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US OBSERVER
Vindicating the Innocent

www.usobserver.com

Volume 2 • Edition 42

JUSTICE LOST

Prosecutor Sloan Ignores All Evidence

Court denies appeal of ruling denying writ of habeas corpus

By Ron Lee
Investigative Journalist

Tonasket, WA - Okanogan County Prosecutor Karl Sloan continues his quest to prosecute James Faire for the alleged murder of Debra Long, while also prosecuting James' wife Angela on the charges of 1st Degree Criminal Trespass and 1st Degree Theft. By continuing to push these charges, while there is so much evidence to the contrary, Sloan is showing himself to be less concerned for justice than he is for protecting the image of a county government who, by way of Sheriff Frank Rogers' statements

Prosecutor Karl Sloan

to the press, took the unsubstantiated public position that James and Angela were

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CASE SPOTLIGHT

The MacLaren Nightmare

Daughter Taken From Mother and Placed in Custody of Alleged Abuser

By Joseph Snook
Investigative Reporter

What would you think about a four-year-old child who, when you wanted to take her to a relative's home, became so agitated in not wanting to go, and so visibly scared that the child wet her pants? Would you think there was a real problem; perhaps a dangerous problem? Or, would your first inclination be that the child must have been coached? Unfortunately, for one child and her mother that is exactly the position Department of Human Services (DHS) employee Cori McGovern has taken by asserting the mother introduced the ideas into her own child. By taking this position, DHS has taken the child from her mother and placed her with the girl's father, the exact person the girl so vehemently acted out against being around. It begs the question, how is it that some abused children get lost in the system that is supposed to protect them and wind up being more damaged? One thing is certain, that is exactly what has happened in this nightmare of a case.

According to records, In the Spring of 2015, Christi MacLaren was initially told by her daughter (then four-years-old) that Sean Lenzo (biological father) had rubbed, "magic cream" on her vagina in a really fast motion until bleeding

Christi MacLaren

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Walker Surveying Nightmare Costs Approaching $500K

Dysfunctional Board of Surveyors

Dorothy Walker

By Edward Snook
Investigative Reporter

Idaho County, ID – The US~Observer has published numerous articles on Dorothy Walker's fight to protect her property boundaries located just outside of Grangeville, ID and the resulting nightmare that fight has entailed. Walker has reportedly spent in excess of $450,000 to date seeking justice in a system that has become way too expensive for a vast majority of Americans; a system that sometimes involves pure cronyism.

What is at issue is surveyors have unlawfully repositioned existing monuments on private land, which impairs "bona fide" rights of long established boundaries. Because of unenforced federal

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$9.2 Million Lawsuit Filed Against DHS' Child Caseworker Matthew Stark

By Joseph Snook
Investigative Reporter

On November 22, 2016 Dain Sansome's attorney filed a $9.2 million lawsuit against the State of Oregon and Department of Human Services Caseworker Matthew Stark. Dain and his family are seeking damages for the abuse they endured over a false sexual abuse allegation that nearly ruined their family. This is the second lawsuit Dain has filed. The first suit was filed in Federal Court and is currently under appeal over a filing deadline issue.

Matthew Stark's office

Dain Sansome was arrested in November 2011. On December 12, 2013, after more than two years, Dain was finally acquitted of several false charges, for allegedly abusing his own young children. Dain was accused after a neighbor supposedly overheard part of a conversation between one of Dain's daughters while she was playing with the neighbor's children. All Dain had ever done was bathe with his daughters, then ages, one, three, and six years old; this is the customary way he and his wife chose to raise their young children, who are half Japanese.

One expert who is associated with Dain's case stated, "We live in a culture where many people are ashamed of themselves, including their body. We also live in a culture where actions are often sexualized, even when they shouldn't be. In an era where anyone is a potential target, it really makes one reconsider raising

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CORRUPTION

Former State Forensic Scientist Sentenced to 3 Years In Prison

By Joseph Snook
Investigative Reporter

Portland, OR. - On December 12, 2016, former Oregon State Police Forensic Scientist Nika Larsen, 36, of Bend, Oregon was sentenced to three years in federal prison for obtaining controlled substances by misrepresentation, fraud and deception. Also accused of tampering with seized drugs, Larsen's actions prompted investigators across the state to re-evaluate more than 2,500 cases, leading to the dismissal of over 150 cases that were unjustly affected by Larsen.

In a letter to U.S. District Judge Anna J. Brown, Larsen didn't directly mention the innocent lives of those who were wrongfully charged or convicted because of her

Former Oregon State Police Forensic Scientist Nika Larsen

actions. Her letter read in part, *"I allowed my addiction to cloud my judgment... I had no idea, at the time, how insidious my actions were and how deeply they would affect those involved. Most of all, I have let*

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US~OBSERVER VINDICATION

Not Guilty - A Unanimous Verdict

Saved from False Claims and "War on Drugs" Overreach

Attorney Eric Hale & Kevin Olsen after acquittal.

By Joseph Snook
Investigative Reporter

Clackamas County, OR - On Wednesday November 16, 2016, Kevin Olsen's fate rested with jurors shortly after closing arguments were made in his Assault IV criminal trial. Although assault in the fourth degree is only a misdemeanor charge in Oregon, Mr. Olsen had much more to lose. He faced as many as three years in a state prison to be exact for already being on probation in South Dakota.

In an unrelated incident Mr. Olsen was forced to take a plea

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guilty.

Sheriff Rogers in an interview by KREM 2 News suggested to the public he didn't, "know what was going through their brains." He further expressed how James and Angela were crazy, "to push it or escalate it this far, where somebody has to die," concluding, "there is no sense in it." But, James and Angela had been the victims of a conspired and staged attack where there was a premeditated attempt to vilify them by submitting a false police report – there is no disputing this fact. The truth is James and Angela's actions are consistent with them trying to escape being harmed, out of self-preservation. All evidence to the contrary that Sloan was relying on has dissolved as, one by one, the conspirators have changed their stories.

Sheriff Frank Rogers

THE CONSPIRACY

Michele St. Pierre was a patriot, and she was dying from cancer. Her involvement in the Ron Paul Revolution and the Tea Party movements led her to a friendship with James Faire and Angela Nobilis-Faire. Knowing the two were honorable people she asked them for help when her health turned for the worse. James and Angela sacrificed their own time and interests and rushed to the aid of a friend with unconditional love and support. Initially, they found Michele covered in filth, which they immediately cleaned up.

The Faires moved into her Stanwood, Washington home to help care for her. Not only did they take care of Michele, but they cooked and cleaned for the whole household, which included Michele's "partner" Richard Finegold, her brother, Michael St. Pierre, and a roommate, George Abrantes. The men did little to aid in caring for Michele. The Faires also provided groceries for the whole house, and often ran errands for Richard Finegold who would give them lists of items to do and to retrieve from his Tonasket, Washington home, to which Richard had given them access to a key. Finegold had specifically asked James to make repairs at both homes.

Michele St. Pierre

James Faire and Angela Nobilis-Faire

While the Faires were living in Stanwood, Michele and Finegold approached the two with being part of creating a planned community on Finegold's Tonasket property. Finegold had even given the Faires permission to store their property in his Tonasket home and on his property - his requests for them to get things from his home gave them an excuse to ensure their property was in good order.

As part of the Faires' efforts to aid their friend, Angela began a GoFundMe for the purpose of helping ease the financial burden on Michele – it raised over nine thousand dollars, of which $6,000 was given in cash to Finegold and Michele, with the rest being used for groceries, gas, and other related expenses. Little did the Faires know their benevolence would later be unjustly vilified to the point where it could have cost them their lives.

It has been reported that Debra Long (aka Debra James) came into Michele's life to help with a property foreclosure and immediately began taking control; that she feigned concern for Michele and Michele's possessions, including her separate homes, as well as Richard Finegold's home and property in Tonasket. Knowing the end was near for Michele, Long pushed for the properties to be put into a trust, of which she became a beneficiary along with Finegold. According to witnesses, when James and Angela weren't present, Long would bad-mouth them, slighting their integrity. In fact, she created such a hostile environment that James and Angela had to leave the home, moving to Lake Stevens, Washington.

Unfortunately, it wasn't long before Michele lost her fight with cancer, and the nightmare truly began for James and Angela.

On the very day of Michele's death, Long met with James and Angela, for a prearranged dinner at the Ram Restaurant in Marysville. During dinner, James and Angela informed Long that they wouldn't be involved with the planned community. Long asked for two days to talk to Finegold and firm up a contract; the Faires held their position, reiterating they were no longer interested and mentioned they would be removing their belongings off Finegold's property as soon as possible. When the Faires inquired into Michele's health, Long replied, "She's a feisty little bird," and went on to say that she was fine, even though Long had been present when Michele had died earlier that morning. According to the Faires, the meeting was pleasant and not in any way confrontational - Long even hugged them as they parted...

But reports from witnesses say that behind the scenes the Faires were being maligned just following this meeting; that Long railed against the Faires trying to whip-up support against them by saying they had taken money from the GoFundMe account, which Long purported was supposed to have been Michele's.

Three days later on June 18th, 2015, after breakfast, the Faires set out on the long journey to Tonasket. They also found an individual who would drive a secondary vehicle the 4-plus hours to Tonasket, and act as a helper to load their belongings. Along the way they messaged Linda Pries in hopes she could reach her husband, Jody, who had several large solar batteries of the Faires. Their hopes were that Jody could drop the batteries at Finegold's property so that they could get them back on the same trip. They kept Jody, by way of Linda, apprised of their estimated time of arrival along the way. This is a pivotal fact, as Jody arrived a half hour prior to the Faires, letting those who were there know when James and Angela would arrive.

The Reagan Wing reported on June 18th, 2015:

"The Reagan Wing has learned, through Snohomish County authorities, that well-known author, speaker, state wide liberty leader and Ron Paul activist, RCLWA board member, Michele St. Pierre, passed from this mortal life at 4:45 AM Monday, June 15, 2015 and her passing was kept secret ...

At the time of her death, Michele St. Pierre had more than 2,000 Facebook friends, a tribute to the impact of her political work. But by that time those allowed access to Michele had been narrowed to five people: a legal counselor who claimed a PhD in psychology, orchestrated Michele's real property transactions in the face of foreclosure and acquired Michele's power of attorney in the final weeks of her life, a truck driver with shamanic training and a propensity for physical intimidation, a childhood girl friend, her brother, and her live-in "partner" (the only actual political activist remaining among the "insiders"). That small circle, actually living in Michele's house, not only gave Michele whatever care she received as her body wasted away, they formed the wall around her that controlled information and access. Former friends had been cut off and locked out, and the insiders limited communication, making it possible to hide the news of her passing.

A search of public documents reveals large changes to Michele's estate in the final days of her life. On April 15th she granted the legal counselor/psychologist woman power of attorney over her Stanwood residence. Then the title to that real estate was transferred to a trust administered by the legal counselor/psychologist's partner and recorded in Snohomish County on June 9, 2015.

Almost to the end, Michele's doctors were refused access to see or speak with her. And the legal/psych counselor (whose legal power to act on Michele's behalf expired with Michele's death) attended a meeting with banished former friends and discussed Michele as though she were still living more than twelve hours after (we now know) Michele had passed away.

What was the purpose of all of this? When will the whole truth come out?

We suggest autopsies..."

To this date there has never been an investigation surrounding the circumstances of Michele St. Pierre's death. Was it a result of her cancer? Could her condition have been exacerbated by her "caregivers"?

Although Richard Finegold had a medical power of attorney, and Michele became legally incompetent several months before she died according to witnesses, Michele had instructed Finegold that she didn't desire chemotherapy. However, she never made it known she was adverse to surgery, or any other medical intervention. Finegold, who was reportedly under instructions from Long, refused to provide any such medical care when given the opportunity. Information received by the US~Observer suggests that Debra Long was simply waiting in the wings for Michele to die so she and others could collect on the trusts they had set up for Michele.

The only people that could potentially stand in their way were James and Angela. The conspirators knew the couple wouldn't tolerate the theft of their friend's estate, so something had to be done.

Unbeknownst to James and Angela, Long had Finegold report a break-in on his Tonasket home on June 17th, 2015. At that time, he claimed to know that it was James and Angela.

After reading the Reagan Wing article, and on their way to Tonasket, the Faires realized that something wasn't right. Why else would Debra Long have lied by saying Michele was still alive? Just what was she up to? Little could have prepared them for what was about to happen.

The conspirators include, from left to right, Richard Finegold, Michael St. Pierre, George Abrantes & Ruth Brooks

THE ATTACK

At approximately 1:30 in the afternoon on June 18th, 2015, James and Angela pulled into Finegold's Tonasket property located at 36 E. Sourdough Road in Okanogan County. Upon exiting their vehicle and walking toward the house they were accosted by 4 individuals: George Abrantes, Ruth Brookes, Michael St. Pierre and Debra Long.

What happened next occurred in a span of seconds...

Chaos ensued as Abrantes came at the couple wildly swinging his chain. People were screaming. James drew his firearm that he always carried, to hold off the attack as he and Angela withdrew to their truck – it worked for a moment and Abrantes temporarily halted his oncoming aggression. But when James entered the truck, Abrantes began smashing at the hood and worked his way to the driver side window. It held. Michael St. Pierre was at Angela's window screaming and pounding.

The chain, and damage done by George Abrantes

James started the truck and did his best to escape the onslaught and navigate his way to safety. Both he and Angela knew Finegold had rifles in the home, and seeing as though they had no cell service, they drove to a safe place they knew they could call 911. They were followed by the only eye-witness to the event, 60 year-old Boyd McPherson.

McPherson has taken a deposition, describing in detail the unwarranted attack and the absolute innocence of James and Angela. Prosecutor Sloan is in possession of McPherson's compelling testimony regarding the incident, and he has totally ignored it to date.

James and Angela never saw that they had struck Long while trying to escape. In fact, after getting into the truck they don't remember seeing her at all, but their witness does. McPherson stated on the record, "Long was bent down in front of the truck, attempting to tie herself to the front of it."

PROSECUTING SELF DEFENSE

After police arrived at their location, James and Angela were informed that there had been a death at the scene - Debra Long was dead.

"You have the right to remain silent..." is seemingly being

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DEDICATED to the INNOCENT

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

There's nothing sweeter than an exoneration. And also nothing sadder.

By Susan Greene

(Colorado Independent) - Twenty-nine years, two months, and 28 days.

That's how long it took Clarence Moses-EL to disentangle himself from a rape he didn't commit, a 48-year prison sentence for a wrongful conviction, and the web of deceit spun by Denver authorities.

A jury on Monday acquitted Moses-EL, 60, of charges stemming from the 1987 sex assault and burglary of a woman in Denver's Five Points neighborhood.

Denver District Attorney Mitch Morrissey's office re-prosecuted Moses-EL even though new evidence led a judge to vacate his convictions last December after he spent 28 years in prison. That evidence included the confession of a convicted rapist who was the first man the victim identified as her assailant. It also included the testimony of the confessor's former girlfriend that he slipped out of her house in the middle of the night when her best friend and neighbor was attacked. And forensic analysis showing that sperm found in the victim's body matched the confessor's blood type, not Moses-EL's.

I've followed this case for more than a decade. Yet the details still seem as surreal as when I first read the court records and interviewed Moses-EL in prison.

How, I wondered, could Denver authorities not have bothered to question the men the victim first identified as possible assailants? How could they have prosecuted Moses-EL solely because the victim claimed, a day and a half later, that his identity came to her in a dream? How, after Moses-EL won two court orders and raised $1,000 from prison to test the DNA evidence, could they have tossed the box of evidence – marked "DO NOT DESTROY" – in a dumpster? And why did they refuse to grant Moses-EL a new trial in the late 1990s as a remedy for their foul-up?

Questions kept mounting as I followed the story.

Why wouldn't Morrissey reopen the investigation in 2006 when he realized that LC Jackson, the first man the victim identified in her outcry, was a serial rapist? How could Morrissey get away with misleading the media and state lawmakers about the case? Why, since 2012, did Morrissey try to keep Jackson's confession from coming to light? And what prompted the District Attorney to insist on retrying such a flimsy case after a judge let Moses-EL walk free?

The gravity of those questions weighed on family, friends and supporters as they sat in Denver District Judge Kandace Gerdes' courtroom early Monday afternoon awaiting the verdict jurors took four hours to reach.

The strain of Moses-EL's 10,317 days behind bars was evident in the face of his son, Anthony, who was 3 and riding on the handlebars of his father's bike in August 1987 when police stopped them and hauled his dad away.

The enormity of the stakes was obvious in a defense lawyer's wringing hands, the prosecutor's shaking leg, and the ready stances of the dozen or more sheriff's deputies posted in and outside the courtroom for security.

Back straight, head tall, and eyes wide open, Moses-EL sat steady and calm waiting to hear if the case that has eaten half his life would swallow the rest of it, too. If he has learned anything over the years, it's patience.

The judge walked in at 1:19 p.m. and warned everyone that displays of emotion would not be tolerated in her courtroom. Then everyone rose and the jurors filed in with a collective ease that buoyed the crowd in the gallery.

Clarence Moses-EL

Their verdict was unanimous. Not guilty on all counts.

What followed next was a group hug among the legal team and supporters who embraced Moses-EL and his exoneration fight and has, over the years, coalesced as a community. Behind him, they walked a path of camera flashes and fuzzy microphones out of the courthouse where, suddenly, everyone wanted to hear from the man the system had worked so long to silence.

"Yeahhhhh," Moses-EL told reporters. "Oh yeahhhhh!"

What can you say? How do you feel? What do you think? What were those 28 years like? How did you withstand it? Why did this happen? What was broken? What can be fixed? What's next? Where will you go? What will you do? Who might you sue? How long would that take? What did this cost you? What does this mean? What's the moral of this story?

Moses-EL said his innocence had grounded him and that his faith had carried him. He said truth is unbreakable, no matter who tries bending it and no matter how hard or how long. He said he wants a quiet, peaceful life and aims to help other prisoners facing bum raps. He thanked Allah and his mom, who didn't live to see him exonerated. And he thanked his lawyers, investigators, friends and family who broke from the circle of journalists and walked a few blocks toward lunch.

On their way, an off-duty Denver sheriff's deputy saluted, two skateboarders stopped to look, and three drivers honked at the procession. A young woman heading into the Denver Art Museum asked, "There was a verdict? Not guilty? Aw, thank goodness. Thank God."

In warm autumn afternoon, Moses-EL and his people took over the terrace of a restaurant that overlooks History Colorado Center. "Check this out. Let's set this straight," a friend of Moses-EL called out, as if asking the building itself to record that moment of history. "Brother Moses is innocent! Always has been."

There was champagne. There were toasts. There were stories about decades in prison, moments of despair, weeks of court hearings, and years of waiting for this day. There were chicken wings, crab cakes and group shots of gratitude and relief.

"This is the best day of my life," Moses-EL told me.

He took time to eat it up, soak it in. He took care to thank everybody, including the waiter and waitresses, for helping him. He took phone calls from friends in prison and family in Baltimore who wished they were there to celebrate.

After all, there's nothing sweeter than an exoneration. And also nothing sadder.

Sad because every wrongful conviction is, in effect, a cold case. If Jackson had been questioned and prosecuted for the assault in the first place, he likely wouldn't have raped – among who-knows-many-many others – a mother and her 9-year-old girl at knifepoint six years later.

And sad because locking up innocent people and throwing away the key makes the public even more distrustful of an already wayward justice system. It should gall every Denverite that city authorities let "The people v. Clarence Moses" rot for nearly three decades in our names.

Mayor Michael Hancock released a video assuring residents that city policy makers and law enforcers will stand up to government overreach and civil rights abuses under a Trump presidency. "I want to be clear. You can count on me, and you can count on your city. We've got your back," the Mayor said.

That same day, Hancock wouldn't comment on city authorities' own overreach and abuses against Moses-EL – a case for which Hancock's administration likely will be named in a civil rights lawsuit. Among the many questions for which the city has to account is why its police department ignored Jackson, who should have been a prime suspect in the investigation, and let him roam free to commit at least two rapes in the 1993.

For his part, Morrissey has spent years refusing comment on Moses-EL's criminal case because it was pending in court. Now that it's over, Morrissey still won't talk about why, after ample evidence of a wrongful conviction, he forced an innocent man to spend years behind bars for the sake of "victim advocacy." "I forwarded your invitation to Mitch and he is declining," his spokeswoman, Lynn Kimbrough, wrote in response to my request for an interview. ★★★

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used as an admission of guilt these days, at least in this case. While the group who attacked them gave contradicting statements, the Faires said nothing when being questioned and were the ones arrested and charged. You see, the police had Finegold's false police report written the night before, therefore the detainment of James and Angela was simply a foregone conclusion.

Since the arrest, the charges of murder and assault, which Angela was informed by Correction Officer Billy Roberts she was being pursued for, disappeared. It was reported that Angela was greatly relieved, when during her initial probable cause hearing she noticed that the two charges had been crossed out on her information sheet. Angela was released from jail after posting bail on her remaining charges of 1st Degree Criminal Trespass and 1st Degree Theft. Her next hearing date is February 13th, 2017.

For James, it has been a different story. In fact, James sat in jail more than six months without an attorney after his first attorney withdrew from the case. James eventually filed a Writ of Habeas Corpus after he hired Attorney Stephen Pidgeon to represent him. The Okanogan Superior Court denied this Motion and Pidgeon subsequently filed an appeal. The WA State court of appeals somehow concluded that it is okay for a defendant to sit in jail for months on end with no attorney when they denied his appeal. Pidgeon has further recommended that Faire file a Writ of Certiorari with the United States Supreme Court and the Faires are currently making their decision on this appeal.

In the recent denial of James' appeal by the WA State Supreme Court, the court took the position that a person who is still engaged in the process of being prosecuted can't be wronged until which time there is a conviction. In other words, they're okay with you continually being victimized until there is an outcome in your case – then they will look at it and determine if the cumulative wrongs you have been made to suffer are worthy of a granted appeal.

You would think a "justice system" would want to ensure justice was being dispensed as it was happening, not after the fact.

Justice also seems void in Prosecutor Sloan, whose job it seems is to back his detective brother's assertions in this case, along with the previously mentioned public stance the Sheriff's Department took early on.

One thing is certain, the only evidence Sloan has is the eye-witness testimony from a group of individuals who knowingly participated in a staged attack on James and Angela-Nobilis Faire. But, even that testimony is crumbling. During depositions, Richard Finegold has recanted his prosecution critical testimony. Basically, all Prosecution witnesses have become Defense witnesses and Sloan is in possession of everyone's statements.

Attorney Stephen Pidgeon is bringing in a reconstruction/reenactment specialist to recreate the events of June 18, 2015, when Debra Long, George Abrantes, Michael St. Pierre, Ruth Brooks and Richard Finegold arranged their ambush of the Faires, intending to either kill them or inflict great bodily harm, and executed an attempted kidnapping to accomplish their intent, resulting in the death of Debra Long.

James has an upcoming hearing on February 27th, 2017. Perhaps Sloan will do what is right and drop these outrageous charges against Faire at that time. But, that seems as probable as these conspirators – George Abrantes, Ruth Brooks, Richard Finegold and Michael St. Pierre – being charged with all of the crimes they allegedly engaged in; crimes like: conspiracy to commit a double homicide; conspiracy to commit kidnapping in the first degree; conspiracy to commit assault in the first degree; conspiracy to give a false police report; and giving a false police report, among others. And, that's only a partial accounting of what they did to the Faires!

The question remains with all who have investigated this factual travesty of justice; how did Karl Sloan ever gain control of the elected office of Prosecutor in Okanogan County, WA. How could a man, so void of any sense of justice be given the power to charge factually innocent people like James and Angela Faire with serious felony crimes?

James Faire said it best when he recently stated, "How does the system take a false police report, embellish it and charge the maximum crimes without investigating?" The simple answer to James' question is that prosecutors have no oversight or accountability today, but they have all kinds of immunity – immunity from responsibility, immunity from lawsuits!

And, what about Michele St. Pierre? According to witnesses, there were many alleged crimes visited upon her by Long, Finegold and the rest; crimes like: conspiracy to defraud; fraud; undue influence; conspiracy to commit first degree murder; criminal intent to commit murder; and criminal mistreatment in the first degree. How does Michele go about getting justice when no one is fighting for her? That is a sad truth that is lost in all of this.

Fact is, Prosecutor Sloan should be ashamed of himself.

Editor's Note: Anyone with factual information on this case or any of the players is urged to contact the US~Observer at 541-474-7885 or by sending an email to editor@usobserver.com. ★★★

In The News

5-Year-Old Boy Mistakenly Walks to School on Saturday, So Cops Arrested Dad

By Lenore Skenazy

(Reason) - A 5-year-old in Berwick, Pennsylvania, woke his dad up early on a Saturday morning and said it was time to go to school. Daddy told him no, hon, it's Saturday—no school!—and went back to sleep.

Now the dad, Jeffrey Wagner, is facing child endangerment charges. Unbeknownst to him, his son continued to get ready for school and ventured out into the chilly day to make his way to the bus stop.

Of course, no bus arrived, so the determined little boy started to walk to school. And then, reports CBS Pittsburgh:

[A] motorist spotted him and called police, who picked up the boy.

Wagner waived a preliminary hearing Thursday and will face the charge in county court.

Because, of course, only the children of criminally negligent parents ever do anything unexpected.

And any child who ventures outside is immediately in such grave danger, no parent should ever allow it, even if they're asleep.

And no cop has ever had anything similar happen to him or her, because it's only abusive, negligent parents who sleep in on Saturday mornings.

Throw the book at that sorry excuse for a papa! And let's hope that someday the child understands that it was thanks to him that daddy is doing time. That'll make the whole family a lot more functional.

★★★

Attorney's Mark Baker and Marc Agnifilo Secure Client's Release After 20 Years

(Brooklyn Law School) - After serving 20 years for two wrongful convictions, Anthony DiPippo was recently acquitted and released from prison thanks to the work of two Brooklyn Law School graduates: Mark Baker '72 and Marc Agnifilo '90.

Anthony DiPippo, left, talks with his attorney Mark Baker

DiPippo was first convicted in 1997 for the 1994 rape and murder of a 12-year-old girl in Putnam County, New York. The Appellate Division, Second Department, ordered a new trial in 2011 after allegations that his attorney in the first trial had a conflict of interest. He was convicted again in 2012, but a favorable ruling from the Court of Appeals in March won him a new trial with Baker and Agnifilo as counsel.

The attorneys used "reverse Molineux" evidence to argue that another man who was in prison for a similar crime—Howard Gombert—was the real perpetrator. In People v. Monineux in 1901, the court limited the use of evidence relating to previous, uncharged crimes. Not only had Gombert admitted to this crime while serving time in a Connecticut prison, the methods he used to attack another victim—who testified during the trial—were very similar to those DiPippo was accused of using.

After a five-week trial, the jury deliberated for about five hours and decided to set DiPippo free.

"In my career, I've walked five people out of prison after demonstrating their innocence, either on appeal, or on a subsequent proceeding," said Baker. "Actually vindicating somebody—that's a real high. We're thrilled with the result and we do believe in his innocence."

Baker, a New York City-based criminal appeals and post-conviction/post-judgment motion litigation attorney, also has served as a supervising attorney at the Cardozo Law School Criminal Appeals Clinic since 1993. He commended the growth of such programs around the country and at Brooklyn Law School.

Agnifilo, Senior Litigation Counsel at the New York City firm Brafman & Associates, concentrates on complex criminal cases in state and federal courts and internal corporate investigations in his practice. At Brooklyn Law School, he was on the Moot Court trial team and served as vice chairperson of Moot Court. He also said an Advanced Evidence Seminar at the Law School prepared him for his later work at the District Attorney and U.S. Attorney's Offices.

"That kind of set the table for rest of my life," Agnifilo said. "The DiPippo case is just the latest—and maybe the greatest—in hundreds of trials that really started with trial advocacy at Brooklyn Law School. ★★★

Study: Social Media Making People Anti-Social, Jealous

By Josh Noble

(StudyFinds.org) - Could social media be making people more anti-social?

The social media boom continues to make it easier than ever to stay in touch with loved ones in real time. But with the flourishing of new technology and the ability to be connected to anyone and everyone at any time, real-life human interactions could be suffering a heavy blow.

A recent global study conducted by Kasperksy Lab reveals that social media users are interacting less face-to-face than in the past because of this newfound ability to constantly communicate and stay in touch online. In the study, researchers found that about one-third of people communicate less with their parents (31%), partners (23%), children (33%) and friends (35%) because they can simply follow them on social media. This may be doing more harm than good, in a world where editing one's life to make it appear perfect is more appealing than naturally existing.

"Under certain circumstances they perceive their online communication as 'hyper-personal communication' and thus they can misread and over-interpret the messages on social media," said Dr. Astrid Carolus, Media Psychologist at the University of Würzburg. "We feel especially close, we blind out the rather negative, focus on the possible positive intentions behind a message, and over-interpret."

The study was conducted between October and November of last year among 16,750 participants, split evenly between men and women at least 16 years old from 18 countries, each of whom was surveyed online.

Participants were surveyed on the types of items they post on social media and the types of posts from others that have positive or negative influences on their moods. They were also asked about things they might do if meant obtaining more "likes" from their followers, including such things as posting salacious photos of friends or co-workers, or revealing sensitive information about someone else.

Many participants made it clear that social media made them jealous of others. Nearly 60% of the participants viewed a friend as having a better life than their own simply by seeing that friend's social media activity, and almost half were upset after viewing photos from a friend's happy holiday celebration.

The study also found that "people go on social media to feel better." Half of the participants reported using the outlets as a means to post optimistic things, and 61% said they go on to post things that make them smile.

Researchers ultimately found that many people will go to harmful lengths simply to win "likes" from followers. "This study has shown us that in order to generate more likes and feel better about the time they spend on social media, people are being tempted into sharing more information; potentially putting themselves and the people they care about at risk," the authors concluded.

Among the findings:

• 61% of the participants felt worse after finding out someone "unfriended" them, and 59% were upset after someone posted a negative or critical comment on their profile

• 57% said after going on social media they've felt that someone they follow has a better life than they do

• 59% felt sad after seeing photos from a party they didn't attend posted on social media and 45% were unhappy after seeing photos from a friend's happy holiday outing

• 58% were angered by a photo a friend posted of them online that they didn't want made public

• 54% felt upset when no one liked or commented on a photo they posted

• 42% were jealous when they saw a friend had more likes or comments than they did on a status update

• Just 31% of people aren't bothered by the number of likes they receive on a post

• 24% of men said they worry that if they get few likes, their friends will think that they are unpopular, compared to one-in-six (17%) women

• To get more likes, 32% of men said they'd post something funny about a friend, compared to 21% of women

What do you think about this study? Do you notice social media taking a toll in your relationships?

★★★

California Senate Votes 28-8 to Exempt Itself from Gun Laws

By Scott Osborn

(Joe for America) - The California State Senate agrees with Charlie Rangel that they "deserve" to own guns but the citizens do not! Every year they pass more and more gun control laws and NONE of them apply to themselves!

They voted 28-8 to exempt themselves from the gun-control laws that apply to the rest of the California.

You think maybe this will cause Californians to rise up? NOPE! It happened 5 years ago and since then, California has passed a plethora of other gun laws…that only apply to citizens.

The California state Senate agrees with Charlie Rangel that they "deserve' to own guns but the citizens do not!

Yes, you heard me right! The exemption was created in 2011 and the California legislature has passed a number of gun laws since. Pretty easy when you are passing bills that do not apply to you!

It is not the only special privileges California legislators provide themselves!

They do not pay red light camera bills or for gasoline!

How does it all happen so easily in California? The Washington Post explains:

Attempts by a handful of reformers to require politicians to provide a full annual disclosure of the benefits received from the public treasury have been rebuffed. Currently, government officials must file a statement of economic interests revealing income from any source other than a local, state or federal government agency. Gifts worth more than $50 also must be disclosed, but lawmakers rejected a bill that would have prohibited acceptance of concert and sporting event tickets, gift cards, spa treatments, golf outings and other benefits from lobbyists trying to buy votes.

Bills of this nature never meet an honest fate in which roll-call votes put members on the record as favoring or opposing each idea. Instead, reform measures are held in committee to die quietly as legislative deadlines pass. As of last week, it's effectively impossible for a bill to become law if it hasn't already passed in at least one of the chambers.

…and it just goes on and on! ★★★

First paralyzed human treated with stem cells has now regained his upper body movement

(The Hearty Soul) - Imagine losing control of your car and waking up in the hospital paralyzed from the neck down. This is the story of Kristopher Boesen, who experienced a life-changing moment where his car spiraled out of control on a slippy road surface, slamming into a tree and lamp post. Doctors warned Kris's parents that he might never be able to function from the neck down again.

Kristopher Boesen

THE PROCEDURE

Kris was offered the opportunity to go through a potentially life-changing procedure involving stem cells, which 'have the capability to repair injured nervous tissue through replacement of damaged cells' (1). The experimental procedure did not guarantee any restoration to Kris's paralysis, but to him, the risk was worth taking.

The process began in April where Dr. Liu injected 10 million AST-OPC1 cells directly into Kris' cervical spinal cord. (AST-OPC1 cells come from donated eggs that are fertilized in vitro (ie. in a petri dish). For more information on where stem cells come from, check out this resource.) Dr. Liu explains that; "Typically, spinal cord injury patients undergo surgery that stabilizes the spine but does very little to restore motor or sensory function. With this study, we are testing procedure that may improve neurological function, which could mean the difference between being permanently paralyzed and being able to use one's arms and hands. Restoring that level of function could significantly improve the daily lives of patients with severe spinal injuries." (2)

THE RESULTS

After a mere 3 weeks of therapy, Kris started showing signs of improvement, and within 2 months he could answer the phone, write his name and operate a wheelchair. He had regained significant improvement in his motor functions; which are the transmissions of messages from the brain to muscle groups to create movement (3).

Kris recovered two spinal chord levels which made a huge difference in his movement abilities. It was the difference between minimal movement or none at all and being able to function on his own. Kris regained the incredibly important aspect of independence.

After seeing the results of stem cell therapy, Kris was bowled over, saying; "All I've wanted from the beginning was a fighting chance…But if there's an opportunity for me to walk again, then heck yeah! I want to do anything possible to do that."

THE FUTURE

Although doctors are not able to make any promises that Kris's condition will further improve, they can keep experimenting with stem cell research to try and improve the likelihood of it working fully on paralysis.

So far, they have made huge steps forward and will hopefully continue to do so in their quest to solve paralysis, by teaming up with 'associate faculty based in departments across KSOM and the University to study stem cell-driven new medicine', Dr. Liu and his team at USC are determined to keep researching stem cells and much more!

Stem cell research is ongoing and can be used in many ways other than paralysis; from Parkinson's and diabetes to cancer (4). To find the latest news regarding stem cell research check this website out. ★★★

Former death row inmate goes free after acquittal


Isaiah McCoy

By Jessica Masulli Reyes

(The News Journal) - Isaiah McCoy, a death row prisoner for years, walked out of the Howard R. Young Correctional Institution in Wilmington and into his young daughters' embraces on Thursday night just hours after a judge found him not guilty of murder in his second trial.

Outside the prison's barbed wire fence and heavy doors, McCoy, 29, became emotional as he reunited with his girls and with the team of attorneys and an investigator who helped get him acquitted of the 2010 killing of 30-year-old James Munford.

"I just want to say to all those out there going through the same thing I'm going through 'keep faith, keep fighting," McCoy said. "Two years ago, I was on death row. At 25, I was given a death sentence – and I am today alive and well and kicking and a free man."

A spokesman for the Department of Justice said prosecutors were disappointed by the verdict from Kent County Superior Court Judge Robert B. Young.

"While we are disappointed with the outcome of this case, we respect the decision of this court. This was a difficult case and the court indicated the basis for its decision at the time of the verdict," spokesman Carl Kanefsky said.

The path to McCoy's acquittal has been long.

He was accused of shooting Munford to death during a drug deal in the rear parking lot of the Rodney Village Bowling Alley on May 4, 2010. The deal was supposed to be for 200 ecstasy pills and crack cocaine, but during the transaction, McCoy pulled out a gun and shot Munford, according to prosecutors.

A jury found McCoy guilty in June 2012, but the Delaware Supreme Court later overturned his conviction and death sentence.

The court did so because former Deputy Attorney General R. David Favata belittled McCoy and lied to a judge during the death penalty trial, the court said.

Favata made demeaning comments about McCoy's choice to represent himself, such as "I have been to law school, your honor. I understand the rules" and "The trouble with dealing with somebody with a limited education and no legal education is he doesn't clearly understand what he's reading," according to court documents.

Favata also, while in the presence of McCoy during a court recess, spoke about "Omerta," an Italian mafia code of silence. Favata said he would put a detective back on the stand to tell everyone that McCoy was a snitch and added that McCoy could have trouble back in prison after the other inmates learn he is a snitch, the documents said.

McCoy alerted the judge to the comments, but Favata denied them. Then, the prothonotary, who was in the room and overheard Favata's comments, was disturbed that Favata lied to the judge and wrote a note saying McCoy was telling the truth. Favata eventually admitted the comments were meant to be heard by McCoy, according to court documents.

The judge attempted multiple times to rein in Favata's behavior, but it was not until July 2015 that Favata was suspended from the bar for six months and one day for what the court called "unprofessional conduct." Favata had already retired from the state in March of that year.

With McCoy facing a retrial because of the conduct, Deputy Attorneys General Greg Babowal and Steve Smith gave him the option to plead guilty to manslaughter and a weapons charge, which would have carried a sentence of five to 50 years in prison. He refused the deal and proclaimed his innocence.

"He trusted the judge to look at the evidence, and the judge looked at the evidence and saw the two accomplices were not credible," McCoy's attorney, Herbert Mondros, said.

The trial opened last Monday with accomplice, Deshaun White, taking the stand. White, who received a sentence reduction for his cooperation in the case, is serving a 13-year prison term at the Sussex Correctional Institution for charges related to Munford's death.

Attorney Michael Wiseman, also representing McCoy, spent hours questioning White on inconsistent stories he gave to law enforcement and a jury in McCoy's first trial.

At one point in the week-long trial, it looked as though the judge would recuse himself from the case and order a mistrial after McCoy allegedly made a comment to a corrections officer that he would have sex with and rob the officer's wife.

After contemplating the issue over night, the judge allowed the trial to continue and issued the verdict in the case around 2 p.m. Thursday. The judge noted the law on accomplice testimony and found the witnesses told conflicting stories that were uncorroborated by evidence.

Mondros said McCoy was extremely emotional as the verdict was read in court.

"Imagine a guy who had just spent the last six-and-a-half years on death row, in isolation, to now be essentially exonerated," he said.

Mondros also was on a team that represented another death row inmate, Jermaine Wright, who was freed last year. Wright spent 20 years on death row before the Supreme Court overturned his 1991 conviction for the killing of 66-year-old Phillip Seifert, a liquor store clerk. He was allowed to plead not contest to second-degree murder on the eve of his retrial.

Mondros, Wiseman and investigator Phil Primason met McCoy outside the prison about seven hours after the verdict was read. They loaded boxes of legal documents into the car, as McCoy hugged and laughed with his daughters.

McCoy said he planned to spend the next days with his daughters and to let his new situation sink in.

"Give myself some time, and then I'll be ready to tackle the world," he said. ★★★

US Prison Population 2016: Nearly 40% of Inmates Unnecessarily Incarcerated, Report Says

By Mary Pascaline

(International Business Times) - Nearly 40 percent of inmates in U.S. prisons could be released as they don't pose any compelling threat to public safety, a study found. According to the report, setting the 576,000 inmates (39 percent) free could save $20 billion annually.

The study published recently was conducted by the Brennan Center for Justice at NYU School of Law. The U.S., which is home to less than five percent of the world's population, is responsible for the incarceration of nearly 25 percent of the world's inmates.


Inimai Chettiar

"Mass incarceration has huge social, racial, and economic costs," Inimai Chettiar, director of the Brennan Center's Justice Program, said in a statement. "As a result, there is intriguing, bipartisan consensus that we need to fix our broken criminal justice system. This is the first detailed, granular look at precisely how we can achieve this by significantly and safely cutting the prison population."

Researchers analyzed federal and state criminal codes in addition to convictions and sentences of roughly 1.5 million inmates who are serving sentences for 370 different crime categories, to arrive at the number of inmates imprisoned without a meaningful public safety threat.

They found that 25 percent of inmates nationwide are nearly all non-violent lower-level offenders and could be sentenced to community service or probation rather than prison. Fourteen percent of inmates have served sufficient sentences that could warrant their release "with little to no risk to public safety."

The $20 billion saved thanks to the release of these inmates could be used to employ 270,000 new police officers, 360,000 probation officers, or 327,000 school teachers, the researchers found.

"Too many people end up in prison in the first place, when alternatives like treatment would work much better. Still others are locked up for too long and research shows those sentences are ineffective," the Brennan Center's senior counsel Lauren-Brooke Eisen said in the statement. "When what you're doing isn't working, it's time to rethink it. We hope our recommendations will jump-start a conversation."

Mass incarceration was the product of harsh sentencing laws after the crime explosion in the 1980s and 90s. In an accompanying analysis, the researchers wrote: "With 2.2 million people in prison, mass incarceration is the greatest moral and racial injustice of our time. We need bold solutions to solve this crisis, but few systemic solutions exist."

The report suggested revising minimum and maximum sentences for a crime based on the seriousness of the crime committed while eliminating prison sentences for lower-level crimes save a few exceptions. ★★★

Exonerated Tenn. man gets $75 after 31 years

By Elizabeth Elizalde

(New York Daily News) - A Tennessee man released from prison after a wrongful conviction put him away for 31 years is fighting for an exoneration case that could grant him $1 million in compensation.

Lawrence McKinney, 60, of Memphis, Tenn., was convicted of rape and burglary in 1978 and was sentenced to prison for 115 years. He was released in 2009 after DNA evidence ruled him out as a suspect in the case.

After his release, McKinney was issued $75, and he could be eligible for up to $1 million in compensation if the Tennessee Parole Board hears his exoneration case, which has been denied twice already.

"I don't have no life, all my life was taken away," he told CBS News.

McKinney's lawyer, Jack Lowery said he's suffered enough and thinks that he should receive the compensation after 31 years behind bars.

"It is not justice for him not to receive compensation for being wrongfully imprisoned," Lowery told the network.

In September, the parole board voted 7-0 to deny his exoneration case. Now, it's up to Gov. Bill Haslam (R-Tenn.), who receives exoneration applications, to have the final say.

The governor's press secretary, Jennifer Donnals, told The Tennessean that after the September decision, Haslam received an executive clemency application on Nov. 21.

Donnals confirmed to the Daily News that the governor's office is conducting a thorough review of McKinney's application with the board's recommendation.

If McKinney's case is approved he would also have the option to clear his name.

Patsy Bruce served on the parole board that denied McKinney's first exoneration hearing, and she said she's still not convinced he's innocent.

That case was rejected because the judge and the district attorney did not provide sufficient evidence that was properly tested, she said.

"There has been one mistake made that sent him to prison. I trust that another is not made that does not allow him exoneration," Lowery told CBS. ★★★

US~OBSERVER NOTE ON FALSE CHARGES:

False prosecutions are getting some well needed main-stream attention these days. Over the past 25 years, the US~Observer has been the lone voice exposing this rampant issue. Our cases, over 4,400 of them, have led to vindication through the use of our services - an achievement no other group, lawyer or agency can claim.

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

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

541•474•7885

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Meet the Man Who's Going to Make America's Internet Free Again

By Logan Albright

(Conservative Review) - President Donald Trump's Cabinet picks have been a mixed bag so far for defenders of freedom. While some Cabinet members support policies that compromise due process and human rights, others seem poised to enact positive change, freeing Americans from the shackles imposed by regulatory agencies under the Obama administration.

Ajit Pai Tweet

Trump's pick to head the Federal Communications Commission falls unambiguously in the latter category. Over the last few years, Commissioner Ajit Pai has been a solitary voice in the FCC, standing up in defense of internet freedom and against Obama's scheme to impose Net Neutrality and other regulations on the internet.

Pai was a vocal opponent not only of Net Neutrality but of the FCC's ultimate decision to regulate the internet as a utility under Title II of the Federal Telecommunications Act, a move that vastly increased the agency's authority to tax and control internet activity. Many people mistakenly think these regulations make the internet more "open" or free. It's actually the exact opposite. To see why, here's a little background.

Net Neutrality is a set of principles that supporters claim promotes fairness and equality on the internet. The basic idea is that internet service providers (ISP) would be prevented from charging different rates for bandwidth usage to different sites, from blocking specific content on the internet, or from prioritizing high-bandwidth content, such as streaming video, over low-bandwidth content, such as text. Bandwidth is a finite resource that costs money to produce, so how ISPs allocate it matters.

The reason this is a bad idea is that different sites have different needs. Much of the internet's bandwidth is consumed by sites like YouTube and Netflix. Since their resource consumption is so high, ISPs have been known to charge these sites higher rates so that bandwidth can be allocated in a such a way as to prevent lagging videos and site outages due to excessive traffic. Think of it like a health insurance pool. Insurance companies charge higher rates to smokers and people at high risk for disease because those are the people likely to consume the most health care and, therefore, impose the highest costs on the insurers.

Net Neutrality essentially demands that all sites be charged equal per-megabyte rates. Just as in a health insurance pool, this means that the people likely to consume the fewest resources are paying more in order that those who consume the most resources can pay less. And Net Neutrality's prohibition against paid prioritization means that video sites may not receive the bandwidth they need to function properly.

The arguments over Net Neutrality have been fierce. In January 2014 a federal appeals court complicated things further by ruling that the FCC lacked the authority to impose Net Neutrality on the internet, but that the agency could regulate utilities under the Telecommunications Act. This provided a simple workaround for the FCC: Simply declare the internet a utility, and it would suddenly fall under the agency's purview.

This reclassification meant that the FCC could not only impose Net Neutrality, but that the agency could utilize all the other regulatory powers granted by the Telecommunications Act. Keep in mind that much of this law was crafted under FDR, who wanted far-reaching authority over utility companies in order to extend authority over everything else in the U.S. economy. The legislation therefore gives the government the power to demand service from utilities on the government's terms, impose fines, allow nuisance complaints by against utilities by competitors, and even censor content. Clearly, this is a lot more serious than just Net Neutrality.

"Anyone who values internet freedom now and in the future should rejoice at his nomination to head the FCC."

The FCC swore that it would "forebear", meaning "not use" many of these new powers, which caused anyone familiar with government to scoff derisively. Even groups that support Net Neutrality as a concept are alarmed at the scope of the FCC's overreach, and Pai told the press that broadband taxes which the agency had promised not to pursue, were in fact high on its list of priorities.

The bottom line is that the internet had been working just fine for 30 years before the FCC decided it needed to fix a problem that didn't demonstrably exist. Ajit Pai was the only member of the agency who understood that and who fought publicly to stop regulation of the greatest innovative tool since the printing press. Anyone who values internet freedom now and in the future should rejoice at his nomination to head the FCC.

★★★

Court: Pennsylvania Has No Common Law Asset Forfeiture

By Walter Olson

In a case involving the state's attempt to confiscate a man's handgun following his conviction for disorderly conduct, the intermediate appellate Pennsylvania Commonwealth Court has ruled that asset forfeiture is not a part of the state's common law:

We conclude that common law forfeiture, as that concept originated and developed in England, was never incorporated into or became part of our Commonwealth's common law tradition. Based upon our research, the Commonwealth's organic law, namely Article 9, Sections 18 and 19 of the Pennsylvania Constitution of 1790, denounces and effectively abolishes any notion of common law forfeiture and that the predominate, if not unanimous, weight of the authority has determined that common law forfeiture never made it across the seas to America. Therefore, absent a statute that specifically authorizes the forfeiture of property, the Commonwealth and the courts have no authority to seek and order forfeiture of [property not unlawful to own in itself, but used in perpetration of an unlawful act].

And that should bring the Keystone State (finally) in line with the general view of American courts: while most states long ago rejected the traditions of English royal governance and required a statutory basis for forfeitures, Pennsylvania had been an exception, thanks to three decisions by its Superior Court in the 1980s that approved seizures on a so-called common law theory. No more.

The practical result is that law enforcement in Pennsylvania — as is the norm in other states — must either point to an authorizing statute or hand a seized item back.

★★★

Atty. General's Investigator Fired For Lying

By R.G. Dunlop

(KYCIR) - A veteran investigator for Attorney General Andy Beshear has been fired for misconduct that included lying to grand juries.

David Reed Wilbers lied in at least two criminal cases in recent years, records show. He was the only witness to testify. Both cases eventually were dismissed.

Wilbers also made "false or misleading" statements to the attorney general's office during its recent inquiry into his misconduct, according to records obtained by WFPL's Kentucky Center for Investigative Reporting.

His actions "reflect a lack of good behavior and unsatisfactory performance of duties," Holly McCoy-Johnson of the attorney general's office wrote in Wilbers' January 6 termination letter. "Your demonstrated failures to be truthful show that you cannot perform the minimum requirements of your job duties."

Though allegations of untruthfulness have dogged Wilbers for years, the documents show no prior investigation or discipline of him by the attorney general's office. In fact, when he was promoted in 2011, Wilbers was described as "an outstanding employee" and as "an asset to this office."

A spokesman for the attorney general's office declined to discuss Wilbers' case, including why he had received no scrutiny from the administration of Beshear's predecessor, Jack Conway. "We don't comment on personnel actions," the spokesman said.

Wilbers, whose firing takes effect on Tuesday, could not be reached for comment. His attorney, Stephen Wolnitzek of Covington, said he and Wilbers would not discuss the termination but that they intend to appeal it to the state Personnel Board.

The former Georgetown, Kentucky police officer had been an investigator with the Office of Medicaid Fraud & Abuse Control since January 2008. His duties included investigating allegations of health-care fraud and patient abuse and neglect. He also had full police powers.

In late September, the Wilbers investigation became another flashpoint in the ongoing tensions between Gov. Matt Bevin and Beshear. In the wake of news reports about Wilbers untruthfulness, Bevin sent Beshear a text message calling Beshear's office "an increasing embarrassment to the Commonwealth."

Bevin was referring to Wilbers' misconduct in a Boyle County Medicaid fraud case, which was first reported by The Advocate-Messenger newspaper in Danville.

Wilbers' grand-jury testimony in that case resulted in a three-count indictment in February charging Edward Donzell Parker with Medicaid fraud.

Last August, Parker's attorneys alleged that Wilbers "made false statements and blatantly misled the grand jury on several occasions." The attorneys cited four false or misleading statements by Wilbers to grand jurors.

The case was dismissed on September 26 with the assent of the attorney general's office. Wilbers was placed on paid leave the following week, pending the outcome of the investigation.

Jesse Robbins, a lawyer in the attorney general's Office of Medicaid Fraud and Abuse Control, also was disciplined in connection with the Parker case.

Robbins ignored a supervisor's directive to inform Parker's attorneys of a judge's 2012 ruling that Wilbers made false statements to obtain an indictment, according to a letter of reprimand issued late last month to Robbins.

Robbins was guilty of "poor work performance" and "failed to exhibit the standards expected" of the attorney general's office, the inquiry concluded. He has been a lawyer in the Office of Medicaid Fraud and Abuse Control since September 2007.

Robbins could not be reached for comment.

Though Wilbers' termination centered on two cases of untruthfulness, he also was accused of lying in at least one other case, KyCIR reported in October.

A defense attorney claimed Wilbers lied in 2009 to a Logan County grand jury to obtain the indictment of a nursing home aide charged with abusing or neglecting a patient.

That case was dismissed after Circuit Judge Tyler Gill found that Wilbers had given the patient's daughter the name and telephone number of an attorney who later sued the aide and others. In so doing, Wilbers may have had a financial motive to obtain a criminal conviction, Gill ruled.

The attorney general's investigation cited the case as another example of Wilbers' "documented lack of veracity and accuracy."

★★★

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

Trump's Wall Won't Fix Illegal Immigration, Ending the Drug War Will

By Justin Gardner

Of the many startling actions taken by President Trump since his Jan. 20 inauguration, actually ordering The Wall surprised those who thought his more absurd ideas would be tempered after taking office. But Trump's trademark grandiosity might not stand up to the reality of things such as the economy and international relations.

When team Trump floated a 20 percent tax on imported Mexican goods to pay for the wall, it was instantly panned by economists and sensible politicians from across the spectrum. That tax, by tariff or other means, would undoubtedly make its way to American wallets and bring the potential for trade wars.

When Trump demanded Mexico pay for the wall, he managed to sour relations with our southern neighbor in his first week of office, resulting in the cancellation of a planned first meeting with Mexican President Enrique Nieto. During the election campaign, Trump even suggested the insidious idea of taking control of Western Union and PayPal to siphon money from Mexicans sending it back home.

Besides the question of how to pay for a $15 billion, 1,000-mile wall along the entire US-Mexico border – and its implications for an Orwellian security state – a physical wall is simply not a realistic way of dealing with the problem of illegal immigration. People will adapt and U.S. agencies will remain corrupt.

As usual, Ron Paul provides penetrating wisdom on truly effective ways to deal with the situation, while providing a financial benefit and removing a giant injustice being perpetrated by the U.S. government.

End the war on drugs.

From the Ron Paul Institute:

"Likewise, the 40 year war on drugs has produced no benefit to the American people at a great cost. It is estimated that since President Nixon declared a war on drugs, the US has spent more than a trillion dollars to fight what is a losing battle. That is because just as with the welfare magnet, ***there is an enormous incentive to smuggle drugs into the United States****.*

We already know the effect that ending the war on drugs has on illegal smuggling: as more and more US states decriminalize marijuana for medical and recreational uses, marijuana smuggling from Mexico to the US has dropped by 50 percent from 2010."

This view is backed by data from the U.S. Sentencing Commission. In fiscal year 2015, **illegal immigrants were responsible for 75 percent of federal drug possession charges**.

Amusingly, both Sean Hannity and PolitiFact confirmed this. Data show that the 'illegal alien" category accounted for "1,640 of 2,181 total convictions (75 percent) in which the primary charge was simple drug possession."

This statistic is being repeated in the Trump echo chamber, including Hannity on Fox News. While correct to point out the data, Hannity is only interested in being a political hack, not promoting real solutions to illegal immigration like ending the war on drugs.

Dr. Ron Paul

Ron Paul points out some of the fallacies of a wall:

"First, the wall will not work. Texas already started building a border fence about ten years ago. It divided people from their own property across the border, it deprived people of their land through the use of eminent domain, and in the end the problem of drug and human smuggling was not solved.

Second, the wall will be expensive. The wall is estimated to cost between 12 and 15 billion dollars. You can bet it will be more than that. President Trump has claimed that if the Mexican government doesn't pay for it, he will impose a 20 percent duty on products imported from Mexico. Who will pay this tax? Ultimately, the American consumer, as the additional costs will be passed on. This will of course hurt the poorest Americans the most."

Paul also points out the burden of free medical benefits, food assistance, and education given to illegal immigrants which amounts to about $100 billion a year. Granted, many of them are part of the workforce in sectors such as agriculture, but not paying taxes and sending money back to Mexico creates a significant imbalance.

There is also the financial burden of federal agencies dealing with illegal immigration, from Dept. of Homeland Security to Immigration and Customs Enforcement to the Drug Enforcement Agency.

Instead of the financial drain of building a wall, federal government should end the drug war – which obviously does not reduce demand or supply – and allow the economy to thrive from a free market. Colorado is demonstrating how legalizing cannabis can bring a massive economic boost. The legal market also brings reputable providers to the table who deliver safe, quality products. And, contrary to drug war propagandists, teen cannabis use is actually declining.

The only benefit from the war on drugs is to the police state, the prison industry and the pharma industry. The DEA knows cannabis has medical benefits, but it's their cash cow – as the former "chief propagandist" put it recently. Why else would DEA keep cannabis a Schedule 1 drug in the face of overwhelming evidence of its medicinal benefits?

★★★

US Govt IRS Attorney Busted for Smoking & Distributing Meth

By Matt Agorist

Washington, D.C. — An attorney employed by the Internal Revenue Service, Jack Vitayanon, was arrested Wednesday and charged with conspiracy to distribute methamphetamine.

Ironically enough, Vitayanon worked in the IRS's Office of Professional Responsibility for 5 years. His job consisted of investigating attorneys, certified public accountants ("CPAs"), Internal Revenue Service ("IRS") enrolled agents, and other tax professionals based on reports of suspected misconduct.

Jack Vitayanon

Apparently, Vitayanon felt that his position of authority allowed him to escape accountability. However, he was wrong.

The criminal complaint against Vitayanon was unsealed in federal court in New York charging him with conspiring with others to distribute at least 500 grams of meth.

As detailed in the complaint, Vitayanon conspired with others in Arizona and on Long Island to distribute methamphetamine for several years and recently negotiated and consummated the sales of distribution quantities of methamphetamine to undercover HSI special agents on Long Island.

When a Fed-Ex package bound for Long Island was discovered by authorities to contain hundreds of grams of meth, the receiving party proceeded to roll over on everyone — including Vitayanon.

Feds then convinced the recipient to record an interaction with Vitayanon, via video chat. On Dec. 15, 2016, during the recorded conversation, Vitayanon was observed in his residence smoking what appeared to be methamphetamine from a glass pipe, according to the complaint.

Upon searching the IRS employee's home, additional quantities of meth, drug paraphernalia, packaging materials, and drug ledgers were seized from his seemingly massive enterprise.

"As alleged, the defendant – a federal attorney working for the IRS's Office of Professional Responsibility – broke bad and supplemented his income by selling distribution quantities of methamphetamine," stated United States Attorney Capers. "The defendant will now be held to account for his alleged criminal conduct."

HSI Special Agent-in-Charge Melendez stated, "Selling methamphetamine is a serious crime which is made more egregious when it is committed by a U.S. government attorney assigned to the Office of Professional Responsibility of the IRS." "People that sell this highly addictive and destructive drug must be brought to justice before more lives are lost to this epidemic."

When asked if anyone else in the IRS was involved in the conspiracy, the IRS would not comment, only saying it holds its employees to "high standards and does not tolerate inappropriate behavior."

Vitayanon will be arraigned in D.C. in federal court today.

Not surprisingly, this behavior from those in positions of power is quite common.

The mayor of Fairfax, Virginia, was arrested in August in an undercover sting during which he allegedly tried to arrange a drug deal with cops via a 'sex' website.

Fairfax County police created a fake profile on a website used to organize sexual encounters between men in an operation to catch a person suspected of dealing methamphetamine online.

After a string of text messages to and from the suspect, during which he allegedly promised to provide meth in exchange for sex, the Organized Crime and Narcotics team arrested Fairfax Mayor Richard 'Scott' Silverthorne.

Emily Pitha, 34 was arrested in April on suspicion of drug charges after Maricopa County sheriff's deputies raided her home and found an active meth lab along with other illicit drugs. Pitha was head of Senator John McCain's re-election fundraising campaign.

Christopher Bartley, a police lieutenant for the National Institutes of Standards and Technology (NIST), admitted in August of 2015 to trying to manufacture meth using the "shake and bake" method that resulted in an explosion in a government facility.

Even the former French President, Nicolas Sarkozy was investigated for his involvement in a drug deal worth over $54 million. He was connected to possible drug traffickers, and regularly used a private airplane that was caught attempting to transport large amounts of cocaine internationally.

★★★

Cops Who Killed Woman's Husband Want to Punish Her for Calling Them 'Pigs'

Luis Rodriguez, ultimately, being killed by police

By Matt Agorist

Moore, OK — In February of 2014, as a family walked out of a movie theater, they were confronted by police who would beat their father and husband to death. The killing of Luis Rodriguez by Moore police was captured on film by his wife Nair.

Nair now has obvious animosity toward the Moore police department for taking her husband from her that fateful night. So, she took to Facebook live to express her discontent with police, who are subsequently disallowing her from attending the deposition of one of the cops who killed her husband.

In the Facebook video, Nair referred to the officers who killed her husband on video as 'pigs.' Now, those same cops who killed her husband are trying to charge Nair with 'inciting violence,' because Nair calling them pigs and 'asking for help' made them fear for their lives.

However, during the video, Nair reveals that she was simply venting about the deposition and lack of income since police killed her husband.

"She made comments about her 'husband killers' and 'won't somebody please help me' — in this day and age this could mean a number of things," said David Kirk, an attorney who represents the Moore Warren Theater and three off-duty game wardens who were working as security guards at the theater the night of Luis Rodriguez's death, according to News OK.

"A number of people involved in the lawsuit thought that was tremendously inappropriate and we felt the need to act. We don't think it was very nice of her to threaten the lives and safety of our clients," Kirk said.

Continued on page 10

COMMENTARY Your Right to Speak Out

By Alice Salles

The DEA: A Good Place to Cut the Federal Budget

(TheAnti-Media.org) - The US government's efforts against illicit drugs have finally run their course. With over one trillion dollars wasted over the past several decades and nothing to show but failure, taxpayers are beginning to ask a simple yet pertinent question: Is it time to end the bottomless funding of this utterly ineffective anti-drug crusade?

With a $29 billion budget for the 2017 fiscal year, the Department of Justice (DOJ) has secured vast resources to the Drug Enforcement Administration (DEA). With a sizeable budget — $2.8 billion in 2015 — the agency tasked with the chore of enforcing "the controlled substances laws and regulations … and [bringing] to the criminal and civil justice system … organizations and principal members of organizations involved in the growing, manufacture, or distribution of controlled substances appearing in or destined for illicit traffic in the United States" has continued to be the number one drug warrior within the federal government. But the DOJ's Criminal Division, which is tasked with overseeing multiple offices, also houses the Organized Crime and Gang Section (OCGS), an agency that specializes in "developing and implementing strategies to disrupt and dismantle" gangs and organized crime, including drug trafficking. The 2017 budget for the Criminal Division alone is $198.7 million, which represents a "9.3 percent increase over 2016."

Over the years, these agencies have time and again been tasked with capturing drug lords and low-level sellers, attempting to put an end to the flow of illicit substances into the country. But despite the copious amounts of resources used in this task alone — whether it's through the DEA, the OCGS, or even the Federal Bureau of Investigation (FBI) — illicit substance use (and abuse) has only grown across the country.

According to data released by the federal government, for example, "[a]vailability of methamphetamine remains high as evidenced by its accounting for the largest percentage of drugs identified from law enforcement seizures and its declining wholesale price." And yet, President Barack Obama requested an increase in funding for agencies such as the DEA, FBI, and OCGS.

More Government Money, More Drug Problems?

Despite these agencies' failures, the supply of other substances, like heroin, has also increased.

With overdose rates doubling in most states between 2010 and 2012 and a staggering 28,000 Americans dying of opioid overdoses in 2014, it's hard to understand the logic behind increasing the budget for an agency or group of agencies working unsuccessfully around the clock to put a stop to the drug trafficking business. Are these agencies helping to stop the flow of illicit drugs by enforcing current laws, or are they making the problem even greater by forcing users to rely on the black market?

In the real world, where employees of businesses or non-public organizations have to demonstrate proficiency in their trade to remain employed, these institutions are unable to keep their doors open if they are not delivering results.

When it comes to the federal government, however, results have nothing to do with budgeting. Why? Because the federal government doesn't produce wealth. Instead, it taxes residents.

The federal government's funding comes from the money earned through the ingenuity, hard work, and entrepreneurial spirit of common people. But as we see almost regularly on the news, people tend to spend money unwisely when they haven't earned it. The same happens inside institutions where employees and leadership all rely on the bottomless pit that is taxpayer "revenue."

When it comes to the enforcement of laws regarding consumer goods — especially those seen as immoral or damaging to the individual's health — these agencies tend to ignore reality.

Individuals are free to act on their desires and needs, basing their decisions on information they have at hand, but also on past experiences. As free agents, humans have the natural right to pursue their own lifestyles, which includes the use of illicit substances. The very core of principles used to guide the creation of the US Constitution clearly shows this. And for most of the country's young history, drug use was not controlled by governments or law enforcement. Some of the Founding Fathers even grew their own hemp — a variety of the cannabis plant.

At some point, even the consumption of alcohol in America was outlawed. The result? The creation of some of the most legendary, law-breaking cartels the world has ever seen. But what else happened due to alcohol prohibition? More alcohol abuse (which the federal government attempted to battle by imposing an ill-fated policy of poisoning huge supplies of alcohol).

Like alcohol, drug abuse has turned into a problem because consumers have to rely on the black market for their products. Without access to clear information on these substances, consumers suffer tremendously. And without free competition, which would flourish without governments constantly hampering these efforts, consumers would be free to only pursue their habits by relying on the safest, most trusted sources.

If the goal is to put an end to the illicit drug trade, the federal government is embracing the very opposite of what they ought to, allowing their attempts to restrict drugs to empower black market entities taking advantage of anti-drug laws. Increasing the budget of law enforcement agencies and adding to the ever-growing burden on the US taxpayer is not going to do anything to fix it. ★★★

By Bob Mueller

Wrongful Convictions: When the Good Guys Do the Wrong Thing

As we've seen before, most cases of wrongful convictions come down to five basic causes.

- **Perjury or False Accusation**
- **Official Misconduct (51%)**
- **Mistaken Witness Identification**
- **Faulty Forensic Evidence (23%)**
- **False Confessions (13%)**

It's nothing short of astounding that over half of the 1,860 documented exonerations at the National Registry of Exonerations involve some sort of official misconduct. Misconduct is most common in homicide cases, present in 68% of all homicide exonerations. 530 cases out of 785. Those are the cases we know about.

90 of the 530 – fully a quarter of the cases – resulted in death sentences.

In a frightening number of child sexual abuse cases from the mid-80s into the 90s, cops and prosecutors coerced children as young as four years old in their statements and testimony. A series of cases in Kern County, California involved 30 defendants and led to 20 exonerations. The "Pitts 7" cases involved 377 counts with some defendants receiving sentences totaling over 400 years.

When you say "official misconduct," people tend to think of bribes and frame jobs. Straight corruption cases like what Frank Serpico dealt with, or the Dirty Thirty don't necessarily put the wrong person in jail. When corruption cases make the news, it's usually because they've grown so big or gone on for so long.

But I think scandals and organized corruption like the Rampart scandal are not nearly as common as they seem to be. Misconduct is more likely to take the form of setting up a bad photo lineup, using emotional or physical coercion to gain a false confession or a bad witness statement, or pressuring unreliable informants.

Lineups have been problematic for years. In the stereotypical portrayal on TV, the suspect and 4-5 others walk into a room with a one-way mirror so the witness can't be seen. The filler people, or foils, are supposed to be similar in appearance to the suspect. Suppose the suspect is described as a white male, about 6 feet tall with a foot-long beard. Your lineup crew better be filled with bearded white males. They don't all have to look like William Lee Golden and Billy Gibbons. They'd better not look like Yul Brynner or Hervé Villechaize, either. Likewise, they need to be dressed as closely to the suspect's appearance as possible. If the purported bad guy is in a jail jumpsuit, then all of your foils need to be dressed the same way.

Photo spreads can be an issue to. It's easy to put subtle pressure on the witness or victim when you lay down the "right" photo in a sequential spread or simultaneous spread. Maybe you place the bad guy's photo not quite lined up with the rest.

The best fix for either type of lineup – live or photo – is to use a double-blind format. The officer running the lineup doesn't know which person or photo is the bad guy, or if the bad guy is even in the group. They're just there to lay out the photos and report back to the detective.

Sometimes misconduct doesn't look like misconduct. As happened during the child sex abuse hysteria, it might just look like aggressive police work, which isn't necessarily a bad thing. "I just wanted to catch the bad guy" isn't a wrong attitude; that's what the cops are supposed to do. But cops and prosecutors and those who support their efforts in the law enforcement system have to take care not to break the rules. When you hear about the bad guys getting off on a technicality, all that means is that the good guys didn't follow the rules that make them the good guys.

And when that happens, what separates the good guys from the bad guys?

What does official misconduct look like? Here are some specific examples.

Sonja Farak

ANNIE DOOKHAN

Dookhan was a chemist for the Massachusetts Department of Public Health's Hinton Lab, from 2003 to 2012. She was supposed to test drug samples for police departments, but instead would "dry lab" them. That is, she'd visually identify a sample without actually testing it. Exact numbers are hard to pin down, but she could have caused anywhere from 20,000 to 40,000 wrongful convictions during her tenure. Charged with 17 counts of obstruction of justice, eight counts of tampering with evidence, and one count of perjury, she served about 28 months of a three-to-five-year sentence. That's about 840 days, or about 28 minutes per case she tampered with.

Yeah, that'll teach someone.

Dookhan has not yet spoken publicly about why she did what she did. Was it pressure to maintain a certain volume of work? Because she wanted to look good to her peers (she also falsely claimed a master's degree)? We'll probably never know, and it really doesn't matter in the end to the people she helped wrongfully convict.

SONJA FARAK

While Dookhan falsely certified drugs in eastern Massachusetts, Sonja Farak used drugs in the western part of the state. Farak, also employed by the Massachusetts Department of Public Health in their Amherst lab, admitted to being stoned almost on a daily basis for eight years, ending in 2013 when a co-worker noticed samples had been tampered with. Farak first started using the lab's standards – known and proven quantities of a drug that they compared seized evidence to. When those got used up, she turned to her coworker's assignments, altering computer records to hide what she was doing.

She also occasionally altered samples, by adding fake drugs to real drugs, to cover her thefts. But doing so could alter the weight of the original sample, bumping a case from simple possession to possession with intent to distribute. That could mean years of added time on a sentence.

There's no direct indication that Farak's actions led to wrongful convictions, although as of April 2013, 11 men have asked for case reviews. I'd say that any work she performed during that time should be reconsidered. The Massachusetts Supreme Court made the appeals process a little easier for Dookhan's victims. It should do the same for Farak's.

Annie Dookhan

LOUIS SCARCELLA

Scarcella is a former NYPD homicide detective. Over 50 of his cases are under review, and at least 3 involved the same witness. Teresa Gomez became known as Scarcella's "go-to" witness, claiming to have witnessed 3 murders at different times. In one of those cases, she claimed to have seen the murder by watching through a keyhole in the door. A private investigator later determined that the door didn't have a keyhole.

At this point, it seems that Scarcella may well have just made up confessions he said suspects made, confessions that were never recorded or written down. Why did they work? Because he was a decorated NYPD homicide detective, and had presumptive credibility.

Louis Scarcella

BRADY VIOLATIONS

"Brady" in criminal law typically refers to Brady vs Maryland, a landmark 1963 SCOTUS case. In the case, prosecutors withheld a written statement from Brady's co-defendant that stated Brady did not commit the murder of which he was accused. The Court ruled 7-2 that the withholding of evidence "material either to guilt or to punishment" violates due process. For example, assume that Jones is charged with murder. During the investigation, police inform the prosecutor that they have found evidence that Jones could not have committed the murder because he was undergoing heart surgery at the time. If the prosecution doesn't disclose this exculpatory evidence, they've committed a Brady violation.

It's most recently come to light in the trials surrounding the death of Freddie Gray in Baltimore. Prosecutor Marilyn Mosby failed to disclose an interview with the man who was in the other side of the police van when Gray was injured. She was chastised by the judge in the Goodson case, and all of the other charges were eventually dropped. No word yet on whether Mosby will face any substantial penalties for her failure.

SOLUTIONS

Many police agencies are already working on some policy changes. Double-blind lineups are becoming more common. More and more agencies are recording interrogations and interviews. Some of these changes have been voluntary, and some have been in response to legislated directives. I applaud departments who have recognized the need and have made the needed changes proactively. I think though that legislatures need to continue requiring and prohibiting certain practices. Doing so will keep most departments from slipping back into bad routines.

I'd also like to see certain statutes of limitations adjusted. In partial response to the Catholic Church molestation scandal, several states changed the way the clock runs on the statutes of limitations for certain crimes. It's also common for "heinous crimes" such as what's known as first-degree murder, to have no statute of limitations. Similarly, fraud upon the court typically has no statute of limitations. I think it would be reasonable to change state laws such that the statute of limitations on crimes that result in wrongful convictions doesn't begin to run until the wrongful conviction is discovered.

Yes, some of these changes might be painful or difficult or costly to implement. But what of the pain, difficulty and costs to the people who have been wrongfully convicted?

★★★

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

COMMENTARY

Does the Super Bowl Save America?

By Ben Shapiro

(Townhall.com) - It's been several decades since American politics has been so contentious. According to a Reuters/Ipsos poll taken after President Trump's election, 32 percent of California residents want the state to secede from America. In the middle of the election cycle, Public Policy Polling found that 40 percent of Texans would have wanted the state to leave the country if Hillary Clinton had won -- and that included 61 percent of Trump supporters. Nationally, 22 percent of people now want to see their particular state leave the union.

All of this is pervading our private lives. One post-election survey showed that nearly 1 in 3 Democrat women have cut someone out of their lives on social media over Trump's election. A September poll from the Monmouth University Polling Institute found that 70 percent of Americans think the election cycle has made America worse.

But we've been able to get together on some things.

We seemed to put aside political differences during the World Series, for example. That communal event -- sitting around our televisions watching the greatest Game 7 in baseball history -- seemed to unify us. The same thing happened this week with the Super Bowl. We all got together and watched Tom Brady give a performance for the ages, and for a short moment, we got along.

Free Safety Duron Harmon

So, here's the question: Is that moment a chimera?

I've long been an antagonist of the notion that bouncing balls can somehow heal real political divisions. In 2007, I wrote this about the World Cup, saying: "Sports solve no great moral dilemmas. Sports are not politics."

That's still true.

But sports can provide a breath. Sometimes that breath is actually counterproductive -- you wouldn't want a sporting event in 1944 between the United States and Germany to have delayed the liberation of the Nazi death camps by a week. But in America, that breath is highly necessary.

That's because the left has spent so long politicizing every element of American life that we're going to need some space, either physical or temporal. Americans seem willing to part from their neighbors because they believe their neighbors are in a heightened state of readiness to bother them. Texans think Californians want to control how they raise their children; Californians think Texans want to dirty their air. Federalism normally provides the distance for both sides to leave each other alone. But our common culture has shrunk that distance. Now you can't turn on the TV in Dallas without hearing a Los Angeles point of view.

The Super Bowl provided that distance. Thanks to President Trump's election, the Super Bowl organizers clearly recognized -- for once -- that they'd be best off eschewing politics rather than enabling Beyonce to dance around in Black Panther gear. Lady Gaga did an apolitical halftime show. The game was great. The politics were relegated to easily debunked commercials.

And we all took a breath.

Hollywood and pop culture would do well to remind themselves that if they don't want to alienate half their audience and exacerbate our differences, they can allow us room to breathe. The Super Bowl did that this year. For that, we should be just a little grateful, even if it didn't solve any true underlying problems. Those will require a bit more time and a bit more space.

★★★

Let's Boost Building

By Ike Brannon

(Weekly Standard) - Nearly every household in the country spends a sizable proportion of its income on housing. The median household allots over one-third of its income to keeping a roof over its head, and the annual expenditure of the median earner's income on housing has increased by 35 percent since 2000.

People for the most part aren't spending more on housing because they are buying bigger or nicer houses, although some of that obviously has taken place. But most of this growth has been driven by an increase in cost. Housing prices have grown steadily in recent decades and are nearly twice as high today as they were 25 years ago, on average—a pace that far exceeds gains in income for the average household. After a sizable retrenchment in 2008-2010, prices have nearly returned to pre-recession highs, although some regions of the country are languishing.

When demand for a good increases, it normally triggers an increase in the supply, but this has not been happening all that much: New housing starts fell almost 80 percent from the pre-recession peak to the 2009 trough, and today are at only 60 percent of those heady pre-recession numbers. So things have bounced back over the last seven years, but home-building is still well below historical norms.

The sustained, profound decline in housing starts cannot merely be explained as a hangover from the housing bubble. Nine fallow years of homebuilding have left us with a housing shortage. We can glimpse this in part by looking at rates of ownership, which have fallen from 69 to 63 percent in the last decade. Home ownership has fallen even more among young adults, declining from a peak of nearly 50 percent in 2004 to under 42 percent today.

The housing market's biggest constraint at the moment is tight credit standards. Most mortgages are purchased and bundled into securities that are essentially guaranteed by the federal government in one way or another. However, in order to prevent the sorts of excesses that created and exacerbated the Great Recession, the government retains the right to put the housing risk back onto the bank if it finds any problems with the mortgage. As a result of this, banks are understandably more cautious in making loans. More prudence is not an altogether bad thing, but there are families who have good credit and a decent income who are finding it difficult to purchase an affordable home.

The regulators are also putting more pressure on banks to rein in "unusual" housing loans. When I approached my hometown bank in central Illinois, where I have banked all my life and whose president I have known almost as long, about getting a nonconforming mortgage for a house in Washington, he told me he would rather not do it—not because it would be a risky bet for him (our down payment would be 50 percent) but because he and his lending team would find themselves burdened with paperwork to justify to their regulator a loan that would be anomalous in their portfolio, regardless of its surety.

What's more, federal regulations requiring new houses to be more energy efficient and environmentally friendly have greatly added to the cost of residential construction in the last eight years. A home builder from central Illinois told me recently that his construction costs for a new home have increased by one-third in the last eight years, making the purchase of an existing home much more affordable than building a new one. While energy-efficiency should be worth a premium to buyers, modern heating and air conditioning and the like save homeowners money, but only in the long run. Research indicates that most consumers completely discount savings like this that go beyond three years.

Developers in many communities also face substantial bureaucratic inertia. In the wealthy neighborhoods in Washington (and other large cities), every new development invariably faces substantial opposition from local neighborhood committees, city councilors, zoning boards, and a surfeit of activists worried more about, say, their free on-street parking than housing costs for their less-well-off brethren. These constraints help make middle-class housing even more unaffordable.

The dearth of new homes has had a significant impact on the economy. An analysis by Moody's Analytics suggested home construction boosted GDP by 1 percentage point at its peak in the mid 2000s, and in 2009-2012 its dearth reduced growth by 1.5 percentage points per annum.

The impact that sluggish home construction has had on the broader economy is substantial. A report by the NFIB estimated that the construction of a new home creates, on average, three new full-time jobs. By that metric the 2016 data showing we had one million fewer housing starts than before the Great Recession translates to three million fewer jobs.

A return to a healthy housing market would create an enormous boost in the employment of blue-collar men, a cohort that was hit particularly hard by the Great Recession and remains in a funk.

While constructing more housing is by no means a panacea for the cohort of blue-collar men who have been buffeted most severely by the economic dislocations of the last twenty years, it would represent a tangible step towards improving their lot.

We can—and have in the past—gone too far in singing the praises of home ownership, and overenthusiastic boosting of home construction led to a financial disaster. But the decade-long retrenchment has now led to significant problems for the economy as well. Maybe there's a happy medium..

★★★

The Anchor of Over-Regulation

By Ed Feulner

(Townhall) - "If I could paraphrase a well-known statement by Will Rogers that he never met a man he didn't like," President Reagan once quipped, "I'm afraid we have some people around here who never met a tax they didn't like."

Instead of "tax," he could just as easily have said "regulation."

Consider the reaction to our new president's determination to cut regulations by 75 percent. "Trump's unpopular deregulation agenda will permit corporations to rip off consumers, poison our environment, cheat and mistreat workers, and more," wrote Public Citizen, a liberal non-profit group, predicting "disastrous consequences" would follow.

They and other pro-regulation groups often accuse conservatives of counting only the costs of regulations and none of the benefits. This charge might resonate a bit more if they didn't do the opposite and act as if cost wasn't even an issue.

Unfortunately, our economy is awash in regulations. "There is virtually no aspect of our lives over which laws and ordinances do not reign," regulation expert Diane Katz writes. "Congress and federal bureaucrats routinely ignore regulatory costs, exaggerate benefits, and breach legislative and constitutional boundaries."

According to independent estimates, regulation costs us more than $2 trillion annually. Yes, "trillion" with a "t" -- 12 zeroes. That's more money than the IRS collects in income taxes each year. In just the past eight years, the Obama administration issued more than 22,700 rules, with just the biggest ones increasing the annual regulatory costs by some $120 billion.

Add in the regulatory burdens imposed during the last Bush administration, and the annual cost of red tape has increased by at least $200 billion in the past 15 years.

The cost to taxpayers of government administering all that red tape is high. Fiscal year 2017 figures put it at $70 billion, an amount that has almost doubled since 2000. Much of that increase is what we pay the regulators, all 279,000 of them.

Put another way, we're paying regulators plenty to enforce regulations that cost us more than ever.

With good reason did President Trump say that his deregulation agenda is intended to "remove the anchor that's weighing us down."

That anchor has been growing for a long time. Prior to World War II, notes Washington Post columnist Robert Samuelson, regulations were confined mainly to a few large industries, such as railroads, banks, and the electric and phone utilities.

"Now regulation is pervasive," he writes. "It touches air and water pollution, pensions, vehicle fuel efficiency, the Internet ("net neutrality" rules), home mortgages, political campaign contributions . . . and much more."

And there's no end in sight. As the Competitive Enterprise points out, in fiscal 2015, the Federal Register (which lists final and recommended rules) totaled 80,260 pages.

Given not only the size of the regulatory state, but the exponential pace of its growth, who can really blame the president for wanting to cut regulation "massively"?

And, as Katz points out, the problem goes beyond the number and cost of regulation. The problem also lies with the approach.

"Conventional wisdom has long held that government controls of industry are the best and only way to protect the public," she writes. "We now know better. Forty years of command-and-control regimes have led to massive, ineffective, and unaccountable bureaucracies."

There are several steps the Trump administration can take. One is to rescind the numerous executive orders President Obama issued to sidestep Congress, especially on labor, immigration and environmental issues.

Another is to review all pending litigation and designate cases for settlement, including challenges to President Obama's Clean Power Plan; his transgender bathroom directive; and the Environmental Protection Agency's egregious waters of the U.S. rule, which affects property rights.

"If you have 10,000 regulations, you destroy all respect for the law," Winston Churchill once said. Well, we have a lot more than 10,000 these days. It's high time we restored respect for the law -- and began taming our out-of-control regulatory state.

★★★

Continued from page 1 • Walker Surveying Nightmare ...

and state laws, landowners can experience big losses from these moves. For a complete factual history on this case, go to usobserver.com and do a site search for "Walker, Surveying, Idaho".

It should be remembered that there still exists an Idaho dynasty of surveyors who believe they are above the law, commencing with Carl Edwards and continuing with his son Hunter Edwards, who calls himself the "Guru" of surveying and the "Wizard" of Idaho. Walker found evidence that these surveyors have manipulated her boundaries to such an extent that over 50 acres of her land is now in dispute.

Walker has received reports that the Board has consistently, in case-after-case, followed a repeated pattern of supporting the surveyor who violates the law by moving boundaries when that is prohibited and thus, increased the size of his client's property. These boundary moves not only cause distortion of property boundaries, loss of land, but also, create more survey work for the future; full employment for surveyors - but, a disaster for landowners.

Now let's examine the culprit(s) behind the devastating surveying problems that Ms. Walker is up against.

In Idaho, certain members of the Idaho Board of Professional Engineers and Land Surveyors (Board) have relationships with other surveyors outside the Board, treating them as "privileged," showing favoritism to them, and allowing them to avoid discipline for illegal conduct. The granting of "privileges" to certain surveyors who scheme to illegally move boundaries promotes deception toward landowners and spills over to honorable surveyors, hired to resolve confusion and eliminate the chaos created by the "privileged" few. Often, these legitimate surveyors, who are not part of the "club," are punished for pointing out unlawful surveying by the "privileged" few. Our information indicates this is a well hidden agenda being conducted by a limited number of Board members, not the entire Board.

While the Board purports that they only deal with the "ethics" of surveyors and the procedures they are required to follow, they show by recently written rulings that they actually adjudicate, define and promote the location of property boundaries - findings that should be strictly reserved for courts of law.

Such cronyism by insiders is wrongful control of government functions and leads to 'selective enforcement of the law,' which is contrary to traditional notions of constitutional due process and equal protection. Freedom of property ownership is being violated by the very survey Board created to protect it. Regarding the Walker case, the Board has recently started an unfair attack on surveyors Matt Mayberry and Pete Ketcham who were hired by Dorothy Walker to conduct independent surveys and discover the truth about her misaligned property boundaries.

SURVEYING RULES

There are some hard and fast rules to surveying, such as: 1) Boundaries set for private lands, once fixed by original government corner monuments (after the 1862 Homestead Act) are 'locked in' and cannot be "impaired" or moved by any surveyor, whether government or private; and 2) homesteaders who relied in good faith upon these original monuments, acquire "bona fide" rights in their land boundaries, which are immutable and cannot be destroyed or relocated by subsequent surveyors. The problem is that the Idaho Survey Board refuses to recognize these historic "bona fide" rights and prefers to enable the unlawful acts of modern surveyors, who choose to move boundary locations, simply by not enforcing the law against them.

Very early in our Constitutional history came the promise that each citizen would have the right to life, liberty and PROPERTY without government interference. As our nation grew, it acquired nearly 1.5 billion acres of land west of the Mississippi which became known as the "Public Domain." In order to generate revenue and populate this vast land from 'sea to shining sea' the government devised a plan to achieve this stated goal and to facilitate private property ownership, by causing the land to be surveyed in orderly patterns of one-mile squares (or "sections") that would secure both the location and the title to private property thus conveyed. The system for surveying the land and transferring title became known as the Public Land Survey System (PLSS). This plan became federal law and fixes and protects the boundary rights of "entrymen" who legally took possession of lands transferred by the U.S. Government (see 43USC § 752).

To implement the plan, the government's General Land Office or "GLO," hired contract surveyors, commonly referred to as "GLO Surveyors." The plan was carried out by first surveying the land into 36 square-mile "townships." These townships were then surveyed into 36 square-mile sections. Once a township had thus been completed, or substantially completed, the land as marked on the ground by the surveys was put up for sale. Upon the issuance of a "patent" (or deed) for a section or portions of a section, passing title to the land from the government to a private citizen, the government was prohibited by federal law from conducting any more surveys that would affect the "bona fide" property rights of the private "entryman." That is, when the government owns the land, it retains the ability to change the boundaries, cornerstones and survey monuments at will, because it is dealing with its own land. However, once the government transferred the surveyed ground to members of the public, the boundaries became frozen and no one, not even a GLO (or later federal employee) surveyor, and certainly not a private surveyor, would have the authority to move those monuments or change the boundaries fixed by such "bona fide" rights.

Hunter Edwards

These laws make perfect sense and if it were it not so, there would be nothing permanent or dependable for landowners to rely on. If a surveyor could sneak onto the property of a private owner and move survey monuments, chaos would be the likely outcome, with resulting arguments and strife between neighbors, causing boundary line disputes and eventually fostering lawsuits. This is just what happened in the Walker case because an Engineer-surveyor named Carl Edwards allegedly took it upon himself, without any accountability to the Board, to relocate several of Ms. Walker's section corner markers, shrinking the size of the Walker land, reportedly, by over 50 acres.

Part of the problem is that the Cadastral Office of the BLM has developed a training program for private practice surveyors known as the "Certified Federal Surveyor" (CFedS) program, through which it trains these surveyors in the 'black arts' of the BLM, ostensibly to qualify them for surveying federal interest lands (not private property interest lands). They learn that, as it is with federal lands (before private conveyances), that it is "Okay" for them to move original GLO section corners and boundaries on private property because they are to consider themselves quasi-federal surveyors. Undeniably, the federal government has the power to move monuments on lands it owns (federal interest lands), but not on privately held lands. Yet, certain CFedS believe that they are deputized to move corner monuments on private lands as well as federal lands; which the law prohibits.

Multiple incidents in north Idaho demonstrate that the federal government has moved monuments of private property along the margins of federally owned lands which impairs the private parties' ownership. Further, CFedS are empowered as private surveyors, with a false sense of elitism (e.g., "Guru" and "Wizard") to move at will, permanently established corners on now privately held lands. While it is true that only a few surveyors take part in this practice and the majority are honorable and do not, still the amount of damage that the few, who are willing to move established monuments can bring to a whole region of peacefully coexisting landowners causes fierce legal battles. Again, I stress that the majority of surveyors still understand and maintain the distinct difference between right and wrong.

Here's the way it works for the "elite" Mr. Hunter Edwards, a private and CFedS qualified surveyor, according to more than one expert: As the self-anointed self-appointed surveying "Wizard" of Idaho, while conducting a secret survey, he slipped onto the Walker property in early January 2014, without first asking for her permission. Feeling that he was empowered as if he was a quasi-governmental official and on his own mission to change the boundaries of the Walker and surrounding properties, he moved the northwest corner of her land 143 feet to the east, impacting almost nine acres of her property. No one asked him to do that and he admitted he did not inform any of the landowners of his intention before executing the survey. If successful, Hunter Edwards would have created new business for him and his fellow surveyor associates; or at the very least he could have satisfied the desired outcome of his client to increase his/her land holdings by moving the monument. ***Note:*** Hunter Edward's affidavit, under oath, filed with the court, states that his purpose in entering Ms. Walker's land was to change the NW corner of her property *without her knowing about it.*

Caught in the act in January 2014, he was escorted off the property by a deputy sheriff for trespass but not charged with a crime. Yet, he managed to set a few new survey markers that if followed would cause the additional loss of land for the Walker family. When a complaint about this privileged "favored son" was filed with the Idaho Board of Surveying in September 2014, instead of discipline, he was directed to "complete" his aberrant survey. Unless they had become part of the scam, why would the Board insist that Hunter Edwards "complete" his unwanted survey, when, according to witnesses, he was "attempting to steal land which has been in the Walker family or in the private ownership of those who originally purchased or homesteaded it, with undisturbed boundaries for over 100 years." This action has now revealed the clear direction of the Survey Board: deprive landowners of their property rights in favor of building up the businesses of surveyors as a response to a declining market demand for surveyor services.

No, the Idaho State Board of Surveyors is not interested in the

Continued on page 11

Continued from page 7 • Cops who killed woman's husband ...

For asking for help after police killed her husband, in the same manner they would go on to kill Eric Garner, Nair is being targeted. Imagine the hurt and helplessness a widow must feel after cops kill her innocent husband on video, get away with it, then threaten her for speaking out about it. It is pure madness.

"As you hear, here on the 13th floor is where they are conducting the depo of Joseph Bradley, the killer, the one who asphyxiated Luis and he is still free of responsibility," Nair said in the video.

"This is the system. Please, if you can help me, I know it would not be in vain."

On that tragic February night back in 2014, Nair Rodriguez and her daughter Lunahi got into an argument at the Warren Theater around midnight. Nair said she slapped her daughter then stormed away. Her husband, Luis, chased after her. That was when the family said officers confronted Luis Rodriguez and asked to see his identification.

According to Lunahi and Nair, he tried to bypass the officers to stop his wife from driving off because she was so angry. They said officers took him down and it escalated.

Lunahi Rodriguez said that five officers beat her father to death right in front of her, in the parking lot of the movie theater.

The Rodriguez family; Nair, Lunahi and Luis

Nair Rodriguez in video

The heart-wrenching video is hard to watch and shows Luis Rodriguez gasp for air, saying, "I can't breathe," as police squeeze the life from his body.

It only took four months for officials to clear the cops in the murder of Luis Rodriguez. Since then, Nair has filed a lawsuit against them.

As PINAC reports, an autopsy conducted by the Cleveland County Medical Examiner concluded that Luis Rodriguez died from "cardiac arrhythmia due to physical restraint," basically blaming the victim for his heart not being able to withstand five cops piling on top of him while choking, punching and kneeing him.

However, a private autopsy conducted by a doctor hired by the Rodriguez family determined that the 44-year-old man died from "asphyxia caused by restricted respiration caused by external forces."

Luis was choked to death — on video — and the only person who may face charges for this, is his wife who filmed it. And this is called 'justice' in the Land of the Free.

Get on-line and watch the videos.

★★★

Continued from page 1 • Not Guilty - A Unanimous Verdict

when South Dakota wouldn't honor his medicinal marijuana card issued in Oregon which resulted in Mr. Olsen being put on probation.

If convicted at trial, incarceration would have had devastating effects on not only his freedom, but also his company as well as the livelihood of his recent bride, and their family. Aside from all the pressure Mr. Olsen believed the truth would set him free, but how was he going to obtain the truth? His search for help led him to the US~Observer.

Several key pieces of evidence were obtained by the US~Observer, they were utilized to inform the public, and at trial, which helped seal Mr. Olson's Not Guilty verdict. The evidence obtained by the US~Observer was irrefutable. Video footage of the incident correlated with other evidence obtained by the US~Observer. After a two day trial, supporters of Mr. Olsen were the only seats taken in the courtroom. His wife, friends, and witnesses sat alongside Mr. Olsen, patiently waiting for the jury's decision. The trial was full of surprises, especially lies from Gene Kalar, the alleged victim. The lies told, the attempts to twist evidence into something it was not and the continuation of Mr. Olsen's case should be a stern warning to any law-abiding citizen - your freedom should never be taken for granted. Aside from the unwarranted trial at the taxpayer's expense, Mr. Olsen's jurors absolutely saw through the mess of lies - rightfully, and unanimously finding Mr. Olsen not guilty. Another US~Observer vindication!

PROBATION

South Dakota doesn't honor medicinal marijuana cards. Mr. Olsen should have known the implications of being caught with his medication in that state, but there's a logical argument Mr. Olsen shared. He stated, "Why should anyone face years of incarceration for a plant that is now legal in over half of the states in this country?"

Despite the ramifications of his probation, and year long wait for his day in court on the false assault charge in Clackamas County, Oregon, coupled with the costs to defend himself, Olsen still maintained his innocence, knowing the evidence would set him free. Many others have lost their freedom under similar circumstances simply because they were unable to obtain crucial evidence.

FAKE VICTIM?

Gene Kalar testified that he'd never seen the video footage of the incident that left Kevin Olsen's freedom hanging in balance. Gene claimed that Kevin, "Punched him with a closed fist," although the footage clearly showed different. As the video was played in the courtroom, Mr. Kalar, while he was on the witness stand, still refused to accept the truth of what happened. He continued to claim he knew what happened and didn't need to see the video. Some call that perjury.

Mr. Kalar's claim that he never watched the footage was very difficult to believe; especially considering two witnesses stated that he was provided the footage on a thumb-

Kevin Olsen & his supporters

drive shortly after the incident. One of those witnesses was the manager of Tollgate Inn where the incident occurred. To make matters even more confusing, it was discovered during trial that the video cameras which captured the entire incident were installed by Gene Kalar himself!

Mr. Kalar, a Veteran, and former Captain of a nearby Fire Department must have some deep connections because he was able to elude criminal charges. According to direct witnesses, on the night of this incident the police told them they would need to find other law enforcement if they wanted Kalar charged for his assault. Seemingly, the prosecutor decided to continue this case despite the evidence shared by the US~Observer clearly showing Olsen's innocence, because of who Gene Kalar used to be. Gene should have been charged with assault for following Mr. Olsen's friend into the parking lot as Kevin's group left Tollgate Inn, eventually punching Roy Swan in the face, shattering his cheek bone, then drop-kicking Mr. Swan in the genitals. Instead of Gene being charged, Swan was charged with harassment. Swan had no prior criminal history, and is also a local business owner. Both Mr. Swan and Mr. Olsen were attempting to avoid conflict by leaving the establishment, as a likely "drunk" Gene Kalar pursued them both, essentially taking the law into his own hands.

Gene Kalar

GENE KALAR ATTEMPTS TO DECEIVE THE COURT?

Gene Kalar told one witness that he was going to show up in court with a walking cane to give jurors the impression that he was impaired. This witness stated that Gene has never used a walking cane in all the years they had known each other. On the day of trial, Gene left the cane at home, instead showing up with what appeared to be ear muffs? His hearing was allegedly impaired - but one very close witness stated that when Gene is drinking wine in a packed bar, he can hear conversations from across the room with televisions playing, music, chatter, etc. That same witness stated, "Gene usually comes to the bar after already having some drinks. His lips are purple from the wine he's already consumed before he shows up."

US~OBSERVER UNCOVERS EVIDENCE

After conducting a full investigation into this matter, the US~Observer contacted John Foote, the elected District Attorney in an attempt to share evidence the prosecutor's office did not have - evidence that proved Mr. Olsen's innocence. Several witnesses were not contacted by police for a statement. Those key witnesses had very compelling information that we uncovered - evidence clearly supporting Mr. Olsen's innocence. By contacting the D.A. it was our intention to share that evidence, saving time for all involved, and the taxpayer's money while helping an innocent Mr. Olsen. In a response letter from prosecutor Grace Pauley, who was assigned to the case, she simply shared her gratitude, essentially saying, we will continue to prosecute. She ended up passing the case along to a young prosecutor named Jeffrey Nitschke, who likely followed orders and simply prosecuted. I'm not sure how Clackamas County D.A.'s office operates, although the norm is if you're handed a case, and you believe there was no crime committed, you may decline to prosecute and dismiss the charges. In the future, I'm hopeful Prosecutor Nitschke will be that person - one who truly serves justice and declines to prosecute someone who is innocent. Nitschke's nascent abilities were clearly demonstrated although he was handed a losing case to begin with.

As for District Attorney John Foote, I believe he was simply instructing his deputy prosecutors to handle the case as they saw fit. Hopefully he will heed our communication in the future should there be reason to communicate again! One can only imagine how a retired Fire Captain and Veteran (Gene Kalar) could deceitfully use his credentials and connections against someone with a criminal record.

In a recent text message almost two weeks after trial, Mr. Olsen stated, "I'm still waking up laughing." He's a genuine, down-to-earth, nice guy. When he talks, it's almost as if you've revisited childhood memories of someone reading your favorite bedtime story. He can definitely captivate one with his words. Several times throughout Mr. Olsen's testimony, he went completely off topic, yet even the Honorable Michael C. Wetzel, the presiding Judge, listened, as we all did - in awe. If anyone needs a PR guy, Mr. Olsen is your man!

Mr. Olsen's attorney, Eric Hale, was a precise and detailed litigator. He should be commended for a job well done. Also, Judge Michael C. Wetzel should receive a medal of honor for being an absolute breath of fresh air as a neutral referee in this case. Good Judges are hard to find, and Clackamas County has definitely found one of them. Judge Wetzel is also a Major with the Army National Guard. From one Vet to an Active Soldier - Hooah Honorable Michael C. Wetzel!

Helping innocent victims of the judicial system is what drives home what the US~Observer does - Vindicate the Innocent! Today, the taste of freedom lingers with Mr. Olsen and his family. What a sweet day for justice.

To view Olsen's original article and video log on to usobserver.com and search "Kevin Olsen".

★★★

Continued from page 10 • Walker Surveying Nightmare

Walker complaint that outlines in great detail the abuses of ethics and procedure by Hunter Edwards. Rather, the Board seeks to promote the cause of the crony system where certain members of this Board have developed relationships with those willing to manipulate survey monuments. Further, the Board attacks honorable surveyors, hired by disadvantaged landowners like the Walkers, to straighten out the "mess created by Edwards," a law violator.

Similar situations are arising across America according to one nationally known surveying author and commentator who sees a trend of survey Boards supporting the "land-thief" surveyors based on a belief system, that surveyors are empowered to implement their theoretical solutions or out-right client advocacy, rather than retrace the original surveys established by the GLO in the 1800s.

What is really happening here is corruption by a small group of surveyors and engineers, who have been appointed by the governors of the states to "regulate" the practice of surveying, supposedly "in the public interest." Traditionally, members of these Boards have been given "governmental immunity" so that, even if they are guilty of "aiding and abetting" the surveyor "land-thieves," they cannot be held personally liable.

Until February of 2015, the members of regulatory boards had an umbrella of sovereign immunity placed over them, however, the US Supreme Court ruled that regulatory boards who used their power to unfairly control trade within their profession, especially if it was for their own advantage or for the advantage of an exclusive minority in their profession and was against the public interest, could be held personally liable for violations of the Sherman Anti-Trust Act (i.e., performing acts that are in restraint of fair trade).

The high Court held that when only members of the profession filled the Board, those individuals could be held personally liable if abuse occurred. However, if there was a member of the public on the board, its members could have the shield of sovereign immunity and avoid being personally liable. Whoa, this was a totally new revelation that struck fear in the heart of every regulatory board member in America who was out to screw the public by building their own little kingdoms.

Of course, the legislatures of every state in the union have now enacted laws to correct this so-called "flaw." The lawsuits could have had the effect of holding Board members accountable and been used to balance the scales of justice by allowing the injured members of the public, such as Ms. Walker to sue the Survey Board to correct such irresponsible action when they support the "privileged" surveyors of Idaho who are in their little club.

The problem with the regulatory system is that it allows Boards, such as Idaho's Survey Board, the opportunity to shelter, protect and empower their buddies to take unfair advantage of the public with impunity. We here at the US~Observer have been advised that the same thing is happening in other states across the nation and there is nothing anyone can do about it, unless, the state legislatures figure out who the real bad guys are, and totally de-certify these "insular" Boards that are protecting certain surveyors from accountability, even though they continue to run-amuck, putting private property rights at risk.

IPELS Director Keith Simila

A SOLUTION THAT COULD BRING BACK FAIRNESS AND EQUITY

Everybody knows that filing a complaint with a regulatory board based on administrative law is like dealing with a sticky tar baby, where the party seeking justice who once starts down the road of an administrative law proceeding, is required to "exhaust" administrative remedies before a court action can be sought. That party who simply wants to live life undisturbed is caught in a vortex of administrative misery that seems never ending, paying legal fees and spending long hours addressing the issues on paper - a vortex where the financial bleeding never seems to stop.

So, the bottom line is, when a board is so entrenched that it is only interested in the perpetuation of the profit margin or protection of the insiders who are in their club and excludes others by revoking or suspending or disciplining those who are willing to stand up for the truth, it is time to "throw the bums out" and demand something new. There is a way to truly protect the public and not simply put window dressing on a corrupt system where all the players say "nicey-nice" things, with happy-talk, but, then screw the public whenever given the chance.

Remember, "Truth is treason in the kingdom of lies." Let's hope that our elected legislators are not afraid to call a spade-a-spade and completely remove the surveyor Board from the law books, putting those who would destroy the American Dream by surveying people out of house and home, out of business.

Contact your legislator and tell them it is time to put a stop to the highly unethical actions of the Idaho Board of Professional Engineers and Land Surveyors who protect and promote special interests and hidden relationships in near total secrecy.

Editor's Note: The US~Observer is currently working on an update to this case. It will include factual information on the Board violating the "Separation of Powers" doctrine that keeps agencies from doing the job assigned to the court, along with dates and statements directly from the Board. Learn just how the Board purports and strongly proclaims that it only "deals with the ethical and competent practice of land surveyors", when it, in fact, adjudicates cases (i.e., doing the job of courts) by establishing boundary locations.

The update will also include damning information on Gerald Frye, Chairman of the Board of Grangeville Highway District and the Board Attorney Kurt Naylor, Board member John Elle and others.

If you have any information on the Board or unethical surveyors in Idaho, contact the US~Observer at 541-474-7885 or send email to editor@usobserver.com. ★★★

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Amherst Student Expelled for Sexual Misconduct Not Allowed by Judge to Defend Himself as It Would 'Impose Psychological Trauma' on Accuser

By Robby Soave

(Reason) - Remember Amherst College student "John Doe," who was expelled for sexual misconduct, even though he had good reason to believe that his accuser had actually assaulted him? A judge recently blocked Doe's attempt to subpoena his female accuser's text messages on grounds that re-litigating the matter "would impose emotional and psychological trauma" on her.

Consider the implications of this decision. According to Seattle District Judge James Robart, a student who believes Amherst violated his due process rights, wrongfully expelled him, and ignored subsequent evidence that his accuser, "Sandra Jones," was the actual violator of the college's sexual misconduct policies, does not deserve the opportunity to make his case because someone else's feelings are more important.

Whatever happened to believing the victim?

The incident in question took place years ago, during the late night / early morning hours of February 4-5, 2012. Jones was Doe's girlfriend's roommate at the time. Jones went to Doe's dorm room and sexual activity ensued: Jones performed oral sex on Doe.

District Judge James Robart

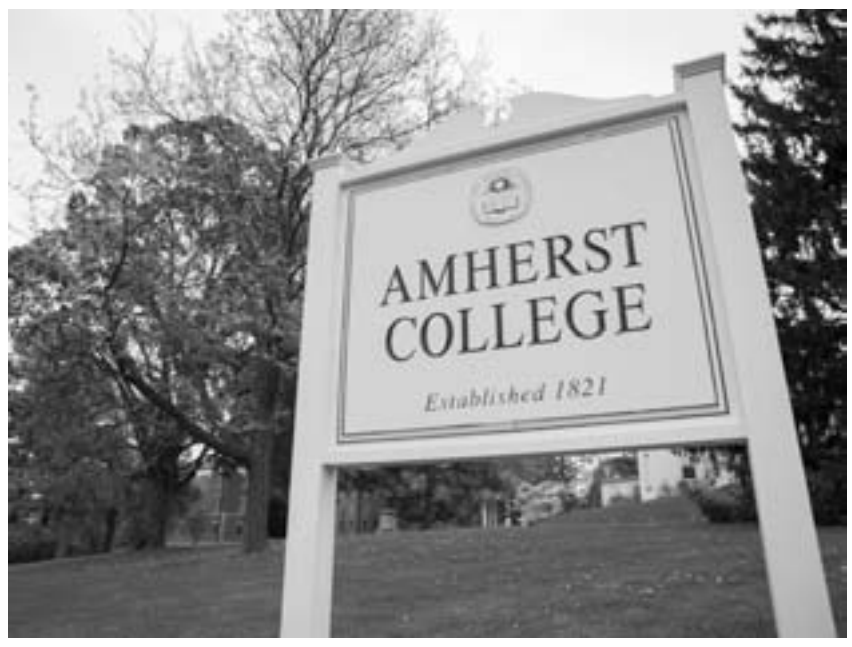
But Doe was blackout drunk at the time—a detail that Amherst administrators deemed "credible," on subsequent review. Of course, it's questionable whether a blackout drunk student can actually provide the level of consent that Amherst's sexual misconduct policy requires.

Other factors cast doubt on the idea that Jones was the victim and Doe the perpetrator. After leaving Doe's dorm room, Jones texted another male student and asked him to come to her dorm room for sex. She also texted a residential advisor about her "stupid" decision to engage in sexual activity with her roommate's boyfriend. In these text messages, Jones admitted that she was "not an innocent bystander." She also complained about how long it was taking this second male student to do anything sexual with her. She did not file a complaint against Doe until two years later.

It's certainly possible that Jones was forced by Doe to give him oral sex without her consent, left the encounter with a fervent desire for another hookup, mischaracterized her own level of responsibility in a message to the RA, and didn't realize she had been sexually assaulted for another two years (after befriending a number of victims' advocates). It just doesn't seem like the most probable explanation for what happened. But, based on a preponderance of the evidence presented to Amherst administrators, Doe was expelled.

Keep in mind that administrators never reviewed the text messages, and when Doe asked the administration to re-open the case in light of this error, Amherst refused. Doe was given just seven days to appeal the finding of responsibility, but he didn't find out about the texts until months later.

Doe has filed suit against Amherst for mistreating him. He has not sued Jones, although maybe he should have. As part of his case against Amherst, Doe's legal team subpoenaed Jones to testify at the trial and turn over



Amherst College

certain documents and records of statements she made about the alleged assault. Jones refused to cooperate.

And, according to Judge Robart's ruling, she doesn't have to:

An in-person deposition of boundless scope would impose a substantial burden on Ms. Jones. (Subpoena at 1; see also Resp. at 7 ("Until a deposition begins, it is very difficult to know where it will lead and impossible to predict all the topics that may be explored with a witness.").) The deposition would force Ms. Jones to relive a night in which she asserts Mr. Doe sexually assaulted her. (See, e.g., Clune Decl. ¶ 3, Ex. 4; Resp. at 6-7.) It would also reraise the subsequent investigation, hearing, and period of publicity that Ms. Jones has endured. (Id. ¶ 3, Ex. 5 at 11-12; Am. Compl. ¶¶ 54, 56.) It takes no leap of logic to reason that a live deposition would impose emotional and psychological trauma upon Ms. Jones.

Robart essentially argues that since Doe isn't suing Jones directly, he has no right to involve her in his case against Amherst. He also argues that Amherst is in possession of the relevant documents, and thus Jones's involvement is unnecessary. But, as KC Johnson explains, that isn't quite right:

Yet much of the requested material couldn't come from Amherst employees. For instance, a critical aspect of the accused student's case is the basic unfairness of an adjudication that went forward under the false premise that A.S. had not reduced anything about the incident to writing. So the subpoena asked A.S. for "all communications, including text messages or emails, between you and anyone else on February 5, 2012." The only conceivable source of this material would be A.S., not any Amherst employees.

Johnson notes that this decision might actually represent a setback for victims' rights organizations, since it incentivizes accused students to sue their accusers in addition to their colleges:

Ironically, whatever minor assistance the ruling might have to frustrating the Amherst student's quest for justice, the victory might be a Pyrrhic one for the accusers' rights movement as a whole. Judge Robart sent a message that the only way an accused student can obtain relevant evidence involving his accuser is—as a handful of accused students have done—to sue his accuser as well as the college. Expect more accusers to be added to future lawsuits as a result.

Johnson is a co-author of The Campus Rape Frenzy, a new book about the death of due process on college campuses. He calls the Amherst case "perhaps the most egregiously unfair" one he has covered. Who could disagree? ★

Woman Calls 911 for Help, Gets Violently Raped by Cop

By Molly Willms

(Courthousenews.com) Milwaukee, WI – Milwaukee's failure to remove a rapist from its police force will cost the city $2.5 million in a civil settlement, according to a letter from the city attorney.

Iema Lemons sued the city, the police chief and Ladmarald Cates, a former officer who is now serving a 24-year federal prison term for violently raping her after she called to report vandalism to her home, the 2013 complaint states.

Although Cates was the subject of multiple complaints regarding his on- and off-duty behavior, prior to July 16, 2010, the date of Lemons' rape, he was not removed from the force and remained in daily contact with the public while performing his duties.

Complaints against Cates included a domestic violence arrest for choking and pushing his girlfriend, who was also a police officer, and accusations of sexual misconduct made in 2005 against Cates by a female inmate.

Cates was again accused of sexual misconduct in 2007 after a woman arrested for theft claimed he had sex with her in a jail cell after promising he would get her released if she complied. Her case was eventually closed without proper investigation, Lemons claims in her suit.

Lemons asserts in her lawsuit that Cates qualified as a sexual predator, since the first allegation involved a female inmate who was severely intoxicated and the second involved one who was clearly mentally ill, and that "Sex with a prisoner constitutes criminal sexual assault."

Also in 2007, Cates was accused of sexual misconduct while on duty, this time with a minor, but again the witness was considered unreliable. Police Chief Edward Flynn, who had by then replaced the former chief, admitted while being deposed that the allegations against Cates were "disturbing," but did nothing to discipline him.

When officers responded to Lemons' call in 2010, they did not address her complaints of bricks being thrown through her window, the complaint states. Instead, they arrested her brother, and while he and Cates' partner was in the squad car, Cates cornered Lemons in her bathroom.

Former police officer, Ladmarald Cates, top right

Cates was armed when he repeatedly ordered Lemons to perform oral sex on him.

"She was afraid he would kill her if she did not comply with his demand and that, as a police officer any story he invented to cover such use of force would be believed," the complaint states.

While he forced Lemons to perform oral sex, Cates "shov[ed] his fingers into her vagina," then strangled her as he forced his penis inside her vagina, according to the complaint.

After she collapsed on the porch following the rape, the officers arrested her, falsely claiming she had assaulted Cates' partner. On the way to the police station, officers ignored her repeated requests for help and claims she had been raped.

When she arrived, Lemons was handcuffed to a table, and Cates was allowed to enter the room, according to the complaint.

"Cates threatened Iema that other police officers would attack her if she continued to claim she had been raped," the complaint states. "He also told her that, if she withdrew her claim, she would only get a ticket for her alleged criminal conduct…Cates told her that, even if she continued to say he raped her, he would only get suspended."

Though that had been the case in the past, this time Flynn fired Cates for his sexual misconduct, albeit five months after the rape.

During an internal affairs investigation that followed Lemons' rape accusation, Cates lied and said he had no sexual contact with Lemons, but later changed his story and admitted to on-duty sexual contact, claiming it was consensual.

Though the Milwaukee County district attorney declined to pursue charges, the U.S. Department of Justice took up the case, resulting in a 24-year prison sentence for Cates in 2012.

Deputy City Attorney Miriam Horwitz, who frequently handles police misconduct claims against the city, has asked the Milwaukee Common Council to approve a $2.5 million settlement in Lemons' civil suit, which will absolve all parties in the case.

"As the matter proceeded to the January 9, 2017 trial date, mediation resulted in a proposed settlement of 2.5 million dollars, inclusive of all claims for damages against all parties, and inclusive of attorney fees and costs," Horwitz' Jan. 13 letter states. "The City Attorney now recommends settlement of this matter for the total sum of $2.5 million as recommended by the magistrate judge."

A voicemail left with the Office of the City Attorney before business hours Tuesday was not immediately returned.

Lemons' attorneys declined to comment.

★★★

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

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Get involved & send YOUR comments or concerns to the Editor
editor@usobserver.com

Supreme Court to Consider When a Criminal Defendant Must Pay With His Life for His Lawyer's Error

By Michael C. Dorf

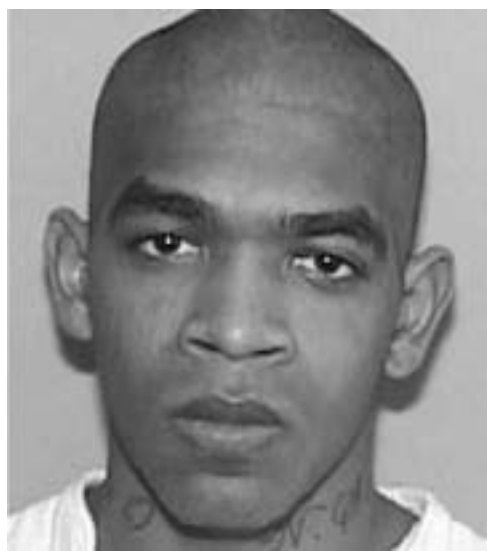
(Verdict) - The Supreme Court recently added sixteen new cases to its docket. Although none of these cases will garner the sort of media attention that comes from blockbuster constitutional rulings on such hot-button topics as abortion, affirmative action, or gun control, all present important issues that have arisen in the ordinary course of litigation in the lower courts. One of the cases—*Davila v. Davis*—presents a fundamental question: whether a criminal defendant should pay with his life for an error made by his lawyer?

To the uninitiated, the answer would seem obvious: of course not. How could a civilized system of criminal justice allow a death sentence to stand when that sentence is the result of the defendant's lawyer's incompetence?

Yet those of us who study and practice in the area of federal habeas corpus realize that the real question is not *whether* a defendant can be put to death because of his lawyer's incompetence. The law often allows that. Although the number of executions has fallen in recent years, there is little reason to think that the pattern of death sentences has changed since the *Yale Law Journal* published an article in 1994 aptly subtitled "The Death Sentence Not for the Worst Crime but for the Worst Lawyer." Thus, the real question posed by *Davila* is merely when the law allows lawyer incompetence to lead to an execution.

THE FACTS OF DAVILA

Like many cases that present issues of general importance to the criminal justice system, the *Davila case* does not involve a sympathetic defendant. There is no doubt that Davila committed intentional murder when he shot and killed a grandmother and her five-year-old granddaughter who were attending an eleven-year-old's birthday party.



Erick Davila

Nonetheless, Davila argues that he should not have been convicted of *capital* murder. He says that the government needed to prove that he intended to kill more than one person, but an instruction from the trial judge in response to a jury question permitted his conviction based on a finding that he intended to kill only one person.

Whether that objection is valid depends ultimately on a question of Texas law, and the U.S. Supreme Court does not review state court determinations of state law. The case is before the high Court on a derivative issue. Davila contends that his appellate lawyer, in failing to object to the allegedly erroneous instruction, acted so incompetently as to deny Davila the effective assistance of counsel guaranteed by the federal Sixth Amendment.

Yet the case does not directly present the Sixth Amendment issue either. Instead, *Davila* raises a question about the scope of relief available to state prisoners who bring federal habeas corpus petitions.

INEFFECTIVE ASSISTANCE AS "CAUSE" FOR "PROCEDURAL DEFAULT"

Under the current version of a law first enacted in 1867, persons convicted of crimes in state court may challenge their custody or sentence by bringing a federal court habeas corpus petition alleging that the custody or sentence violates the federal Constitution. Despite the breadth of the basic habeas provision, various statutory amendments and judge-made limits make it difficult for prisoners to obtain such relief.

One judge-made limit is the doctrine of procedural default. It says that if a prisoner had the opportunity to present his federal constitutional claim to a state court but failed to avail himself of that opportunity, he has "defaulted" that claim and thus cannot have it heard by a federal habeas court. In recognition of the potential for unfairness of the procedural default principle, however, the Supreme Court has allowed that where a state prisoner can demonstrate that he had good "cause" for the default and would be "prejudiced" by its enforcement, the default will be excused and the claim heard.

How does the procedural default doctrine apply to Davila's case? After Davila's direct appeal but before he filed his federal habeas petition, he filed a state court habeas petition. His state habeas attorney made a number of claims on Davila's behalf in that petition but did not contend that Davila's lawyer on the direct appeal was constitutionally deficient for failure to object to the jury instruction. Thus, when Davila filed his federal habeas petition making that claim, the state argued that it was beyond the court's power to hear: When Davila's state habeas lawyer failed to argue that Davila's state direct appeal lawyer was ineffective for failing to object to the jury instruction, the state said, the claim was defaulted. The district judge who heard the federal habeas claim agreed, as did the U.S. Court of Appeals for the Fifth Circuit.

In rejecting Davila's federal habeas petition, the district court and court of appeals had to distinguish two relatively recent Supreme Court precedents. In the 2012 case of *Martinez v. Ryan*, the high Court held that if a state habeas attorney's performance falls below the threshold of effective assistance of counsel, that incompetence is good cause to excuse the procedural default of an underlying claim that the defendant's trial counsel was also constitutionally ineffective. The Court applied that principle again the next year in *Trevino v. Thaler*.

Davila argued in the district court and before the Fifth Circuit that the principle of *Martinez* and *Trevino* should apply equally to his case. Those cases say ineffective assistance of state habeas counsel excuses the default of a claim of ineffective assistance of *trial* counsel. Davila said that ineffective assistance of state habeas counsel therefore also excuses the default of a claim of ineffective assistance of *appellate* counsel.

THE SCOPE OF THE MARTINEZ AND TREVINO PRECEDENTS

Why, then, did the appeals court rule that the default was not excused? The Fifth Circuit did not elaborate, instead citing one of its earlier rulings to the same effect. That ruling in turn cited yet another ruling, which, finally, simply stated that in *Martinez* the Supreme Court said that its rule applied only to claims of ineffective assistance of trial counsel, without disturbing the prior general rule—announced in the 1991 case of *Coleman v. Thompson*—that the ineffectiveness of state habeas counsel does not constitute good cause for excusing most procedural defaults.

The Fifth Circuit decision not to extend *Martinez* and *Trevino* was a plausible construction of those cases. However, there was equal or greater plausibility to Davila's argument that there is no real difference between the default of an underlying claim of ineffective assistance of trial counsel versus appellate counsel. The fact that the Supreme Court in *Martinez* confined its ruling to trial counsel cases could simply reflect the traditional practice of judicial modesty: The Court did not say that the principle goes further because, given the facts before it, there was no occasion to consider its potential application to other cases.

So why, according to the State of Texas, shouldn't *Martinez* and *Trevino* be deemed to apply to a claim like Davila's? The state's brief in opposition to the certiorari petition (called an "op cert" in the trade) argued that even if *Martinez* and *Trevino* were extended to claims of ineffective assistance of appellate counsel, that would not benefit Davila because his underlying claim is weak. Now that the Court has granted review, however, that issue is beside the point. If Davila prevails in the Supreme Court, it will be open to the state to argue on remand that his claim should be rejected on the merits.

Somewhat surprisingly, the state's op cert did not say why, in its view, *Martinez* and *Trevino* should not apply to claims of ineffective assistance of appellate counsel. As Davila's attorney noted in a reply brief, the op cert reads more like a brief to the Fifth Circuit than to the U.S. Supreme Court. Presumably the state will supply some substantive reason to distinguish *Martinez* and *Trevino* in its merits brief.

What might that reason be? The state might argue that the right to *trial* counsel is of such surpassing importance that claims of ineffective assistance of trial counsel should be heard notwithstanding their default via state habeas counsel incompetence, but that no other claims warrant this special treatment. This argument would need to warn of the risk that without such a limit, *Martinez* and *Trevino* would expand into a freestanding right to effective assistance of state habeas counsel. That, in turn, would mean overruling *Coleman* and, more importantly, placing a heavy financial burden on state criminal justice systems. Indeed, the state could argue that the effect might be perverse. Because states are under no constitutional obligation to provide state habeas review at all, a mandate to provide adequate counsel when they do permit state habeas could lead some states to eliminate state habeas altogether.

Accordingly, for Davila to prevail, he will need to persuade the high Court that some other line can be drawn to preserve the general rule of *Coleman*. What other line is there?

Davila could say that all claims of ineffective assistance of counsel—whether at trial or on appeal—are special, but this is not obviously right. What about a claim of race discrimination in jury selection? Of improper admission of a coerced confession? There are many important constitutional rights of criminal defendants. It is not clear that effective assistance of counsel is qualitatively more important than the others.

A better line for Davila is suggested by the opinions in *Martinez* and *Trevino* themselves. In those cases, the Supreme Court emphasized that state habeas review provided the first genuine opportunity for a defendant to complain about ineffective assistance of trial counsel. In *Martinez* it was literally the first legal opportunity; in *Trevino* it functioned that way. Likewise, Davila can say that the first real opportunity to complain about the ineffectiveness of counsel on direct appeal is in a state habeas proceeding.

Thus, under the line we can expect Davila to promote, a small number of other defaulted claims would be excused by ineffective assistance of state habeas counsel. For example, a claim that the prosecution wrongly withheld exculpatory material from the defense in violation of the 1963 due process ruling in *Brady v. Maryland* would not ordinarily be discoverable until after the trial and direct appeal. Under the line I am suggesting, a defendant whose state habeas lawyer incompetently failed to discover or present a *Brady* claim would have the resulting default excused for good cause. However, the general rule of *Coleman* would remain for claims that could be presented to the state courts before state habeas.

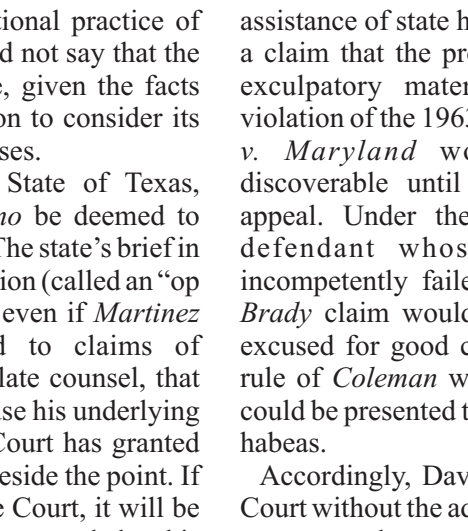
Accordingly, Davila can win in the Supreme Court without the adoption of a rule that amounts to a general-purpose right to counsel for state habeas petitioners. If Davila wins such a relatively narrow victory, many criminal defendants in America would still pay the price for their attorneys' poor performance. But at least some measure of that injustice would be mitigated.

★★★

Continued from page 1 • Former State Forensic Scientist ...

down my loving family..."

A family member of an innocent person who was affected by Larsen stated, *"Where is her apology to **my family**? She wouldn't even directly address the innocent lives she helped ruin in her letter."*



Deschutes, Co. D.A. John Hummel

According to other reports, Deschutes Co. District Attorney John Hummel stated he's reviewed 261 of 1,039 cases involving Larsen. Of the 261, Hummel recommended that 17 convictions be overturned. In other counties, convictions have already been vacated. The total number of cases that have been vacated or dismissed thus far is approaching 200 in total.

At Larsen's sentencing, Judge Brown stated, *"You're never going to work in a criminal justice system again."*

After serving her sentence, Larsen is ordered to serve one additional year under a supervised release agreement, along with 250 community service hours.

In a press release from Oregon's Department of Justice, U.S. Attorney Billy J. Williams stated, *"An effective criminal justice system requires the highest level of personal integrity from everyone working within the system. If a single link in this chain is compromised, the equitable administration of justice is at risk."*

Larsen is expected to be released in early 2019.

★★★

Continued from page 1 • The MacLaren Nightmare ...

occurred. Next, the young girl reportedly claimed Lenzo took a picture of her vagina while it was bleeding, eventually showing her the photo as he laughed. In shock, Christi, “immediately contacted several professionals that very day.” Her main concern was her daughter's safety and seeking help. Unfortunately, there was no help for Christi and her daughter, only horrific damage according to mulitple witnesses.

Lenzo isn’t the only one with a dark history. DHS caseworker, Cori McGovern, has previously been sued and found liable for over One Million Dollars for placing a young girl in a dangerous home, resulting in the child being raped repeatedly by two males. According to the Attorney who represented one of McGovern’s victims, "DHS settled his client's case for a large sum of money." Instead of being fired for placing the child with rapists, and previous actions, DHS simply transferred McGovern to another office in a nearby town. Today, McGovern is doing the exact same thing to another young girl, Christi's daughter.

> **Father provided no child support (Lenzo once owed almost $10,000).**
> *--Victoria Bones, LCSW*

TEMPORARY VISITATION

On December 19, 2016 Christi MacLaren, along with her husband Gabriel, and her parents attended a hearing before Jackson County Circuit Court Judge Ronald Grensky regarding Christi's now six-year-old daughter. The hearing was set because the biological father, Sean Lenzo, refused to adhere to a previous order, and prevented the grandparents from seeing the child. Lenzo also claimed Christi’s husband, the girl’s stepfather, Gabriel, was a danger to the young girl. Without any factual evidence or witnesses, Lenzo alleged Gabriel abused Christi.

The evidence contradicts Lenzo’s attempts to smear Gabriel. In fact, 38-year-old Gabriel has no criminal convictions EVER, nor any record of domestic abuse whatsoever. Gabriel was a youth group counselor at his church, and has previously worked with the Oregon Youth Authority requiring extensive background checks to be passed before he could be around children. After hearing Lenzo’s unsupported story full of vague details, Judge Grensky sided with Christi, her parents and Gabriel, rightfully allowing visits until the trial date to establish custody is over.

Sean Lenzo

CASE HISTORY

Signs of sexual abuse were witnessed by several people; one being a pre-school principal who stated she heard the young child scream, "I don't want to be with him" (Lenzo) as the little girl urinated on herself. Claims of self harming by the young girl were also investigated and confirmed by people other than the mother. According to many professionals, these actions are severe symptoms of sexual abuse.

Another professional, Victoria Bones, a court appointed expert licensed clinical social worker found that, "It is highly unlikely that the child could react the way she does so consistently and repeatedly" if she had been coached. Bones continued, "I recommend all contact (daughter and Lenzo) stop immediately, including supervised visits." Bones finished by saying, "to force (child) to continue to have contact with her father is re-traumatizing her in my opinion." Bones met several times with the young girl. It took more than one year before Judge Grensky heard this expert witness testimony.

Another professional, Dr. Jerry Larson M.D. Psychiatrist stated, "Christi MacLaren is a 40-year-old, bright, well educated, married, mother of two who displays no evidence of a mental defect." Dr. Larson continued, "I find the DHS (Cori McGovern) action puzzling at best."

Experts found serious examples of abuse allegedly by Sean Lenzo. Some of the reports were intense, as described above, yet McGovern didn't only disbelieve Christi, she has essentially not believed any of the experts - professionals who are highly educated and have the ability to diagnose, whereas McGovern does not.

At a hearing on Dec. 19th, Attorneys for both parties began litigating intently. Judge Grensky showed a deep concern to want this case resolved - fast. After previously stating he did not want to hear expert witness testimony, and that he wanted the parents to "work things out", Grensky did an abrupt 180 degree turn from his previous actions in the case. Thankfully he finally took this case as serious as he should have nearly eight months ago.

Lenzo's attorney, Jamie Hazlett began questioning Gabriel, the step-father, drilling him over and over again, unnecessarily. Judge Grensky stepped in and stated, "Ms. Hazlett I'm going to be frank with you. Why is that every time we have a problem with a judgment you're on one end of it. Why is that? I don't understand, but it's always you." Hazlett responded, "Alright well that may be your take on it..." Judge Grensky replied, "It is my take on it."

After DHS caseworker Cori McGovern got on the witness stand, Judge Grensky stated to her, "let me be succinct... Now that it looks like that (daughter being kept from mother) may go down the drain, you're not so happy anymore. That's the bottom line, right?

McGovern responded, "It is our (DHS) belief that [the daughter's] behaviors were caused by mother." McGovern continued, "That she (Christi) influenced, that she coached the child and that (child's) behaviors - the self harming, the unrealistic fear of her father, that those were being driven by her mother."

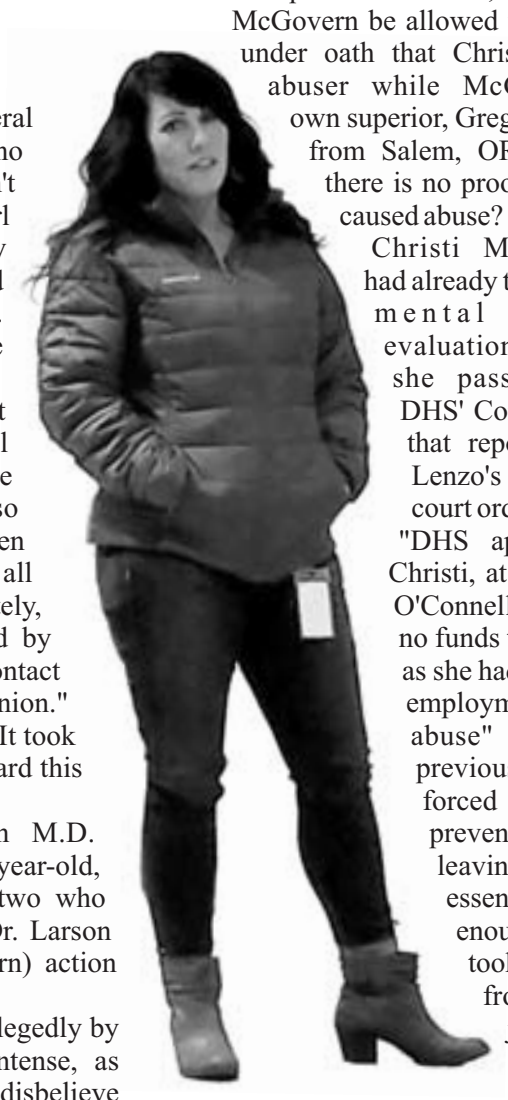
Basically, McGovern said that if Christi sees her daughter unsupervised, that DHS will take custody of the young girl. Remember, several professionals who have the ability to diagnose, disagree with McGovern and DHS. These are experts that had to wait over one year to testify in front of Judge Grensky. Considering this line of questioning by the Judge, it appears that he has finally taken a keen interest in what should rightfully be done.

How can McGovern declare that the mother is the cause of abuse when McGovern's own superiors issued a letter dated Sept. 23, 2016 that read in part, "...A review was held and it was decided that there is not reasonable cause to believe that you (Christi) are responsible for the mental injury of (your daughter)." Furthermore, once the letter was written, how is it that McGovern could continue to make these claims against Christi? Is there no chain of command at DHS? Or, do caseworkers get to do anything they want without accountability?

According to McGovern, the case DHS had against Christi was closed in April of 2016, five months before her superiors took action at the request of Christi's attorney Samantha Malloy. So, the question remains, how can McGovern be allowed to testify under oath that Christi is an abuser while McGovern's own superior, Greg Thomas from Salem, OR., states there is no proof Christi caused abuse?

> **DHS caseworker, Cori McGovern, has previously been sued and found liable for over $1-Million for placing a young girl in a dangerous home, resulting in the child being raped repeatedly** *--Witness*

Christi MacLaren had already taken one mental health evaluation which she passed, but DHS' Cori McGovern wasn't willing to accept that report. Instead, McGovern, along with Lenzo's attorney Jamie Hazlett, pushed for a court order to force Christi to choose one of two "DHS approved" mental health evaluators. Christi, at the advice of her attorney, chose Dr. O'Connell - the doctor DHS wanted. Christi had no funds to pay for the mental health evaluation as she had been fired from her previous place of employment because of the false "founded abuse" report that Cori McGovern had previously made. Christi's employer was forced to fire her due to insurance liability, preventing Christi from having an income and leaving her scraping to get by with the bare essentials. Eventually, Christi was able save enough to pay for the $1,400.00 exam that took several days to complete. The report from Dr. O'Connell was finally produced just before the Dec. 19th hearing. The result: Christi is a satisfactory parent.



DHS Caseworker Cori McGovern

Although Christi has now passed two mental health evaluations, DHS' Cori McGovern was still not satisfied, claiming on the witness stand that she hadn't seen it yet, insinuating that she would not accept it because she wasn't able to talk with the doctor even though the court had already agreed that any communication from anyone regarding the exam would have to be done in writing, as part of the record. Cori McGovern apparently didn't want to communicate on the record. Did McGovern want to pressure the doctor to give a fraudulent report that bolstered an ill conceived agenda?

Furthermore, Christi has no criminal record while the biological father reportedly had an extensive one, including three felony arrests. According to one witness, two of the felonies were dismissed through a plea deal, and another felony conviction in California simply just disappeared. Could DHS have a hand in that? Although the felonies may be gone, Lenzo’s acknowledgment of them is not. Lenzo confirmed his drug abuse history during a deposition. According to Lenzo’s Facebook page, he now has a gun which has caused much more fear for Christi and her family. It has been reported, Christi had a previous restraining order against Lenzo because he threatened harm to her and her parents.

Christi and her husband, Gabriel, with their biological daughter

One law enforcement professional stated that, "If Sean Lenzo has been convicted of felony drug charges, it would be next to impossible for him to ever possess a firearm." Unfortunately, that doesn't appear to be the case in this instance.

Backing up to the May 19th hearing, Judge Grensky stated to Christi, after not allowing expert testimony, "All of this is going to be on you (Christi). We're not gonna be sitting there monitoring every single step of the way." The Judge ended his statement by saying, "I don't tell DHS what to do." Although the Judge's tone at the recent hearing purportedly leads one to believe he is finally doing the right thing, his prior statement that he doesn't tell DHS what to do is what has terrified Christi MacLaren beyond belief. She's concerned that the Judge's power is not enough to protect her, or her daughter because of the continuous threats by DHS. It's all been but guaranteed according to McGovern that DHS will take her daughter again if the Judge rightfully gives her custody.

A final trial date to determine custody of Christi and Lenzo's daughter has not been scheduled as of the this date, please check at usobserver.com for trial updates. Christi has spent approximately $37,000.00 in the past two years attempting to protect her daughter. If you can support Christi, we humbly ask that you donate to her GoFundMe account, which can be found online while searching "Chrisi MacLaren Gofundme." Attorney bills are piling high and every cent contributed will be graciously appreciated.

Again, please give even the smallest amount. Christi's family is in desperate need.

If you have any information regarding anyone involved in this article, the US~Observer asks that you contact us immediately. Your information will be kept confidential upon request. You may reach out by going to www.usobserver.com, or emailing: editor@usobserver.com, or calling 541-474-7885. Any information provided is greatly appreciated.

UPDATE: On the evening of December 21st, 2016 the US~Observer received a call from a blocked number. The caller asked, “Why are you pushing on Cori McGovern?” When asked to identify himself the caller stated, “It doesn't matter.” The caller was told that we wouldn't talk to him unless he identified himself to which he responded, “Okay, I'll have to come see you in person, if that's the way you want it.”

It appears Cori McGovern doesn't just like to throw her weight around in cases where children are involved. It is more likely than not that she had this "stranger" call to try to intimidate us. We will not be intimidated, and it just made our resolve even greater.

As of Feb. 7, 2017, the third, and last day of trial was not scheduled. Not only has this case dragged on for years, trial is now into its second month without resolve. Reports suggest that Lenzo’s attorney Jamie Hazlett is trying to push the final trial date to May, 2017. Does this support justice for all parties involved?

The US~Observer has attempted to talk with Sean Lenzo. He has not responded, but his friends and family have. One of his so-called friends did not help establish Sean's character. This "friend" used graphically inappropriate language and made unfounded statements. His Grandmother, Rose Lenzo, has shared her willingness to help resolve this nightmare of a case. We hope she can. She stated her bill for legal fees is, "Over 20 thousand dollars" as she is paying Sean’s Attorney, Jamie Hazlett.

The US~Observer stands on the side of the truth and is backed by experts involved in this case.

★★★

The Real Reason to Oppose the Dakota Access Pipeline

By Ryan McMaken

(Mises.org) - The ongoing protest over the Dakota Access Pipeline near Standing Rock Indian Reservation makes for some good theater, but the protesters have as yet been unable to demonstrate that the pipeline actually trespasses on Indian lands or that it will likely lead to groundwater pollution.

Both trespassing and water pollution are serious issues that would rightly open up the owners — in this case, Energy Transfer Partners — to crippling lawsuits.

In North Dakota, however, the pipeline passes through private property and a likelihood of groundwater pollution has not been established.

Defenders of the pipeline like to point all this out. But, those same defenders also conveniently ignore that other parts of the pipeline, including parts that pass through Iowa, rely on eminent domain to secure land rights for the pipeline owners.

The Daily Caller reports:

Eminent domain was used in other portions of the route in Iowa, prompting farmers to sue the Iowa Utilities Board (IUB) in an effort to prevent the company from gaining the right to use the property-seizing tool. A judge eventually allowed the DAPL use of the land.

In May 2016, farmers began suing the pipeline developers in an effort to prevent the use of eminent domain to seize private property for the benefit of the pipeline owners. There are 1,295 properties along the 346-mile route through Iowa.

As of November 2016, the owners of 17 parcels have sued over the fact that the State of Iowa has handed over 200 pieces of land under eminent domain laws.

While the pipeline owners have attempted to obtain voluntary easements in most cases, it appears that when negotiations for easements break down the pipeline developers resort to seizing the private property via eminent domain. Moreover, the use of eminent domain calls even the "voluntary" easements into question since it is quite plausible that the pipeline developers "encourage" the granting of the easements by threatening to pursue eminent domain seizures should the land owner refuse the easement.

In October, according to farmer Cyndi Coppola, pipeline developers trespassed on her farm in Calhoun County, Iowa and began digging up the topsoil for pipeline construction. Coppola was arrested on her own property for protesting the dig.

In spite of the blatant violation to private property that eminent domain presents, many conservative politicians — the same ones who claim to support property rights — also support eminent domain. Indeed, during the Republican debates this year, Republican candidates expressed unwavering support for eminent domain when pressed on the topic of oil pipelines.

Republicans have even begun supporting eminent domain for seizure of private lands for private uses. Historically, eminent domain was restricted (at least in theory) to public uses such as highways. The use of eminent domain for private uses, such as a Trump hotel in one case and privately-owned shopping centers in others, has long been seen as an abuse.

During the Republican debate, Jeb Bush attempted to differentiate his support for eminent domain from Donald Trump's support. Bush wrongly claimed that the Keystone Pipeline — which also relies on eminent domain — is for "public use" when the pipeline is privately owned and built to profit the owners. Trump exposed Bush's deception, and in the process essentially demonstrated that both candidates favor the seizure of private land for someone else's private use.

The situation is no different with the Dakota Access Pipeline in Iowa. The Iowa government is attempting to seize private land and hand it over to other private owners because to do so is convenient for the pipeline owners and their supporters in government.

Nevertheless, defenders of the pipeline's trespassing are likely to maintain that violations of property rights such as this are acceptable because the former owners receive "just compensation." In cases like this, supporters of eminent domain like to throw around a lot of fancy terms like "highest and best use" in order to obscure the core issues at hand. But, these terms do not erase the fact that if the owner were willing to sell for the price offered, then government coercion would not be necessary to seize the land. Anthony Gregory explains in detail:

In the market, any compensation that is voluntarily agreed upon by both parties to a transaction is properly seen as just. If buyer and seller or employer and employee are both willing to make a deal, their freedom to do so, at any mutually agreeable price, is the fulfillment of justice in the world of economic exchange...

The state, unlike market participants, does not make its transactions through voluntary persuasion and bargaining, but through violence and the threat of violence. Certainly in the case of Eminent Domain — which means "supreme lordship" — we see that the victims of seized assets have never consented, otherwise a pure exchange could take place that requires no police power. No such coerced transaction can be said to entail "just compensation," since compensation is only just when the party being compensated agrees to the deal.

Oftentimes, the state claims it is offering a "fair market value" for the property it seeks to seize, but this is a sham. The market price for something is, by definition, the price that both parties consent to. In a fair market exchange, each party gives up something he values less for something he values more, or else he wouldn't agree to it.

It is only through such a voluntary transaction that we can determine what something's market value is in the first place. Market value is not universal, but particular to the assets exchanged in a specific transaction. For any given piece of property, there can be no market value without market exchange.

When the state has to rely on the coercive power of Eminent Domain, it is a sure sign that the property owner is not being given something he values more in exchange for something he values less, and it is a perversion of language to describe the compensation, however high, as having anything to do with the market.

But, don't expect this to stop builders and developers who fancy themselves as paragons of civilization who merely need to sweep aside the hicks and rubes who get in the way of "progress." Donald Trump has even gone so far as to claim that owners of seized property "at least get fair market value, and if they're smart, they'll get two or three times the value of their property."

At least one study has shown, however, that this is not true at all, and "people who lose their property to eminent domain proceedings are almost never made whole."

If confronted with this, supporters of eminent domain would likely stick to their claim that government seizure of private property — much like taxation — is merely the price we pay for civilization. Trump summed it up when he claimed at the Republican debate that:

Eminent domain is an absolute necessity for a country, for our country. Without it, you wouldn't have roads, you wouldn't have hospitals, you wouldn't have anything. You wouldn't have schools, you wouldn't have bridges.

This is just a long-winded way of saying "without government, who will build the roads?" ★★★

Continued from page 1 • $9.2 Million Lawsuit Filed Against DHS

a child today."

Dain and his family suffered over two years of separation while his false criminal case was in limbo. Dain could occasionally see his family. The only catch: all visits were supervised by the State. Dain had to live in a barn behind his parent's house while separated from his wife and children. Every step of the way Dain complied with authorities, hoping the nightmare would soon end. The nightmare continues to this day, over five years later.

Dain's children never stated that their father was sexually abusing them. Dain's wife never said that her husband was abusing their children. Dain never said that he was abusing his children. Dain was told he should take a polygraph test, that if he passed, his charges would likely be dismissed. Dain took the police-administered test and passed. DHS Caseworker Matthew Stark and Detective Glen Fairall, the two main people responsible for Dain's charges, then refused to honor their promise to dismiss the case. Dain also passed a psycho-sexual exam which showed there was no sexual gratification when he bathed with his children.

Detective Fairall and DHS Caseworker Stark then ramped up the case against Dain. Transcripts of official communication were altered and used against Dain, making him appear guilty. The doctored transcripts were relied upon by government employees who testified against Dain. Caseworker Stark and Detective Fairrall knew the transcripts were altered. They did the interviewing.

Facing 20-30 years in prison if convicted, Dain stood by the truth and took his case to trial, denying all plea offers. Not only was Dain acquitted, he was quickly and unanimously acquitted by a 12 person jury. During trial Detective Fairall finally admitted while under oath to altering the transcripts after being hard-pressed by Dain's trial attorney Steven Sherlag.

Dain was finally found innocent! Although he was found innocent, his problems were far from over.

Four days after being acquitted, DHS Caseworker Matthew Stark and Supervisor Linda Crawford showed up at Dain's front door, threatening, "let me in your house to interview your children" or we will take them again. Dain told them to leave his property. Dain recorded the interaction. After that encounter Dain contacted Senator Betsy Close who put a stop to the continued abuse by DHS and Stark. This begs the question: What is the purpose of being found innocent if the state can immediately start tormenting a loving family, again?

Matthew Stark, the caseworker involved in Dain's case, was previously involved in a case where he placed a child with the wrong parent which resulted in the death of a four-year-old girl named Karly. Stark continues working for DHS to this day.

How Dain and his family have survived through all of this is a miracle. Dain paid over $250k to protect his family. Dain and his family used their life savings to fight against the abuse leveled by a few people who only sought conviction without justification. His loving parents used most of their retirement savings to help. Fortunately the Sansome Family has strong community support. Dain was labeled a sexual abuser by the mainstream media, the police, the prosecutor, and Matthew Stark of DHS. Dain was lied to repeatedly. His daughters were greatly damaged by a forced, two-year separation from their father. Dain and his family all lived in fear of DHS and police. Dain's wife and children were without a husband and father when they desperately needed him. His children continue to suffer. Dain prevailed, but the damage caused by Fairall and Stark continue to put Dain and his family in constant fear of separation and incarceration.

Seeking remedy for the damages, Dain sued Detective Fairall, the City of Albany, the State of Oregon, DHS, and employee Matthew Stark by filing a Federal civil lawsuit. One filing deadline during the process was missed, and Federal Judge Ann Aiken dismissed Dain's lawsuit on August 9, 2016, stating, "... plaintiffs had the opportunity to present opposing arguments prior to the court's order, and plaintiffs failed to do so. Further, plaintiffs do not explain or provide any cause for their failure. Regardless, plaintiffs' arguments do not support reconsideration. ...Accordingly, plaintiffs' motion for reconsideration is DENIED."

James Leuenberger, Dain's civil attorney, filed an appeal, arguing the denial should not prevent Dain's lawsuit from moving forward. He provided case law to show cause to keep the case open. It was an honest mistake. To prevent Dain and his family from seeking remedy for what they endured because of a filing deadline is nothing short of a travesty of justice. Dain and his family's Federal lawsuit is currently under appeal with the 9th Circuit Court of Appeals. If reinstated, the case would likely be set for mediation. If mediation does not present a remedy, then the case could take up to three years before Dain has his day in court.

Seeking further remedy, Dain's second lawsuit was filed in state court against DHS and Matthew Stark. This lawsuit was recently assigned to Judge Hart in Marion County Circuit Court. This lawsuit will require several motions filed by all parties involved which will likely take considerable time before resolution.

Dain has voiced his willingness to mediate both cases together in an attempt to quickly remedy them. However, the Federal suit is now in the hands of the 9th Circuit Court, and Dain eagerly awaits his day in front of a jury of his peers if mediation is not fruitful. Millions of dollars are at stake for the horrible things that DHS Caseworker Matthew Stark forced upon the Sansome family.

If Dain has no way to remedy his case, how can there ever be trust in a system that is plagued with injustice against innocent children and their families? DHS was recently sued for 60 million dollars in a separate incident. Costly lawsuits will continue until there are better checks and balances within DHS. Accountability of caseworkers is paramount to alleviating the tremendous liability that Oregon taxpayers are faced with because DHS caseworkers are not held responsible when they do wrong.

One day you or a loved one could also need help. Sharing this message will help spread awareness to others, and will hopefully help save other innocent families who may think the system has silenced them. If the people who have aided in the abuse of Dain and his family are not held liable, then these actions will continue. This is not just a fight for the Sansome family. This is a fight for the ability to protect ALL of our families from overzealous people who pay no price for being wrong. If you have any doubt, Google "Karly's Law" inspired by Stark. ★★★

Are You Facing False Criminal Charges?

Have You Been a Victim of False Prosecution?

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

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

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

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

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

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

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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.

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

"One false prosecution is one too many, and any act of immunity is simply a government condoned crime." *- Edward Snook, US~Observer*

The US~Observer's services have VINDICATED

over 4,500 cases to-date. Here are a few:

Dean Muchow — **Charge: Gov't Abuse**

Status: Cleared

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

Victim: Investment Scam — **Al Perelstein**

Status: Compensated

"I can't thank you enough for getting our investment money back."

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."

Charges: Sex Abuse — **Jessica Morton**

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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