costs $450 per day, for ninety-days. Despite Brian's "objection", Judge Gerking sentenced the boy to ninety-days at New Vision Wilderness Therapy, in Bend, Oregon. Brian's son had never been in trouble with law enforcement, had no drug problems, nor was he troubled, as the psychologist asserted with his recommendation. The only "crime" he committed to be sent away was not wanting to see his mother until she apologized.

Scott Bandoroff

At wilderness therapy, Brian's son was placed among boys who were seriously troubled - some of whom reportedly have drug problems. He was forced to live in a tent for three months, in extreme cold temperatures, as low as -4 degrees, and he had medical problems which were induced by the extreme cold temperatures. He reportedly went without medical treatment from a doctor until Brian demanded it. Brian wanted the boy's own doctor involved after the boy described the pain he was going through. New Vision Wilderness Therapy, without "consent from Brian", his legal guardian, provided medical treatment from another provider. Nonetheless, the father's concerns were finally addressed – and confirmed. Despite the diagnosis, New Vision kept the boy living outside in extreme cold temperatures, which was not a recommendation made by the boy's own doctor.

For a total of ninety days, the boy was removed from his father, siblings, family, friends, and school. According to close relatives, the boy is no longer as concerned about the actual bite, he is only seeking an apology so that he can move on.

Brian adamantly denies ever doing anything to alienate his son from Carla, although one counselor who was paid by Carla produced a report that suggested Brian was alienating his son. According to a family friend, *"all Brian has ever done was believe his son."* Another counselor, Barbra Usselman, MS Mental Health Counselor, saw Brian and his son, together and individually for a total of 19 sessions. Usselman stated she was informed, *"Blondine Levitt was Carla's therapist and that Blondine was making an allegation of Parental Alienation Syndrome against Brian."* In response, Usselman produced a letter stating, *"I saw no evidence of Brian attempting to align (son) against Carla."* Usselman continued, *"I did in fact witness Brian steadfastly encourage (son) to visit his mom..."* Usselman finished her report by stating, *"I can report that within sessions Brian was positive about Carla."*

RESOLUTION

All Brian has asked for is more time with his daughter. Currently, he receives one night every other weekend, and only four hours every other Thursday during the weeks where he doesn't have an overnight visit. All Brian wants is to be a parent to his daughter half of the time, at a minimum. As of June, 2017, Carla's attorney, Craig Galpern stated, that Ms. Hegler doesn't think Brian's daughter should have more time with him. Galpern stated, *"Ms. Hegler does not believe your proposal (50/50 parenting time) is in (daughter's) best interest."*

There is no logical reason to keep Brian's daughter from him and her other siblings.

In a separate move, Carla Hegler's attorney recently filed a motion seeking more parenting time with her son, against his will, as she reportedly believes that allegedly lying about biting her son is more important that being accountable and apologizing. By her own actions, she will likely further damage this boy if she continues to maintain her position which does not align with the boy's account of what happened, or with DHS's own findings.

"The mother, Carla Marie Esselstrom's (Hegler) substance abuse interferes with her ability to safely parent the child. The mother physically abused the child's sibling; therefore, this child's welfare is endangered..."

--Alyssa Cauble, DHS Social Service Specialist

Carla's son is reportedly willing to mend the relationship, but he should not have to deny the "fact" that Carla Hegler bit him as a prerequisite, according to family members.

As for Brian's daughter, there are several reports that she wants more time with him and her brother. She allegedly wants to be with her father as much as her mother. Strangely, the one child who wants more time with Brian is not getting that time, while the child who doesn't want to be with Carla will likely be ordered to if Judge Gerking continues this case as he previously has. One close witness to this case stated, *"all expected logical decision in this case is gone once everyone enters Gerking's courtroom."*

Carla Hegler's new DUI will be a good point to raise in the upcoming hearings. That, combined with other evidence that has been acquired, will be how Brian receives more time with his daughter – time he should already have. Just ask a parent who has rightfully fought for custody - the costs and damage endured along the way is enough to make most parents fearful of ever bringing another child into this world.

Now that the US~Observer is investigating and reporting on this case, you can rest assured that ALL involved will be watched closely. Brian Hegler will get more time with his daughter. The boy will get his apology, or likely continue to refrain from a relationship with his mother. According to MS Mental Health Counselor, Barbra Usselman, this has been the son's own decision, not influenced by his father.

The only real question that remains is, how hard will Carla fight to prevent what her own children want? Hopefully Carla receives the help she needs for her substance abuse. If history is any indication of what lies ahead for her, it's possible once these two kids are old enough, one of them will have to bail her out of jail for another DUI.

Editor's Note: One source in this case has stated that Carla is only fighting against more parenting time for Brian because she does not want to pay more child support. In an attempt to get Carla's side of the story, this writer met with her and provided his contact information. Carla Hegler never responded.

If you have any information about Carla Hegler, or anyone else named in this article, please contact the US~Observer immediately by emailing editor@usobserver.com or calling 541-474-7885.

Future reports on this case will be published at www.usobserver.com. ★★★

Immunity or Accountability
The Modern Day Mistrust of Gov't

By US~Observer Staff

A U.S. Citizen's rights are supposed to protect them from abusive government. In theory, if a person is abused by government they should have the means to seek relief through civil or criminal action. Today, however, the ability to protect oneself is under attack, if not almost completely gone. Have you ever tried to sue a corrupt judge who violates the law? Have you tried to sue a corrupt prosecutor? How about any rogue government agent? If you have tried to seek legal remedy, then you have likely heard the phrase, "qualified immunity" – meaning, if these individuals were working in their capacity as a "public servant" they are immune to prosecution and civil litigation. In short, they have a right to harm you, if they are doing their job. This "above the law" practice has been employed by most governmental bodies across the United States protecting themselves from the citizens they are supposed to represent, and thereby creating an atmosphere where it is nearly impossible to redress your grievances of injustice when that injustice is performed by agents of the government. Nothing could be more dangerous than to let those who should be held to a higher standard, be exempt from liability. Furthermore, if history is any indication of what lies ahead, severe changes will need to take place if this nation is to survive. Several polls, from different politically affiliated sources suggest significant problems – a deeper distrust of government.

According to a recent article in the Yale Law Journal, three of the foremost experts in this area, "have concluded that recent developments in qualified immunity doctrine leave 'not much hope left for plaintiffs.'"

If you watch television, or skim through social media theses days, you are likely seeing the movement for criminal justice reform growing significantly. Advocates for those who have been abused by government, specifically criminal defendants who were once wrongfully convicted, are popping up daily.

Instead of treating this travesty of justice like the problem it is – many in government have chosen to fight back by trying to expand "qualified immunity" to excuse themselves of even more wrongdoing, thus preventing any real means for the victim of government abuse from seeking remedy.

We see this type of behavior by government in several other areas where they are expanding their "immunity" to include laws that govern a citizen's behavior. Take gun laws for example. Legislators often create laws that impact those whom they supposedly represent, while exempting themselves from the same laws. Just last year in California, by a 28-8 vote, the Senate voted to exempt themselves from the same gun laws citizens are to abide by. How about the Affordable Healthcare Act? Congress is exempt from portions the act! Does that sound like we are all created equal, as is guaranteed in our founding documents, or are they creating a separate class of citizenry with more rights?

Further examples include the Federal Government's exemption from consumer protection laws, as well as exemptions from overtime laws for local government hourly wage earners, and exemptions for permit requirements.

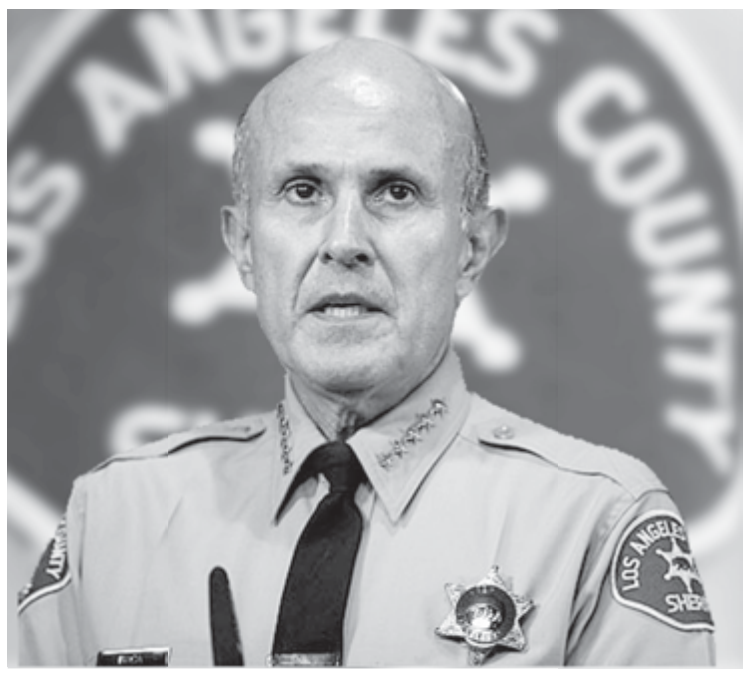
Exemptions and this "Immunity" have paralyzed the trust many once had for government.

Be more than the backseat driver when it comes to your rights. Get to know your local government employees. If history is any indication of the future, we all have a very tough job to do, and that is to hold government accountable. If we fail to force accountability – revolution will be inevitable.

There should only one class of citizenry in the United States – WE THE PEOPLE. ★★★

From Jailor to Jailed

By US~Observer Staff



Ex-Los Angeles County Sheriff Lee Baca

Once a man whose reputation was that of, "a man on a mission to promote education and rehabilitation behind bars and who preached tolerance and understanding between people of different cultures and faiths," 74-year-old, ex-Los Angeles County Sheriff Lee Baca was sentenced on May 12th to a three year prison term.

Baca was found guilty last March in a retrial of obstructing an FBI investigation of corruption and abuses that occurred at the jails he oversaw. Baca had lied about trying to obstruct the investigation that focused on guards who savagely beat inmates.

Upon receiving the verdict, acting U.S. Attorney Sandra Brown said, "This verdict sends a clear message that no one is above the law. He knew right from wrong and he made the decision. That decision was to commit a crime."

According to an ABC 7 report:

Assistant U.S. Attorney Lizabeth Rhodes said "when defendant Baca learned the FBI and a federal grand jury was investigating, he obstructed and when he learned the FBI has turned its focus on him, he lied."

According to Rhodes, the obstruction that led to convictions for many of Baca's underlings, including his top lieutenant, "started from the top and went all the way down."

Defense attorney Nathan Hochman told jurors they heard "no evidence Sheriff Baca gave orders to obstruct the FBI."

Former Los Angeles County Sheriff's Deputy James Sexton, who testified against Baca at both trials, served four months in prison for his role in blocking the FBI probe.

He said the deputies were just following orders.

"Nobody wins when a verdict like this is delivered. Mr. Baca destroyed a lot beyond the public trust and law enforcement partnerships. The damage Baca caused to families and mindset of deputies just trying to do their job is immeasurable," Sexton said.

"Baca authored the LASD Core Values that demanded wisdom, common sense, integrity and courage. Today's verdict may have been averted if he had thought about those principles before issuing those orders in September of 2011," he continued.

Baca, who's in the early stages of Alzheimer's disease, was a major national law enforcement figure and a mostly popular sheriff in his 15 years at the head of the nation's largest sheriff's department.

He resigned in 2014 as the scandal plagued the jail system.

Baca appeared to have escaped the fate of more than a dozen underlings indicted by federal prosecutors until a year ago, when he pleaded guilty to a single count of making false statements to federal authorities about what role he played in efforts to thwart the FBI.

A deal with prosecutors called for a sentence no greater than six months. When a judge rejected that as too lenient, Baca withdrew his guilty plea and prosecutors hit him with two additional charges of conspiracy and obstruction of justice.

Baca says he will appeal his conviction. ★★★

Continued from page 1 • DHS Steals Bluetear Newborn

Uudam was born, the Bluetears were preparing for an overnight visit at the hospital to take part in a CPR class, in preparation to properly care for their son. Before they could leave, they had their hearts ripped from them when the hospital called and informed them they couldn't see their son; that the Oregon Department of Human Services (DHS) was taking him.

On June 10th, DHS placed Uudam in a Foster home. On June 11th, the Bluetears appeared in a Douglass County courtroom to hear that DHS was claiming they could not properly care for their son.

HISTORY

According to witnesses, on March 7, 2016, DHS Supervisor Sandy Henry witnessed Anna at the Douglass County courthouse with her husband Snowwolf – Anna was visibly pregnant. Prior to his relationship with Anna, Snowwolf had gone through a very troublesome marriage, one that DHS and Henry became involved in. According to information received, Henry had "more than a dislike for Snowwolf - she was out to get him". The US~Observer investigated this case and concluded that Mr. Bluetear got away from his troublesome ex-wife, corrected the problems that existed and moved on with his life. Further, his current relationship with Anna and the birth of Uudam has nothing whatsoever to do with his past situation.

DHS would have been wise to have investigated this case as we have before literally stealing the Bluetear child. Had DHS conducted even a cursory investigation they would have found that Anna was more than capable and far more than qualified to care for her newborn son.

Some of Anna's accolades began in High school where one teacher wrote, *"It has been a privilege to have Dorothy Parsons* (Anna's maiden name) *as my student during the 1991-92 school year. She is a highly motivated young person who has distinguished herself for her sense of responsibility as for her scholarship…Dorothy has been an invaluable asset to our parent club."*

When Anna worked with the Medford Police Department (Criminal Investigation Section) a Detective Sgt. wrote, *"I had the privilege of working with Dorothy Parsons during the fall of 2004 through the spring of 2005. Dorothy always came to work with a smile on her face and was ready to assist with any task given. I believe Dorothy will be successful in any endeavor she chooses."*

Anna Bluetear received a Master of Science in Criminal Justice Degree, and an award from Southern Oregon University that was given to her in part for, ***"significant contributions to improve the quality of life for persons with disabilities on campus."***

Let's examine what DHS wrote in a court document without conducting any investigation whatsoever: *"Parents or caregivers* (referring to Snowwolf and Anna) *attitude, behavior or perception result in the refusal and/or failure to meet a child's exceptional needs that affect his/her safety. Uudam is a medically fragile child who has needs that are such the parents are in need of the assistance of DHS to safely parent until deemed unnecessary by medical professionals."*

These statements are nothing more or less than dangerous DHS lies, DHS deception. Bluetears had not one opportunity to parent Uudam – he was taken and turned over to foster parents who possess NONE of the qualifications that Anna possesses.

During a recent court hearing on this case I witnessed Bluetear's current caseworker, Cindi Corrie, act like a complete idiot in court, where she constantly shook her head up or down depending on what was said by Judge Luke Stanton or one of the attorneys present. Corrie seems to be the main person currently keeping Uudam from his parents. We find that her recommendations are opposite of some professionals involved in this case. This fact alone proves that her motives are underhanded.

At the end of the hearing Judge Stanton commended the Bluetears and prompted them to keep doing what they were doing.

LIABILITY – PAR FOR THE COURSE

This case pretty much mirrors another DHS case we covered in Douglass County that occurred just a few years ago. In that case, DHS caseworker Cori McGovern was able to wrongfully keep a little four-year-old child away from her mother for 4 years. It is reported that taxpayers paid out over a million dollars for McGovern's actions when she was sued.

The court has scheduled a hearing on the Bluetear case for July 19, 2017, to hear arguments regarding jurisdiction on a psychological report. It appears, that since DHS is getting nowhere with their original claims against the Bluetears, DHS now intends to attack their "mental condition."

A Permanency hearing is scheduled for September 20, 2017 at 9:30 a.m. in the Douglass County courthouse.

Editor's Note: DHS, Caseworker Corrie and others involved would be very wise to stop this abuse immediately! If not, we will soon be airing all of their dirty laundry…

Regarding the public, everyone should be petrified to know that in 2017, their government can come in and steal any child and make it appear like they are concerned. No Warrants, no proof of wrongdoing, no nothing – only orders from vindictive, police-state-driven public employees. ★★★

The US~Observer's services have defeated over 4,600 false charges to-date.

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 $200.00 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 prosecuting 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 by investigating the accusers, the prosecutors, the detectives and your case. In other words, complete an in-depth investigation before you are prosecuted and then take the facts into the public arena where justice can be forced upon the corrupt.

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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*

Faces of the US~Observer's VINDICATED

Jose Velasco-Vero

Case Type: Felony Firearms Crimes

Status: Dismissed

"My case was the first of its kind. You absolutely defeated these unwarranted charges!"

Dean Muchow — **Charge: Gov't Abuse**

Status: Cleared

"Your investigative reporting was instrumental in stopping the District Attorney's abusive attacks."

Jimmy Rodgers — **Charge: Grand Theft, RICO**

Status: Dismissed

"...My charges carried a 90 year sentence – the US~Observer proved my innocence beyond a shadow of a doubt..."

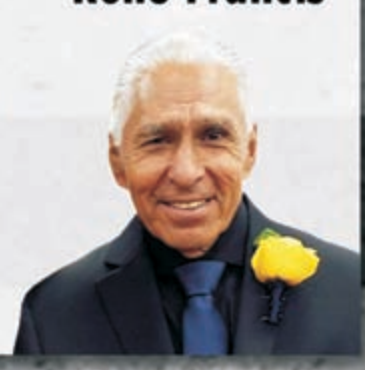
Victim: Employment Discrimination — **Shawn Yoakum**

Status: Compensated

"You changed my life forever, and made me want to help others. You did what you said you would."

Convicted: Murder — **Reno Francis**

Status: Released/Free



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

Sheila Rodgers — **Charges: Felony Grand Theft/RICO**

Status: Dismissed

"My false charges were dropped when the US~Observer exposed the self-serving, crooked thugs who abused their authority and destroyed my company."

Jessica Morton — **Charge: Sex Abuse**

Status: Dismissed

"If it wasn't for the US~Observer I would have lost everything; my freedom, my family. You made sure that didn't happen!"

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