Promoting Excellence in Investigative Journalism

US OBSERVER
Vindicating the Innocent

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Volume 2 • Edition 45

DOUGLAS COUNTY CORRUPTION?

OR Planning Director Keith Cubic Targeting Medical Marijuana Grow Sites

By Richard Maughs
Medical Marijuana Consultants

Roseburg, OR - The US~Observer has received numerous complaints from members of the Medical Marijuana Growers Association and others regarding Douglas County Planning Director Keith Cubic. Cubic has been accused of targeting the owners of Medical Marijuana grow sites in Douglas County and of using his code enforcement officers to selectively go after county code violations, some of which aren't violations at all.

Planning Director Keith Cubic

COMPLAINTS

One property owner has claimed that Cubic attempted to intimidate the United States Postal Service (USPS) into not delivering mail to established addresses associated with medical grow sites.

According to another complainant, *"Cubic used his code enforcement to attack us. They accused us of being out of*

Continued on page 15

OKANOGAN COUNTY FALSE PROSECUTION

WA Prosecutor Branden Platter - Serving Justice or Just Another Corrupt Government Official?

By Edward Snook
Investigative Reporter

Okanogan County, WA – By a 2 to 1 vote of the Okanogan County Commisioners, interim Prosecutor Branden Platter was given the reins of the prosecutor's office. Commissioners Chris Branch and Andy Hover voted to appoint Platter, while Commissioner Jim DeTro intelligently voted against him.

Platter took over from a disgraced Karl Sloan, who resigned July 28, 2017. Numerous calls received by our office reveal that many Okanogan residents question whether he will continue Karl Sloan's corrupted practices of ignoring evidence and prosecuting innocent defendants. So, the jury is still out on whether or not Prosecutor Platter will serve justice, or just follow the same corrupt road that has been laid out before him. Initial assessments, however, suggest he is nothing more than a Sloan carbon copy.

Karl Sloan's protégé & replacement, Branden Platter

PLATTER'S FIRST STRIKE – FAILS TO ACKNOWLEDGE FACTUAL EVIDENCE – HIS OWN EVIDENCE

Over the past two years, the US~Observer has reported on the James and Angela Faire false prosecution case in Okanogan County. James has been facing a 1st Degree Murder charge, while sharing lesser criminal charges with his wife Angela since June of 2015.

This travesty of justice began when then Prosecutor Karl Sloan's brother, Detective Kreg Sloan, made a very

Continued on page 14

Idaho Surveyor Hunter Edwards Pretense and Lies Exposed

By Edward Snook
Investigative Reporter

Idaho County, ID – Justice has surely found itself in a sad state of affairs in the great state of Idaho. A widowed lady, Dorothy Walker, has been forced to spend over eight long years and hundreds of thousands of dollars attempting to protect her property from those trying to take it!

In 2009, Dorothy and her now deceased husband Sydney "Butch" Walker filed a lawsuit against Bessie Harmon, Etta Harmon, Ellen Hoiland, Dean Hoiland and Elvin Harmon for allegedly encroaching on Walkers' land. Elvin Harmon has since been dismissed from the suit.

What began as a simple boundary dispute has now evolved into a major property dispute involving several neighbors and multiple attorneys.

Hunter Edwards

SURVEYOR CARL EDWARDS AND HIS SON HUNTER EDWARDS

Those directly involved in Dorothy Walker's boundary case in Idaho County, Idaho have been shocked to see allegedly fabricated monuments and fake boundary lines created by surveyors Carl Edwards and his son Hunter Edwards. Really, they should not be surprised as Hunter has declared himself the "Guru" of American surveying. When referring to himself he says you can call him the, "Wizard of Idaho." If a Guru and a Wizard, then is it permissible for him to reposition survey monuments at will?

According to court paperwork, surveyor Hunter Edwards has been designated as the expert witness for Dorothy Walker's neighbors. Many neighbors insist that they should be allowed to take approximately

Continued on page 13

DHS Keeps 16 Month-Old Child From Parents

By Edward Snook
Investigative Reporter

Douglass County, OR – Department of Human Services (DHS) caseworker Cindi Corrie, representing the State of Oregon, is currently using her position of extreme authority to keep 16-month-old Uudam Bluetear from his parents Snowwolf and Anna Bluetear.

DHS caseworker Cindi Corrie

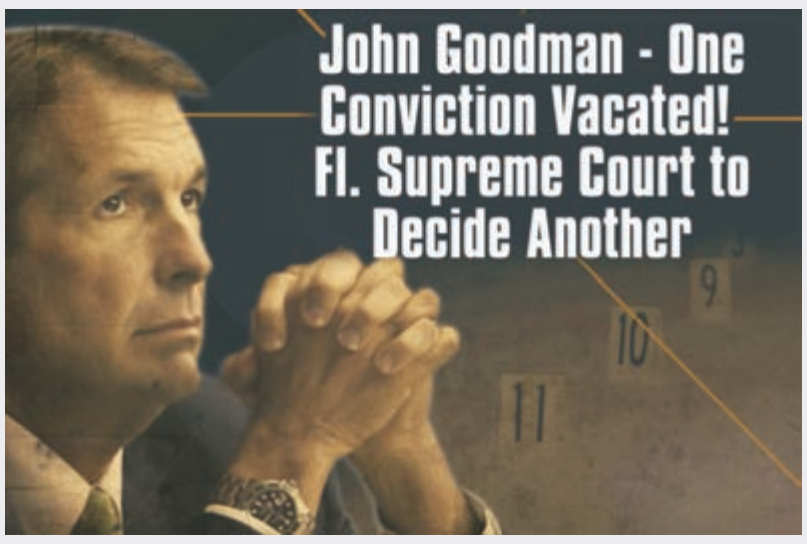
The state took custody of young Uudam when he was just 11 days old due to serious medical conditions and have held him for the past 16 months. Let that sink in. He was initially taken because of medical conditions. Later, DHS would attempt to make Uudam's parents look unfit to safely parent their child. Only there was a problem with that theory; they aren't unfit parents.

The US~Observer has found that Uudam has been seen by at least eight different Doctors and has been cleared by all but one. The remaining Doctor conducted a "sleep study" on Uudam on September 26, 2017, which we are informed went very well. This Doctor is expected to clear Uudam just as the rest have.

On September 20, 2017 a hearing was conducted in the courtroom of Douglas County Circuit Court Judge Luke Stanton. Corrie stated she was preparing a re-

Continued on page 11

ONE STEP CLOSER



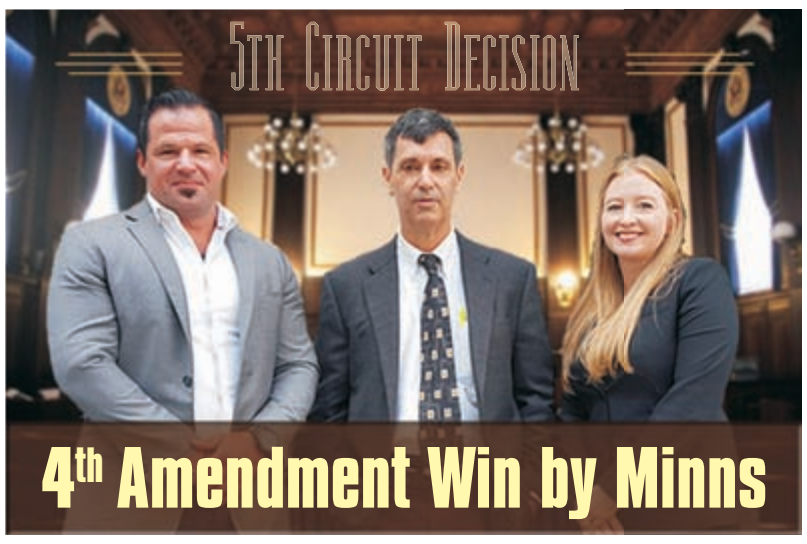
By Joseph Snook
Investigative Reporter

West Palm Beach, FL - John Goodman recently received positive news. On July 26, 2017 Florida's Fourth Circuit Court of Appeals (4th DCA) issued a favorable ruling on his behalf. The 4th DCA ruled, ***"We direct that the trial court vacate the conviction for vehicular homicide..."*** Then, in August, another favorable ruling took place. Florida's Supreme Court agreed to hear arguments regarding Goodman's 'faulty' blood sample. The sample was used to help convict him of DUI Manslaughter. Goodman was convicted in 2014 of Vehicular Homicide, DUI Manslaughter and Failure to Render Aid.

Goodman's alleged B.A.C. registered at .177 three hours after the accident. He claimed to

Continued on page 11

FIGHTING FOR YOUR RIGHTS

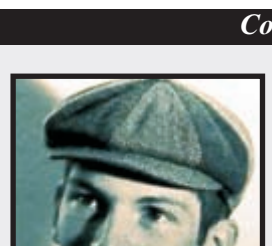


By Ron Lee & Alicia Wells
Investigative Journalists

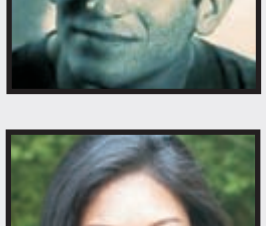
New Orleans, LA - The dinner party must have looked like any other casual gathering to the staff of the Grill Room, the restaurant inside the Windsor Hotel in New Orleans. Little did they know, several of the guests were part of a legal case to be argued the very next day in front of the 5th Circuit Court of Appeals. It's a case that seeks to protect the public's 4th Amendment right, wherein, *"...no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized."*

Michael Minns, the renowned defense lawyer of Minns & Arnett, who has more wins against the federal government than most others could hope for in their

Continued on page 12



Schaeffer Cox - Wins!
• 9th Circuit Tosses One Conviction
Page ... 6



Michelle Malkin
• Show Biz Meltdown: Bombs Away!
Page ... 8

Simon Black
• Here's how the next recession begins
Page ... 8

Andrew Napolitano
• Can the Government Keep Us Safe?
Page ... 9

Leah Libresco
• I used to think gun control was the answer
Page ... 10

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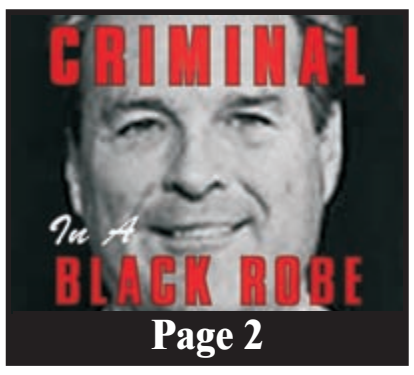


Page 2

Page 7

Judge Ronald Grensky – Criminal in a Black Robe

By Joseph Snook
Investigative Reporter

Jackson County, OR – The US~Observer has been investigating Judge Ronald Grensky for the past year due to numerous emotional and substantial complaints we have received, along with his presiding over the Christi MacLaren case.

Our preliminary findings are shocking to say the least.


Judge Ronald Grensky

JUDGE RONALD GRENSKY - A COMMON CRIMINAL RULING FROM THE BENCH!

According to the US~Observer's Head of Investigations and Editor-in-Chief, Edward Snook, "We have received 11 case specific complaints against Grensky. Each one has accused him of varying levels of judicial bias; prejudice; being extremely rude to litigants during trials; lying during trials, making mocking comments to litigants and witnesses during judicial hearings, and on and on."

Snook continued, "I personally took on the Christi MacLaren case and have watched this judge very carefully. In my 33 years of watching judges during trials, some good, some bad, Grensky is by far the worst judge I have ever encountered. The only description I can find that is applicable to this depraved human is that he is an absolute Criminal, ruling from the bench in a Medford, Oregon courtroom."

As a family law judge, Grensky is factually ruining both children and families. (Read the reviews on him at the Robing Room! -) In the MacLaren case, he has ignored evidence while literally leveling false allegations against an innocent and abused Mother. In an "Opinion" ruling on the MacLaren case which he issued on August 11, 2017, he repeatedly lied and made statements about Christi MacLaren that were completely false and not based on any factual evidence presented in this case.

Grensky ignored the fact that MacLaren's ex-boyfriend Sean Lenzo had admitted taking dangerous drugs during a deposition. On May 10, 2016, when questioned under oath, Lenzo admitted to his extensive use of drugs. He stated, "I was addicted to meth and cocaine." When asked if he had used other drugs, Lenzo stated, "I did them all, but those were the only two that I was extremely addicted to." When asked if he had used Heroin, his response was, "I couldn't stand the stuff." Sean Lenzo admits to currently smoking marijuana weekly – "maybe two, three times a week in the evenings."

Lenzo's criminal activity, dating back to when he turned 18, is quite extensive, showing that he has received numerous drug related charges, including manufacturing and possession. Lenzo has spent time living at Chinook Park, and the Grants Pass Homeless Shelters. Much of the time that Lenzo was using drugs and was basically a vagrant, Christi MacLaren was caring for, financially supporting, and loving their daughter. Lenzo is reportedly over $10,000.00 behind in child support payments.

CHRISTI MACLAREN SUFFERS JUDICIAL ABUSE FROM JUDGE RONALD GRENSKY

On the other hand – we find nothing incriminating about Christi MacLaren.

Grensky has failed to protect MacLaren's young daughter after hearing shocking testimony from experts about Sean Lenzo, the Father. The US~Observer will be watching this young girl carefully in the years to come simply because one corrupt judge and a small group of conscienceless people have placed her at risk. Edward Snook recently stated, "God help them all if this precious little girl is damaged any more than she has already been!"

Apart from being an abusive bully, the only motive we can find for Grensky to conduct himself as he has, is that he has a special relationship with certain attorneys. One witness we recently spoke with stated, "Grensky has a connection to Attorney Jamie Hazlett and a couple other attorneys as well." We are currently investigating this terrible judge's motives.

JUDICIAL FITNESS COMMISSION DOES NOTHING

There appears to be no remedy within the legal system in Oregon for correcting Grensky's severe abuse. People have complained to the Oregon Judicial Fitness Commission about Grensky's insane antics and rulings to no avail.

The only possible way to correct this madman's actions is for the US~Observer to take the Grensky problem head on. We have already made our decision to do exactly this.

The US~Observer strongly recommends that any person who has Grensky appointed to their case to immediately recuse this deplorable judge or accept the consequences, which could be devastating to them.

For what it is worth, our advice to the judiciary in Oregon is to get rid of Grensky, due to the fact that he is making all of them look extremely bad, especially other Jackson County judges.

On August 14, 2017 Judge Grensky ruled that Christi Maclaren's attorney Samantha Malloy could withdraw from her case, leaving her without an attorney. Any decent attorney would have railed Judge Grensky for lying in his written Opinion on this case, but not Malloy – she tucked her tail and ran.

Despite deserving sole custody, Christi MacLaren was only awarded nearly fifty-percent. Yes, she will most likely appeal even though she currently has no legal counsel.

But what about Lenzo, who Judge Grensky sided heavily with in his opinion? He's now published a compromising video of his 7 year-old daughter on the internet. Grensky's poster parent, Lenzo, was previously accused of sexual abuse, which Grensky didn't buy. Now, with Lenzo posting this video showing his own child's breasts, perhaps the judge's opinion will change. Regardless, it goes to show that Lenzo doesn't have good sense when it comes to being a parent, and potentially much, much more...

We will be publishing a complete write-up on the MacLaren case in the near future wherein we will give a complete accounting of all participants. Some of them will be shocked to see their dirty laundry made public.

Update: According to public information found, Dishonorable Ronald Grensky was previously found guilty of violating Oregon's election laws. Grensky was fined $741.00 for the illegal election violation. Perhaps our sources were correct when they recently stated, "Gresnky has decided to forego running for another term as judge." Grensky should be concerned - very concerned. Furthermore, with Grensky's lack of judicial knowledge, and equally atrocious, his horrific behavior, its no wonder why this man has decided to quit. Spend a day in court with Grensky and you'll see the man who ruins innocent people, without justification.

Editor's Note: Anyone with information on anyone listed above is urged to contact Edward Snook at 541-474-7885 or with an email to editor@usobserver.com. ★★★

Child Caseworkers (DFACS) Take Wrong Girl From School

By US~Observer Staff

Gwinnett County, GA – Several hours passed as Sean Harris was frantically searching for his 7-year-old daughter. She was supposed to show up to her after school program, but never did. Instead, child caseworkers from Georgia's Division of Family and Children Services (DFACS) removed the girl from class. Additionally, her father never provided consent, nor did he have knowledge they were taking his child.

Photo: Channel 2 Action News

Making matters worse, the child caseworkers had taken the wrong child. Although the 7-year-old had the same name, their names were spelled different. They also had different birthdays.

The child's father talked with Channel 2's Carl Willis. Harris stated he was, "Pure anxiety and I was in disbelief that this could possibly happen."

Attempting to hide liability, DFACS said they rely upon schools to ensure they have the right child.

According to the report from Channel 2, the father stated, "That's totally not an excuse at all."

The Gwinnett County School District also provided Willis the following statement:

"This is a very serious situation and this family's concerns are understandable. In addition to investigating this incident, the school system is reviewing its processes for releasing students to DFACS, making sure these processes are being followed, and will be working with this agency to ensure this does not happen again."

Harris stated the process failed him and his daughter. Now, the child is terrified of going back to school. Harris continued, "I could tell she was terrified. She was very quiet… It's very disturbing. Particularly what's going on with sex trafficking and her being a little girl and you not knowing where she is."

Although the child has been returned, her fear remains, as does her father's. The child caseworkers should have known what child they were picking up. They should have protocol's they follow that eliminate these tragic events from ever occurring. Mr. Harris explained, they not only took his daughter, they are now trying to pass-the-buck. DFACS is claiming they did nothing wrong.

RESOLUTION

Until there is accountability with child caseworkers on a national scale, parents, children and entire families are at risk. Taxpayers are also at risk as they foot the bill when these inept government agents neglect their lawful duties. Child caseworkers from many states have clearly damaged children. They must be held accountable.

Editor's Note: If you, or anyone you know have been wrongfully targeted by child services, or child caseworkers, contact the US~Observer - 541-474-7885. We can help!

★★★

Tax on the rich makes it easy to take everyone's income

By Ron Lee

(US~Observer) Seattle, WA – In an effort to establish a "progressive income tax," a measure was passed by the Seattle City Council on July 10th. It created a 2.25 percent tax on gross income over $250,000 per individual or $500,000 for married couples filing jointly. The tax is scheduled to be implemented on January 1, 2018.

Since our initial reporting, Seattle Mayor Ed Murray has resigned amid multiple child sex abuse allegations.

Then Seattle Mayor Ed Murray made a statement saying Seattle is "challenging this state's antiquated and unsustainable tax structure by passing a progressive income tax." He further called it a "new formula for fairness."

Opponents, however, are saying it is anything but "fair." Several organizations, such as The Freedom Foundation, a non-profit think and action tank with offices in Washington and Oregon, are seeking to challenge the tax in court.

In fact, Jason Mercier, director of the Center for Government Reform at the Washington Policy Center said there are three key legal arguments to challenge the tax: "The state constitution says taxes must be uniform within a class of property; a 1984 state law bars cities from taxing net income; and cities must have state authority to enact taxes."

On another front, Susan Hutchison, the Washington State Republican Party Chair, is even calling for Seattle residents to "forcefully resist the tax" and simply not pay it.

THE REAL ISSUE

But the story isn't this tax or those that are challenging its legality, it is how Seattle intends on defending the tax in court that makes this so dangerous. It is a potentially harmful precedent that could affect everyone in Washington and beyond.

According to a Seattle Times article:

"Seattle may assert that taxing total income is different from taxing net income, while also seeking a ruling that income isn't property."

Let that sink in for a moment; ***"…while also seeking a ruling that income isn't property."***

In essence, Seattle's method for fighting for its right to tax it's wealthy citizens will result in paving the way for eliminating every citizen's right to their income, because it is "not their property."

It is a dangerous precedent that, if established, could usher in a new level of "taxation" through the government confiscation of income. Because we all know, you wouldn't be making any money without the government (wink), so they think everything you make isn't your property and is theirs.

Why would the public believe that government, who views our income this way, would keep their hands out of our pockets just because we aren't "rich"?

Good job, Seattle, your representatives just raped all of you in the name of helping the disenfranchised, and you don't even know it... yet. ★★★

DEDICATED to the INNOCENT

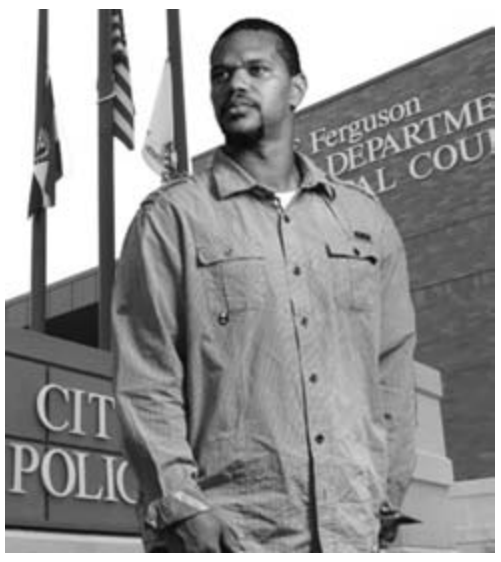
Stories of those who overcame the "justice" system and were freed

After 5 Years, Ferguson Drops Bogus Charges That Cost Navy Veteran His Job

By Jacob Sullum

Fred Watson, who was mentioned in a DOJ report on abuses by Ferguson police, says he was arrested and prosecuted for no good reason.

(Reason) - In its 2015 report on the Ferguson, Missouri, police department's rights-violating, revenue-maximizing enforcement of the city's municipal code, the Justice Department described a 32-year-old African-American man who was accosted by a cop while "sitting in his car cooling off after playing basketball" in a local park on a summer afternoon in 2012. That man was Fred Watson, a Navy veteran who at the time worked as a cybersecurity contractor for the National Geospatial-Intelligence Agency. His encounter with Ferguson Officer Eddie Boyd III resulted in nine charges that caused Watson to lose his security clearance and his job. Yesterday, more than five years after the incident, the city of Ferguson finally dropped all nine charges against Watson.



Fred Watson

According to a federal lawsuit that Watson filed against Boyd and the city last July, the officer approached him as he sat in his parked car and shouted, "Put your hand on the steering wheel! Do you know why I'm stopping you? Do you know why I pulled you over?" Boyd's command and questions struck Watson as strange, inasmuch as he had not been pulled over. He pointed that out to Boyd, who demanded his driver's license, proof of insurance, and Social Security number.

When Watson asked why Boyd needed that information, since he had no reason to think Watson had done anything wrong, Boyd suggested that Watson might be a pedophile, looking for victims at the park. When Boyd indicated that he planned to write Watson a ticket, Watson asked why, and Boyd replied, "I think your tint is too dark, and I can give you a ticket for that." Lest you get the wrong impression, I should clarify that Boyd, one of Ferguson's few black officers, was referring to the windows of Watson's car.

In addition to asking why he was being detained, Watson did several things that apparently irked Boyd. He offered to retrieve his driver's license from the rear seat but declined to give his Social Security number. He asked for Boyd's name and badge number (which Boyd refused to give). He picked up his phone and tried to call 911. He declined to toss his car keys out the window, worried about how Boyd, who at this point had taken out his gun, might respond if he again moved his hands from the steering wheel. He refused to consent to a search of his car.

After three other officers arrived at the scene, Boyd handcuffed Watson and took him to the police station. The car was towed, and according to the complaint Boyd repeatedly searched it without consent or probable cause. Watson had to pay a $700 bond to get out of jail. When he retrieved the vehicle, he says, his possessions were in disarray, and $2,000 (tuition money for his kids) was missing.

Watson initially faced seven charges, including driving without a license (which he had), driving without proper insurance (ditto), driving an unregistered car (the registration was in the vehicle), and driving a car with windows that were illegally tinted (which, according to the complaint, they weren't). Boyd even charged Watson, who was sitting in a parked car, with failure to wear a seat belt. After Watson tried to file a complaint with the police department about Boyd's behavior, the officer tacked on two more charges: making a false declaration and failing to comply with a police officer's order.

Boyd probably expected Watson to swallow his pride and pay his fines, but instead he fought the charges. The city dragged out the case for years, and as a result Watson lost the top-secret security clearance he needed to keep his job. "Without this clearance, Mr. Watson is unable to find employment in the highly specialized field of government cybersecurity," the lawsuit says. "As a result, he has remained jobless for most of the past five years and is now undertaking efforts to begin a new career."

By dropping the charges now, Ferguson Prosecuting Attorney Lee Clayton Goodman lends credibility to Watson's case against Boyd and the city, which accuses them of violating his rights under the Fourth, First, and 14th amendments. The New York Times says Goodman "declined to discuss the matter."

Last year the Times noted that as a St. Louis police officer, Boyd "pistol-whipped a 12-year-old girl in the face in 2006, and in 2007 struck a child in the face with his gun or handcuffs before falsifying a police report, according to Missouri Department of Public Safety Records." In addition to Watson's lawsuit, Boyd "is being sued by a woman in Ferguson who said he arrested her after she asked for his name at the scene of a traffic accident."

★★★

New Jersey Court Vacates 1996 Murder Convictions Based on DNA Identifying Another Suspect

By Innocence Staff

(Innocence Project) Paterson, NJ – Today, a New Jersey Superior Court Judge vacated the 1996 felony murder and robbery convictions of Eric Kelley and Ralph Lee based on DNA evidence identifying another suspect. It is now up to prosecutors to decide whether they will dismiss charges or retry the case.

Eric Kelley

"With such compelling DNA evidence demonstrating Mr. Kelley and Mr. Lee's innocence and pointing to the true assailant most prosecutors would have moved to overturn these convictions long ago," said Vanessa Potkin, Post-Conviction Litigation Director at the Innocence Project, which is affiliated with Cardozo School of Law. "We are grateful for the court's decision, which came after a year of hearing new evidence and argument and careful deliberation."

Kelley, represented by the Innocence Project, and Lee, represented by Centurion Ministries, were convicted of the 1993 murder of Tito Merino based largely on contradictory statements they made to police after the police took them into custody. At the Paterson detective bureau, the two were interrogated separately for several hours. Kelley, who suffers from significant cognitive impairments because of a brain injury from a car accident and has difficulties processing information, was interrogated first and allegedly admitted to the crime.

Detectives admitted that they fed the information supplied by Kelley when interrogating Lee. The interrogations were not recorded and there are no notes of what occurred. The only evidence of the confessions are typewritten statements officers prepared that were signed by Kelley and Lee. Kelley allegedly told police where the knife used in the murder was hidden and where stolen property was fenced. However, the police were not able to corroborate the claims, and the purported confessions were contradicted by the crime scene evidence.

Prior to their arrests, police were searching for one suspect in the murder of Merino, who was stabbed to death during the robbery of the Paterson video store where he worked. A green and purple plaid baseball hat that did not belong to anyone in the store and was not present prior to the murder was recovered near the victim's body. Police submitted it for DNA testing believing it could help identify the killer, but DNA testing wasn't as advanced then and the testing was inconclusive.

The court ordered retesting of the hat in October 2010 over the prosecutor's opposition. Male DNA was identified, excluding Kelley and Lee. The profile was entered into the FBI's DNA database of convicted felons and matched to a man who matched to the age and physical description of the person a witness observed in the store around the time of the murder. Just three months prior to the crime, this man had been released from prison after serving three years for a similar knifepoint robbery of a nearby store.

Lawyers for Kelley and Lee presented witnesses at the earlier hearing who testified about the false confessions, a leading cause of wrongful convictions, contributing to more than 25 percent of the 351 DNA exonerations nationwide. A forensic psychologist evaluated Kelley and determined that he is "more suggestible than approximately 98 percent of the normal population," making him vulnerable for making a false confession during custodial interrogation. A former detective who now specializes in police interrogations identified faults in the manner in which the men were questioned and pointed out discrepancies, contradictions and the lack of corroboration in the mens' statements.

In reversing the convictions today, the court said that "this is probably one of the best examples of tunnel vision one could imagine." The court also addressed the false confessions, noting "During the trials and this motion, the State has relied heavily on the statements given by the defendants when they were initially arrested. However, history has shown many instances where false confessions are given and DNA has proven the defendant or defendants not guilty notwithstanding a confession."

Reacting to the decision, Potkin added, "We now know that the primary evidence used to convict Mr. Kelley and Mr. Lee is unreliable and objective scientific evidence points to their innocence. We hope that the prosecutor's office will move quickly to dismiss the charges and finally initiate an investigation into the person whose DNA was found at the crime scene."

Mr. Kelley remains incarcerated, but the Innocence Project will be making a bail application on his behalf in the coming days. Meanwhile, the prosecution must now decide whether to dismiss the indictment or retry the case.

★★★

In The News

Defense Says Case Threatens NY Prosecutor Accountability

(The Crime Report) - It is difficult for people convicted because of prosecutorial error to hold someone accountable for transgressions that sent them to prison. A federal appeals court in New York is considering a case that defense lawyers say could make challenges all but impossible, the New York Times reports.

Under U.S. Supreme Court precedent, it is relatively easy to sue police officers who commit misconduct, but federal law provides prosecutors immunity from being sued if they make mistakes in the courtroom, even those that lead to wrongful convictions.

The unjustly imprisoned in New York are barred from suing the state unless they can prove conclusively that they are innocent, not just the victims of an unfair trial.

A New York federal appeals court has upheld another way of holding prosecutors liable: suits against cities and counties alleging that a misstep was related to an administrative matter, like a hiring or a firing, or to an office-wide policy.

A federal judge in Brooklyn ruled that the "supervision and training" of prosecutors were not administrative matters, but prosecutorial ones, so the city could not be held accountable. A coalition of defense lawyers argues that the ruling could stop people wronged by prosecutors from seeking any form of financial redress. The lawyers say it could cripple efforts to hold prosecutors responsible for ethical or legal violations. The ruling by judge Ann Donnelly, a former prosecutor, "threatens to eliminate (or, at the very least, substantially limit) municipal liability for prosecutorial misconduct," says the Innocence Project and the National and New York State Associations of Criminal Defense Lawyers.

The groups filed a brief backing Kareem Bellamy, who was found guilty of stabbing a man to death. After he spent 13 years in prison, a judge determined that someone else committed the murder and overturned the conviction.

★★★

Michigan finally does right by wrongfully convicted

By Senator Steven Bieda

(Detroit Free Press) - When the wrongfully convicted, those convicted but later found innocent of a crime, appeared before the Michigan Court of Claims in downtown Detroit on August 16th, it was a historic day for our state. They were the first of Michigan's eligible exonerees to appeal for financial assistance under a new state law. Senate Bill 291, creating the Wrongful Imprisonment Compensation Fund, passed the State House and Senate just before last Christmas. It was signed into law on December 21, 2016. It took more than a dozen years, and plenty of hard work and perseverance, to transform this goal into a reality.

Michigan Court of Claims, 14th floor

The law guarantees that individuals who are wrongly convicted, and ultimately exonerated, can petition for, and receive, state financial assistance. The law empowers a Michigan Court of Claims judge to award exonerees $50,000 for each year of incarceration. Assistance is not automatic and exonerees must prove their innocence based upon new evidence. A Court of Claims judge then determines eligibility for damages. Individuals who accept plea bargains or who are freed on a legal technicality are not eligible for compensation.

The unfortunate reality was that exonerated residents were being released back into society with no money, no health care, no housing assistance and no state supported programs to help gain re-employment. Basically, these men and women, proven innocent after spending time in jail, were released and left to fend for themselves. My purpose for introducing S.B. 291 in 2015 was making financial assistance available to eligible exonerees following an unjust incarceration. I also wanted to ensure this assistance could be attained while avoiding a timely and costly legal battle against the state.

Over the last 13 years, as I have reviewed cases and listened to their heartbreaking stories, it became painfully obvious that the process had to change. Michiganders jailed for a crime they didn't commit, and later found innocent by new evidence, can rebuild their lives. The number of wrongfully convicted is minor given the enormity of the criminal justice caseload. The Western Michigan University Cooley Law School and the University of Michigan Innocence Project have organized statewide campaigns to assist the wrongly convicted. Both have pressed for retrials during which new evidence, including DNA tests, overturned a previous conviction.

No one should endure the lingering consequences or social stigma resulting from a wrongful conviction. Passage of this law will never erase the bitter memories of incarceration or the years lost with family and friends. Nevertheless, helping Michigan exonerees acquire new skills and get back on their feet is a noteworthy achievement.

Steven M. Bieda, a Democrat from Warren, represents Michigan's 9th District in the state Senate. ★

Senators Want to Make Prosecutors Prove Defendants Intended to Break Laws

By Scott Shackford

(Reason) - Sen. Orrin Hatch (R-Utah) is trying again to pass criminal justice reforms that would enhance the requirement that prosecutors prove criminal intent to convict people of federal crimes.

Hatch, Sen. Mike Lee (R-Utah), Ted Cruz (R-Texas), David Perdue (R-Ga.), and Rand Paul (R-Ky.) introduced the Mens Rea Reform Act of 2017 on Monday.

Hatch included a similar bill within a package of criminal justice reforms in 2016, but it did not pass.

"Mens rea" is the legal concept that that a prosecutor must prove a defendant was willfully and knowingly engaging in criminal or harmful behavior in order to convict him or her of the crime.

Sen. Orrin Hatch (R-Utah)

Many federal laws have mens rea requirements. But many do not and the application is not uniform across the board. Hatch's bill would create a "default" mens rea requirement for federal laws that do not have one.

Here's how he describes what he's trying to accomplish in a prepared statement:

Requiring proof of criminal intent protects individuals from prison time or other criminal penalties for accidental conduct or for activities they didn't know were wrong. In recent years, Congress and federal agencies have increasingly created crimes with vague or unclear criminal intent requirements or with no criminal intent requirement at all. The Mens Rea Reform Act will help correct that problem and ensure that honest, hardworking Americans are not swept up in the criminal justice system for doing things they didn't know were against the law.

The bill has the support of the Heritage Foundation, the National Association of Criminal Defense Lawyers (NACDL), Federal Defenders of New York, the U.S. Chamber of Commerce, and the Koch Foundation. (Disclosure: David Koch sits on the Board of Trustees for the Reason Foundation, which publishes this site.)

Who could oppose such a bill? The Department of Justice under President Barack Obama's administration argued it would make it harder to prosecute white-collar crimes. Justice officials implied it would be tougher getting convictions in complicated pollution or health and public safety cases. In reality, it would make it harder for them to force plea deals, according to statements from Justice Department officials.

But wouldn't it help all those other folks in federal prison who aren't corporate overlords? Here's what representatives from Federal Defenders wrote in support of Hatch's bill:

As Federal Defenders, we are acutely aware of the need for mens rea reform. Over 80 percent of people charged with federal crimes are too poor to afford a lawyer, and nearly 80 percent of people charged with federal crimes are Black, Hispanic, or Native American. These are our clients, and too many of them are subject to laws that are neither fair nor consistent with traditional principles of criminal liability. This bill would help to remedy some of those failings.

Lack of consistency in applying mens rea in federal law affects drug crime cases. Federal drug trafficking laws require that prosecutors prove defendants knew and had agreed to transport controlled substances, a basic mens rea requirement. But the laws don't require proof that a defendant knew what kind of drug or how much of it he or she was trafficking, which can play a huge role in a defendant's sentence. In a case from 2015, a defendant believed he was trafficking marijuana, but it actually turned out to be methamphetamine, and he was given a 10-year mandatory minimum sentence. It didn't matter that he didn't know the crime he was committing was more severe than what he agreed to.

Caleb Kruckenberg, a white collar crime policy counsel for NACDL, has some insight into what really happens in federal prosecutions, with his background as a criminal defense attorney and a former assistant federal public defender.

"I think for a lot of people who work in criminal defense work—especially with indigent clients—we see the effect of the no mens rea requirement in drug cases every day," Kruckenberg tells Reason.

Would a default mens rea requirement actually make it harder for the Justice Department to prosecute corporate polluters? Shana O'Toole, NACDL's director of white collar crime policy, says she doesn't think Hatch's bill would necessarily make it harder. Most Justice Department prosecutions for pollution, she says, rely on the Clean Air Act or Clean Water Act. Both of these laws already have mens rea requirements.

Besides, O'Toole notes, "It shouldn't be 'easy' to prosecute anyone. It's being fair that our government's lawyers should be aiming for."

And it's also worth noting that Hatch's law would allow Congress to include specific mens rea wording to a law if they choose to. What this bill proposes is a default rule in the event Congress does not specify. Congress would also still be able to classify strict liability for the violation of a specific law if they choose to, meaning prosecutors would not have to prove the defendant intended wrongdoing. But under Hatch's bill Congress would have to spell it out formally if that's what they want. ★★★

Starbucks Armed Robber Plans to Sue Good Samaritan

By Connie Tran

Fresno, CA - A Good Samaritan stepped in to do what police say was the right thing, but now, that man could find himself in legal troubles.

Back in July, Fresno Police say 30-year old Ryan Flores used a gun and tried to rob the Starbucks near Herndon Avenue and Highway 99. 58-year old Cregg Jerri stepped in to stop the crime, and the two got into a fight. Both men were hurt, but the Flores family said their son plans on suing Jerri for excessive force.

Flores remains in jail, and faces a felony attempted robbery charge. His mother, Pamela Chimienti, said the family does not condone what he allegedly did, but she said Flores should not have been attacked back the way he was.

The surveillance video went viral. In the video, you can see Jerry enjoying his drink at Starbucks. Suddenly, a man wearing a Transformers mask pulls out a gun, a knife, and a bag, and demands money from the barista. Investigators identified the suspect as Flores. In the video, Jerri is seen hitting Flores with a chair, and a violent fight ensues. Investigators said Jerri was stabbed in the neck during the struggle, but managed to wrestle away the knife and stab Flores several times.

Chief Jerry Dyer calls Jerri a hero. But Chimienti said her son is a victim too.

"He has 17 total stab wounds, lacerations, and defensive wounds," stated Chimienti, which to her shows excessive force.

She said, "The guy, in my opinion, went from a Good Samaritan to a vigilante. Stabbing somebody that many times, it doesn't take that many stab wounds to get somebody to succumb to you."

Now, Chimienti said her son plans on filing a lawsuit against Jerri for that alleged excessive force.

Dyer stated, "To say that Cregg Jerri is going to be sued for intervening in an armed robbery and being stabbed in the neck. That is ludicrous!"

Dyer says Jerri feared for his life, and said that's apparent in the video. Jerri does not face any criminal charges.

Legal analyst Charles Magill said Jerri shouldn't worry about any litigation.

Magill said, "Good luck finding an attorney that wants to represent a young robber who's going to be convicted of robbery. That's not going to sell very well to the jury."

★★★

Google has built earbuds that translate 40 languages in real time

(Quartz Media) - Google is the first major tech company to build the Babel fish.

The search company, which is now making a slew of its own hardware products, announced the Google Pixel Buds at a San Francisco event Oct. 4th. The earbuds connect wirelessly with Google's latest smartphones, but more importantly, they're able to access Google Assistant, the company's virtual personal concierge, which launched exactly a year ago. Through this software, Google claims the earbuds can translate 40 spoken languages nearly in real time—or at least, fast enough to hold a conversation.

A demonstration on stage during Google's event showed accurate and nearly instantaneous translation from Swedish to English, but it's unclear how well it will perform in the real world, where background noise, differences in accent, verbal stumbles, and so on could confuse the software.

Google has been ramping up its translation services for years. Late last year it released a new version of its simultaneous translation service powered completely by artificial intelligence. Quartz tested the service after it launched, and concluded it had some work to do on its Chinese.

The translation itself is currently processed on Google's AI-focused data-centers, because it takes a lot of processing power. Audio must be converted to text, translated into another language, and then turned back into speech and spoken to the listener.

The last part of that process is traditionally done by putting together pre-recorded words or word fragments. However, DeepMind, Alphabet's AI research lab, wrote in a blog post today that the AI research it used to generate human-sounding voices—a system called WaveNet—is now in Google Assistant. That means the voice speaking the translations will be generated in real time and thus more realistic, according to DeepMind. What's unclear is how much of this processing will be done in the cloud and how much on the processor of the phone connected to the new earbuds.

The Google Pixel Buds cost $159 and provide 5 hours of battery life, and can be recharged from a battery pack in their carrying case.

★★★

Forensic Fraud and the 'Insidious' Culture of U.S. Courtrooms

By TCR Staff

(The Crime Report) - Rigorous rules for pretrial discovery in criminal cases will curb the use of flawed forensic science, and reduce the wrongful convictions arising from the "insidious" prosecutor-dominated culture of American courtrooms, argues a study published in the Northwestern University Law Review.

Criminal justice proceedings, unlike civil and tort trials, too often rely on questionable forensic evidence that is rarely challenged by judges or prosecutors, according to the study.

The study authors suggest the root of the problem is not necessarily individual misconduct by court officers, but the lack of consistent rules that govern the presentation of critical forensic evidence before trial.

"Systems-level procedural problems…all too often contribute to the admission of flawed forensics in criminal proceedings," the study says.

The study added: "These dynamics are more insidious than questionable individual prosecutorial or judicial behavior in this context. Not only are judges likely to be former prosecutors, prosecutors are 'repeat players' in criminal litigation and, as such, routinely support reduced pretrial protections for defendants."

The study, entitled "Discovering Forensic Fraud," was written by Jennifer D. Oliva, Associate Professor of Law and Public Health at West Virginia University; and Valena E. Beety, Associate Professor of Law at West Virginia University College of Law.

Pretrial discovery and disclosure rules similar to those used in civil cases could "halt the flood of faulty forensic evidence routinely admitted against defendants in criminal prosecutions," the authors claimed.

The study focused on forensic odontology—the study of bite marks—which both the American Board of Forensic Odontology (ABFO) and the White House Office of Science and Technology Policy (OSTP) concluded in 2015 were an "unreliable forensic discipline."

But, the study noted, "shockingly, courts continue to admit bite mark evidence in criminal trials and do so virtually exclusively on the bases of precedent."

Several states have already begun to adopt more rigorous rules. Texas, North Carolina and West Virginia, for example, strengthened their criminal discovery standards following disclosures of wrongful convictions.

In 2014, Texas passed the Michael Morton Act, requiring full open-file discovery of favorable evidence after the prosecution receives a request. The Act was named after a man who was found to have been wrongfully convicted of his wife's murder after his prosecutor—who later became a judge—hid exculpatory evidence.

The study called on other judicial systems around the country to follow suit.

"Such leveling of the playing field may return integrity to prosecutors' offices and restore trust in our criminal adjudications," the authors said.

★★★

Ex-Judge Admits to Trading Light Sentences for Pics, Sex

By Erik De La Garza

(CN) Little Rock, Ark. – A former Arkansas judge admitted Thursday to dismissing minor criminal cases in exchange for nude photographs or sexual favors from male defendants.


Boeckmann

O. Joseph Boeckmann, a former district court judge in Cross County, Ark., pleaded guilty to wire fraud and witness tampering in a deal with prosecutors that calls for a prison sentence of up to three years, according to the U.S. Justice Department.

U.S. District Judge Kristine Baker accepted the 71-year-old's plea on Thursday in Little Rock federal court, but set his sentencing for an undetermined later date.

Federal prosecutors say Boeckmann admitted to using his position as a district court judge to dismiss traffic citations and misdemeanor criminal charges for young men in exchange for what he claimed was "community service." He used his access to these individuals during their purported community service to take photographs of them in compromising positions.

In other cases, Boeckmann dismissed pending charges against defendants in exchange for sexually related conduct, according to a statement from the U.S. Attorney's Office announcing the plea agreement.

The former judge also admitted in court that he bribed a witness in an attempt to obstruct an official investigation into his scheme.

Boeckmann and his lawyer, Jeff Rosenzweig, refused to comment outside of the courtroom, according to media reports. He has been on home detention since his arrest in October 2016.

Boeckmann's actions have been described by the head of the Arkansas Judicial Discipline and Disability Commission as among the worst case of judicial misconduct in the state's history, the Associated Press reported. Boeckmann served on the bench from 2009 to 2015.

★★★

More people arrested last year over pot than for murder, rape, assault and robbery — combined

By Christopher Ingraham

In 2016 more people were arrested for marijuana possession than for all crimes the FBI classifies as violent, according to 2016 crime data released by the agency on Monday.

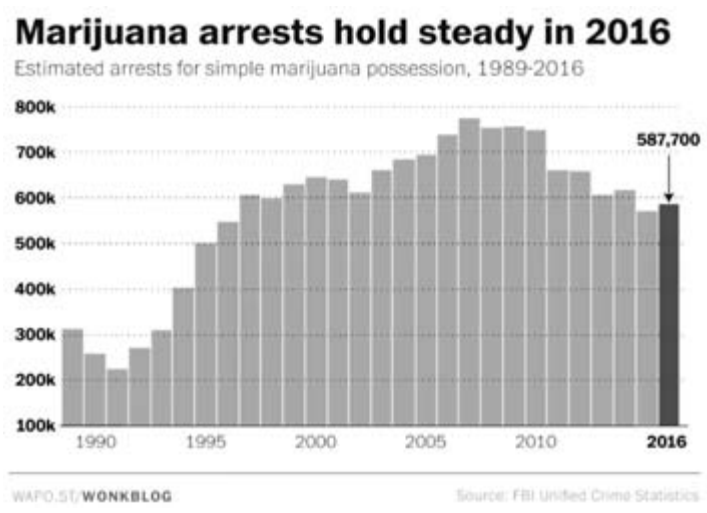
Marijuana possession arrests edged up slightly in 2016, a year in which voters in four states approved recreational marijuana initiatives and voters in three others approved medical marijuana measures.

These figures should be regarded as estimates, because not all law enforcement agencies provide detailed arrest information to the FBI. But they do show that the annual number of marijuana arrests is down from their peak in the mid-2000s and stands at levels last seen in the mid 1990s. Marijuana use, particularly among adults, rose during this time.

Marijuana possession remains one of the single largest arrest categories in the United States, accounting for over 5 percent of all arrests last year. More than one in 20 arrests involved a marijuana possession charge, amounting to more than one marijuana possession arrest every minute.

This article is roughly 500 words long. Assuming an average adult reading speed of around 250 words per minute, that means that in the time it takes you to finish this story, an average of two Americans will be arrested for marijuana possession.

Overall in 2016, roughly 1.5 million people were arrested for drug-related offenses, up slightly year-over-year. Advocates for a more public health-centered approach to drug use say numbers like these show the drug war never really went away.



"Criminalizing drug use has devastated families across the US, particularly in communities of color, and for no good reason," said Maria McFarland Sánchez Moreno, executive director of the Drug Policy Alliance, in a statement. "Far from helping people who are struggling with addiction, the threat of arrest often keeps them from accessing health services and increases the risk of overdose or other harms."

The question of what to do about drug use has become particularly urgent in recent years as deaths from opioid overdoses have skyrocketed. The Drug Policy Alliance points out that Portugal, where the personal possession and use of drugs was decriminalized in 2001, has one of the lowest drug overdose rates in western Europe.

In the United States, on the other hand, most drug use remains criminalized. The current attorney general, Jeff Sessions, wants to crack down further on drug use. Among other things he's reinstated mandatory minimum sentences for certain drug offenses, recruited a drug war hard-liner to review current marijuana policy, and spoken out repeatedly against the current state-level trend toward marijuana legalization.

Many public health experts have called for illicit drug use to be decriminalized in the United States, arguing that many of the negative effects of the drug trade — crime, disease, over-incarceration — are a result of strict policies that leaves drug users nowhere to turn but the black market. This is particularly true for substances like marijuana, whose effects at the individual and societal level are typically less harmful than even legal substances like alcohol.

National polling shows support for recreational marijuana use hovering around 60 percent. Eight states plus the District of Columbia now allow recreational use of the drug. But the latest FBI numbers suggest that, at the national level at least, this hasn't yet led to significant changes to pot policing in other states.

★★★

College Students Think Violence Against Opposing Ideas Okay

By Trey Sanchez

(TruthRevolt.org) - A new survey published by The Brookings Institution sheds a very dark light on the minds of today's college student when it comes to free speech and perceptions of what is, and isn't, covered under the First Amendment.

Senior Fellow John Villasenor explains the study:

To explore the critical issue of the First Amendment on college campuses, during the second half of August, I conducted a national survey of 1,500 current undergraduate students at U.S. four-year colleges and universities. The survey population was geographically diverse, with respondents from 49 states and the District of Columbia…

The survey results establish with data what has been clear anecdotally to anyone who has been observing campus dynamics in recent years: Freedom of expression is deeply imperiled on U.S. campuses. In fact, despite protestations to the contrary (often with statements like "we fully support the First Amendment, but…), freedom of expression is clearly not, in practice, available on many campuses, including many public campuses that have First Amendment obligations.

The survey, which can be read in detail online, highlights the devastating impact teaching things like gender studies and feminist dance history has had on incoming students. A progressive curriculum has left students utterly clueless to what the Constitution they live under says. Leaving these young adults to bask in their feelings has done a huge disservice to them.

Here is Villasenor's conclusion to the findings:

[M]any students have an overly narrow view of the extent of freedom of expression. For example, a very significant percentage of students hold the view that hate speech is unprotected. In addition, a surprisingly large fraction of students [19%] believe it is acceptable to act—including resorting to violence—to shut down expression they consider offensive. And a majority of students appear to want an environment that shields them from being exposed to views they might find offensive.

But what can be done to reverse the destruction of these young minds?

Villasenor writes, "We don't need to turn middle and high school students into experts on constitutional law. But we can do a better job of giving them a fuller explanation of the scope of the First Amendment, and the fact that it protects the expression of offensive views. And, I would hope that we can do a better job at convincing current and future college students that the best way to respond to offensive speech is with vigorous debate, or peaceful protest—and not, as many seem to believe, with violence."

★★★

States Take a Fresh Look at Snitching

By Alexandra Natapoff

(The Crime Report) - Nobody likes a snitch, but never have so many people been doing so much about it.

Legislatures around the country, from Texas to Montana to New York, are considering and passing bills to better regulate the use of compensated criminal witnesses. As the New York Times Editorial Board complained just a couple of months ago, **"[m]any prosecutors are far too willing to present testimony from people they would never trust under ordinary circumstances."**

Apparently state lawmakers agree.

Almost all of the legislation requires better tracking and disclosure. It has become an article of common sense that if the government is going to pay its criminal witnesses for evidence and testimony, it should have to keep track of them, their histories and those rewards—and disclose that information to the defense.

Texas has been a leader in this regard, passing comprehensive new requirements in July. Such reforms are driven first and foremost by the fear of wrongful conviction: Compensated witnesses hoping to gain their own freedom obviously have strong incentives to lie.

Better tracking and disclosure also strengthen the integrity of the adversarial system. While Supreme Court cases like Brady v. Maryland and Giglio v. U.S. already require prosecutorial disclosure, constitutional rules have turned out to be relatively weak guarantees that the defense will get salient information about informants in their cases. These new state laws are an important effort to level the adversarial playing field and improve its accuracy as well as its integrity.

Lots of states are going further, however. They are rethinking not just what the government should disclose about its informants but under what circumstances it should be permitted to use them at all.

Many states are trying to get the bench more involved, requiring pretrial reliability hearings in which judges act as gatekeepers to evaluate informant reliability before those informants get in front of a jury.

These procedures are like the Daubert hearings currently used to screen experts and they have the same rationale: Informants, like experts, are paid and controlled by one side, hard to cross examine, and often exert undue influence on lay juries. Both Washington and Montana considered exemplary legislation that would require reliability hearings in all cases.

Some legislators have worked on limiting the benefits that informants can receive, or, in death penalty cases, banning them altogether. Other states have taken a different tack, recognizing that unreliability is just one of many challenges raised by the creation and use of informants.

For example, parents around the country were shocked to learn that some college campus police pressure students into becoming informants. The coercion of young people and other vulnerable targets became headline national news several years ago when 23-year-old Rachel Hoffman became an informant to work off a minor drug charge in Tallahassee, Florida. She was killed during a dangerous sting operation, and her death led to the passage of Rachel's Law which required Florida police to come up with stronger informant guidelines.

This year, North Dakota set a new standard for reform with Andrew's Law, named after college student Andrew Sadek who was killed after being pressured into becoming an informant by a local drug task force.

At least eight states—California, Illinois, Mississippi, Montana, New York, North Carolina, Texas, and Washington—considered these sorts of new rules in 2017. Some of the bills passed, some didn't—often legislation like this takes a couple of years to become law—but they all reflect a deepened awareness of the informant challenge and the legislative commitment to better regulate it.

Here are some highlights:

• Texas passed comprehensive reform requiring prosecutors to track and disclose their informants' criminal history, past testimony, and benefits. The New York Times called it "the most comprehensive effort yet to rein in the dangers of transactional snitching."

• Andrew's Law in North Dakota prohibits campus police from using students as informants. State police may only use informants with a written agreement. Of particular note, Andrew's Law bans the use of child informants under the age of 16, one of very few states to do so.

• Illinois came very close to re-instituting reliability hearings. The state previously required them in capital cases: now that Illinois no longer has the death penalty this bill will require pretrial hearings for all jailhouse informants.

• Montana's Senate Bill 249 introduced comprehensive legislation that would require, among other things, electronic recording of informant statements, greater prosecutorial disclosure, pretrial reliability hearings, and cautionary jury instructions.

• Washington recently considered two bills. One from 2016 would have required pretrial reliability hearings in all informant cases. The other would have required enhanced prosecutorial disclosure. Barry Scheck, founder and director of the Innocence Project, wrote that the Washington legislation was a "key advance" and that it represented an opportunity to "ensure that the strongest protections are in place for the innocent."

This wave of new reform has been a long time coming.

The innocence movement warned us for years that criminal informants are a leading cause of wrongful conviction. In Orange County, California, a multi-year ongoing jailhouse snitch scandal has derailed numerous homicide and gang cases and triggered a federal investigation.

Almost every week brings a new media story about an informant case gone awry. Criminal informants have historically been secretive and under-regulated; today, this problematic law enforcement practice is getting its much-deserved day in the sun.

Snitching will never be the same.

Alexandra Natapoff is Professor of Law at the University of California, Irvine School of Law. She is a national expert on the use of criminal informants, author of Snitching: Criminal Informants and the Erosion of American Justice (NYU Press 2009), and runs the educational resource website Snitching.Org. She welcomes comments from readers.

US~Observer's Note: The use of confidential informants has become an almost criminal act perpetrated by federal and state law enforcement in order to create the perfect case for prosecutors. It has become a racket all unto itself – law enforcement creates the problem, finds a patsy, hires a con and sets them to make the patsy look like a criminal. All the while the criminal plot was theirs (the government's).

It is no wonder that more murders go unsolved every year while more unrelated cases that involve informants increase. They are easier to investigate (create), and the prosecutions generally go smoothly.

What juror is going to find fault with a fabricated case presented to them all nice and neat while the defense isn't even allowed to present evidence that shows innocence?

The next article on this page is a story about one such conviction. Fortunately, the truth is coming out and the convictions are being overturned, one at a time.

★★★

Schaeffer Cox NOT Guilty of Solicitation to Murder!

By Ron Lee
Investigative Journalist

Editor's Note: Schaeffer Cox has been fighting for his innocence even before he was ever convicted. Along the way, the US~Observer has been the only media outlet in the United States to act as a voice of reason and publish the truth, exposing the government. We published that he could not have been guilty of solicitation of murder, as it was the federal informants who were soliciting his aide through entrapment - which he kept saying no to. We also published the fact that he could not be guilty of his conspiracy to commit murder charge as his statements were always based on actions of the federal government - if this, then this.

We have kept up our pressure both publicly and along the channels available to us. We are proud that our efforts have played a role in this key decision to have one of his convictions overturned. We will continue to stand on the side of the truth, knowing the truth shall set Schaeffer Cox free.

In a stunning, yet just, ruling by the 9th Circuit Court of Appeals, Schaeffer Cox's conviction on "solicitation to murder a federal official" has been overturned. Citing someone close to the case, the 9th Circuit found, "that it is clear that no rational trier of fact could find Defendant guilty of solicitation to murder a federal official."

Furthermore, the 9th vacated Cox's sentences on all counts of his conviction, and remanded it back to the District Court where new sentencing must be ordered.

COX'S ENTIRE CASE HINGED ON SOLICITATION

While the 9th Circuit correctly ruled to overturn the solicitation conviction, it erred in its affirmation of his conspiracy to murder conviction. A defense lawyer familiar with Cox's case, James Leuenberger, summed up the ruling to affirm the conspiracy conviction this way:

*"So, the conspiracy was to murder federal official(s) **if** federal officials attack Schaeffer Cox and his friends. Sounds like the conspiracy was to **defend** against **if and when** attacked.*
No wonder Schaeffer Cox is upset."

It is obvious that without any solicitation to commit an offensive act, any talk to retaliate against someone ***if*** they do something should be protected speech as it is defensive in nature. Cox's entire conviction should be overturned.

NEW SENTENCING

If the District Court was interested in justice, it would sentence Schaeffer Cox to time served.

Please let your voices be heard at the United States District Court of Alaska in Anchorage by calling 1-866-243-3814 or by writing Chief Judge Burgess at: BurgessProposedOrders@akd.uscourts.gov.

Currently, Schaeffer Cox is incarcerated in the Communications Management Unit at the Federal Penitentiary in Marion, Illinois. He has served over 5 years of a 26 year sentence, that obviously should have never been assigned.

Please go to usobserver.com and read all of our coverage on Schaeffer Cox's wrongful imprisonment.

Keep in mind while reading that freedom of speech is no longer free. Just ask Schaeffer Cox. ★★★

Articles of Interest that first appeared on The Free Thought Project™ at:

The Free Thought Project.com

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

BUSTED: Parents Catch FBI in Plot to Force Mentally Ill Son to Be a Right Wing Terrorist

By Matt Agorist

It's become a near-weekly occurrence. Somewhere in some state, the FBI will announce that they've foiled yet another terrorist plot and saved lives. However, as the data shows, the majority of these cases involve psychologically diminished patsies who've been entirely groomed, armed, and entrapped by FBI agents. Simply put, the FBI manufactures terror threats and then takes credit for stopping them.

While many of these cases have garnered attention and been exposed in the alternative media, a recent case out of Oklahoma sets a new low for FBI and exposes how insidious these plots can be.

Through the hundreds of 'foiled terror plots' the FBI has 'busted' over the years, many of them have been focused on people of Middle Eastern descent or people associated with ISIS or Al Qaeda. This time, in the case of Jerry Drake Varnell, the 23-year-old diagnosed schizophrenic, accused of attempting to bomb a bank, the FBI fomented terror from a right wing dialogue.

Jerry Drake Varnell

In a June meeting with the agent, according to FBI documents, Varnell described himself as a believer in "Three Percenter" ideology, a right wing group claiming to be committed to standing against and exposing corruption and injustice.

According to federal documents, Varnell drove what he believed was a stolen van containing a 1,000-pound ammonium nitrate bomb on Saturday morning to blow up an Oklahoma City bank. Vile, indeed.

However, if we backtrack just a bit, to when the FBI began grooming their would-be right wing militia terrorist, the vileness comes directly from the government.

"The FBI knew he was schizophrenic," Varnell's parents declared on Wednesday in an open letter bravely published by NewsOK.

"Underneath his condition, he is a sweet-hearted person and we are extremely shocked that this event has happened. However, what truly has us flabbergasted is the fact that the FBI knew he was schizophrenic. The State of Oklahoma found him mentally incompetent and we, his parents have legal guardianship over him by the Court. These documents are sealed from the public, which is why no news media outlet has been able to obtain them. The FBI clearly knew that he was schizophrenic because they have gathered every ounce of information on him."

Yet they knowingly continued to groom him, despite the clear immoral implications.

When they began grooming him, according to the family, the FBI knew that Varnell was declared mentally unfit to live by himself and that he was a paranoid schizophrenic. Without their criminal informant and the FBI tactics playing mind games with this vulnerable man, the idea of him committing an act of terror would have likely never materialized.

"What the public should be looking at is the fact that the FBI gave our son the means to make this happen. He has no job, no money, no vehicle, and no driver's license, due to the fact that he is schizophrenic and we; his parents do everything we can possible to keep him safe and functional..... He has suffered through countless serious full-blown schizophrenic delusional episodes and he has been put in numerous mental hospitals since he was 16 years old. The FBI came and picked him up from our home, they gave him a vehicle, gave him a fake bomb, and every means to make this happen none of which he had access to on his own."

The parents noted that during the setup, they suspected something was going on and Jerry's father told the informant to stay away from their son. However, according to the parents, the informant "continued to sneak onto our residence. The FBI paid him to continue this operation and I believe they have cleared his criminal record."

Because they knew Varnell had severe mental disabilities, the FBI should have had stopped their plans to do this and immediately sought an option of hospitalization. However, they pressed on.

Knowing a sane person would likely never attempt to blow up a bank, the FBI deliberately targeted a severely delusional and mentally ill person. This is wrong on so many levels. Will the next mass murderer they groom come directly from a mental institution?

"The FBI should have filed conspiracy on our son and had him committed to a mental institution. They should not have aided and abetted a paranoid schizophrenic to commit this act. There are many more facts that I will not make public that will support my son and the disturbing acts made by the FBI.

"I realize that many will say my son could have found another person to commit this act. Yet, any person that has access to the materials and the state of mind necessary to bomb a building would not have any need for a schizophrenic who has no resources to contribute."

Clifford and Melonie Varnell, Jerry's parents make a powerful point. No one — other than the FBI — would've attempted to get a schizophrenic man with nothing to contribute to do their bidding as it would most likely be a futile effort — unless you are the FBI looking for an easy patsy to keep fear alive.

David Steele, a 20-year Marine Corps intelligence officer, the second-highest-ranking civilian in the U.S. Marine Corps Intelligence, and former CIA clandestine services case officer, had this to say about these most unscrupulous operations:

"Most terrorists are false flag terrorists, or are created by our own security services. In the United States, every single terrorist incident we have had has been a false flag, or has been an informant pushed on by the FBI. In fact, we now have citizens taking out restraining orders against FBI informants that are trying to incite terrorism. We've become a lunatic asylum."

Indeed, we've become a lunatic asylum. ★

Dear America, Taking Guns from the 99% Gives the 1% All of the Power 100% of the Time

By Matt Agorist

As is the case after every single time a crazed maniac causes a tragedy using firearms, politicians and their supporters come out of the woodwork to demand Americans give up their guns. Sadly, as is the case every single time, the citizens who support giving up their right to self-defense miss the bigger picture. When law-abiding citizens turn in their guns, only the government — and criminals — have guns.

The irony here is so glaringly ridiculous that it almost hurts. With the exception of the neoconservative tyrant class, most of the people calling for Americans to be disarmed are not supportive of the current administration. Arguably, many of the people calling for Americans to be disarmed are also the ones taking a stand against racist police tactics and brutality.

The disconnect happens here. People who dislike Donald Trump and who, rightfully so, call out the problem of police brutality in America, want to give all the guns in the country to Donald Trump and the police.

"...right now, in our history as a human species, it is the safest time to be alive — not just in America either. All across the planet, despite your television saying otherwise, violence against other humans is declining."

The bottom line is that government, historically speaking, is the most violent entity in the world. In the 20th Century alone, governments were responsible for 260,000,000 deaths worldwide. That number is greater than all deaths from illicit drug use, STD's, Homicides, and Traffic Accidents — combined. And this is who we want to have all the guns?

What happened in Las Vegas was tragic and, naturally, good people want to prevent it from happening in the future so they search for solutions. However, the reality is that disarming law-abiding decent citizens does nothing to stop the next crazed criminal from taking innocent lives.

But what about Australia? They gave up their guns and shooting fatalities declined. On the surface, this is technically correct.

Australia's anti-gun campaign and propaganda launched after a mass shooter killed 35 people in one heinous act of murder. The tragedy took place in 1996, in the city of Port Arthur. Following the crime, and in the wake of national agony, then Prime Minister John Howard moved to take back all the gun rights Australians had since the country's founding.

The Port Arthur shooting was a tragic time for the Aussies. But the reality is that Australia never really had a mass shooting problem and gun violence was on the decline before Port Arthur.

Prior to Port Arthur, the worst mass shooting in recent history for Australians was the Coniston massacre. At the Coniston massacre, the government sanctioned the wholesale slaughter of Indigenous Australians. More than 170 men, women, and children were gunned down in a state-approved act of mass murder. This was all legal.

In 1996, the government took at least 650,000 guns, or about one-fifth of all guns in the country; higher estimates put the numbers at 1 million and one-third.

Even with possession shaming, and amid the fear and threat of prosecution, Australians have yet to give up all their guns. It is estimated nearly 300,000 guns are still on the streets in the land down under. These guns don't belong to the law-abiding citizens either.

In the United States, there are over 300,000,000 firearms. An Aussie-style program would never work. Even if it was tried, it would lead to massive civil unrest, violence, arrests, and even civil war.

Not too mention, as stated above, even if civil war were averted and Americans all turned in their guns, only the tyrannical state and the criminals would have guns. Say goodbye to freedom.

So what is the solution?

Well, the answer is not so black and white. However, statistically, even with record numbers of guns on the street, time appears to be the one element that lowers violent crimes.

Even with the "worst mass shooting in modern history" happening in Las Vegas, if we look at the last 100 years in the US, violent crime is declining.

According to official FBI and U.S. Department of Justice reports, the rates of violent crime in the U.S. are now at their lowest level in 40 years. Violent crime rates of 2015 were 1/4 the rates of 1993? Other countries are experiencing a similar decline. And, with the exception of one or two years, deaths of law enforcement officers reached their lowest in 50 years as well.

In fact, right now, in our history as a human species, it is the safest time to be alive — not just in America either. All across the planet, despite your television saying otherwise, violence against other humans is declining.

In the days of mass communication and massive technological leaps, people are able to shed stereotypes and fears far faster than would otherwise lead them to ignorant violence. Governments and mainstream media now have to implement extensive propaganda campaigns to sell society wars because the old "they are bad" technique is simply losing its effect.

The warmongering powers that be have to resort to this propaganda because of those 300,000,000 guns in the homes of law-abiding citizens. Because we are a well-armed society, the state cannot simply demand we acquiesce to their every desire.

So, as you hear people call for gun control, or even if you feel the same urge, remember who benefits from it — the 1 percent — who are the most violent humans left on the planet.

★★★

COMMENTARY Your Right to Speak Out

Show Biz Meltdown: Bombs Away!

The numbers don't lie. Viewers and fans are tuning out.

By Michelle Malkin

(TruthRevolt.org) - The numbers don't lie. Across the entertainment industry, viewers and fans are tuning out. It's no coincidence ratings are cratering as unhinged celebrities crank up their anti-Trump and anti-American antics.

Pro tip, Tinseltownies: Swapping your jazz hands for middle fingers and waving resistance fists at your customer base is bad for business. Let us count the waning ways.

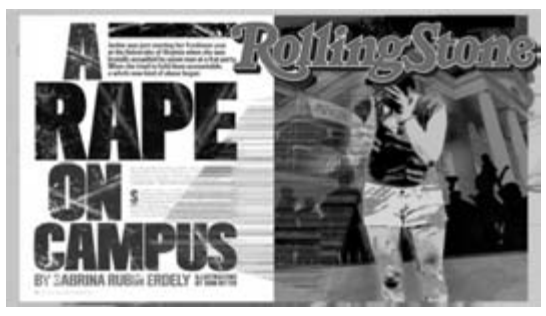
Emmy emetics. Who wanted to see smirking Stephen Colbert lead a cast of Botoxed starlets and men in hot pants, handing out TV industry awards to diamond-draped elites hoisting up their gilt statues as emblems of victory on behalf of the hegemonically oppressed? Not as many as the boob-tube titans had hoped! The show's overall viewership of 11.4 million tied an all-time low; the key ratings demographic of 18-49 adults sunk 10 percent lower than last year's historic low. Most of America had better things to do than watch a privileged cabal of left-wing, coastal one-percenters preening indulgently about their progressivism. Conservative actor James Wood had the response of the night to the Emmy ego-thon, noting that "the stunning lack of political diversity in Hollywood is interesting, when you consider their consumer base is so evenly divided."

Oscars' abyss. Earlier this year, the Academy Awards show earned the second-lowest viewership ratings in its history. Program host Jimmy Kimmel and other celebs turned their stage and red carpet into Trump-bashing soapboxes for anti-cop rants, open borders pleas and Quran promotion.

Box office beatdown. Hollywood's summer movie season launched more duds than North Korea's Rocket Man. By Labor Day weekend, revenue plunged "nearly 16 percent over last year, the steepest decline in modern times," according to the Hollywood Reporter, adding that "(a)ttendance also plummeted, and is almost assured of hitting a 25-year low in terms of the number of tickets sold, according to Box Office Mojo." Variety dubbed it "the worst the movie industry has seen in more than a decade."

I don't want my MTV. The network that used to broadcast music videos now has a hard time attracting eyeballs to its marquee Video Music Awards. Go figure. Its 10th annual awards show was "the least-watched one in its history," marking the "fourth year in a row that the network has seen a decline in the crown jewel of its annual calendar," according to the Associated Press.

Al Gore's man-made disaster. Among the summer's hottest messes? Environmental scare-monger Al Gore's climate change sequel to "An Inconvenient Truth." The original green Chicken Little flick raked in nearly $50 million in 2006. The follow-up this summer, in release for a measly six weeks, scraped up less than $3.5 million in domestic receipts. Paramount tried to prop up the film with trailer endorsements from Bono, Randy Jackson, Pharrell Williams, Adam Levine and Shailene Woodley. But their Hollywood helium couldn't lift Gore's cinematic lead balloon.



Rolling Stone's tombstone. The iconic pop culture and music magazine rolled itself into oblivion after publishing its infamous "Rape on Campus" hoax article in 2014. Legal costs are approaching $5 million; this week, a third defamation suit by University of Virginia fraternity members moved forward. Over the weekend, owner Jann Wenner announced that his majority stake in the rag is now for sale. Maybe magazine cover boys and lefty multimillionaires Justin Trudeau, Bill Clinton and Barack Obama can pitch in?

NFL = No fans left. The football field is now a minefield of social justice causes, where National Football League officials countenance Black Power salutes, but ban pro-police decals on helmets after cop ambushes. A recent J.D. Power survey found that national anthem protests by players were the top reason fans stopped watching games. Viewership at the start of the 2017 regular season was down 13 percent for the NFL and NBC from last year's opener. Gridiron fans are switching the channel and they're staying out of the stadiums, too. The Rams and Chargers barely filled half their stadiums. The USC-Texas game boasted higher attendance numbers than those two teams' games combined.

NFL brass blame hurricanes. But from the boob tube to the big screen to the glossies to the Big Leagues, the fault lies not with Mother Nature or the entertainment industry's consumers -- but with the fatally self-absorbed, politically toxified stars themselves.

★★★

Here's how the next recession begins

By Simon Black

(SovereignMan.com) - In 1886 there were only 38 states in the United States.

Electric power was still cutting edge technology that few people had ever seen.

The Statue of Liberty hadn't even been dedicated yet.

But it was that year that a man named Richard Sears founded a small retail company in Minneapolis, Minnesota that would grow into a retail juggernaut.

Sears was truly the Amazon of its day.

Even in the late 1800s the company was able to deliver just about any product you wanted right to your doorstep.

This was no small feat considering the first delivery truck wouldn't be invented until 1895. There was no transportation infrastructure. And two-thirds of the population lived in remote rural areas.

Yet despite those challenges, Sears was still able to put any product you wanted in your hands.

Over time as consumer trends changed, the company started opening physical retail stores.

And once the concept of the 'shopping mall' became popular, Sears department stores became a mainstay at malls across America.

To give you an idea of the size and dominance of Sears back at its peak– the company owned stock broker Dean Witter Reynolds (now part of Morgan Stanley), Coldwell Banker (real estate brokerage), Allstate Insurance (currently a $33 billion company) and it started the Discover card (a $22 billion company).

Sears seemed unstoppable… a company so large and powerful that it would rule retail forever.

Then Wal-Mart entered the scene.

And after years of focusing on efficient logistics and cost savings, Wal Mart eventually outmaneuvered Sears to become the world's largest retailer.

By 2001, Wal-Mart's revenues were about five times that of Sears.

Then Amazon was founded… and consumers began changing their tastes to shop online.

Sears totally missed the trend. And today the company is a tiny shell of its former self.

Over the past three years alone, Sears has lost more than $5 billion. And its stock price is down nearly 75% since 2014.

Plus the company has had to lay off more than half of its peak workforce, around 200,000 employees.

To add insult to injury, the company spent about $6 billion over the past decade buying back its shares at prices as high as $174 a share.

Shares now trade below $9. That's a 95% loss to shareholders.

Sears recently announced it will close an additional 43 stores (on top of the 265 closures it already announced this fiscal year).

This will leave the company with 1,140 stores – just above half its 2012 size.

This is a death spiral. And it could mean the sudden loss of 140,000 American jobs.

And that's just Sears. We could see several, large retailers shutter causing hundreds of thousands of lost jobs.

Retailers have announced more than 3,200 store closures this year. And investment bank Credit Suisse expects that number will increase to more than 8,600 before the end of the year.

For the sake of context, the WORST year on record for retail store closures was in 2008 when the global financial crisis kicked off.

But even in 2008, only 6,163 retailers closed.

Bear in mind that about one in 10 Americans works in retail.

And given the rise of e-commerce, most of those retail jobs are going away. Quickly.

E-commerce currently accounts for 9% of the approximately $22 trillion in annual retail sales, up from 0.6% in 1999.

And that number is only growing.

Most retail stores operate very LOW margin businesses. They rely on having LOTS of customers in order to stay profitable.

Sears - once an American mainstay - is now closing stores across the country.

If even a small percentage of their prospective customers stay home and shop online, they're finished– from Sears all the way down to the small mom and pop stores.

We could see hundreds of thousands of retail workers lose their jobs as companies like Sears fail.

Sure, e-commerce will pick up some of the jobs.

Large e-commerce companies like Amazon have had to quickly build infrastructure and warehouses to serve customers around the country. That requires lots of hiring.

But it's temporary work.

Think of it this way: it took a lot of men to lay railroad tracks across the US. It takes far fewer workers to maintain the rail system.

And as shipments increase, you simply run more cars across those tracks.

Plus, e-commerce warehouses are becoming more automated and efficient, requiring less human labor than ever before.

This sort of creative destruction and disruption isn't anything to be afraid of; there aren't exactly too many blacksmiths and buggy repairmen anymore either.

Progress occasionally requires the decimation of entire industries, and that's what's happening now.

In the long-run it's better for everyone. But shorter-term, there's going to be a lot of pain.

Some of the largest and most vulnerable retailers include Sears, Macy's and JC Penney, and in total those companies employ close to 400,000 people.

All three of these companies could – and probably will – go bankrupt. But it would only take one of these stores going under (a near certainty) to roil the US economy.

You may remember during the US Presidential campaign that candidates Trump and Clinton made a big deal about the declining number of coal jobs in the US.

To put things in perspective, the US coal industry employs just over 76,000 workers.

Sears alone employs almost double that amount.

And the pace of job losses across the entire retail sector is gaining steam.

The US economy has been in 'recovery' now for more than eight years, i.e. it's been nearly 100 months since the end of the last recession.

Yet the average time between recessions in modern US history is 57 months, according to the National Bureau of Economic Research.

In other words, the economy is overdue for a recession.

And the rapid loss of hundreds of thousands of jobs could certainly end up triggering it.

Simon Black is an international investor, entrepreneur, and founder of Sovereign Man. ★★★

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

COMMENTARY

Can the Government Keep Us Safe?

By Judge Andrew Napolitno

(Townhall) - Here we go again. The United States has been rattled to the core by an unspeakable act of evil perpetrated by a hater of humanity. A quiet, wealthy loner rented a hotel suite in Las Vegas, armed it with shooting platforms and automatic weapons, knocked out two of the windows, and shot at innocents 32 floors below. Fifty-nine people were murdered, and 527 were injured.

The killer reportedly used rifles that he purchased legally and altered illegally. He effectively transformed several rifles that emit one round per trigger pull and present the next round in the barrel for immediate use (semiautomatics) into rifles that emit rounds continuously when the trigger is pulled -- hundreds of rounds per minute (automatics). Though some automatic rifles that were manufactured before 1986 can lawfully be purchased today with an onerous federal permit, automatic weapons generally have been unlawful in the United States since 1934. Even the police and the military are not permitted to use them here.

I present this brief summary of the recent tragedy and the implicated gun laws to address the issue of whether the government can keep us safe.

Those who fought the Revolution and wrote the Constitution knew that the government cannot keep us safe. Because they used violence against the king and his soldiers to secede from Great Britain, they recognized that all people have a natural right to use a weapon of contemporary technological capabilities to protect themselves and their liberty and property. They sought to assure the exercise of this right by enacting the now well-known Second Amendment, which prohibits the government from infringing upon the right to keep and bear arms.

When the Supreme Court interpreted this right in 2008 and 2010, it referred to the right to keep and bear arms as pre-political. "Pre-political" means that the right pre-existed the government. It is a secular term for a fundamental, or natural, right. A natural right is one that stems from our humanity -- such as freedom of thought, speech, religion, self-defense, privacy, travel, etc. It does not come from the government, and it exists in the absence of government.

The recognition of a right as fundamental or natural or pre-political is not a mere academic exercise. This is so because rights in this category cannot be abrogated by the popular will. Stated differently, just as your right to think as you wish and say what you think cannot be interfered with or taken away in America by legislation, so, too, your right to own, carry and use arms of the same sophistication as are generally available to bad guys and to government officials cannot be interfered with or taken away by legislation. That is at least the modern theory of the Second Amendment.

Notwithstanding the oath that all in government have taken to uphold the Constitution, many in government reject the Second Amendment. Their enjoyment of power and love of office rank higher in their hearts and minds than does their constitutionally required fidelity to the protection of personal freedoms. They think the government can right any wrong and protect us from any evil and acquire for us any good just to keep us safe, even if constitutional norms are violated in doing so.

Can the government keep us safe? In a word, no.

This is not a novel or arcane observation but rather a rational conclusion from knowing history and everyday life. In Europe, where the right to keep and bear arms is nearly nonexistent for those outside government, killers strike with bombs and knives and trucks. In America, killers use guns and only stop when they are killed by law-abiding civilians or by the police.

The answer to government failure is a candid recognition that in a free society -- one in which we are all free to come and go as we see fit without government inquiry or interference -- we must be prepared for these tragedies.

We must keep ourselves safe, as well as those whom we invite onto our properties.

Surely, if the president of the United States were to have appeared at the concert venue in Las Vegas to address the crowd, the Las Vegas killer would never have succeeded in bringing his arsenal to his hotel room. Government always protects its own. Shouldn't landowners who invite the public to their properties do the same?

Add to government's incompetence its useless, intrusive omnipresence. In present-day America, the National Security Agency -- the federal government's domestic spying agency -- captures in real time the contents of every telephone call, email and text message, as well as all data sent over fiber-optic cables everywhere in the U.S. Thus, whatever electronic communications the Las Vegas killer participated in prior to his murders are in possession of the federal government.

Mass surveillance is expressly prohibited by the Fourth Amendment, but the government does it nevertheless. It claims it does so to keep us safe. Yet this exquisite constitutional violation results in too much information for the feds to examine in a timely manner. That's why the evidence of these massacres -- from Sandy Hook to Boston to Orlando to San Bernardino to Las Vegas -- is always discovered too late. At this writing, the government has yet to reveal what it knew about the Las Vegas killer's plans before he executed them and executed innocents.

This leaves us in a very precarious position today. The government cannot keep us safe, but it claims that it can. It wants to interfere with our natural rights to self-defense and privacy, but whenever it does so, it keeps us less safe. And in whatever arena it keeps us less safe and falsely fosters the impression that we are safe, we become less free.

★★★

Good Jurors Nullify Bad Laws: Reclaiming the Right of Jurors

By Nathan Tschepik

(Fee.org) - Today's juries serve with their hands tied and eyes closed, a fact that serves no one but overzealous prosecutors. The huge knowledge gap among American jurors in every state is patent and dangerous, as it not only supports the massive incarceration of Americans, but undergirds the explosion of legally and morally suspect laws and statutes that feed citizens into cycles of imprisonment.

Jury nullification is the constitutionally guaranteed right of every juror and jury to vote and issue any verdict they see fit without fear of punishment. This freedom from penalty frees the jurors to vote according to their conscience and not be bound to unjust or extraneous laws and punishments. The jury, therefore, has the right not only to judge the facts in a trial, but the very law itself — a right that undergirds the efficacy and basis of the jury system as a check on government power.

Jury nullification was the defense that saved John Peter Zenger and helped establish the foundation of the First Amendment. It was the defense that saved many abolitionists from the Fugitive Slave Act. And today it saves individuals facing life in prison from mandatory minimums and three-strike systems for exceedingly minor crimes.

This is not to say that jury nullification, like any other tool, has not been abused and misapplied or will never be. However, the simple fact is that jurors intent on rendering "bad" verdicts will do so regardless of knowing their right to nullify. It does not require jury nullification for abuse to occur. However, it does require education about jury nullification to prevent rule-abiding citizens from being forced to render verdicts simply because they believe they have no other choice.

Jury nullification is not some privilege proffered by a magnanimous prosecution; it is the jury's right to know and to use. The very notion that jury nullification is too dangerous for jurors to be informed of, as prosecutors' motions in limine often argue, flies in the face of the Founders, American legal history, and centuries of common law.

Withholding this knowledge is not wrong simply because it prevents "good" verdicts or because it establishes a slippery slope ending in neutered juries, but because the very act of withholding knowledge itself is unacceptable. The current system of deliberately leaving juries in the dark, defendants gagged, and the prosecution at an advantage, is not only plain wrong but incredibly damaging.

A striking example is the 2013 case of Kyler Carriker in Kansas. Kyler facilitated a drug deal between two acquaintances in which the buyer brought his fellow gang members, shot Kyler, and killed the dealer. Under the Kansas Felony Murder Law, Kyler faced a mandatory 20 years in prison for being ambushed during a deal he set up. The prosecution immediately petitioned to and succeeded in keeping the jury unaware of its right to nullify.

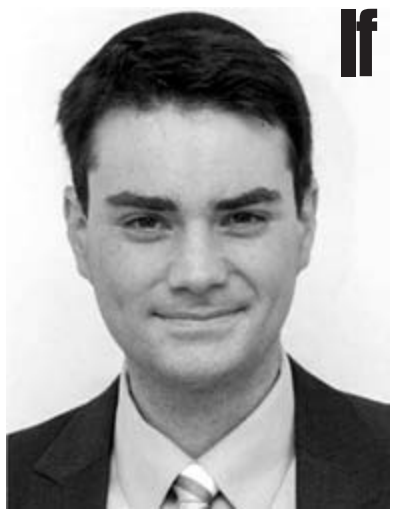
As a juror later explained, they felt bound to find Kyler guilty according to the letter of the law until, while leaving the courthouse, he saw protestors advocating jury nullification. He petitioned the judge to explain the concept, after which the jury unanimously found Kyler guilty according to the law but issued a not guilty verdict according to their conscience.

Jury nullification is not a privilege. It is a right of the jury to know and it is a duty of the judiciary to inform — a duty that must not be skirted in favor of the prosecution. Lives and futures are saved and lost according to the whims of the judge and legal maneuvering of the prosecution. That is not an acceptable system. By cementing in state and federal law the right of every juror to know their right, we can begin to address America's ever-growing web of laws that causes our governments to convict more of its population than any other nation.

Nathan Tschepik is a double major in history and government at Georgetown University.

★★★

If Republicans Don't Make a Move, They Deserve to Lose



By Ben Shapiro

(Townhall) - Politics is the art of shifting the playing field.

This is an art Republicans simply don't understand. Perhaps it's because they spend so much time attempting to stop the Democratic snowball from running downhill too quickly, but Republicans in power have an unfortunate tendency to conserve their political capital rather than invest it. That's unfortunate because political capital doesn't accrue when you save it; it degrades. Just as sticking your cash in a mattress is a bad strategy when it comes to investment, inaction in power is a bad strategy when it comes to politics.

Democrats understand that political capital must be used, not to pass popular legislation but to fundamentally change the nature of the political game itself. Democrats do not see Obamacare -- a piece of legislation that cost them the House, the Senate and, eventually, the presidency -- as a disaster area. They see it as an investment in a leftist future: By making Americans accustomed to the idea that the government is responsible for universal coverage, they understand that any future failures will be attributed to lack of government, not an excess of it. Sen. Ted Cruz, R-Texas, understood that in 2013 when he attempted to block Obamacare funding. He quite rightly explained that once Obamacare went into effect, it would be nearly impossible to dismantle it. That became obvious this year, just four years after its full implementation, when congressional Republicans obviously have no political will to get rid of Obamacare at all.

This is the difference between Republicans and Democrats: Democrats see their radical legislative moves as building blocks for the future. Republicans, afraid that their carefully crafted tower of electability will come crumbling down, make no radical legislative moves.

That basic formula is playing out yet again with regard to former President Obama's executive amnesty. Obama implemented the Deferred Action for Childhood Arrivals program, or DACA, knowing full well that a Republican president could get rid of it with the stroke of a pen. But he also knew that Republicans would not want to be responsible for changing the status quo -- they wouldn't want to own the political consequences of allowing the deportation of DACA recipients.

And Obama was completely right. Republicans promised for years that they would get rid of Obama's executive amnesty if given power. Finally, President Trump has pledged to get rid of it ... in six months. And everyone knows that he is willing to trade away DACA enforcement for border-wall funding. The Democratic status quo will win out, one way or another.

Now, quickly: Name the last transformational conservative change Republicans have made -- a change to the field of play; any change that would redound to the detriment of Democrats. It's pretty tough. That's despite Republican control of the legislature and the presidency from 2002 to 2006; that's a longer period of unified control than Democrats had from 2008 to 2010.

Republicans have unified control of government once again. But they seem less willing to use it than ever, afraid that their tenuous control will dissipate.

That must end. If Republicans hope to set a foundation for future victory, they'll need to do more than act as an impediment to bad Democratic ideas. They'll need to take political risks in order to shift the playing field itself. If they don't, they'll lose quickly. And they'll deserve to lose.

★★★

I used to think gun control was the answer. My research told me otherwise.

By Leah Libresco

(Washington Post) - Before I started researching gun deaths, gun-control policy used to frustrate me. I wished the National Rifle Association would stop blocking common-sense gun-control reforms such as banning assault weapons, restricting silencers, shrinking magazine sizes and all the other measures that could make guns less deadly.

Then, my colleagues and I at FiveThirtyEight spent three months analyzing all 33,000 lives ended by guns each year in the United States, and I wound up frustrated in a whole new way. We looked at what interventions might have saved those people, and the case for the policies I'd lobbied for crumbled when I examined the evidence. The best ideas left standing were narrowly tailored interventions to protect subtypes of potential victims, not broad attempts to limit the lethality of guns.

I researched the strictly tightened gun laws in Britain and Australia and concluded that they didn't prove much about what America's policy should be. Neither nation experienced drops in mass shootings or other gun related-crime that could be attributed to their buybacks and bans. Mass shootings were too rare in Australia for their absence after the buyback program to be clear evidence of progress. And in both Australia and Britain, the gun restrictions had an ambiguous effect on other gun-related crimes or deaths.

When I looked at the other oft-praised policies, I found out that no gun owner walks into the store to buy an "assault weapon." It's an invented classification that includes any semi-automatic that has two or more features, such as a bayonet mount, a rocket-propelled grenade-launcher mount, a folding stock or a pistol grip. But guns are modular, and any hobbyist can easily add these features at home, just as if they were snapping together Legos.

As for silencers — they deserve that name only in movies, where they reduce gunfire to a soft puick puick. In real life, silencers limit hearing damage for shooters but don't make gunfire dangerously quiet. An AR-15 with a silencer is about as loud as a jackhammer. Magazine limits were a little more promising, but a practiced shooter could still change magazines so fast as to make the limit meaningless.

As my co-workers and I kept looking at the data, it seemed less and less clear that one broad gun-control restriction could make a big difference. Two-thirds of gun deaths in the United States every year are suicides. Almost no proposed restriction would make it meaningfully harder for people with guns on hand to use them. I couldn't even answer my most desperate question: If I had a friend who had guns in his home and a history of suicide attempts, was there anything I could do that would help?

However, the next-largest set of gun deaths — 1 in 5 — were young men aged 15 to 34, killed in homicides. These men were most likely to die at the hands of other young men, often related to gang loyalties or other street violence. And the last notable group of similar deaths was the 1,700 women murdered per year, usually as the result of domestic violence. Far more people were killed in these ways than in mass-shooting incidents, but few of the popularly floated policies were tailored to serve them.

By the time we published our project, I didn't believe in many of the interventions I'd heard politicians tout. I was still anti-gun, at least from the point of view of most gun owners, and I don't want a gun in my home, as I think the risk outweighs the benefits. But I can't endorse policies whose only selling point is that gun owners hate them. Policies that often seem as if they were drafted by people who have encountered guns only as a figure in a briefing book or an image on the news.

Instead, I found the most hope in more narrowly tailored interventions. Potential suicide victims, women menaced by their abusive partners and kids swept up in street vendettas are all in danger from guns, but they each require different protections.

Older men, who make up the largest share of gun suicides, need better access to people who could care for them and get them help. Women endangered by specific men need to be prioritized by police, who can enforce restraining orders prohibiting these men from buying and owning guns. Younger men at risk of violence need to be identified before they take a life or lose theirs and to be connected to mentors who can help them de-escalate conflicts.

Even the most data-driven practices, such as New Orleans' plan to identify gang members for intervention based on previous arrests and weapons seizures, wind up more personal than most policies floated. The young men at risk can be identified by an algorithm, but they have to be disarmed one by one, personally — not en masse as though they were all interchangeable. A reduction in gun deaths is most likely to come from finding smaller chances for victories and expanding those solutions as much as possible. We save lives by focusing on a range of tactics to protect the different kinds of potential victims and reforming potential killers, not from sweeping bans focused on the guns themselves.

Leah Libresco is a statistician and former newswriter at FiveThirtyEight, a data journalism site. She is the author of "Arriving at Amen."

★★★

Private Pic Makes Teenager Guilty of Sexually Exploiting Himself, High Court Says

The Washington Supreme Court's ruling implies that adolescents who engage in consensual sexting are child pornographers.

By Jacob Sullum

(Reason) - When Eric Gray was 17, he took a picture of his penis and texted it to a 22-year-old woman he fancied, asking, "Do u like it babe?" Gray, whose lack of social skills had led to a diagnosis of Asperger's syndrome, may have thought he was courting the woman. She thought he was harassing her and contacted police, who thought he was distributing child pornography. Last week, the Washington Supreme Court upheld Gray's conviction on that charge, which makes him a perpetrator as well as a victim, guilty of exploiting himself.

Eric Gray

Although Gray's dick pic was unwelcome, this ruling implies that teenagers who engage in consensual sexting are committing felony sex crimes. Writing for the majority, Justice Susan Owens concludes that Gray's behavior fits the plain meaning of Washington's statute, which says "a person" is guilty of a Class B felony when he "knowingly develops, duplicates, publishes, prints, disseminates, exchanges, finances, attempts to finance, or sells a visual or printed matter that depicts a minor engaged in an act of sexually explicit conduct." The law does not say the "person" and the "minor" have to be different people.

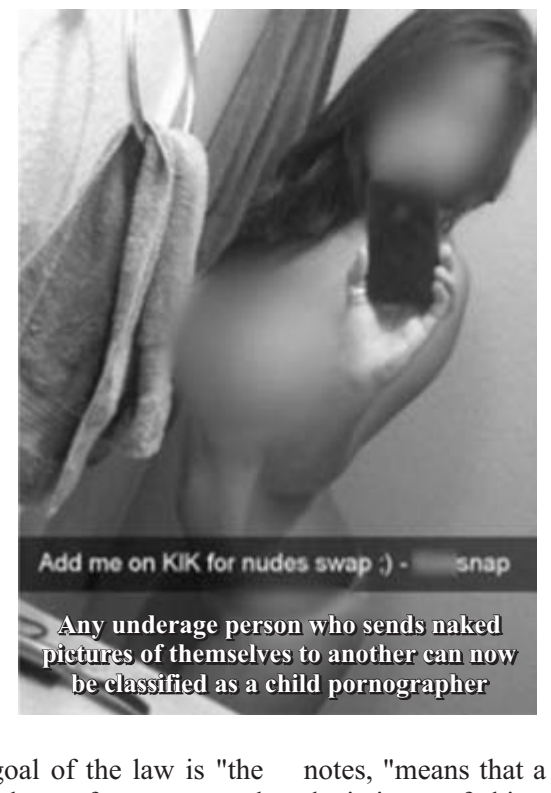
"On its face," Owens writes, "this prohibition extends to any person who disseminates an image of any minor, even if the minor is disseminating a self-produced image. Because the statute is unambiguous, we take it on its face and find that Gray's actions are included under the statute."

Owens concedes that the law "was undoubtedly intended to address the sexual abuse and exploitation of children by adults." But she says its terms go further. "The legislature intended to destroy the blight of child pornography everywhere, from production of the images to commercial gain," she writes. "Because the statute was intended to curtail production of child pornography at all levels in the distribution chain, the statute prohibits Gray's actions." And since the First Amendment does not apply to child pornography, Owens says, the statute does not violate Gray's right to freedom of speech.

Owens seems untroubled by the fact that the same reasoning would make child pornographers out of teenagers who exchange sexy selfies, who face such charges from time to time. "We understand the concern over teenagers being prosecuted for consensually sending sexually explicit pictures to each other," she writes. "We also understand the worry caused by a well-meaning law failing to adapt to changing technology. But our duty is to interpret the law as written and, if unambiguous, apply its plain meaning to the facts before us. Gray's actions fall within the statute's plain meaning. Because he was not a minor sending sexually explicit images to another consenting minor, we decline to analyze such a situation."

As dissenting Justice Sheryl Gordon McCloud points out, declining to consider that scenario does not save sexting teenagers from the logic of this decision. Their actions, like Gray's, fit the literal meaning of the law. McCloud argues that the majority's interpretation gives short shrift to the legislature's intent and leads to "absurd results."

According to the legislative findings at the beginning of the chapter under which Gray was convicted, "the state has a compelling interest in protecting children from those who sexually exploit them."



Any underage person who sends naked pictures of themselves to another can now be classified as a child pornographer

The findings say the goal of the law is "the protection of children from sexual exploitation" and "the prevention of sexual exploitation and abuse of children." The chapter is accordingly titled "Sexual Exploitation of Children." It makes little sense to say that a teenager who takes a picture of his own private parts is abusing or exploiting children.

"The general rule is that a statute designed for the protection of a particular class is presumed to exempt that protected class from criminal liability for their own harm," McCloud writes. She cites the U.S. Supreme Court's interpretation of the Mann Act, which applies to "any person who shall knowingly transport...any woman or girl for the purpose of prostitution or debauchery, or for any other immoral purpose." Even though the statute does not specify that the "person" and the "woman or girl" have to be different people, McCloud notes, the Court ruled in the 1932 case Gebardi v. U.S. that a transported woman could not be charged as a co-conspirator.

By ignoring the principle reflected in that decision, McCloud says, the majority invites unjust prosecution of minors who have not victimized anyone. The court's reading of the law, she notes, "means that a child who texts explicit depictions of himself or herself can be punished more harshly than an adult who does exactly the same thing" and that "a 12-year-old girl who is groomed or lured into taking and then texting explicit depictions of herself to an adult can be prosecuted for succumbing to that grooming." She adds that teenagers who engage in "consensual sexting" with each other are likewise subject to felony prosecution and registration as sex offenders.

The implications of this decision would be less troubling if prosecutors could be trusted to show a modicum of sense and self-restraint in such cases. But they have shown in one case after another that they can't.

★★★

8 Really Bad Laws That Just Went Into Effect

By Ed Krayewski

(Reason) - Every year, thousands of new laws go into effect across the country on October 1. States use the start of the fiscal year to begin enforcing these laws. A sobering number of these laws will turn out to be bad.

Federal agencies and even some foreign countries revel in imposing all new manner of unnecessary authority today. On this day, for example, the United Arab Emirates started levying a 100 percent excise tax on products like tobacco and energy drinks and 50 percent for soda today.

There are much worse laws than that. Here are eight of the worst going into effect today around the country and around the world!

TOUCHING YOUR PHONE IN OREGON

From Oct. 1st forward, Oregon drivers are prohibited from touching their cellphones while operating their vehicles, except to make a single swipe intended to turn a phone off. While lawmakers passed the prohibition to make it easier for cops to enforce cellphone while driving laws, the "single swipe" exception is sure to muddy that.

The law will apply to cellphones, tablets, and GPS devices, but not for police officers, of course.

"You don't want to hurt anybody else just to answer a simple text," Officer Jeremy Shaw told KOBI 5.

GUMMY BEAR-IJUANA BAN IN COLORADO

From here on out, gummy bears, chocolate bunnies, and other playfully-shaped marijuana edibles are banned in Colorado, where recreational marijuana has been legal since 2014.

Despite a steep drop in teenage marijuana use after legalization, the state Assembly continues to harbor misguided idea that it needs to ban adult products to protect children.

There is no evidence children hunger for marijuana edibles—nevertheless the new law is specific and wide-ranging in its ban on "edible marijuana-infused products in the shape of a human, animal or fruit... including shapes that resemble or contain characteristics of a realistic or fictional human, animal, or fruit, including artistic, caricature, or cartoon renderings."

You'll still be able to purchase plain-looking edibles, the law clarifying that edibles in "geometric shapes and simply fruit flavored are not considered fruit and are permissible."

CELLPHONE TRACKING IN CONNECTICUT

Among the 140 laws going into effect in Connecticut is one that aims to regulate cellphone tracking by police agencies. Unfortunately, the law gives cops too much discretion to use the cell site simulator devices that make phone tracking possible.

Specifically, the law permits police to use such devices for 48 hours without a court order during "exigent circumstances" (despite it not taking nearly that long to obtain a warrant even in an "exigent" circumstance) and for two weeks under an "ex parte court order," which means police don't have to notify anyone about the tracking.

Legislators also brought in use of cell site simulators to intercept communications under the state's wiretap laws, allowing prosecutors to ask a three-judge panel to issue ex parte wiretap orders for them.

ENHANCED SENTENCING FOR CRIMES AGAINST FIRST RESPONDERS

In Nevada, enhanced penalties kick in for hate crimes committed against first responders, including police and firefighters, because they are first responders. Criminals convicted of such crimes can face between 1 and 20 years in prison on top of the sentence for the crime. The enhancement, at least, can't exceed the length of the original sentence.

Critics of hate crime laws have been warning since the 1990s that hate crimes, which rely on the speech of a suspect for proof, would end up being used by those in power to punish speech offensive to them. Last year, Louisiana became the first state to make killing a cop a hate crime. Momentum, meanwhile, is growing for a federal version of such a "blue lives matter" law.

FRACKING BAN IN MARYLAND

After a two year moratorium, Maryland this year passed a complete ban on fracking, which went into effect Oct. 1st. The law is not based on sound science but on rank fearmongering.

A 2015 study from Yale found that fracking does not contaminate drinking water, a popular bugaboo for fracking opponents. The Obama Environmental Protection Agency also found fracking had a negligible effect on drinking water.

Other lies about fracking have also helped to motivate opposition to fracking—fracking does not make it possible to light your drinking water on fire. Fracking fluid can't seep into groundwater and poison your tap, Fracking doesn't increase air pollution. It doesn't cause cancer. And the natural gas freed by fracking is decidedly better than coal.

Unfortunately, Maryland is the latest but unlikely the last place where hysteria has won out over science.

CONTINUING EDUCATION FOR COSMETOLOGISTS

The Maryland General Assembly should take a collective bow for making it twice on this list. A new law now in effect gives the State Board of Cosmetologists (yes, there is such a thing for the people who do make-up professionally) the authority to require most cosmetologists to complete continuing education classes to renew their licenses.

At least 33 states and the District of Columbia require cosmetologists to be licensed, often requiring more than 1,000 hours of training to qualify. Maryland requires 1,500 hours or a two-year apprenticeship, which requires a license of its own.

REMOVE YOUR ELECTRONICS AND PREPARE FOR PAT-DOWN

Starting Oct. 1st, the Transportation Safety Administration (TSA) will require all passengers going through security screening to remove any electronics larger than a cellphone from their bags and place them in separate bins.

Homeland Security Secretary John Kelly announced the new regulations in June, prompted by reports that terrorists were now capable of hiding bombs in large electronics. Finally, our wait is over.

A four-month delay in implementation seems excessive if the threat was as dire as the DHS suggested. On the other hand, four months of passengers getting through security checkpoints without taking out their electronics without incident suggests the threat might be less dire than DHS suggested.

Most of what the TSA does at airports is kabuki security theater. The agency has wasted billions of dollars, while perfecting the fine art of harassing travelers.

BITCOIN SURVEILLANCE

Japan legalized cryptocurrencies like Bitcoin in April, and today all cryptocurrency exchanges must be registered with the country's Financial Services Agency (FSA).

The agency will monitor the exchanges' internal system and, according to the Japan Times, conduct on-site inspections as necessary. In preparation, the FSA assembled a 30-person "surveillance team" to oversee the exchanges. Such mandatory government regulation runs counter to the purpose of decentralized cryptocurrencies like Bitcoin.

Japan is separately considering a plan to create its own digital currency to completely eliminate cash, and the anonymity that comes with it, by 2020.

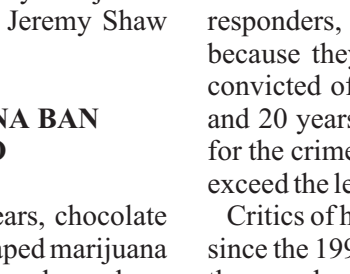
★★★

Continued from page 1 • John Goodman: One Conviction Vacated! ...

have consumed alcohol after the tragic accident, to ease his pain, which was confirmed by witnesses. Despite this account, the state maintained their theory; he only drank before the accident. Consequently, the state believes the contested blood draw results.

THE STATE'S CASE

The state's case relies upon the blood sample taken from Goodman. The blood sample was called into question when the state deviated from the contents of the DUI blood collection kit. Everything within the kit was used, except the issued needle. Instead, the state used a much smaller needle to draw Goodman's blood. The small needle, a butterfly needle, *"Is designed for use on infants. A 23-gauge butterfly needle causes blood-clotting. A blood sample containing clots artificially elevates blood test results, making that sample no longer representative of the blood flowing through that person's body,"* according to Forensic Toxicologist Laura Barfield. Barfield helped write Florida's law on proper blood draws. This evidence aided Florida's Supreme Court decision to hear arguments from Goodman's defense.



Toxicologist Laura Barfield

According to an article from the Sun-Sentinnel:

"We're in a position where every single person who is subjected to DUI tests in Florida does so assuming that the procedures are reliable," said Jane Kreusler-Walsh, attorney for Goodman. "They are not."

Kreusler-Walsh said there are no guidelines for the type of needle to be used, and there's no assurance that blood analysts in testing labs will toss clotted or irregular samples before cases go to trial.

FLORIDA LAW

Florida state attorney's disagree. Despite their contested argument, Florida State Attorney's have failed to acknowledge the national trend on this issue. Several other states have already implemented specific laws over this very issue.

If Florida's Supreme Court rules in favor of Goodman, he could receive a new trial. The public has admonished Goodman, essentially claiming his wealth equates to guilt. Although a life was tragically lost, people can't fathom that someone could have been wrongfully convicted as a result. For those who are skeptics of Goodman's innocence, we suggest you look at all of the evidence. Most of all, the evidence points to Goodman's innocence.

Goodman's documentary highlights many of the issues surrounding his case. It can be found online by searching, "Collusion to Convict John Goodman."

★★★

Continued from page 1 • DHS Steals Bluetear Newborn

The Bluetear Family: Anna, Snowwolf and son Uudam on a supervised visit

unification plan for the Bluetears. If Corrie's motive was truly to reunite Uudam with his parents, she would have had this plan ready for court. Additionally, Uudam would be going home where he belongs. Instead, Corrie asked for more time.

Uudam Bluetear

Attorney Nicholas Quinn, representing Anna Bluetear and Attorney Jason Thomas representing Snowwolf Bluetear sat motionless, as they allowed Corrie to control the situation without objecting. These Attorneys should have facilitated the return of Uudam long ago and they have failed to do so. A "word to the wise" might just be for them to start representing their clients, as the results of everyone's actions and lack of actions in this case is being documented and will be released in the near future.

According to witnesses, it appeared that Judge Stanton was expecting the attorneys to file a motion dismissing the state from the case.

A deserving Anna and Snowwolf Bluetear are anxiously awaiting the return of their now 16-month-old son, Uudam.

Editor's Note: Anyone with information on Cindi Corrie, Attorney Nicholas Quinn, Attorney Jason Thomas, or any others involved in this case are urged to contact the US~Observer at 541-474-7885 or by email to editor@usobserver.com. Read all about this case at usobserver.com. ⋆

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In Colorado, a shocking case of prosecutorial abuse

By Radley Balko

(Washington Post) - The Colorado Independent lays out the facts in one of the worst examples of prosecutorial misconduct I've ever seen in a death penalty case.

The case was prosecuted for six years under former 18th Judicial District Attorney Carol Chambers. Brauchler, her elected successor, has led the office for the last five years as it has continued rallying to preserve [Sir Mario] Owens' and other death sentences against a long list of appeals claims. Brauchler, a Republican who has made a name for himself as a death penalty prosecutor, is running for governor.

There is no definitive physical evidence, no confession, and no eyewitnesses who identified Owens in a case prosecutors built almost entirely on the testimony of informant witnesses to whom the DA's office gave plea bargains, funds, or both in return for their cooperation against Owens.

Among the charges upon which the appeal was based is the office's failure to disclose thousands of dollars in payments it made to informant witnesses. One of those witnesses was promised and later given a district attorney's office car. Some were given gift cards for local businesses. One received $3,400 in benefits, including cash for Christmas presents in the months prior to testifying on behalf of the prosecution.

The defense cited the prosecution's failure to disclose other incentives given to witnesses in exchange for their testimony. If he didn't cooperate, court records show, one of the main witnesses was threatened with being charged for the murders Owens was accused of and with receiving two life sentences. Another witness, according to the records, received a suspension of his jail sentence on the condition that he help prosecutors in Owens' case. People working for the prosecution would appear at informant witnesses' court hearings and ask for lesser sentences on the condition that they testify against Owens, the records indicate. Records also show that informants who had been convicted of crimes were allowed to violate probation and commit future crimes without consequences as long as they cooperated.

The appeal argued that by failing to disclose these deals before trial, the prosecution rendered Owens' defense lawyers unable to cast doubt on those witnesses' testimonies and put their credibility in dispute. In doing so, the argument goes, Owens was denied a fair trial.

Incredibly, neither Chambers's successor in the DA's office (who is defending the conviction) nor the district court judge (who denied the appeal) dispute that informants were paid in cash, lenient sentences and other compensation, and that none of this was disclosed to the defense. And the case gets only more disturbing from there.


Ex-DA Carol Chambers
Photo: Denver Post

• The withholding of exculpatory evidence continued through the new leadership in the DA's office. The new DA kept the existing prosecutors on the case. In 2015, two years later, they revealed another file full of secret payments to eyewitnesses in the case.

• For seven years after Owens filed his appeal, the courts imposed a gag order keeping the appeal secret. According to the Independent, some exhibits are still secret.

• The judge who oversaw the trial and appeals was apparently growing increasingly skeptical of the state's case against Owens. That is, until he was abruptly fired by the state supreme court. The firing was apparently over a personnel matter, though the Independent article casts some doubt on that explanation.

• The new judge ruled on Owens's appeal "without having seen or heard from a single witness about errors in the capital proceedings."

Then there is the matter of the original DA, Chambers. She has since left office, but she left quite the record. Among her greatest hits:

• When the DNA profile for semen taken from a 8-year-old sexual assault victim didn't match the man local authorities had arrested, Chambers offered a whopper of an explanation: "With the low-cut jeans that girls wear, she could have picked up anyone's DNA off any surface her panties touched while they may have been riding up above her pants. I hate those low-cut pants," Chambers said, according to the Denver Post. "Depending on how long she had been wearing those panties and where, they could have rubbed up against the back of her chair at school, a restaurant, the couch at home that someone else had been sitting on, a bus seat, someone's toilet seat if she did not pull them down far enough — there are many ways to get unknown DNA on clothing. Another kid could have snapped the elastic on her underwear — kids do that sort of thing."

• In 2011, the Denver Post reported that Chambers had been offering "conviction bonuses" to prosecutors on her staff who hit her quotas.

• The same year, Chambers was widely criticized for seeking felony arson charges against two young boys who started a house fire after playing with a lighter.

• In 2006, she was investigated for allegedly threatening a man who was trying to collect a debt from one of Chambers's political allies with a grand jury investigation.

• In 2007, she was again investigated, this time for allegedly threatening a judge she felt ruled against her office one too many times.

• At one point during her tenure, Chambers was responsible for nearly half the "habitual offender" prosecutions in Colorado, a designation that means a decade or more in prison for crimes that otherwise might earn a year or two at most.

• Chambers's office also faced allegations of hiding evidence in the death penalty trial of David Bueno. Those allegations were later upheld by a state appeals court.

• After a jury acquitted an Ethiopian woman Chambers's office had accused of human trafficking, the jury foreman told a local paper, ""In the DA's office's agenda to prosecute so overzealously, it seems that the facts of a case aren't really an objective."

You get the idea. Colorado is also the state where, incredibly, two judges were recalled by voters after the state supreme court reprimanded them for withholding exculpatory evidence during a murder trial they conducted as prosecutors.

US~Observer's Note: Prosecutorial misconduct is not constrained to Colorado, read our front page article in this edition, "WA Prosecutor Branden Platter - Serving Justice or Just Another Corrupt Government Official? ★★★

Continued from page 1 • 4th Amendment Win by Minns

lifetime, was hosting the event with his law firm partner Ashley Arnett after a long preparation.

Minns had been scheduled to take his grandchildren to Sea World on the date the 5th Circuit ultimately chose for the oral argument. Instead, his family opted to come watch history unfold, and traveled with him to the Birthplace of Jazz. More than anything, you could feel how important family is to Minns, having them there obviously meant the world to him.

Minns stood and spoke. His voice was cracked and tired, but his resolve was not. He praised his children and grandchildren, and introduced a kind woman who followed many of his cases. He then spoke of Justin Smith, his client, and the loss he'd been made to endure at the hands of a government who is supposed to value above all else that we are all innocent until proven guilty if faced with criminal charges. As Minns succinctly pointed out, Smith was treated as neither innocent, nor had he been charged with a crime. The government had simply ruined Smith, and no one knew why. No one could know because the government hid their motives behind sealed search warrant affidavits.

In essence, the government needed to convince a magistrate judge that a search warrant was necessary and they had to provide it in writing in a sworn statement. These statements are the pre-indictment search warrant affidavits. Being that they are sealed it keeps anyone from seeing if there were false statements made in order to gain a search warrant to begin with.

Minns laughed a little bit, "In the old days, when a warrant was served, the affidavit was served with it. Now, it's a knee-jerk reaction to seal them all, especially in every tax case." His chuckle turned serious, "In America you should have the right to know why the government is raiding your home, or business and maybe putting guns to your employees' heads. You should be able to see if what was sworn to was a lie or not. If it was a lie, then somebody is responsible."

For the next little while Minns educated the gathering on the importance of the 4th Amendment; that without it the government could virtually imprison you at will, and that the system has eroded its protections to a point where every citizen should be frightened. Apparently, in the 9th Circuit (which includes California, Nevada, Oregon, Washington, Alaska, Arizona, Idaho, Montana and Hawaii) there has been no right to see these pre-indictment search warrant affidavits since 1989! That means the government gets to say whatever it wants in order to secure a pre-indictment search warrant against you, and you never get to see it! If they lied, you never get to know. Frankly, that needs to change.

As the night continued, Smith talked about the losses he'd incurred. That at one point, after losing his home, he only had a few dollars to his name. It became apparent that Minns wasn't collecting a fee for his representation; that there was something deeper driving him.

Soon, Minns proclaimed his need to go over his note cards and prepare his remarks, which needed to be perfectly refined for the ten minutes he was allotted to present his case.

On his way out, Minns thanked the US~Observer for being the only media to send reporters to cover such an important issue.

The mood shifted as everyone began to disband, each walking out resolved and hopeful that Michael Minns would triumph in the 5th Circuit Court of Appeals on the issue of sealed search warrant affidavits.

The early morning court appearance came quickly.


Carmen Mitchell

Walking into the 5th Circuit Court to see a case put on before the judges is something every American should experience. If not for the appreciation of the sheer beauty of the marbled floors and molded ceilings, do it for the overpowering awe and intimidation the court impresses upon you. Sitting in the pews, there are only maybe 4 to each side, one can tell this is not a place for frivolous matters; from the dark wooden eagle carvings that reside by every high window, to the large stand where the judges will preside, all is set as if to look down upon any who would approach. By design it makes you small to the power of the court before you.

Minns, Arnett, and the government attorney, Carmen Castillo Mitchell, walked through the wooden gated area that was reserved for counsel. Minns approached Mitchell, shaking her hand and asking about her family, whom she had brought to the proceedings. After the brief yet sincere pleasantry, Minns made his way back to his table. There they sat reviewing their cases in absolute silence except for the occasional page turning. Mitchell, seemingly confident this would be a short and easy win, periodically turned to smile and wave at her family.

All are called to stand as the judges enter the room. Judge E. Grady Jolly, Judge Jennifer Walker Elrod, and Judge Xavier Rodriguez take their places above all others. All present silently wonder what new atmosphere the attitudes of three judges will bring.

Minns is called to present his case. In the first few seconds of his opening statement, Judge Elrod rains questions down upon him as if he were being interrogated. Unflustered, Minns went to work.

It is amazing what happens in ten minutes. Not just the ten minutes that Minns led the justices on a case-by-case and circuit-by-circuit review of the issue at hand, but the ten minutes where the government's attorney tried to keep from answering the pointed questions asked by the justices. There was no excuse offered for taking more than a year without there being an indictment against Smith, nor was there any apparent desire to see Smith as anything other than a criminal in her eyes, to whom she had no reason to give a preponderance of innocence.

It was grossly apparent in Mitchell's family, as well. It seemed as if they believed their mother could do no wrong, and that every case she argued was righteous. You could see it in their sneers and snickers while pointing over toward Smith's side of the courtroom. Perhaps it would be too difficult for them to know that government agents make mistakes or just don't care to follow the rules; that innocent people become suspect and prosecuted; that those lives are thrown away into the abyss that is the justice system. But, how could they face her if they knew she knowingly disregarded the rights and the lives of every day citizens just like them – all for the sake of a prosecution?

In 20 minutes, it was over. Twenty-one days later, the court would hand Minns, Smith and every citizen living within the 5th Circuit a victory for the 4th Amendment. The affidavits could be unsealed upon further findings of the lower court.

The victory, was however short lived.

Ten days after the ruling, on August 31st, the government filed for an extension to file for a rehearing. The government has until October 19th to file its petition.

Obviously, they will fight tooth and nail to keep their secrets, much to the detriment of Justin Smith, who is quite literally fighting for his life, and all other citizens who may find themselves targeted by the government.

Smith has himself a ringer, though.

Minns is an old school boxer. When you think he's tired, or you have him on the ropes, be prepared to get hit hard and go a few more rounds. As he said when discussing the case, "Make no mistake about it, the constitutional principle is so important to me that I will fight for it all the way."

With many more than one win under his belt, our money is on Minns to champion this fight for the rights of every citizen.

Editor's Note: For more details on the Justin Smith Case go to usobserver.com and read our previously published articles. Do a site search for, "4th Amendment Minns".

Thank you Michael and Ashley. ★★★

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Grand jury indicts Illinois special prosecutor on misconduct

By Ann O'Neill

(CNN) - An Illinois state prosecutor who had been assigned to investigate police and prosecutorial misconduct arising from a wrongful murder conviction has himself been indicted on multiple misconduct charges.

A grand jury in LaSalle County, Illinois, returned a 17-count indictment on Tuesday night accusing Brian Towne of official misconduct and misappropriating public funds while in office. Towne had been the state's attorney there for a decade until he lost a re-election bid in November.

After losing the election, Towne quickly found a job as a special prosecutor at the Illinois Office of the State's Attorney Appellate Prosecutor. He had chaired the agency's board and taught classes at its continuing legal education conferences.

One of his first assignments was to investigate a perjury complaint arising from the wrongful conviction of Jack Daniel McCullough for the 1957 kidnapping and murder of Maria Ridulph. The case was featured in CNN's 2013 series "Taken," which raised doubts about whether McCullough had received a fair trial.

Towne stepped aside from the perjury investigation in March after CNN reported he was under scrutiny for how money was spent from an asset forfeiture fund he created.

The fund was generated from property and cash seized by a drug interdiction unit of mostly retired Illinois state troopers authorized by Towne to stop and search "suspicious" vehicles with cannabis-sniffing dogs along Interstate 80. If marijuana was found, police confiscated the vehicle and its contents.

Towne launched the unit and fund in 2011 during his tenure as the state's attorney. Court records indicate Towne's team, dubbed SAFE for State's Attorney's Felony Enforcement, brought in $1.2 million between 2011 and 2016.

Neither Towne nor his lawyer responded to requests this week for comment. But in an earlier conversation with CNN, Towne denied wrongdoing and expressed confidence he would prevail in court. He talked with a local newspaper on Tuesday evening, just after the indictment was filed.


Brian Towne

He said the indictment was orchestrated by his political opponents.

"This is clearly an abuse of power and dirty politics at its worst," he told the LaSalle News-Tribune, adding that the situation was "completely unacceptable."

"I simply ask the people of La Salle County to reserve judgment until this case is resolved appropriately."

According to the indictment, Towne allegedly used SAFE's asset forfeiture fund to fund local youth sports teams, school projects -- and his own lifestyle and re-election campaign. Other funds came from a drunken-driving awareness program.

Towne has said he had no problem using confiscated drug money to support youth athletics teams and school trips because it keeps kids occupied and away from drugs.

He also stands accused of using forfeited money on personal expenses, including $21,265 to buy a used SUV and another $2,693 for Wi-Fi at home. The indictment alleges he campaigned from the state's attorney's office; some employees allegedly worked on campaign matters during office hours and used office supplies purchased by the county.

The indictment further alleges that Towne illegally accepted $50,000 in payments from the state of Illinois for teaching at legal conferences and seminars. He also allegedly dipped into forfeited funds to cover airfare, meals and hotel expenses for other conferences in Orlando and Las Vegas.

Some of the 77 motorists who lost property to the SAFE unit have joined a federal class action lawsuit seeking damages for civil rights violations. For some, it was cheaper to just walk away, leaving their money and property in LaSalle County.

Stephen Komie, the attorney who filed the suit, said Wednesday that the charges show what can happen when police and prosecutors engage in what he called "contingent-fee law enforcement." He says money should never be tied to arrests, especially if there is little or no oversight on how it is spent.

In June, the Illinois Supreme Court decided 5-2 that SAFE was not a valid police agency. The court found that prosecutors overstep their authority when they create their own police squads, and that Towne hadn't shown that police weren't doing a good job at enforcing drug laws.

Towne was not arrested; instead, prosecutors mailed him a notice to appear, said Assistant State's Attorney George Mueller, who declined to discuss the charges further. Towne has not entered a plea yet. ★★★

Continued from page 1 • Idaho Surveyor Hunter Edwards ...

50 acres of land from Dorothy that she can prove she purchased decades ago.

According to witnesses, as if he has also been designated a "sacred cow," Hunter Edwards has not been held either accountable or responsible by anyone for his reported surveying fakery. The survey record written statements show that he has lied at will, even when faced with his own polar-opposite statements, some of which were made under oath, and then with impunity, he has been known to make up new, BOLD FACED lies to cover his tracks.

Furthermore, no one, not even the Land Survey Board of Idaho, can apparently get him to tell the truth. Rather, the Board accepts what he says under a mystique that his presentments are credible. In the past, he has lied to the Survey Board on numerous occasions. The Board has refused to objectively evaluate his statements. Hunter also strings along his clients with fictional stories of how Dorothy Walker's property should be their property and, of course, they likely don't know the difference because surveying is complicated.

EVEN JUDGES HAVE BEEN BAMBOOZLED BY HUNTER EDWARDS

When Judge John Stegner, of Moscow was assigned to this case, he bent over backwards to insist that Hunter Edwards was a credible and reliable witness who could not be challenged. Even before any testimony had been given, before Hunter could be impeached by cross examination that would have shown his statements lacked credibility, Judge Stegner actually stated he will, "believe everything that Hunter Edwards says is right… is right."

A clearer statement of judicial prejudice could not exist. What this statement means is that Judge Stegner had already decided to favorably consider everything that Hunter Edwards said as if it was correct without fact-checking, which is what we investigative journalists must do to avoid being accused of printing "fake news."


Dorothy Walker

It is most interesting that Dorothy Walker listed credible expert surveyor witnesses who factually counter the positions taken by Hunter Edwards, putting their opinions in writing. But, as Hunter reportedly said in his recent deposition, his purpose is to support the prior surveys of his father, rather than seek the truth.

Certainly, a fair-minded judge who is truly neutral and who is himself seeking the truth would want to hear both sides before deciding to rely upon any so-called expert witness. Stegner's prejudice is especially harmful when the expert has been shown, time and again, to be lying about case-related information. One witness stated, "Hunter Edwards has clearly deceived the court with his lies."

After listening to the tape-recorded deposition of Hunter Edwards, the following is just one example of the lies that rolled so easily off of his tongue. It is undisputed that on January 6, 2014, Hunter Edwards was caught trespassing on Walker land, as he was in a place where he had no right to be and was there without permission from Dorothy Walker.

After the Sheriff escorted him off the Walker property, his attorney emailed the Walker's attorney asking if Hunter Edwards could then have permission to again go upon Walker land simply to "check" a survey monument. Permission was denied.

Later, in a sworn declaration, Hunter Edwards admitted he did not have permission from Dorothy Walker to enter her land, and stated that his purpose, rather than to "check" a monument, was to move a monument 143 feet to the east; a move which would have deprived Dorothy Walker of more than eight (8) acres of land (on top of the 50 acres the neighbors have already "falsely claimed from her"). Hunter specifically stated that he knew Walker had no idea that he intended to reposition the survey monument in question.

After having been removed from the Walker land for trespassing, and after having admitted that he was on Walker property without Dorothy Walker's permission in a court-filed, sworn declaration, Hunter Edwards reversed his previous account of events. In his more recent deposition, he stated that he had obtained Dorothy Walker's prior permission to enter her land in January 2014. The lack of truthfulness is self-evident from the fact that Hunter Edwards would not have been considered a trespasser and would not have been escorted off Walker land if he had first obtained permission to enter. The only problem; Hunter never had permission.

While all of this undermines the credibility of Hunter Edwards as a truth-teller, additionally, and according to one witness, he recently admitted moving stones around the Walker property simply to create the appearance of authenticity to make it appear that his surveys and the surveys of his father should be considered legitimate. It seems that appearances are more important to Hunter Edwards than truth.

Thus, the question is, when it comes to making the final determination in this case, should any judicial official automatically rely upon the testimony of Hunter Edwards as if it is credible? Hunter has shown time-and-again to be flawed with his false statements and fabricated monuments that are not supported by the other available corroborating evidence.

Judge Stegner's blatant prejudiced actions - by showing favor of Hunter Edwards, recently came to a screeching halt. Judge Stegner had to disqualify himself.

A new judge from Coeur d'Alene, Idaho has been recently appointed to preside over this horrific case. Hopefully, the new judge will be a model of objectivity and open-mindedness in a case fraught with difficulties - one that has been pending for over eight years.

Just so those reading are clear, Hunter Edwards was recently required to give a deposition by sworn testimony before a court reporter explaining his contradictory positions! To say that he is a "Flip-flopper" would put it mildly. What Hunter's testimony will look like at a trial is hard to imagine. The many different and opposing views he has taken are obvious, and part of the record that exists.

This self-destruction of his own credibility confirms the suspicions of the Walker family. "Hunter Edwards and his father, Carl Edwards, fabricated survey monument positions in locations where they were never intended to be." They allegedly did so in order to create a distorted picture of land boundaries that they have redrawn over the years, benefitting other landowners, not the Walkers.

Editor's Note: Anyone with information on Carl Edwards, his son, Hunter Edwards or others involved in this case are urged to contact Edward Snook at 541-474-7885 or by emailing: editor@usobserver.com.

For background articles that provide much of the evidence in the Walker case, go to www.usobserver.com and conduct a site search on "Walker". ★★★

Continued from page 1 • WA Prosecutor Branden Platter ...

careless and negligent rush to judgment, without conducting any investigation whatsoever. Sloan obviously and erroneously backed the prosecution of the Faires. Since taking over, Platter has continued the false prosecution.

We have conclusively proven through our investigation that Karl Sloan ignored iron clad evidence of the Faires' innocence. Sloan even disregarded sworn depositions from his own witnesses (people that conspired against the Faires) that contradicted their earlier statements, showing they committed serious felony crimes themselves! Their sworn statements prove that they attempted to kidnap the Faires, while one of the conspirators, George Abrantes, committed, or at the very least attempted, Assault in the 1st Degree. Fact is, there hasn't been one single shred of evidence produced by law enforcement or the Prosecutor's office that shows the Faires committed any crime.

Conspirator George Abrantes

Three uninvolved criminal defense attorneys from Washington State have carefully looked at the criminal case against the Faires. Each one has agreed that it is quite clear that the Faire's did not commit any of the crimes they are charged with.

Why would Sloan do this? Simple. Sloan was put in the position where he had to cover for his brother's incompetence, and Sheriff Frank Rogers' rush to comment that resulted in a publicly broadcasted interview that literally tied the county to the assertion that the Faires were squatters and escalated the situation to the point of someone losing their life. If the case didn't go on, and they didn't get a conviction, it would certainly open the county to potential millions in liability. That is great motivation to continue a false prosecution – especially when you think you have law enforcement and media in your back pocket.

Little did they know that the US~Observer would share the truth with the people of Okanogan County and the rest of the country.

Shortly after he took over for Sloan, Platter received a letter from James Faire's attorney Stephen Pidgeon. The letter requested that Platter look at the mountain of evidence disproving the validity of the charges against Faire, and to drop the baseless charges, for the sake of justice. According to Pidgeon, Platter never responded to his letter, saying, "He didn't even acknowledge receiving it."

Platter's lack of response is a mirror image of Karl Sloan's complete lack of ethics that this writer witnessed for over two years.

STRIKE TWO – PLATTER OFFERS ANGELA NOBILIS FAIRE A PLEA BARGAIN

Angela Nobilis Faire is facing a malicious prosecution for 2nd Degree Criminal Theft and 1st Degree Criminal Trespassing, which both carry substantial sentences. We are informed that Platter has offered to drop the 2nd Degree Criminal Theft charge down one notch. Having no evidence to show guilt on Angela's part and with the state's own witness claiming he deceived police in his initial interviews, Platter is relying on nothing except the charges themselves as justification for sending a plea offer to Angela's attorney for review. Trying to get Angela to bite on a "no jail time" offer might be straight out of the prosecutor playbook, but when justice is not being served it is nothing but a blight on the office and people Platter supposedly represents.

Platter might do well to actually represent the interests of the public and the law, instead of trying to "protect" the reputation of an already tarnished prosecutor's office. It is true that Platter's predecessor refused to dismiss the false charges against the Faires, but that doesn't make the charges worthy of ruining his reputation as well. Again, if he has any small connection to justice, Platter must drop all false criminal charges and apologize to everyone involved for this corrupted mess - a mess that his office in conjunction with Okanogan law enforcement have created.

It has been reported to the US~Observer that there will be no plea-offer accepted in either case.

Should the prosecution take these fine people to trial on their false charges, you can rest assured the evidence will prove their innocence.

PLATTER – A PRACTICE OF DEPRIVING THE INNOCENT OF THEIR CONSTITUTIONAL RIGHTS?

Branden Platter well knows how to totally ignore self-defense evidence.

Platter was Karl Sloan's top assistant when Sloan prosecuted a murder case, unrelated to the Faires, wherein Jesus Duarte Vela shot and killed Antonio Naranjo-Menchaca. It has been reported that prior to jury selection, Sloan moved to exclude evidence of the victim's prior bad acts that Vela was to use in his defense, establishing that he was afraid for his life and the lives of his family when he shot Naranjo-Menchaca. Vela was convicted of second-degree murder.

While we have not entirely investigated this case, we can report that the State Court of Appeals for Division III overturned Vela's 2nd Degree murder conviction. Motions made by the prosecution and rulings issued by trial Judge Christopher Culp (the same judge in the Faire case), to keep evidence from being heard by the jury were ruled unconstitutional.

Platter has said he will file a motion for reconsideration and even seek review with the state Supreme Court. Is this justice, or yet another attempt to protect the image of a corrupted prosecutor's office?

FAIRES' CIVIL SUIT RULED ON - MOVES FORWARD

James and Angela Nobilis Faire filed suit against Richard Alan Finegold (one of the state's main witnesses), Finegold's co-conspirators and the estate of Debra Long on April 25, 2017.

Photos obtained by the Okanogan County Sheriff, court transcripts of interviews of Ruth Brooks, Michael St. Pierre and Richard Finegold combined with Richard Finegold's false police report show clear evidence that Finegold and the others, under the direction of Debra Long, premeditated a surprise and violent ambush of James and Angela which sadly resulted in Long's own death.

Conspirator Richard Finegold

This case was recently ruled on by King County Superior Court Judge Suzanne Parisien as being able to move forward after George Abrantes tried to place a stay on the civil proceeding.

The Faires, confident in their innocence

Depositions are currently being scheduled.

We have it on good authority that Finegold wants to seek a settlement in the case and realizes that his position is indefensible. It would be telling if this comes to be a reality; a reality that would destroy Platter's continued malicious criminal prosecution.

INJUSTICE - IS THIS THE BEGINNING OF A TREND IN OKANOGAN COUNTY?

While Sloan's prosecutorial misconduct is evident, Platter can still make good to the citizens he now serves. That, however, is going to take a complete reversal in cases like the Faires.

But for now, Platter is marching right along to infamy, just as his predecessor had. What we can guarantee is once he hits strike three, he'll be out. We'll make sure of it, and so should the citizens of Okanogan County who are concerned with justice.

One thing is certain, it doesn't matter if Platter takes the Faires to trial, there isn't a jury in this world who will convict them on the evidence, and the county will still end up paying for Platter's malicious prosecution.

Editor's Note: Every Judge and Prosecutor in the State of Washington should keep their eyes on this case and how it plays out. Will there be more reversals by higher courts, or will the system work as it should and protect the innocent?

We urge anyone with information on Okanogan County Prosecutor Branden Platter or any other officials involved in this case to contact Edward Snook at 541-474-7885 or by email to ed@usobserver.com. Information on other wrongdoing by Okanogan County government is also welcomed as we intend to be publishing on Okanogan corruption for quite some time based on the many complaints we have received to date. The corrupt in Okanogan will literally be shocked at what we have learned!

★★★

Records Requests (FOIA) Can Now Get You Sued by Government

By Joseph Snook
Investigative Reporter

(US~Observer) - Imagine that you are attempting to request public information from a government agency. Imagine that you're a concerned citizen who would simply like answers to your questions. Imagine that you are told NO! Next, ponder the thought of getting sued by government for simply requesting public information. Now you must defend yourself from your own employee – who is suing you with your own money (tax revenue). Now imagine this is a reality, not fiction.

According to a recent AP article:

"IOWA CITY, Iowa (AP) — An Oregon parent wanted details about school employees getting paid to stay home. A retired educator sought data about student performance in Louisiana. And college journalists in Kentucky requested documents about the investigations of employees accused of sexual misconduct.

Instead, they got something else: sued by the agencies they had asked for public records.

Government bodies are increasingly turning the tables on citizens who seek public records that might be embarrassing or legally sensitive. Instead of granting or denying their requests, a growing number of school districts, municipalities and state agencies have filed lawsuits against people making the requests — taxpayers, government watchdogs and journalists who must then pursue the records in court at their own expense.

The lawsuits generally ask judges to rule that the records being sought do not have to be divulged. They name the requesters as defendants but do not seek damage awards. Still, the recent trend has alarmed freedom-of-information advocates, who say it's becoming a new way for governments to hide information, delay disclosure and intimidate critics..."

At this point, most reading are probably thinking, fake news, right? Sadly, its not. This concept supports dictatorial rule. Is that the United States? Just think, you are legally entitled to public information, but wait, only at your own peril.

Freedom? What is that word? Liberty, psh... Transparency? Is that not just a term once used to make the sheeple feel warm, fuzzy and protected from governmental abuse?

The reality is, courts have succeeded in keeping this "public information," private. In at least two cases, documents were NOT produced according to AP. In many cases, however, the delayed, forgotten, and out-right refusal to divulge public information produces the same result, albeit, without being sued by government.

According to AP:

"You can lose even when you win," said Mike Deshotels, an education watchdog who was sued by the Louisiana Department of Education after filing requests for school district enrollment data last year. "I'm stuck with my legal fees just for defending my right to try to get these records."

The lawsuit argued that the data could not be released under state and federal privacy laws and initially asked the court to order Deshotels and another citizen requester to pay the department's legal fees and court costs. The department released the data months later after a judge ruled it should be made public.

Deshotels, a 72-year-old retired teachers' union official who authors the Louisiana Educator blog, had spent $3,000 fighting the lawsuit by then. He said the data ultimately helped show a widening achievement gap among the state's poorest students, undercutting claims of progress by education reformers."

Today, you can get sued for filing a FOIA request. Tomorrow, you may be jailed for it. Let's change that! Get active. Turn the television off. Read a U.S. Constitution. Learn your rights and use them.

★★★

He's Number One: America's Top Outside Sales Earner Will Blow Your Mind

By Joseph Snook

(US~Observer) Grants Pass, OR – Russell Dean's sales techniques are second to none – literally. For the last three years, Dean has been the number one salesman in his field. Dean's outside sales position with Charter Spectrum is truly the original form of old school sales, otherwise known as door-to-door sales. He's number one for a reason. Dean's skills precede those of other cold sales jobs as his target market leads to a higher turn-over rate for many who attempt this line of work.

Dean travels the back roads in a small, rural, Southern Oregon community with an estimated population of 83k. The median home income of his potential client is only 33k. Simple numbers would indicate that Dean has minimal clientele, yet he's continually led the nation in this field of sales. So, how does Dean, a 46-year-old salesman rake in 500k annually? The answers will certainly blow your mind, which are shared by Dean in his upcoming book titled, "A Door Knocker's Guide To The Universe."

Russell Dean

"If you're going to exchange your time for money you may as well make as much as possible," explained Dean. What a simple, yet easily overlooked approach to work.

FINDING BALANCE

Finding the perfect balance between work and personal life is something Dean has also mastered. Dean is very family oriented. He's been married to his wife, Tamara for 26 years and has two adult daughters, Corean and Crystal. He's constantly on the go, whether it be training his giant schnauzer, Hanz, 4-wheeling and riding dirt bikes on his beautiful property surrounded by mountains, traveling, exploring the outdoors, exercising, surfing or simply making music. Dean is constantly surrounded with positive energy. Using this lifestyle to his advantage, Dean strategically found a way to make that energy reciprocate with his customers.

RECIPE FOR SUCCESS

In a job market with a national wage between 30 – 90k, Dean excels above the rest. He not only earns 15 times more than the average household in his community, he's earning more than five times the national average of the highest paid door-to-door salesperson. Dean says you need to, "keep adding value until it matches the amount of income you want."

Going off his list of monthly leads, Dean sharpened his sales approach to impact his clients in the most beneficial way possible for them, and himself. One day, Dean was recreating in the mountains surrounding his home when his cell phone rang. It was a weekend. Dean didn't have to answer the call. The customer was calling to cancel a recent purchase order for an undisclosed reason. Most would have let the sale go. Not Dean. Within less than two minutes Dean was back on the trail 4-wheeling having already saved the sale.

Some may attribute Dean's success to him being gifted at what he does, which he undoubtedly is, but that is not the total recipe for his success. Aside from being gifted, Dean is motivated and determined to name a few traits he encompasses. His time is valuable and he understands that.

UNLOCK YOUR TRUE POTENTIAL

Dean said, "We all have infinite potential, tap into that potential to realize your dreams."

Undoubtedly, Dean's income and how he's number one in a less than desirable market is inspirational. Whether you work in sales, or want to improve your outlook on life, Dean's new book is useful to achieve a financially better way of life. Blow your mind and change your life. Get Dean's upcoming book, "A Door Knocker's Guide To The Universe."

Perhaps your true potential has yet to be discovered?

★★★

The Best Police Officer

By US~Observer Staff

In an era where poor policing is exposed daily, here's a story of one police officer that will tug on your heartstrings. Officer Jody Thompson may just be the best police officer you've ever read about!

Officer Jody Thompson and his adopted son

Poteau, OK – Back in 2015, Officer Jody Thompson was pulling into the police station when a call of child abuse was received. Although his shift was ending, Officer Thompson responded with other on-duty police. Once Officer Thompson arrived on scene, a young 8-year-old boy was located. The abuse was horrific. Officer Thompson ended up doing more than just saving this young boy from abuse, he would eventually adopt him.

ABUSED CHILD

According to Fox 59, Poteau Police Chief Stephen Fruen explained, "Based on some of the case facts, when we found him (boy) he was bound by his hands and feet with rope and had been submerged in a trash can, held in the shower," Fruen said. "They weren't feeding him. He didn't have much to eat. I think what he did get to eat he got at school. Bruises, he was covered in bruises from head to toe."

Having previously handled dozens of abuse cases, Officer Thompson immediately transported the young boy to the hospital where he stayed by the child's side as he laid recovering in intensive care.

"He means everything in the world that we live in. He's the strongest person I've ever met. He means the world… And the rest is kind of history," Thompson stated.

"When I seen him in that house…I knew," Thompson said. Officer Thompson "knew", and eventually adopted the now 10-year-old boy.

ONE MORE ADOPTION

This story took another dramatic turn when the boy's biological mother gave birth to his sister while she was in jail. Wanting to keep the siblings together, Officer Thompson adopted the young girl, too. "She was barely 24 hours old and we brought her home," said Officer Thompson.

The young boy is now excelling in school with straight A's. He was also part of the gifted and talented program during the school year.

"All of us can sit back and say we would do the same in that situation, but to come through with it and to do that, that's a measure of a man – and a very good police officer," Fruen said.

The US~Observer would like to thank Officer Jody Thompson. We believe he may just be the best police officer to ever put on a badge. We see on social media that some cops flat-out abuse their power, some causing unwarranted deaths of innocent people. What Officer Jody Thompson did is a strong reminder that truly compassionate police do exist, and we hope to see more stories like Officer Thompson's. Aside from possibly being the best police officer ever, Officer Thompson has lead by example. Leading by example is something dearly needed to be seen by the public he serves.

Officer Thompson – you're the best. Thank you for your service. ★★★

Continued from page 1 • OR Planning Director Keith Cubic ...

compliance and told the task force to pull up our patient's plants. The Douglas County Code Enforcement officers were very disrespectful to us. The task force had a meeting four days later with all of us. During the meeting, Dan, the head detective explained to Cubic that 'he and his code enforcement team all work under the color of the law and false information could lead to liability.'" The complainant continued, *"we are not interested in liabilities; we are only interested in county officials being honest with us."*

Another complainant stated, *"We thought that the problem was solved... to no avail. Director Keith Cubic made us jump through many hoops for a complete year, then again sent his code enforcement out for an annual Medical Marijuana grow site inspection, which he assessed a $930.00 fee. This fee was clearly excessive. The code enforcement officers Cubic sent out violated all of our patient's constitutional rights to a medical necessity as well as the Right to Privacy Act."*

Cubic, in another complaint, had the code enforcement team take pictures of all patient's medical records. *"We are currently seeking an investigative team, along with attorneys to force Douglas County Code Enforcement to destroy all of the pages of medical records that Cubic's team have. They do not have the right to that information. Furthermore, the actions of those under direction of Cubic are in clear violation of HIPAA Laws."*

RESOLUTION

Those in Douglas County Government who refuse to uphold the law will be held accountable. If Keith Cubic doesn't treat all residents equally, and within the scope of law, there will be a price to pay. That price will be at the expense of Douglas County taxpayers. Keith Cubic will be the one responsible if his actions do not cease and desist.

Editor's Note: Anyone with information about Keith Cubic orchestrating unlawful acts or using his position of authority to abuse law abiding citizens should call the US~Observer at 541-474-7885 or call 1-800-851-3761 to speak with the Grower's Association. ★★★

Texas Refuses DNA Testing for Man Scheduled to Die in November

By Innocence Staff

(Innocence Project) - Innocence Project client Larry Swearingen is scheduled to die on November 16, despite DNA evidence that excludes him from the 1998 murder for which he was convicted.

Larry Swearingen

Swearingen was sentenced to death in 2000 for the rape and murder of 19-year-old Melissa Trotter. He maintains his innocence and is fighting for DNA testing of key evidence, including the victim's clothes, a rape kit and the murder weapon, but Texas courts have repeatedly struck down his requests.

The DNA testing that has been performed supports Swearingen's innocence claim. Blood from under Trotter's fingernails excluded Swearingen and yielded an unknown male profile.

As Texas made much-needed improvements in its post-conviction DNA testing statute over the years, Swearingen was twice granted testing, but the request was twice struck down by the state Court of Criminal Appeals, which ruled that the court should only consider whether the DNA evidence would exclude Swearingen and should not have to "rely on the ramifications of hypothetical matches" to an unknown genetic profile.

Innocence Project Senior Staff Attorney Bryce Benjet told The Intercept that the Court of Criminal Appeals' interpretation of the state statute sets a bad precedent for anyone seeking testing of DNA evidence in Texas.

"The notion that they're expressing — which is that we only consider exclusionary results — has nothing to do with how DNA actually works," Benjet told The Intercept. "I don't know why they haven't figured that out, but the end result of that error is that DNA testing is no longer available to most people in prison."

The Innocence Project will continue to push for DNA testing of evidence for Swearingen as his execution date approaches.

★★★

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.

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

Why have a bad day when it's still possible to force justice ... right down their throats?

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

For justice sake, don't wait until they slam the door behind you before contacting us if you are innocent.

Call Us Today!
541-474-7885

If you prefer email:
editor@usobserver.com

"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..."

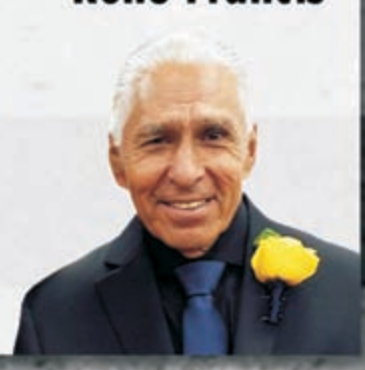
Victim: Employment Discrimination — **Shawn Yoakum**

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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