Promoting Excellence in Investigative Journalism

US OBSERVER
Vindicating the Innocent

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Volume 2 • Edition 63

INJUSTICE SPOTLIGHT

Attempted Murder by Drugged Cop?

Missouri Man, Jeffrey Weinhaus, Serves 30 Years for Surviving

By Ron Lee
Investigative Journalist

Sgt. Folsom shooting Weinhaus

Missouri - The following dialog was captured via a smart watch on Sept 11, 2012, that was worn by Jeffrey "Bulletinman" Weinhaus:

"How's it going, Jeff?"
"Good. How are you?"
"What do you have the gun for?"
"Why do I got the gun? Why do you got the gun for?"
"Cuz I'm authorized to have a gun."
"Alright. Well I'm authorized

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WRONGLY CONVICTED SPOTLIGHT

Found Guilty of Murder in Spite of Reasonable Doubt

Decorated Iraq War Veteran, Roy Murry, Maintains Innocence

By Edward Snook
Investigative Reporter

Spokane County, WA - Imagine serving a tour of duty with the Army National Guard in the Iraq War. You're seriously injured in a firefight which involved a bomb explosion. You push through the pain and trauma of your own injuries and successfully extract your partner. You're awarded a Bronze Star With Valor and a Purple Heart for your conduct. Your injuries are serious enough that your military career comes to an end. You return home to begin the journey of healing and rebuilding your life; the process is overwhelming; you turn to opioids and marijuana to cope. Your desire to serve remains strong and you decide to get involved in politics. You fall in love and marry, but continue to struggle.

The experience in Iraq has left you with Post Traumatic Stress Disorder (PTSD). You perceive that your wife's mother and stepfather interfere too much in your marriage; your relationship with them is awkward. A year and a half into the marriage, you decide it is time to divorce and your wife moves back home. You begin to take steps to move on and start anew.

There is a horrendous triple-homicide in your community. The murder victims are your estranged wife's mother, stepfather and brother. You're stunned and concerned for your wife.

You suddenly find yourself the only suspect in the murders as well as accused of setting fire to cover up the heinous crimes. You cooperate with law enforcement. After all, you have nothing to hide. Next thing you know, you are living a horrific nightmare worse than what you experienced in Iraq.


Roy Murry

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US~Observer Clients Free
Jack Dunn & Rose Henley Case Dismissed

By US~Observer Staff


Jack Dunn & Rose Henley

Clackamas County, OR – Clackamas County District Attorney John Wentworth formally dropped criminal charges against Rose Henley on January 13, 2022, and those leveled against Jack Dunn on January 21, 2022. Henley and Dunn are both US~Observer clients.

After their trial was continued 10 separate times, Henley and Dunn were scheduled to stand trial January 11, 2022, on false and manufactured Theft and Criminal Mistreatment charges. Henley and Dunn were accused of stealing from and mistreating their long-time neighbor and friend Wayne Faulk. A total of 13 felonies, 4 misdemeanors and a warrant against Jack Dunn were all dismissed.

After completing our initial investigation and establishing innocence, the US~Observer began exposing the real reasons behind the false charges. Henley and Dunn had started filing complaints against Faulk's sister-in-law, Linda Faulk, for allegedly taking financial advantage of him while Linda Faulk acted as a caregiver for Wayne Faulk. Linda Faulk allegedly stole over a half million dollars from Wayne Faulk's Trust and she was accused of committing Social Security Fraud.

Linda Faulk hired attorney Sibylle Baer who reportedly brought Conservator Ann Yela on

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89-year-old Clara Fambro Claims Abuse
Is Her Guardian, Ann Yela, Complicit?

By Ron Lee
Investigative Journalist


Clara Fambro

Clara Fambro is a magnificent American woman who comes from a strong and proud family; two of her brothers, Richard Davis and Moses Davis, were members of the original Tuskegee Airmen. Clara herself is strong and witty, kind yet frail, but ever so dignified - even though that is not how she presented when I first met her. At 89 years-old, her life has reportedly been turned upside down by the very person who is duty-bound to protect her - guardian Ann Yela of Yela Fiduciary Services.

In December of 2021, I visited Clara multiple times at Roselane Adult Foster Home in Beaverton, Oregon. I was there to investigate claims of abuse both financial and physical.

Before meeting with Clara, I first met her daughter, Dollie Fambro.

Dollie is dedicated, expressive and a very hardworking woman who feels as if she failed her mother. She feels that way because according to her, Dollie's attorney Julie Rowett convinced her to give up guardianship of her mother and give it over to Rowett's friend, Ann Yela. *"Julie told me the State of Oregon was going to prevent me from ever seeing my mother again if I didn't give up the guardianship and give it to Ann Yela,"* Dollie recounted. *"And it turned out that was the*

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PUBLIC SERVICE ANNOUNCEMENT

"Gay" Texas Ranch Hand Rustles Estate?
"Kyle Lee Rector Gains Power of Attorney Over Elderly Rancher, Randy Coleman"

By US~Observer Staff


Kyle Lee Rector

When you think about elder abuse, you think of the worst possible situation and never imagine it would happen to your family. You do not think of your significant other, family member, etc. being taken advantage of and your inability to help that person overcome the situation. However, this is exactly what can and does often happen, even in the closest and most loving of families.

When long time Texas Rancher, Randy Coleman hired a new farm ranch hand in March of 2015 shortly after he was diagnosed with stage three throat cancer, the family and Randy had a lot of unknowns ahead of them.

Two life altering mental illnesses, Alzheimer's disease and dementia, are well known as multiple members on both sides of the family have passed away from one or both diseases. According to those close to Randy all his life, Randy is showing signs of

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Reward for Stolen Trailers – Southern Oregon

Southern Oregon's Larry Stockman has been robbed, and we need your help to find his property

By US~Observer Staff


Larry Stockman

In his mid seventies and standing six-foot-five, Larry Stockman still goes to work everyday, regardless of the pain he suffers from a host of old injuries. Stockman is a long-time Oregonian, a businessman, patriot and all-around honest, conservative US citizen. As of recent, Stockman has also become a crime victim, and we need your help in correcting this terrible injustice and aiding Stockman in the return of his stolen property.

Stockman mines gun ranges to reclaim used lead, processes it and then manufactures new lead shot. It's a noble recycling business. It solves the lead problem at gun ranges, taking it from a hazardous material to simple scrap metal that can be used in various applications. This process is, however, hard work, especially for an aging man who requires the use of a back brace, knee brace and a wrist brace just to function. In order to manage, Stockman utilizes varied tools and trailers, and it is precisely these things that were taken from him when

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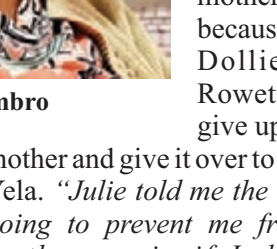

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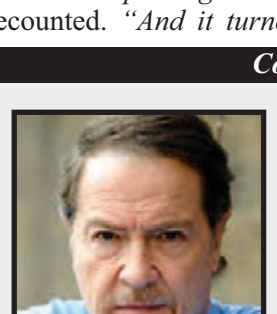

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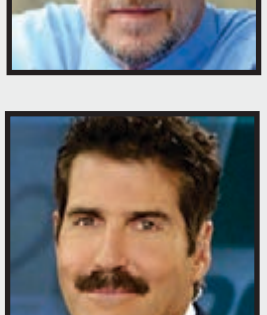

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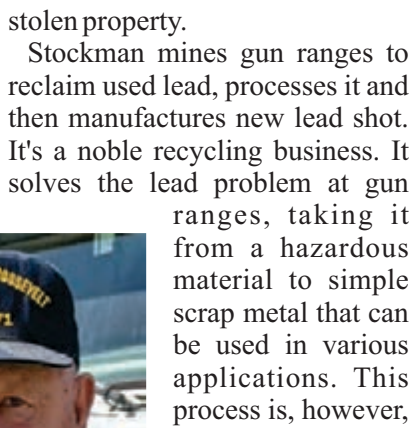

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board in an alleged effort to cover-up Faulk's alleged crimes. Yela was appointed in October of 2016. According to Rose Henley, *"racketeers like Yela separate their targeted elder client from any family or friends trying to protect them and their resources (estates). These unethical people who call themselves guardians, trustees, or conservators, with the help of their attorneys get rich from targeting the elderly and they take everything from them - their constitutionally protected rights, family, friends, resources, their dignity and often their lives are cut short."*

Henley continued, "*over the last 6 years we have been approached by many families targeted by these same criminals and their stories are nearly identical. To make matters worse some probate courts aid in the racketeering. This is done in many courts in every state. If you have not seen the Netflix movie 'I Care a Lot', watch it, it does a good job of exposing what happens to the elderly once they are in the sites of these thieves. Ironically, the lead character in that movie exhibits a striking resemblance to Ann Yela both physically and in her demeanor. Greed is a powerful motivator and when the courts rubber stamp the thefts, the elders and their family can do little to nothing to stop these well-insulated professionals. If you stand up to them as we did, you become a target and it is an uphill battle as the legal system is used against you. In other words, God help those who go through these attacks without the US~Observer's assistance."*

Ann Yela

Jack Dunn states, *"our cases were dismissed with the help of the US~Observer telling our story and exposing the corruption over the last 4 years - this tragic ordeal that began in 2017 is finally over. We were innocent the whole time and they knew it all along or at least from the time the US~Observer took the truth about our case to the public. These horrible people use the criminal justice system against anyone who interferes with their fraud schemes."*

According to one witness, *"the end result of Ann Yela becoming involved as a conservator for Wayne Faulk was not to help and protect him – it was to completely decimate him financially. Faulk went from living on Faulk Trust property left to him by his parents to watching his property logged to fund Yela and her activities, to watching his property being sold to a neighbor."*

Wayne Faulk

The US~Observer has received multiple complaints from families of the elderly in Oregon, claiming Ann Yela is stealing their family estate and allowing their loved ones to be mistreated in inadequate nursing facilities or with unscrupulous caregivers.

Rose Henley and Jack Dunn were excellent caregivers for their friend and neighbor Wayne Faulk. After corrupted individuals used the Clackamas County, Oregon criminal justice system to nearly decimate them both mentally and financially they are finally free and right back to helping their neighbor Wayne Faulk. Jack is back to helping Wayne with small projects and providing a friendship that the two shared for many years, prior to being viciously attacked by the criminal justice system.

JACK DUNN AND ROSE HENLEY'S CHARACTER

On September 7, 2020, Jack Dunn and Rose Henley along with fellow heroes Damien Miller, Terry Dunn, Geoff and Lael Bingham fought a 2-alarm fire that started at Wayne Faulks home on Potter Rd in the city of Redland, after high winds toppled a large tree and downed power lines that caught Wayne Faulks front yard on fire. This was the first day of the massive fires that hit Oregon in 2020, that Clackamas County deemed "the worst fires in the counties history." The high winds spread the fire quickly as neighbor Geoff Bingham and Jack Dunn got Wayne Faulk out of his home to safety. A wall of fire burned the front yard of Wayne's home which traveled along the side of his home across 34 acres to Bradley Road. Then around 10:00 pm the high winds shifted and headed directly towards the homes on Potter Road and Bradley Road.

Clackamas County Fire District showed up and stood around for an hour assessing the fire. To Jack and Terry Dunn and Damien Miller's utter shock, they were then told by Clackamas County Fire Department that the homes in the area were a lost cause, and that they were told to evacuate immediately. Kitty and Dan Dunn packed up and left believing that was the last time they would see their home.

Jack Dunn and the group saw the writing on the wall. *"If we do not step up and do something, our neighborhood is history."* Jack Dunn, Rose Henley, Damion Miller, Terry Dunn, Geoff and his wife Lael jumped into action.

Jack Dunn grabbed his Toro Dingo using it to put out the fires (severely damaging it in the process) and the group hauled buckets of water back and forth from the Bingham's home, a distance of roughly four football fields, from 11pm to 6am. By morning the group had extinguished the fires that had surrounded Kitty and Dan Dunn's home, as well as putting out the fire that had entered the forest, which, with the high winds would have burnt the rest of the homes in the neighborhood.

Around midnight the fire department came back to check on the fire and the evacuations and saw the group fighting the fire, which by that time had caught Kitty and Dan Dunns' car on fire. Jack Dunn cleared a path so the fire department could get to the car to put out the fire and they left immediately after as they had run out of water.

According to witnesses, *"six hours later around 6 am the Clackamas County Fire department returned and said you guys have been kicking ass all night long, good job. You guys saved the neighborhood."* Dunn and Henley were left with multiple injuries and a severely damaged Dingo.

HELP REPLACE JACK DUNN'S DINGO

Apart from risking his life for his neighbors Jack's Toro Dingo Compact Utility Loader was literally destroyed. We have estimated the cost of a replacement to be approximately $50,000.00. Losing a piece of equipment which provided the bulk of his income, on top of fighting for his freedom has left Jack literally devastated financially. We would ask all who are able to help, especially those in the Redland community to send a contribution to Jack Dunn at the following site which has been set up to assist Mr. Dunn: *GiveSendGo - Helping the Hero*: The #1 Free Christian Fundraising Site. The US~Observer certainly intends on contributing, so be responsible and give this fine American a helping hand.

WAYNE FAULK'S FUTURE

Thanks to Bob Blount, the gracious and caring neighbor who purchased the Faulk property, it looks like Wayne will still be able to live out his days in peace at the Faulk home. Steps are being taken to expose Ann Yela and her reported prolific theft of estates from people who would be far better off without her involvement in their lives. Hopefully she will be forced to repay those she has allegedly abused.

Editor's Note: If your loved one is being abused or you believe your families estate is being squandered or stolen from contact the US~Observer at 541-474-7885 or send an email to editor@usobserver.com. ★★★

Continued from page 1 • 89-year-old Clara Fambro Claims Abuse

biggest mistake I have ever made."

According to Dollie, within a matter of a few short weeks, Dollie was being told by both Rowett and Yela that if she made waves, she would never be allowed to see her mother again. Dollie further reports, Yela even told her she'd never see a penny from her mother's estate. On top of that, her mother was moved from one facility to another, farther away from her.

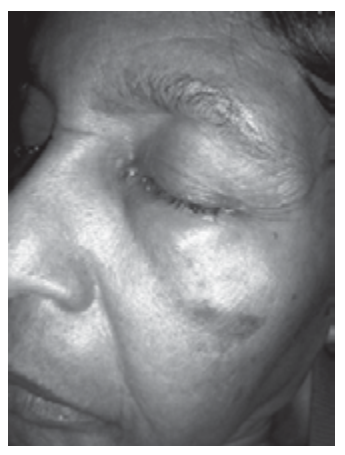
Julie Rowett

Even still, Dollie made every effort to see her mother practically daily, almost always taking a witness with her. Ann Yela filed papers in court stating, *"the protected person's daughter (Dollie) visits 2-3x's per month."* According to Dollie's records and her many witnesses, that was and is simply not true. When Dollie asked Julie Rowett to help her fight the obvious misstatement to the court, Rowett told her that if she complained Yela would merely ban her from seeing her mother, and that she *"better get used to certain abuses."* Dollie also maintains that Julie stated she would be deferring to Yela's decisions from then on, and that Yela and the facility workers were in control.

Ann Yela

As much as possible, friends came with Dollie to visit her mother. You see, Dollie also worried about the state in which she'd find her mother and needed someone else to bear witness to it in case they'd ever be needed to testify.

Soon thereafter Dollie started noticing a change in her mother's behavior, and bruises on her body. She maintains the facility withheld medication and threatened to blind Clara if Dollie kept coming to visit so much. When asked about daily grooming she was told they do not brush teeth. Dollie witnessed as a female worker in the house would repeatedly and on purpose, kick her mother across the shins. Dollie believes this is what ultimately caused her mother to develop an open wound that turned into a nasty staph infection in her leg that lasted for more than a year. Dollie documented that year of infection with over 75 pictures of her mother's leg. Clara ended up being hospitalized and the infection surgically removed, which was also documented in pictures by her daughter.



Clara's Black Eye

Yela prepared, then filed a Guardians Annual Report on 10/18/2021 in which she stated, *"This past year, the protected person (Clara) has experienced a decrease in circulation to her lower extremities resulting in hematomas and the development of wounds."* Yela then used her own determination to re-admit Clara into hospice care, reiterating, *"Due to the protected person's declining health and the development of wounds due to poor circulation, I re-admitted the protected person to hospice."*

Clara's Leg

That means Ann Yela concluded that Clara was in the final stages of life. Yela is not a doctor. Yela never states she is making this decision under the advisement of a medical doctor. Yela is simply an attorney. Furthermore, Dollie reports that she is not aware of any doctor's diagnosis of an end-stage life threatening disease to precipitate her mother's admission into hospice to begin with.

ABUSE AT THE HANDS OF GUARDIANS AND CONSERVATORS

Can guardians make assertions in their filings that aren't true? Absolutely. Especially if they are bilking their clients' estates for every penny.

According to a U.S. Government Accountability Office (GAO) report, the *"GAO identified hundreds of allegations of physical abuse, neglect and financial exploitation by guardians in 45 states and the District of Columbia between 1990 and 2010. In 20 selected closed cases, GAO found that guardians stole or otherwise improperly obtained $5.4 million in assets from 158 incapacitated victims, many of whom were seniors. In some instances, guardians also physically neglected and abused their victims. The guardians in these cases came from diverse professional backgrounds and were overseen by local courts in 15 states and the District of Columbia. GAO found several common themes. ... In 12 of 20 cases, the courts failed to oversee guardians once they were appointed, allowing the abuse of vulnerable seniors and their assets to continue. Lastly, in 11 of 20 cases, courts and federal agencies did not communicate effectively or at all with each other about abusive guardians, allowing the guardian to continue the abuse of the victim and/or others."*

IT'S ALL ABOUT THE ESTATE

When Clara was younger, she raised two sons, one was a Long Shoreman and one served in the Air National Guard for 36 years and did two tours of duty in the Middle East, and of course, she raised Dollie, too. Clara's deceased husband was a veteran of the Korean war. Even with the expense of the children and life in general, Clara always managed to save a bit. Over time that small amount blossomed into a sizeable estate reportedly valued at over $1.6 million dollars. That amount should have easily cared for Clara for the rest of her days. However, in the short time since September of 2019, it has been reported that her entire estate has been drained.

"I never cared about the money," Dollie remarked. *"I just want my mom taken care of."*

MY TIME WITH CLARA

The first time I met Clara she was catatonic and appeared to be in a drug-induced state. Her eyes couldn't focus. It was as if she were asleep with her eyes open. She had been sitting for an unknown length of time in a lounge chair in the middle of a living room at the Roselane Adult Foster Home. She had been there long enough that she had urinated on herself and had been left there to sit in it. That is until her daughter and I arrived.

Dollie sprang into action. She pulled her expressionless mother to her feet and set her in a wheelchair. Clara showed no real recognition that Dollie was there or that anything was happening.

Over the next hour and a half, a miraculous transformation took place.

After Dollie had taken her mother to the room and cleaned her without any assistance or care from the staff, Clara started reacting to her daughter's presence. She started looking around her room and she began to talk. It was a mumble at first. But as time went on it was as if a veil was lifted, and she became clear and purposeful. She wondered aloud about me.

At one point Dollie left the room. I was

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THE EXONERATED

The Conviction of Barry Jacobson Vacated Due to Antisemitism in Trial
Mr. Jacobson was wrongfully convicted of arson for nearly 40 years

(Innocence Project) - Berkshire County, Massachusetts District Attorney Andrea Harrington agreed that Barry Jacobson was wrongfully convicted of arson in a biased 1983 trial, during which jurors made antisemitic remarks about Mr. Jacobson, who is Jewish. Accordingly, his conviction was vacated and the case against him was dismissed.

Barry Jacobson

District Attorney Harrington said: *"Prosecutors have a legal, ethical and moral obligation to ensure that jury verdicts are rendered free from bias. The credible evidence of antisemitic juror statements undermine the fairness of this verdict and denied Mr. Jacobson his Sixth Amendment right to an impartial jury trial. Prosecutors have the responsibility to implement policies to ensure fair convictions and to rectify past injustice. I am proud to stand with the Anti-Defamation League and the Innocence Project because a conviction that is tainted by bias erodes the integrity of our system of justice."*

"Nearly 40 years ago, I was wrongfully convicted for a crime I didn't commit. Antisemitism infected the prosecution and the jury deliberations. I am grateful that District Attorney Andrea Harrington recognized this injustice and helped my lawyer Bob Cordy, the Anti-Defamation League, and the Innocence Project finally clear my name," said Barry Jacobson. *"This wrongful conviction has cast a painful shadow over my life. I am thankful to God, family, and friends. The evils of antisemitism and racism in our legal system must be fought relentlessly."*

Mr. Jacobson was convicted of arson in 1983 and sentenced to six months in prison and a $10,000 fine, after a deck on his family's vacation home in Richmond, Mass. was set on fire. He spent more than a month in prison for a crime he didn't commit, based on unreliable arson evidence and a baseless claim that he was looking to make insurance money on the home — although no claim was ever filed.

Following the jury verdict, evidence of antisemitic bias on the jury began to surface. Sworn statements from a sitting juror and an alternate juror were filed with the court. In her sworn statement, the sitting juror advised the court that, *"From the beginning of our deliberations, the forelady of the jury .... repeatedly made references to Mr. Jacobson as being 'one of those New York Jews who think they can come up here and get away with anything.'"*

The alternate juror also observed: *"[W]hen the jury first went out to deliberate they had only been in there, I would say less than five minutes, when I overheard one of the ladies say to the other, 'Well, this is not going to take very long. We should finish this real quick because you know he's guilty.' And says, 'All those rich, New York Jews come up here and think they can do anything and get away with it.'"*

Additionally, renowned fire science expert John Lentini, a leading expert in the field of arson investigation, provided an affidavit that the chain of custody procedures used by the state police officers in the case rendered the key evidence of arson unreliable. The investigating state police officers testified at trial that they squeezed liquid into a vial from one of the carpet samples they had cut out and believed to be the point of origin of the fire. However, the carpet samples that were obtained by the troopers at the scene on Jan. 29, 1982, from the alleged point of origin, were promptly brought to the state laboratory and tested. No flammable residue, gasoline or otherwise, was detected on any of the samples. It wasn't until a year ater the fire, days before the grand jury heard the case on Feb. 10, 1983, that this "unsealed" vial was "found" in one of the trooper's lockers and brought to the state laboratory for testing, where it tested positive for gasoline residue. In his affidavit, Dr. Lentini said, *"In my 47 years of practicing in the forensic sciences, I have seen many errors, but none so egregious as this with respect to the mishandling of the evidence and the failure to properly document the chain of custody."*

"As reports of antisemitism increase around the country, Mr. Jacobson's case reminds us that the criminal legal system has never been immune from its pernicious and insidious effects," said Barry Scheck, Mr. Jacobson's counsel and Innocence Project co-founder. *"We applaud D.A. Harrington for recognizing that the antisemitism Mr. Jacobson faced 40 years ago was a factor that led to his wrongful conviction."*

RISING CASES OF ANTISEMITISM

According to the Anti-Defamation League (ADL), antisemitic incidents are at historic highs across the country. ADL's most recent Audit of Antisemitic Incidents in the United States recorded more than 2,000 antisemitic acts of assault, vandalism, and harassment in 2020. This was the third-highest year on record since ADL began tracking in 1979.

"The antisemitic bias that was brazenly displayed in this case defies a basic principle of our legal system that the 'law punishes people for what they do, not who they are.' While this injustice occurred in the 1980s, antisemitism continues to this day, both hidden and in plain view. Every day we witness antisemitism impacting daily life, in the public square, workplace, college campuses, youth sports, and our criminal justice system is no exception," said Robert Trestan, regional director of ADL New England, which filed an amicus brief regarding antisemitic juror bias. *"In the 40 years since his wrongful conviction, Barry Jacobson worked tirelessly to clear his name and expose the antisemitism that contributed to this miscarriage of justice. This case is a vivid reminder of the danger posed by antisemitism and the need for greater education efforts at all levels."*

FIGHTING FOR JUSTICE

From 1987 to 2002, Mr. Jacobson filed four petitions for pardon relief. At the hearings on each one of these petitions, Mr. Jacobson maintained his innocence even though he was repeatedly advised by members of the Board of Pardons that although he qualified for pardon relief, his failure to admit guilt disqualified him for relief.

In January 2022, District Attorney Harrington determined that the overwhelming evidence of antisemitism in jury deliberations so severely undermined the trial that justice required that the Commonwealth assent to Jacobson's motion for a new trial and subsequently dismiss the indictment, ending any further prosecution of the case.

"This ends a decades-long fight for Mr. Jacobson, who has always maintained his innocence," said Robert Cordy, of McDermott Will & Emery LLP, co-counsel for Mr. Jacobson, whom he began representing in the 1990s. *"It is unacceptable for racial and ethnic bias to taint jury selection, and juries should be educated about both explicit and implicit bias."*

The Innocence Project (Susan Friedman and Barry Scheck) with co-counsel McDermott Will & Emery LLP (Robert Cordy) represent Mr. Jacobson.

★★★

Samuel Randolph Exonerated from Pennsylvania Death Row
as Prosecutors Withdraw Charges at Retrial

(Death Penalty Info) - A Harrisburg, Pennsylvania trial court has granted the application of the Dauphin County District Attorney's office to withdraw all charges against Samuel Randolph, IV, completing his exoneration of a double murder that sent him to Pennsylvania's death row in 2003.

Samuel Randolph

On April 6, 2022, two days after the U.S. Supreme Court had declined to review the county prosecutors' appeal of a federal court ruling granting Randolph a new trial, District Attorney Fran Chardo filed a motion to enter an order of nolle prosequi terminating the prosecution of Mr. Randolph. Chardo refused to concede Randolph's innocence, saying that "retrial is not in the public interest at this time" because "[t]he police affiant and the police detective who handled the evidence collection in this case have both died" and "[o]ther witnesses have become unavailable for other reasons."

A federal district court overturned Randolph's conviction on May 27, 2020, holding that the trial court had violated his Sixth Amendment right to be represented by counsel of choice by preventing counsel retained by Randolph's family from entering his appearance in the case and forcing him to go to trial with an unprepared court-appointed lawyer with whom he had an "absolute[,] complete breakdown of communication." A unanimous panel of the U.S. Court of Appeals for the Third Circuit affirmed that ruling on July 20, 2021. On April 4, 2022, the U.S. Supreme Court denied the prosecutors' petition for review and, two days later, on April 6, 2022, the Dauphin County District Attorney filed an application to discontinue the prosecution.

In 2021, while the Dauphin County prosecutors' request for review by the U.S. Supreme Court was pending, Chardo offered Randolph an "Alford" plea in which he could continue to maintain his innocence but admit that prosecutors had sufficient evidence to convict. Under the deal, Randolph would be released for time served but his convictions would remain on his record.

"I didn't do this. Innocent people don't plead guilty — as bad as I want to go home," Randolph told Penn Live. Randolph, the news outlet reported, "was worried that with two murder counts against him, he wouldn't be able to get a good job, buy a house or any number of other things that people with felony convictions are often blocked from doing."

"That would bother me," Randolph said.

Randolph becomes the 187th person to be exonerated from a wrongful conviction and death sentence in the United States since 1973. He is the eleventh Pennsylvania death-row exoneree. Five of those exonerations have taken place since 2019. All five have involved both official misconduct and perjury or false accusation. Four of the five have also involved inadequate legal representation at trial.

THE DENIAL OF COUNSEL OF CHOICE

Randolph was convicted and sentenced to death in the Dauphin County Court of Common Pleas on charges that he had murdered two men in a shooting in a Harrisburg, Pennsylvania bar in 2001. He was represented at trial by court-appointed counsel, Allen Welch, who was at the same time running for district attorney in neighboring Perry County. Welch failed for months to visit with Randolph, failed to retain an investigator, and filed pretrial motions without discussing them with his client. Randolph repeatedly expressed concern to the trial court that Welch was not prepared for trial and did "not have [his] best interest" in mind, and that they had irreconcilable differences regarding the approach to the case.

By the time of trial, Randolph and Welch were not speaking, and the court appointed another lawyer, Anthony Thomas, who had no capital case experience, to act as an intermediary between the two. Randolph's family had been attempting for months to sell a bar his mother owned so they could retain Samuel Stretton to represent him. However, the sale did not go through until a week before the trial. Stretton then sought a one-month continuance to enable him to prepare for trial, but the trial judge, Todd Hoover, denied the motion. Stretton then requested a continuance of "a day or two," which the court also denied. Three days before jury selection was set to begin, Stretton modified his request, asking that jury selection be pushed back three hours, until noon, to accommodate his previously scheduled appearance before the Pennsylvania Supreme Court.

Welch tried to persuade the trial court to grant the continuance, telling Hoover, "I have at this point absolutely a complete breakdown of communication with my client." Hoover again refused, saying he would not delay the proceedings for more than an hour, forcing Welch to represent Randolph in the trial. Completely unprepared for trial, Welch had not spoken to Randolph's potential alibi witnesses and, according to a sworn affidavit submitted by Thomas, had not even spoken with him about the trial strategy because of schedule conflicts relating to his campaign for district attorney. Two weeks after the trial, Welch lost the primary election and later complained to Thomas that he lost because of "this damn trial."

After he was convicted, Randolph told the court that he would represent himself in the penalty phase. Saying he had been denied counsel of choice at trial, he refused to present any mitigating evidence or argument in his defense and was sentenced to death.

In its opinion affirming the district court's grant of a new trial, the Third Circuit wrote that granting Stretton a three-hour continuance to accommodate his supreme court appearance "would not have been unfair to the prosecution, nor would it have strained the state's interest in the 'swift and efficient administration of criminal justice' or permitted Randolph 'to unreasonably clog the machinery of justice or hamper and delay the state's efforts to effectively administer justice.'" "It

Continued on page 7

In The News

WHAT THE?!

Woman Calls Security on Dad Taking Pictures of His Own Kids, Then Pepper Sprays Him

By Lenore Skenazy

(Reason.com) - Earlier this month, a woman in Arlington, Virginia, saw a man taking pictures of kids and suspected the worst: a creep on the prowl with his camera. Disgusting.

She quickly alerted a security guard and, according to a subsequent police report, told him she believed the man was photographing children he didn't know, for presumably nefarious purposes.

The security guard went to investigate and made contact with the man. As it turns out, the guy was taking pictures of his own children: He was a dad on an outing with his kids. The guard went back to report this reassuring news to the lady. Case closed?

Not quite. As the Arlington police reported:

The suspect then intervened, deployed pepper spray and sprayed the victim, before fleeing the scene on foot.

So the suspect is a woman in her 20s or 30s—a pepper-spraying maniac—and the victim is the man taking the pictures. (The dad sustained non-life threatening injuries, which were treated at the scene by medics.) The suspect was so obsessed with the idea there are predators everywhere that she literally couldn't accept reality when confronted by it.

Security guru Bruce Schneier coined a term for this leap from mundane reality to thrilling depravity. He calls it the "movie-plot threat." The more something resembles a movie-plot threat, the less likely it is to happen in real life, hence the less time and money we have to spend preventing it.

Thinking that way is the equivalent of seeing a small bruise and automatically assuming child abuse, or seeing a child alone and automatically assuming neglect, which also happens: Watch dad Ashley Smith testify in favor of Let Grow's "reasonable childhood independence" bill in the South Carolina Judiciary committee. His family was investigated for child abuse and neglect because someone saw his daughter doing her homework on the front lawn and called 911.

How much better off we'd all be—saner, smarter, safer, nicer—if instead of assuming the very worst anytime we see a child, or an adult with a child, or an adult near a child or photographing a child, we gave everyone the benefit of the doubt.

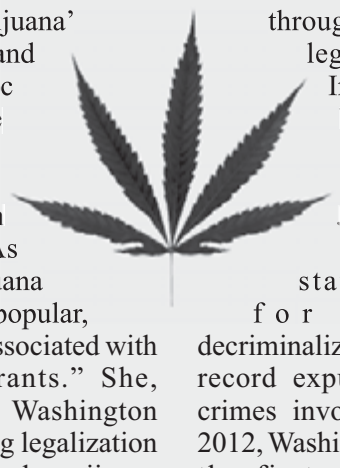
In the meantime, the police investigation is ongoing.

★★★

Don't Say MARIJUANA

Washington State Bans Use of 'Racist' Word

(NationandState.com) Washington State is banning the use of the word "marijuana" in state law, citing its historically racist connotations.



"The term 'marijuana' itself is pejorative and racist," Democratic state representative Melanie Morgan said after the bill was introduced in January 2021. "As recreational marijuana use became more popular, it was negatively associated with Mexican immigrants." She, along with other Washington Democrats and drug legalization activists, has blamed marijuana criminalization for creating the negative association, alleging the word "was used as a racist terminology to lock up black and brown people," according to KIRO 7 News, a CBS affiliate.

House Bill 1210, which passed the state House and Senate in February, will replace the term with the word "cannabis" throughout Washington's legal code. Gov. Jay Inslee (D.) signed the bill into law in March, but it won't take effect until June.

The news comes as states have pushed for marijuana decriminalization measures and record expungement for past crimes involving the drug. In 2012, Washington became one of the first states to legalize recreational marijuana use. More than 40 U.S. states have passed laws to clear criminal records for offenses involving cannabis.

★★★

Pennsylvania HS teacher hosted a drag show for students and didn't notify parents

By Carlos Garcia

(The Blaze) - A teacher at a Pennsylvania high school hosted a drag show for students in the "Genders Sexualities Alliance" club after school hours and didn't notify parents or ask for permission slips.

The incident occurred at the Hempfield High School in Lancaster on Monday.

Video from the bizarre event surfaced on the popular "Libs of TikTok" account.

The event was announced at the school during regular hours, but parents were not notified prior to the event.

The Hempfield school district released a statement apologizing for the drag show.

"First and foremost, the administration team apologizes to students, parents, and the community on behalf of those involved in this event. We are appalled at what took place and in no way condone this type of activity in our schools. Neither the dress of the invited guests nor the performance was appropriate in our school setting," the statement read.

The statement went on to say that the incident was under investigation and that one person involved was on administrative leave, but they didn't identify that person.

"We commit to completing a thorough investigation and holding those involved accountable, up to and including disciplinary action that is commensurate with any findings," the district added.

★★★

The Supreme Court Says You Can Sue Cops Who Frame You on False Charges

By Billy Binion

(Reason.com) - Police officers could frame people, file bogus charges, conjure evidence out of thin air—and, in most of the U.S., they would still be immune from facing any sort of civil accountability for that malicious prosecution. Until April 4, 2022.

In January 2014, Larry Thompson's sister-in-law called 911 after noticing his baby had a rash. That call resulted in several police officers showing up at Thompson's Brooklyn apartment, entering without a warrant, arresting him when he objected to that, jailing him for two days, and charging him with obstructing governmental administration and resisting arrest after they allegedly lied about what happened.

Larry Thompson

The initial 911 call was bogus: Thompson's sister-in-law struggles with mental illness and assumed the mark was a sign of sexual abuse; an inspection at the hospital revealed it to be diaper rash. The charges resulting from that call were bogus as well; the prosecutor ultimately moved to dismiss them, and a trial judge closed the case.

Yet when Thompson attempted to sue the officers involved, he was barred by the U.S. Court of Appeals for the 2nd Circuit: In order to bring such a suit, victims were required to prove that false charges were dropped because the defendants in question had affirmatively proven their innocence.

Which is no feasible task. "When charges are dismissed, you generally have no opportunity to introduce evidence, let alone indicate your innocence," says Amir Ali, Executive Director of the MacArthur Justice Center and an attorney for Thompson.

On April 4th, the highest court in the country struck that requirement down, ruling that Thompson should indeed have a right to sue the officers at the center of his case. "A plaintiff such as Thompson must demonstrate, among other things, that he obtained a favorable termination of the underlying criminal prosecution," wrote Justice Brett Kavanaugh for the U.S. Supreme Court. "We hold that a Fourth Amendment claim…for malicious prosecution does not require the plaintiff to show that the criminal prosecution ended with some affirmative indication of innocence."

The absurdity of that standard was not lost on the court. "Requiring the plaintiff to show that his prosecution ended with an affirmative indication of innocence would paradoxically foreclose a…claim when the government's case was weaker and dismissed without explanation before trial, but allow a claim when the government's evidence was substantial enough to proceed to trial," wrote Kavanaugh. "That would make little sense."

It was an untenable status quo, says Marie Miller, an attorney with the Institute for Justice, a public interest law firm that filed an amicus brief in Thompson's case. It "just flipp[ed] the whole principle of innocent until proven guilty on its head," she tells Reason. "In criminal proceedings, they're designed with the presumption of innocence in place. Criminal proceedings aren't designed to allow a person to prove that they're innocent. Indications of innocence are very rare."

Whether Thompson will actually get to bring his suit before a jury is still far from guaranteed. He will have to convince the 2nd Circuit that cops lacked probable cause to arrest him, and he will have to overcome qualified immunity, the legal doctrine that shields state and local government actors from federal civil liability if there is no court precedent outlining the alleged misbehavior with a sort of crystalline exactitude. (An example: Two cops in Fresno, California, were shielded from a lawsuit after allegedly stealing $225,000 during the execution of a search warrant, because the plaintiffs could find no court ruling on the books that said stealing under such circumstances violates the Constitution.)

But Thompson and Ali have at least cleared one hurdle. "You have false charges potentially upending someone's life, whether it's being thrown in jail, losing a job, being forced to attend criminal hearings on false charges over the course of months," says Ali. "And then when they finally succeed in getting those charges dismissed, they're told that they have no recourse in federal court against the police officer who caused it all to happen."

Alleged victims of malicious prosecution will still face many barriers to getting before a jury. But, as of this week, such claims are no longer dead on arrival. ★★★

Out of Control

By Charles Oliver

Alejandro Giraldo

(Reason.com) - Miami-Dade County, Florida, police officer Alejandro Giraldo faces up to five years in prison after a jury found him guilty of felony battery and official misconduct in the arrest of a woman who had called police to report a neighbor had pointed a shotgun at her. Giraldo pushed Dyma Loving into a fence, tackled her to the ground, and handcuffed her. Loving was charged with disorderly conduct and resisting arrest without violence, but those charges were later dropped. Prosecutors said Giraldo's arrest report falsely said that Loving was "causing a scene" and was being "uncooperative."

★★★

Top Trans Psychologist Worried About 'Trend" of Transitioning

By Tori Richards

(Washington Examiner) - A leading psychologist in the world of transgender care is now saying things have gone too far.

Dr. Erica Anderson

Dr. Erica Anderson, a biological male who identifies as a transgender woman, has helped hundreds of children transition. But Anderson is concerned that society's promotion of this could be merely a fad in which teenagers undergo life-altering medical procedures without first doing a rigorous mental health exam.

"What happens when the perfect storm — of social isolation, exponentially increased consumption of social media, the popularity of alternative identities — affects the actual development of individual kids?" Anderson told the Los Angeles Times. *"We're sailing in uncharted seas."*

Children were *"getting into it because it's trendy,"* the psychologist told the Washington Post.

Recently, the Washington Examiner published a four-part series on teenagers and transgender issues that included interviews with young people who detransitioned and now face a lifetime of pain and medical problems related to surgeries and cross-sex hormones.

One story in the series featured a Miami plastic surgeon who promotes mastectomies and gender reassignment surgeries to children on TikTok. Dr. Sidhbh Gallagher downplayed surgery in one post, saying it wasn't any worse than wisdom teeth removal.

In another video, Gallagher pushed the idea that surgery sign-up was quick and easy.

"In certain patient cases, we can skip a mental health letter. ... This is becoming more common as we see regret is very rare," the surgeon said.

Social media outlets are filled with hundreds of young people bemoaning their surgeries and cross-sex hormones, seeking advice on the best way to detransition. The Washington Examiner profiled two women who were angry over their lack of knowledge before undergoing procedures that would now give them a lifetime of pain.

Despite this, the federal government and some states are promoting transgender healthcare for teenagers, including surgeries, while threatening to take children away from parents who aren't on board with transitioning.

On the other side are a growing number of red states seeking to outlaw such medical procedures on minors.

Currently, only Texas and Arkansas have laws on the books, while 11 other states (Alabama, Georgia, Iowa, Kansas, Kentucky, Louisiana, Missouri, North and South Carolina, Oklahoma, and Tennessee) have bills seeking to do this, according to a UCLA School of Law study. Most recently, a bill in Idaho failed to pass the GOP-led Senate because it included restrictions on parents who crossed state lines for treatment.

"Giving over to hormones on demand will result in many more cases of poor outcomes and many more disappointed kids and parents who somehow came to believe that giving kids hormones would cure their other psychological problems," Anderson told the Los Angeles Times. ***"It won't."***

★★★

Deputy Arrested for Torturing Service Dog, Wrapping Him in Duct Tape Before Shooting Him

By Matt Agorist

(TheFreeThoughtProject.com) Saginaw, MI — In the study of psychology, there is a term for those who hurt animals for personal pleasure. It is called intentional animal torture and cruelty and even has its own initialism, IATC. Psychologists have long studied the reasons behind why a person would intentionally harm an animal and the types of people associated with this behavior are often society's worst. So, when a deputy admits to torturing and then killing a dog, it is likely not the best idea for that person to remain in a position of authority.

Luckily for the taxpayers of Genesee County, they are no longer on the hook for the salary of Genesee County Sheriff's Office deputy Jacob S. Wilkinson. He was fired this month after admitting to the horrific torture and killing of a service dog.

Normally, when folks find a dead animal, even a dog, on the side of the road, they assume it was likely hit by a vehicle. But when Saginaw County Road Commission employees found this boxer pit bull mix, named 'Habs', on the side of the road, they knew instantly that he was not hit by a car.

Habs had been on the roadside for months but was covered in snow. When the snow melted, Habs was found with his mouth duct taped closed and his body wrapped in duct tape to prevent him from moving.

The very idea of duct taping a dog in this fashion is horrifying enough but Wilkinson didn't stop there. After throwing the completely restrained dog on the side of the road in the snow, Wilkinson put three bullets in Habs' head and drove off.

Jacob S. Wilkinson

Because Habs had been tortured an investigation was launched into his death and when a necropsy — the animal equivalent of an autopsy — was conducted, they found he'd been chipped. Investigators had no idea their investigation would lead back to one of their own — deputy Wilkinson.

Wilkinson worked as a corrections officer for the Michigan Department of Corrections before becoming a deputy with the Genesee County Sheriff's Office. Habs was part of a program with veteran inmates who train dogs to become service animals for veterans — called Blue Star Service Dogs.

"These dogs master basic obedience, command training, and pre-task training and basic tasks such as turning off and on lights, picking up objects, and opening doors," Blue Star's website states.

Saginaw County Animal Care & Control Director Bonnie Kanicki told mLive that Habs was in the training program when Wilkinson adopted him.

Investigators interviewed Wilkinson, who confessed to killing Habs and dumping his body in the ditch, Kanicki said. Wilkinson told investigators he had been trying to trim Habs' nails when the dog nipped at him, prompting Wilkinson to wrap him in duct tape, drive him out to the ditch, shoot him three times, and leave his carcass, Kanicki said.

By the time of the carcass' discovery, Wilkinson was no longer employed by the MDOC and was then working for the Genesee County Sheriff's Office, Kanicki said.

Wilkinson is believed to have killed Habs in September, with snow concealing the body for months.

"It just shocks the conscience," Kanicki said. "That dog suffered greatly."

Indeed. Anyone who could do this to a dog is a threat to society.

On April 25, after tracing the dog back to Wilkinson, investigators issued a warrant for his arrest. He was arraigned a day later on charges of second-degree torturing or killing of an animal. If convicted, he faces up to 7 years behind bars.

Wilkinson is currently out on bail and is barred from possessing firearms or animals. ★★★

City Won't Pay $6 Million Awarded to Man Wrongfully Imprisoned for Decades

By Elizabeth Nolan Brown

Darryl Howard
(Photo: Sameer Abdel-Khalek/The Innocence Project)

(Reason.com) - City won't pay after wrongful conviction. Qualified immunity allows law enforcement officials to get away with all manner of bad deeds. Now, the city of Durham, North Carolina, is proving that even if you overcome that obstacle, it won't necessarily be enough to get justice.

After a Durham detective fabricated evidence, Darryl Howard was wrongfully convicted of murder and imprisoned for more than two decades. A jury awarded Howard $6 million in the ensuing lawsuit, but the city is refusing to pay it.

Worse yet, the city is asking Howard to pay the legal fees of two city employees dismissed from the suit.

"I proved my innocence. I went through every court. Every judge says what this was, even the governor," Howard told the Raleigh News & Observer. *"Now I have to fight again."*

Back in 1995, Howard was convicted on two counts of second-degree murder and one count of arson. (Former Reasoner Radley Balko has more background on the case here.) In 2016, the convictions were vacated and the local district attorney dismissed the charges. In April 2021, Gov. Roy Cooper officially pardoned Howard.

And in December, a federal jury found former Durham detective Darrell Dowdy had fabricated evidence and conducted an incomplete investigation. The jury awarded Howard $6 million in damages.

The city spent more than $4 million fighting Howard's civil rights lawsuit, which originally included the city and several employees as defendants but ultimately just included Dowdy. Now the city says it won't indemnify Dowdy, whom it employed for 36 years. That means it won't pay the $6 million the jury awarded Howard.

The twisted reasoning here seems to be that the city will only pay out if its cops and other employees were acting in good faith, not maliciously. Since the officer that framed Howard was found to be acting in bad faith, the city won't pay.

A lawyer for Dowdy told the paper "the city has known all along what Captain Dowdy did and decided to defend him on that basis."

★★★

FDA moves to ban menthol cigarettes, flavored cigars

By ROSE WAGNER

(Courthouse News) Washington - The Food and Drug Administration laid out a plan Thursday to ban menthol cigarettes and flavored cigars, a move the agency says will reduce disease and deaths by taking products that have long-targeted young people and people of color off the market.

Menthol is an additive whose minty flavor not only disguises the harsh effect of smoking on one's lungs, but facilitates more nicotine intake that makes it harder to quit. Public health officials have long voiced concern about its high usage among children, teenagers and Black communities.

The FDA estimates that, if menthol cigarettes are no longer sold in the U.S., rates of smoking would go down 15% within 40 years and up to 654,000 smoking-related deaths could be avoided over the next four decades, more than one-third of those preventable deaths being among Black people.

For about 85% of Black smokers, menthols are their cigarette of choice. Though all other flavors of cigarettes were banned in 2009 through the Family Smoking Prevention and Tobacco Control Act, the FDA has struggled over the past decade to overcome lobbying from tobacco companies, garner support on the Hill and get menthol off the market.

The African American Tobacco Control Leadership Council and Action on Smoking and Health sued the agency back in 2020 for not acting quickly to ban menthol cigarettes. Even so, when the Biden administration announced the goal of banning menthol cigarettes last year, some expressed concern that such a move could criminalize Black people and people of color for smoking.

FDA officials underscored Thursday that the agency plans only to target manufacturers and retailers. Consumers who may possess or continue to use flavored cigarettes or cigars will not be prosecuted.

"The proposed rules would help prevent children from becoming the next generation of smokers and help adult smokers quit," Health and Human Services Secretary Xavier Becerra said in a statement Thursday. "Additionally, the proposed rules represent an important step to advance health equity by significantly reducing tobacco-related health disparities."

Along with prohibiting the sale of flavored cigars, which the FDA says are growing in popularity among young people, the proposal still has some ways to go until it becomes law. The FDA will be seeking public comment over the next two months as it considers final implementation of the ban.

If enforced, the ban would deal a blow to big tobacco companies that have turned in recent years to e-cigarettes, menthol and flavored products to entice consumers. But some organizations, including the American Petroleum and Convenience Store Association, worry the ban would also affect small businesses and warn that sales of flavored products would continue off the market.

"California small retailers, grocers, and gas stations face historic challenges, and this unprecedented decision would overwhelm many of these local businesses. Yet, the impact will extend beyond this industry, as an active underground market will quickly fill their place within our communities, bringing further criminal activity along with them. With so many pressing issues, the current administration clearly lacks the resources to properly prepare for this reality, and we urge President Biden and the FDA to seek proven alternatives to assist those that wish to quit," the association said in a statement.

★★★

Former Hutto, TX officer found guilty of assault, official oppression

By KVUE Staff

(KVUE) - Hutto, TX - On April 29th, 2022, a jury found former Hutto Police Department officer Gregory Parris guilty of official oppression and assault.

The case stems from a May 2018 incident where Parris, employed with Hutto PD at the time, reportedly assaulted a man while responding to a call.

Gregory Parris

A lawsuit in the case states that Parris and Jamie Alcocer, another Hutto officer, responded to reports of the smell of marijuana from a house in the city on May 31, 2018.

Upon arriving, they found Jeremy Rogers in the driveway with a truck and a beer can nearby, per the lawsuit. Parris asked Rogers to see his wallet, and Rogers asked why he had probable cause.

"Yeah, how 'bout you go to jail right now for public intoxication," Parris responded, according to the suit.

Parris never told Rogers he was under arrest or that he was going to jail, the lawsuit said. Rogers' attorneys stated he was not intoxicated.

That's when Parris reportedly grabbed Rogers and Rogers grabbed Parris' arm to defend himself. Parris punched Rogers, forcing him back before hitting his head on a nearby truck, per the suit. The lawsuit said Parris continued to assault Rogers while calling for backup before using his Taser on Rogers and then handcuffing him.

Parris said Rogers would be charged with public intoxication, resisting arrest and assaulting a police officer, according to the lawsuit. According to KVUE's media partners at the Austin American-Statesman, the assault and resisting arrest charges were dismissed in July 2018. The public intoxication charge was dismissed the following month, per the suit.

Parris was indicted in August 2019 for the incident after first being arrested in May 2019, nearly a year after the reported assault.

★★★

Continued from page 1 • Attempted Murder by Drugged Cop

to have a"

"Get down on the ground."
"Get on the ground, Jeff."
"Get down on the ground."
"You don't have to shoot me, man."
BANG! BANG, BANG! BANG, BANG, BANG!

Six shots, all fired by the police, with four bullets from the same gun finding their mark. The man they shot had been lured to a back lot near a gas station under false pretenses by the same officer who shot him. From the moment the first words were spoken until Jeffrey Weinhaus lay face-down in a pool of his own blood from the multiple gunshot wounds, including a blast to the head, twelve seconds had elapsed. Those twelve seconds changed the course of several lives, none more than Weinhaus. Weinhaus survived only to be convicted of assaulting the same police officer who nearly shot him dead and was sentenced to serve thirty years in prison.

Now, ten years into his sentence Weinhaus is seeking the proverbial smoking gun to exonerate him from this obvious wrongful conviction. The problem is the system, the law. With rules set forth precluding defendants filing post-conviction relief cases from entering in any evidence that was available at the time of the original trial, Weinhaus has to be careful with what he presents. The reality is, there was more than enough, at the time of Weinhaus's trial, to establish a serious doubt as to the official narrative, and much of it came from the police themselves, the witnesses, and the camera watch Jeffrey Weinhaus secretly used to capture the events as they unfolded. But all of that can't be used now in our procedurally strangled legal system. What can be is a 2014 Missouri State Highway Patrol (MSHP) Americans with Disabilities Act, and Veteran Status Discrimination Investigation into Sgt. Henry Folsom's claim *"that his commander, Captain Sarah L. Eberhard of the Division of Drug and Crime Control, had treated him in such a way that prevented him from returning to work after an absence due to Post Traumatic Stress Disorder (PTSD)."* Folsom was the officer who shot Weinhaus.

"THE SHOOTER" - MISSOURI STATE HIGHWAY PATROL SERGEANT HENRY FOLSOM

Before Folsom had been hired by the MSHP on January 1, 1997, he was in the US Army, where he claims to have developed PTSD. Folsom also claims to have suffered from hand tremors and nerve damage. Eventually Folsom became part of the Patrol Division of Drug and Crime Control (DDCC) and rose to the rank of Sergeant.

His wife, Amy Folsom, was a deputy prosecutor at the time of Weinhaus's wrongful conviction, and is now running for prosecutor of Laclede County, Missouri.

The look on Sgt. Folsom's face before he pulls the trigger is one of absolute disdain, or perhaps anger.

According to the aforementioned discrimination report, Sgt. Folsom relayed that, *"some of the symptoms of his diagnosis are that he has angry outbursts."* Folsom maintained that he had been being treated for PTSD during the time Weinhaus was shot but that he had not been medicated at the time of the shooting. It was later discovered that Folsom's post-shooting toxicology report showed that he had both Ambien and Prozac in his system. **Folsom had lied**.

If Folsom does indeed suffer from tremors, his shooting skills aren't affected, as we know that Folsom hits the targets he shoots at.

On October 28, 2001, Folsom shot and killed Bradley Ross Davis. According to Folsom, there had been a physical altercation with Davis that resulted in Davis aiming a rifle at him. It was at that time, Folsom stated, that he shot and killed him. Folsom shot five times, striking Davis each time.

When September 11, 2012, came, Folsom discharged his weapon four times striking Jeffrey Weinhaus each time.

Nine shots. Nine hits. Pretty good shooting if it were target practice and not the wanton taking of lives.

Were these shootings truly justifiable reactions to the situations Folsom was in, or were they prompted by Folsom's "angry outbursts" when a suspect did not immediately comply? The evidence the US~Observer has exhaustively reviewed in Weinhaus's shooting and subsequent wrongful conviction reveals there is a dark side to Sgt. Folsom, and his own department knew it.

In an October 14, 2012 "Informal Inquiry into Troop I Investigation Unit" report, Patrol employees reported that, *"Sergeant Folsom departs from the truth, and subordinates of Sergeant Folsom are intimidated, and suffer low morale due to Sergeant Folsom's quickly changing emotional patterns."* His fellow officers even know Folsom lies.

It's further telling that this Informal Inquiry report came out so soon after Folsom was involved in Weinhaus's case. You see, there is more to Folsom's involvement than just the guy who pulled the trigger on Weinhaus, he was the lynchpin in the entire Weinhaus investigation that culminated in a search warrant and Weinhaus's computers being seized. Folsom was the one who reached out to Weinhaus with the plan to return the computers in a back lot near a gas station. And it was Folsom who was planning on arresting Weinhaus at this meeting on charges that were ultimately dropped against Weinhaus. In fact, it is on record that Folsom was upset about it.

JEFFREY "BULLETINMAN" WEINHAUS

Before he was shot by Sgt. Folsom, Weinhaus was an anti-corrupt-government journalist and publisher who sought to inform others about abuses by public servants. He used his "Bulletinman" newsletter and YouTube channel to berate 'public' servants who were more interested in serving themselves.

Like most Americans, Weinhaus had a mild criminal history. He received a lot of moving violations. But Weinhaus was never a violent threat, and one thing is clear, none of his history showed him to be deceptive.

Further, Weinhaus was a family man, father of six, and a man of faith who strongly believed in the Constitution. Living in an open carry state, and as one would expect of a man like Weinhaus, he exercised this right often. Because he believed so strongly that the public deserved officials who were accountable and honest, Weinhaus ran for St. Francois County Sheriff in 2000, and in 2012 was running for Crawford County Coroner – some say as a way to expose the corruption occurring in law enforcement.

Jeffrey "Bulletinman" Weinhaus

On August 17, 2012, Weinhaus uploaded a 9-1/2 minute video entitled *"The Party's Over"* that he recorded the previous day. He delivered what he referred to as an *"explicit but oh so true"* message. Weinhaus had been looking into the August 2005 disappearance of Amanda Jones who was 8-1/2 months pregnant at the time. Weinhaus had also been looking into several murders that he maintains occurred at the hands of law enforcement. He called for nefarious actors of Crawford County to leave office peaceably and gave a deadline of Sept 17, 2012, which happened to be Constitution Day.

Circuit Court Judge Kelly Parker took notice and contacted Sgt. Folsom *"concerning threats made by Jeffrey Weinhaus during an internet podcast."* According to a report by Sgt. Folsom, Judge Parker informed Sgt. Folsom that *"several employees of the Judicial Circuit were worried about the validity of the threats made by Weinhaus as he is often known to frequent court proceedings as well as state, county and city government functions. Judge Parker specifically requested that the threats made in this podcast be investigated by MSHP DDCC."*

Jeffery Weinhaus poked the bear one too many times, and it was about to wake up.

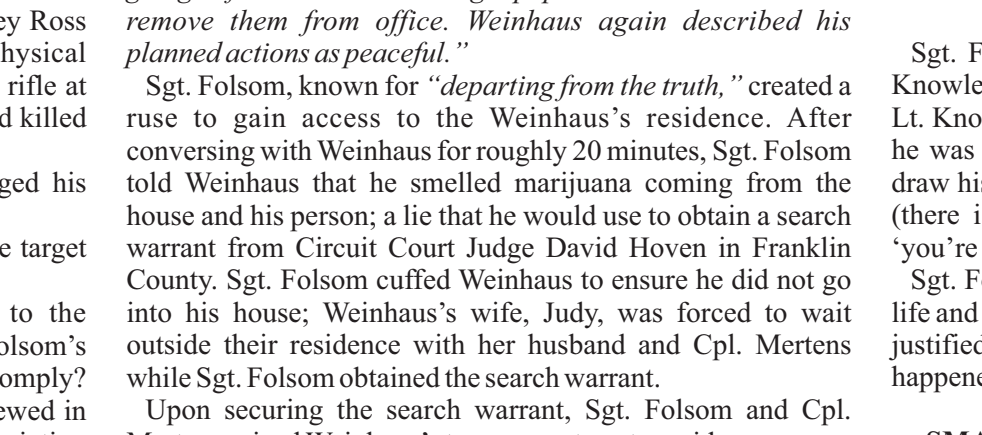
SEARCH WARRANT

Sgt. Folsom and his partner of six years, Corporal Scott Mertens, went to the Weinhaus residence on August 22, 2012, to interview Jeffrey Weinhaus to determine the validity of the threats made in *"The Party's Over"* video. Sgt. Folsom was Cpl. Mertens's supervisor and mentor at the time. Weinhaus agreed to speak with the officers, outside, concerning the podcast. Weinhaus explained *"his purpose behind the podcast was he wished to remove Judicial Officers and other law enforcement personnel from their offices due to violating the 'oath of office.'"* Sgt. Folsom reported, *"Weinhaus vehemently denied that he was a danger to himself or others; however, he did express the fact that situations like these were exactly what the Second Amendment to the U.S. Constitution was created for. Weinhaus specifically stated that his plan was that if they had not vacated their offices by September 17, 2012 that he was going to file a writ or other legal paperwork with the courts to remove them from office. Weinhaus again described his planned actions as peaceful."*

Sgt. Folsom, known for *"departing from the truth,"* created a ruse to gain access to the Weinhaus's residence. After conversing with Weinhaus for roughly 20 minutes, Sgt. Folsom told Weinhaus that he smelled marijuana coming from the house and his person; a lie that he would use to obtain a search warrant from Circuit Court Judge David Hoven in Franklin County. Sgt. Folsom cuffed Weinhaus to ensure he did not go into his house; Weinhaus's wife, Judy, was forced to wait outside their residence with her husband and Cpl. Mertens while Sgt. Folsom obtained the search warrant.

Upon securing the search warrant, Sgt. Folsom and Cpl. Mertens seized Weinhaus's two computers, two video cameras, a laptop, a small bag of marijuana, a jar of potpourri, and a single tablet of morphine, for which Weinhaus claims to have had a prescription. Seizing his "printing press" equipment was a huge issue for Weinhaus; the tools and equipment were necessary for him to provide for his family. Weinhaus emphatically denied using marijuana and believed it was a ruse Sgt. Folsom came up with in order to obtain a search warrant and gain access to the house. It should be noted that during a deposition given under oath, Cpl. Mertens testified that he did not smell marijuana.

THE EXCHANGE SET-UP



Sgt. Folsom lured Weinhaus to this site, where Weinhaus was shot.

Sgt. Folsom claims that on Sept 11, 2012, Captain Sarah Eberhard ordered him to go alone to St. Clair, Missouri to arrest Weinhaus. Sgt. Folsom stated in a Sept 12, 2012, interview that he asked Franklin County Prosecutor Robert Parks for a favor to assist in obtaining an arrest warrant so Weinhaus could be taken into custody. Allegedly, Prosecutor Parks told Sgt. Folsom that if he brought in a *"PC [probable cause] affidavit in the morning that he would issue felony charges for tampering with a judicial officer, felony possession of morphine and misdemeanor possession of marijuana."*

Instead of following MSHP procedures on issuing an arrest warrant, Sgt. Folsom formulated yet another ruse; this time to lure Weinhaus into meeting him. Sgt. Folsom contacted FBI Agents Patrick Cunningham and Michael Maruschak. The two agents agreed to meet in St. Clair to assist in serving the arrest warrant on Weinhaus.

After meeting with Special Agent Cunningham and Special Agent Maruschak, Sgt. Folsom and Cpl. Mertens agreed to attempt to have Weinhaus meet with them at the Missouri Farmers Association (MFA) Oil station on Missouri Route K between St. Clair and Piney Park, which is in close proximity to Weinhaus's residence. To entice Weinhaus to meet him, Sgt. Folsom called and told Weinhaus that he wanted to return his computers and other equipment that he had previously seized. Sgt. Folsom also arranged through Troop I radio to have two marked MSHP cars from the Franklin County zones in the immediate area of the MFA Oil station in case Weinhaus attempted to flee. So much for Folsom's supposed orders to "go alone" to arrest Weinhaus. He either doesn't follow orders or he lied about them.

During the call, Weinhaus agreed to meet Folsom in 15 minutes. Weinhaus immediately began reaching out to several pastors hoping someone would accompany him to the meeting. Weinhaus did not trust Sgt. Folsom and wanted to have someone he trusted with him. As fate would have it, no one was available on such short notice. Weinhaus was eager to get his computer equipment back so he could get back to work and provide for his family. Weinhaus had his smart watch on his left wrist and obviously decided to go to the meeting alone, after all, it was in a public place.

Corporal Scott Mertens

Weinhaus arrived at the station and parked his car near Cpl. Mertens unmarked patrol car to make the process of transferring the computers from one vehicle to the other an easy process.

When Weinhaus got out of his vehicle he maintains he was wearing his pistol on his left hip - a direct contradiction to the testimony of the two officers. His smart watch then caught the ensuing verbal exchange, the officers' gun fire, and the events as they occurred as he lay face-down bleeding, including the fact that neither officer ever rendered first aid. It also captured both officers' initial assessment that Weinhaus was dead, saying he is *"down."* You can hear and see as Sgt. Folsom rolls Weinhaus to his right side, removes Weinhaus's holstered gun and tosses it aside. Folsom, for good measure can be heard cuffing Weinhaus, a man he clearly thought was dead.

It is obvious that Sgt. Folsom made the decision to shoot Weinhaus (Mertens's shots came as a result of Folsom's shots). What isn't obvious is the reason why Folsom fired...

Was it a cold, calculated delivery of what he though was justice? Was it an "angry outburst" to what he interpreted as disrespect coming from Weinhaus? Was it that Folsom was a scared man with PTSD, who thought any action by an armed man was him "reaching for his gun"? Or was it a reaction to a man drawing a pistol on police officers who already had their weapons pointed at him? (Why would any man draw his pistol on police officers who already have their guns pointed at his face? Weinhaus certainly did not, and his watch video verifies this.)

SGT. HENRY FOLSOM'S NARRATIVE

Sgt. Folsom called his superior officer, Lieutenant George Knowles to report the officer-involved shooting. He informed Lt. Knowles that Weinhaus showed up with a gun in a holster, he was ordered to the floor, and Weinhaus had attempted to draw his firearm as he said, *"you're gonna have to shoot me"* (there is a discrepancy as to what Weinhaus said between 'you're gonna have to' and 'you don't have to').

Sgt. Folsom will have you believe that he was in fear for his life and he used lethal force. He will try to convince you he was justified. What is Weinhaus's smart watch account of what happened?

SMART WATCH EXPOSES SGT. FOLSOM'S LIE

On March 26, 2013, at the request of MSHP Sergeant Perry Smith, the Missouri Department of Revenue Digital Forensic Investigative Unit began an examination and analysis of a watch with a digital camera in reference to an assault investigation. The examination was performed by Special Agent Justin Glick:

• There was a 23 minute and 45 second video that captured the officer-involved shooting:

• During the first 4 minutes and 34 seconds, Weinhaus is driving and talking about how Sgt. Folsom called him and wanted to return his computers. Weinhaus continues taking calls, singing and praying. He receives a call from Valerie Weinhaus, former wife and mother of his children, and asked if she had a way of recording the impending meeting with Sgt. Folsom. Weinhaus is heard saying "Well they're here and I'm pulling in here" and he prays again.

• After recording for approximately 5 minutes and 4 seconds, Weinhaus exits the vehicle.

• After recording for approximately 5 minutes and 17 seconds, the watch turns to capture Sergeant Folsom shoot Weinhaus. The watch only catches a brief part of the shooting and several shots can be heard being fired. Five or six shots can be heard being fired and Weinhaus appears to fall to the ground.

• The watch continues to record and appears to be recording video of the ground.

• After recording for approximately 5 minutes and 26 seconds, Sergeant Folsom says, "He's still got the gun Scott." Corporal Mertens asks Sergeant Folsom if he's got him and he replies he's got him. Sergeant Folsom then says to what appears to be others in the area it is the police, FBI, and Highway Patrol.

• After recording for approximately 5 minutes and 40 seconds,

Continued on page 7

When Cops Don't Police Their Own, the Results Can be Deadly

An Off-Duty Cop Murdered His Ex-Wife. The California Highway Patrol Ignored the Red Flags.

By Steven Greenhut

Mary and Brad Wheat

(Reason.com) - When law-enforcement officials believe that someone has committed a crime, they often go to great lengths—and can be quite creative—in coming up with charges to file. Criminal codes are voluminous, and it's common for prosecutors to pile up one charge after another as a way to keep someone potentially dangerous off the streets.

When the accused is a police officer, however, agencies typically find their hands tied. "Nothing to see here," they say, "so let's move along." Their eagerness to protect their own colleagues from accountability can have deadly consequences. A recent lawsuit by the victim of a California Highway Patrol officer's off-duty shooting brings the problem into view.

The case centers on Brad Wheat, a CHP lieutenant who operated out of the agency's office in Amador County. On Aug. 3, 2018, Wheat took his CHP-issued service weapon and hollow-point ammunition to confront Philip "Trae" Debeaubien, the boyfriend of Wheat's estranged wife, Mary. As he later confessed to a fellow officer, Wheat planned more than a verbal confrontation.

"I just learned this evening that Brad confided in an officer…tonight that he drove to a location where he thought his wife and her lover were last night to murder the lover and then commit suicide," an officer explained in an email, as The Sacramento Bee reported. Fortunately, Debeaubien had left the house by the time that Wheat arrived.

Philip Debeaubien

Initially, Wheat's colleagues convinced him to surrender his CHP firearm and other weapons and they reported it to superiors. Instead of treating this matter with the seriousness it deserved, or showing concern for the dangers that Debeaubien and Mary Wheat faced, CHP officials acted as if it were a case of an officer who had a rough day.

They essentially did nothing. "Faced with a confessed homicidal employee, the CHP conducted no criminal investigation of its own, notified no allied law enforcement agency or prosecutor's office, and initiated no administrative process," according to a pleading filed by Debeaubien in federal district court. "Nor did the CHP notify [the] plaintiff that he was the target of a murder-suicide plan that failed only because of a timely escape."

You read that right—the agency seemed so uninterested in the safety of two potential murder victims that it didn't even inform them about the planned attack. It sent Wheat to a therapist, who reportedly said he needed a good night's sleep. It sent him on vacation for two weeks, let him return to work, and returned his firearm and ammunition—something CHP said he needed for his job.

Where the shootings took place.

You can probably guess what happened next. Two weeks later, Wheat took the same weapon and ammo and this time found his ex-wife and her boyfriend. He shot Debeaubien in the shoulder, the two struggled and Wheat—a trained CHP officer, after all—retrieved his dislodged weapon, shot to death his ex-wife, and then killed himself.

Now CHP says it has no responsibility for this tragic event and that its decisions did not endanger the plaintiff's life. This much seems clear from court filings and depositions: CHP's response centered on what it thought best for its own officer. Any concern about the dangers faced by those outside the agency seemed incidental, at best.

CHP officials considered in one email some protective action but chose not to arrest Wheat on attempted murder charges, nor place him on psychiatric hold for evaluation, nor seek protective orders for Debeaubien or Mary Wheat. Yet police agencies typically embrace those types of approaches when the accused is a mere "civilian."

CHP officials expressed concern about protecting Wheat's career, and one worried that Mary Wheat or Debeaubien might file a complaint. Even when a colleague asked Wheat to relinquish his firearm, he did so as a friend—not as CHP protocol. Again, CHP treated Brad Wheat as the focus of sympathy, not as the potential perpetrator of domestic violence. (Perhaps CHP needs to get with the times and embrace programs that teach officers to react proactively to these situations.)

The case also raises issues about qualified immunity—the legal doctrine that protects government officials from liability even when they violate the public's constitutional rights. CHP offers this doctrine as a "get out of jail free" defense. The public has no right to sue public employees for failing to protect them, Debeaubien's attorneys respond, but the courts carved out an exemption when they affirmatively put people in danger.

That's what happened here. "Giving a gun to a then-weaponless man who 'had driven to a location where he thought his wife and her lover were to murder the lover and then commit suicide,'…creates an actual and particularized danger of his using the gun to attempt murder a second time," the filing notes. That would seem obvious to anyone, except perhaps a police agency more interested in protecting itself than the public. ★★★

Continued from page 6 • Attempted Murder by Drugged Cop

Sergeant Folsom can be heard instructing someone to cover him, two times. Then, it appears Weinhaus' gun and holster are removed from him. ***The video captures his belt, and it sounds like Velcro and buckles are being removed from Weinhaus's belt area.***

- *After recording for approximately 5 minutes and 56 seconds, Sergeant Folsom can be heard telling someone to get an ambulance.*
- *After recording for approximately 6 minutes and 40 seconds, a siren can be heard approaching in the background.*
- *After recording for approximately 6 minutes and 56 seconds, Sergeant Folsom can be heard saying, "George", as it appeared he was talking on his cell phone. He can also be heard telling someone about a gas station and a gun in a holster. He says that he (Weinhaus) went to pull a gun out of the holster and went to shoot him (Sergeant Folsom), at which time he shot him (Weinhaus). Corporal Mertens advised he shot also and Sergeant Folsom said five to seven shots were fired. Sergeant Folsom continues his conversation informing the caller that he had Troop C cars en route and an ambulance en route. He suggested that some criminal investigators should respond to the scene. He thanked "George' and gave him his location.*
- *After recording for approximately 7 minutes and 50 seconds, Corporal Mertens advised Weinhaus was not dead and they rolled him over. Corporal Mertens can be heard telling Weinhaus to hold on and to stay with them. He keeps repeating for Weinhaus to stay with them.*
- *After recording for approximately 10 minutes and 48 seconds, MSHP Troop C Corporal L. Keathley said, "Is that a gun in there", to which Sergeant Folsom replied, "Yea there is and leave it right there."*

What the video makes clear is that Weinhaus never ripped open the velcro to try to take his gun out of his holster before he is shot. Even the two FBI agents and another independent witness claim to have never seen a weapon in Jeffrey Weinhaus's outstretched hands, nor his holster on his right hip. However, Sgt. Folsom and Cpl. Mertens both testified in a court of law that Weinhaus did indeed pull his weapon with his right hand from his holster on his right hip. This is in stark contrast to what the video/audio evidence and witness testimony reveals.

THE TRIAL

It has been reported that after Weinhaus was shot, his criminal charges were slated to be dropped entirely. In fact, according to the Missouri State Highway Patrol Discrimination Investigation conducted by Lt. Roger Whittler, Sgt. Folsom revealed that *"when he was notified by Captain Eberhard that Weinhaus was being released from the hospital where he was (as) a result of the officer-involved shooting, and that Weinhaus was not being charged with any crimes,"* Folsom became irate and suffered an *"angry outburst."* What isn't clear is why the charges were reinstated. Did "the powers that be" decide they'd get rid of their liability by prosecuting Weinhaus, and ensuring he was sent away? Did Folsom's prosecutor-wife get involved? Did Judge Parker push the prosecutor's office into reinstating the charges? We simply do not know at this time.

Retired Circuit Court Judge Keith Sutherland came out of retirement to preside over a three-day trial of this much-publicized case. According to Weinhaus, he was forced to wear a shock device which was used to prevent him from "outbursts", which he maintains kept him from speaking and aiding in his own defense during trial.

Weinhaus's trial attorney, Hugh A. Eastwood, never bothered to depose MSHP Sgt. Perry Smith prior to trial. Sgt. Perry Smith was responsible for the investigation of the officer-involved shooting of his client, Jeffrey Weinhaus. The importance of this fact is that Sgt. Smith knew or should have known by a comparison of Sgt. Folsom's written account and the Digital Forensic Unit's review of the Weinhaus smart watch that there were extreme discrepancies.

Jeffrey Weinhaus should have died from the injuries he sustained at the hands of Sgt. Folsom.

Prior to sending the case to the jury, Judge Sutherland granted Attorney Eastland's Motion for Judgment of Acquittal which acquitted Weinhaus of the charges of tampering with a judicial officer and resisting arrest.

During deliberations, the jury asked Judge Sutherland to clarify the definition of assault in the first degree. His response was, *"I can't tell you anymore than what is in the instructions, okay, and I believe it's essentially defined in there as part of the instruction."*

The jury, made up of 10 women and two men, took about three hours to reach a verdict. Weinhaus was found guilty of a class A felony of 1st degree assault or attempted assault of a law enforcement officer, an unclassified felony of armed criminal action against Sgt. Henry Folsom of the patrol. Weinhaus also was convicted of a class C felony for possession of a controlled substance and misdemeanor marijuana possession.

The jury found Weinhaus not guilty of a second count of assaulting a law enforcement officer and another count of armed criminal action against Cpl. Scott Mertens.

FOLSOM LET GO BY MSHP

On Nov 28, 2012, shortly after the shooting incident, Sgt. Folsom was declared "unfit for duty" by Dr. Paul Detrick, Ph.D. Sgt. Folsom saw numerous doctors in the intervening years – none of whom declared him fit for duty. Sgt. Folsom used his accrued paid leave until his termination in December of 2014.

On Jan 27, 2015, Folsom filed a Charge of Discrimination against the Missouri State Highway Patrol, Colonel Ron Replogle and Captain Sarah Eberhard with the Missouri Commission of Human Rights. Folsom stated that following the Weinhaus incident he was ordered to show his prescription for the Ambien and Prozac and reveal that he had PTSD. Folsom claimed that over the next month, his desk and car were searched, and he was falsely accused of improperly storing evidence. Folsom claimed that he received death threats from Weinhaus and his associates and the MSHP did not investigate any of these threats.

On April 11, 2016, Folsom filed a civil suit against the Missouri State Highway Patrol and Captain Sarah Eberhard. After several years of court proceedings, the Missouri Court of Appeals ruled against Folsom, making the following docket entry: *"Now on this day the judgment is affirmed. The Respondents shall recover against the Appellant the costs and charges herein expended, and shall have execution therefore. Opinion filed."*

On June 5, 2017, Dr. Akeson determined that Folsom was not capable of returning to work.

FURTHER INVESTIGATION

One thing is certain, Jeffrey Weinhaus's case deserves further investigation. It merits having whistleblowers expose the corruption on the inside that played a part in this travesty of justice. It deserves to have undercover, investigative journalists cozying-up to those involved, digging for the morsels of truth that inevitably spill out. No one would be safe from investigation; no one's past could be kept in the closet – especially that of Sgt. Folsom's.

For those interested in exposing the truth, it is open season on all those who stood by while a man who was interested in accountability was almost murdered by a cop, and then convicted on the made-up charges to keep him silent.

MSHP, you cleaned house once before and got rid of your garbage. Now you need to wash your hands: **It is time to vacate Jeffrey Weinhaus's conviction and let him come home.**

Editor's Note: It would be in the best interest of the Missouri State Highway Patrol to not rubber-stamp officer involved shootings, especially in extreme cases like Weinhaus, where it is evident that it was a bad shoot. Sgt. Perry Smith should have concluded what the evidence showed; that Folsom lied about the shooting, and Mertens, who was terrified enough to call his father right after the shooting, went along because that's what boys in blue do...

It is morally imperative for those who know the rest of the story to contact the US~Observer and give us the facts. Call us at 541-474-7885 or send an email to editor@usobserver.com.

Anyone who has been falsely convicted in this jurisdiction or those facing false criminal charges should contact us immediately. The Weinhaus case is a prime example of why you do not place your freedom solely in the hands of an attorney.

★★★

Continued from page 3 • Samuel Randolph ...

was just three hours," the court said.

THE EVIDENCE OF INNOCENCE

In federal habeas corpus proceedings, Randolph alleged that the murders were actually committed by one local group of drug dealers in retaliation for a series of assaults and robberies committed against them by a rival group. Police and prosecutors withheld exculpatory evidence that, during a search of a house owned by one of the drug dealers, they had recovered "an AK-47 rifle, numerous bullets of various calibers (including the calibers used in these incidents), gun holsters, $3,800.00 in cash, drugs (cocaine and marijuana), and – in the washing machine – a black hooded sweat shirt, a pair of black jeans, and a pair of black sweat-pants" that matched the description of the clothing worn by the killers during the shooting. Another witness came forward with evidence that the second victim killed in the bar had been shot by accident when one of his associates, who falsely implicated Randolph as the shooter, had returned fire at the gunmen.

The district court did not address Randolph's assertion of innocence, writing "[t]he exculpatory evidence outlined in this claim, if admissible, can be advanced at Randolph's retrial. ★★★

The views expressed herein are the author's own.

COMMENTARY

Your Right to Speak Out

Dystopia Disguised as Democracy

All the Ways in Which Freedom Is an Illusion

By John & Nisha Whitehead

"The illusion of freedom will continue as long as it's profitable to continue the illusion. At the point where the illusion becomes too expensive to maintain, they will just take down the scenery, they will pull back the curtains, they will move the tables and chairs out of the way and you will see the brick wall at the back of the theater."—Frank Zappa

We are no longer free.

We are living in a world carefully crafted to resemble a representative democracy, but it's an illusion.

We think we have the freedom to elect our leaders, but we're only allowed to participate in the reassurance ritual of voting. There can be no true electoral choice or real representation when we're limited in our options to one of two candidates culled from two parties that both march in lockstep with the Deep State and answer to an oligarchic elite.

We think we have freedom of speech, but we're only as free to speak as the government and its corporate partners allow.

We think we have the right to freely exercise our religious beliefs, but those rights are quickly overruled if and when they conflict with the government's priorities, whether it's COVID-19 mandates or societal values about gender equality, sex and marriage.

We think we have the freedom to go where we want and move about freely, but at every turn, we're hemmed in by laws, fines and penalties that regulate and restrict our autonomy, and surveillance cameras that monitor our movements. Punitive programs strip citizens of their passports and right to travel over unpaid taxes.

We think we have property interests in our homes and our bodies, but there can be no such freedom when the government can seize your property, raid your home, and dictate what you do with your bodies.

We think we have the freedom to defend ourselves against outside threats, but there is no right to self-defense against militarized police who are authorized to probe, poke, pinch, taser, search, seize, strip and generally manhandle anyone they see fit in almost any circumstance, and granted immunity from accountability with the general blessing of the courts. Certainly, there can be no right to gun ownership in the face of red flag gun laws which allow the police to remove guns from people merely suspected of being threats.

We think we have the right to an assumption of innocence until we are proven guilty, but that burden of proof has been turned on its head by a surveillance state that renders us all suspects and overcriminalization which renders us all lawbreakers. Police-run facial recognition software that mistakenly labels law-abiding citizens as criminals. A social credit system (similar to China's) that rewards behavior deemed "acceptable" and punishes behavior the government and its corporate allies find offensive, illegal or inappropriate.

We think we have the right to due process, but that assurance of justice has been stripped of its power by a judicial system hardwired to act as judge, jury and jailer, leaving us with little recourse for appeal. A perfect example of this rush to judgment can be found in the proliferation of profit-driven speed and red light cameras that do little for safety while padding the pockets of government agencies.

We have been saddled with a government that pays lip service to the nation's freedom principles while working overtime to shred the Constitution.

By gradually whittling away at our freedoms—free speech, assembly, due process, privacy, etc.—the government has, in effect, liberated itself from its contractual agreement to respect the constitutional rights of the citizenry while resetting the calendar back to a time when we had no Bill of Rights to protect us from the long arm of the government.

Aided and abetted by the legislatures, the courts and Corporate America, the government has been busily rewriting the contract (a.k.a. the Constitution) that establishes the citizenry as the masters and agents of the government as the servants.

We are now only as good as we are useful, and our usefulness is calculated on an economic scale by how much we are worth—in terms of profit and resale value—to our "owners."

Under the new terms of this revised, one-sided agreement, the government and its many operatives have all the privileges and rights and "we the people" have none.

Only in our case, sold on the idea that safety, security and material comforts are preferable to freedom, we've allowed the government to pave over the Constitution in order to erect a concentration camp.

The problem with these devil's bargains, however, is that there is always a catch, always a price to pay for whatever it is we valued so highly as to barter away our most precious possessions.

We've bartered away our right to self-governance, self-defense, privacy, autonomy and that most important right of all: the right to tell the government to "leave me the hell alone." In exchange for the promise of safe streets, safe schools, blight-free neighborhoods, lower taxes, lower crime rates, and readily accessible technology, health care, water, food and power, we've opened the door to militarized police, government surveillance, asset forfeiture, school zero tolerance policies, license plate readers, red light cameras, SWAT team raids, health care mandates, overcriminalization and government corruption.

In the end, such bargains always turn sour.

We asked our lawmakers to be tough on crime, and we've been saddled with an abundance of laws that criminalize almost every aspect of our lives. So far, we're up to 4500 criminal laws and 300,000 criminal regulations that result in average Americans unknowingly engaging in criminal acts at least three times a day. For instance, the family of an 11-year-old girl was issued a $535 fine for violating the Federal Migratory Bird Act after the young girl rescued a baby woodpecker from predatory cats.

We wanted criminals taken off the streets, and we didn't want to have to pay for their incarceration. What we've gotten is a nation that boasts the highest incarceration rate in the world, with more than 2.3 million people locked up, many of them doing time for relatively minor, nonviolent crimes, and a private prison industry fueling the drive for more inmates, who are forced to provide corporations with cheap labor.

We wanted law enforcement agencies to have the necessary resources to fight the nation's wars on terror, crime and drugs. What we got instead were militarized police decked out with M-16 rifles, grenade launchers, silencers, battle tanks and hollow point bullets—gear designed for the battlefield, more than 80,000 SWAT team raids carried out every year (many for routine police tasks, resulting in losses of life and property), and profit-driven schemes that add to the government's largesse such as asset forfeiture, where police seize property from "suspected criminals."

We fell for the government's

Continued on page 10

Justice for Some is No Justice at All – We Must Change our Criminal Justice System

By Timothy Head

"We the People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America."

(The Hill) - These iconic words carry the most ennobling ideas in our country's history. The Preamble of our Constitution, crafted nearly 250 years ago, explicitly states that to "establish justice" is one of the chief aims of our citizen-led government. Notably, in 1789, the first Congress designed five of the 10 amendments enshrined in the Bill of Rights to protect citizens from an overly zealous police state. This was top of mind for our Founders because many knew firsthand, or were only a generation removed from, government oppression in Europe.

For those of us who seek to apply an original understanding of the Constitution to public policy today, we must be mindful that our Founders wanted an orderly society — but not by sacrificing the liberties of American citizens. Those accused of crimes are not rendered inhuman or deprived of their rights, or of the possibility of repentance and reform upon being accused, or even upon conviction and sentencing.

For their sake, and to protect our own personal liberty from governmental overreach, we must ensure that criminal justice is, in fact, just. Several pieces of legislation are on the table that could bring us closer to this goal.

The Clean Slate Act, introduced in the House by Reps. Lisa Blunt Rochester (D-Del.) and Guy Reschenthaler (R-Pa.) and in the Senate by Sens. Bob Casey (D-Pa.) and Joni Ernst (R-Iowa), would help reintegrate the nearly one-third of Americans who have some form of criminal record into the workforce after they have served their sentences. It specifically focuses on nonviolent, low-level offenses because, although there should be accountability for such crimes, they do not merit lifelong marginalization and hardhip. Once these people reemerge from the penal system, they should be able to live and work freely and fully.

Another piece of legislation, the Prohibiting Punishment of Acquitted Conduct Act, introduced by Sens. Dick Durbin (D-Ill.) and Chuck Grassley (R-Iowa), would correct the unjust practice of penalizing defendants for conduct of which they have been acquitted. Any American citizen, even if discerned to have done wrong, is still protected by constitutionally established rights to due process and protection from capricious sentencing.

A third bill, the EQUAL Act, introduced by Sens. Cory Booker (D-N.J.) and Rob Portman (R-Ohio), addresses the sentencing disparity in our federal justice system involving penalties for crack and powdered cocaine offenses, which has resulted in unintentional racial disparities and significantly higher federal prison populations. The law was intended to reduce the harm of crack cocaine possession, distribution and consumption. The validity of its original intention may be debated, but it has been proven to have unacceptable consequences.

Each of these bills serves the good of our nation.

It is not progressive to want the equal and impartial application of the law; it is constitutional. This should be the desire of all Americans, regardless of political affiliation. We all want justice. We all hope for the reform and reintegration of those who break the law, because they are our fellow citizens.

But it isn't enough to simply want these things, no matter how sincerely we might do so. We must work toward attaining them. We need laws that effectuate justice — or, if we are citizens, we must elect those who will make such laws. With the pending legislation, we can move closer to true justice. "Justice" for some of us is no justice at all.

★★★

Wikipedia Bias

By John Stossel

(JohnStossel.com) - I love Wikipedia. I donated thousands of dollars to the Wikimedia Foundation.

Before Wikipedia, all we had were printed encyclopedias — out of date by the time we bought them.

Then libertarian Jimmy Wales came up with a web-based, crowd-sourced encyclopedia.

Crowd-sourced? A Britannica editor called Wikipedia "a public restroom." But Wales won the battle. Britannica's encyclopedias are no longer printed.

Congratulations to Wales.

But recently I learned that Wikipedia co-founder Larry Sanger now says Wikipedia's political pages have turned into leftist "propaganda."

That's upsetting. Leftists took over the editing?

Sadly, yes. I checked it out.

All editing is done by volunteers. Wales hoped there would be enough diverse political persuasions that biases would be countered by others.

But that's not what's happening.

Leftists just like to write.

Conservatives build things: companies, homes, farms. You see the pattern comparing political donations from different professions:

Surgeons, oil workers, truck drivers, loggers and pilots lean right.

Artists, bartenders, librarians, reporters and teachers lean left.

Conservatives don't have as much time to tweet or argue on the web. Leftists do. And they love doing it. This helps them take over the media, universities and, now, Wikipedia.

Jonathan Weiss is what Wikipedia calls a "Top 100" Wikipedian because he's made almost half a million edits. He says he's noticed new bias. "Wikipedia does a great job on things like science and sports, but you see a lot of political bias come into play when you're talking current events."

Weiss is no conservative. In presidential races, he voted for Al Gore, Ralph Nader and Barack Obama. Never for a Republican. "I've really never identified strongly with either political party," he says.

Maybe that's why he notices the new Wikipedia bias.

"People on the left far outweigh people on the center and the right…a lot (are) openly socialist and Marxist." Some even post pictures of Che Guevara and Lenin on their own profiles.

These are the people who decide which news sources Wikipedia writers may cite. Wikipedia's approved "Reliable sources" page rejects political reporting from Fox but calls CNN and MSNBC "reliable."

Good conservative outlets like The Federalist, The Daily Caller and The Daily Wire are all deemed "unreliable." Same with the New York Post (That's probably why Wikipedia called Hunter Biden's emails a conspiracy theory even after other liberal media finally acknowledged that they were real).

While it excludes Fox, Wikipedia approves even hard left media like Vox, Slate, The Nation, Mother Jones and Jacobin, a socialist publication.

Until recently, Wikipedia's "socialism" and "communism" pages made no mention of the millions of people killed by socialism and communism. Even now, deaths are "deep in the article," says Weiss, "treated as an arcane academic debate. But we're talking about mass murder!"

The communism page even adds that we cannot ignore the "lives saved by communist modernization"! This is nuts.

Look up "concentration and internment camps" and you'll find, along with the Holocaust, "Mexico-United States border," and under that, "Trump administration family separation policy."

What? Former President Donald Trump's border controls, no matter how harsh, are very different from the Nazi's mass murder.

Wikipedia does say "anyone can edit." So I made a small addition for political balance, mentioning that President Barack Obama built those cages.

My edit was taken down.

Continued on page 14

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

COMMENTARY

Remedying Injustice for the Wrongfully Convicted Does Not End When They are Released

By Austin Sarat

(**The Hill**) - Devonia Inman was 23 years old when he was sentenced to life in prison without parole for the 1998 robbery and murder of the manager of a Taco Bell in Adel, Ga. He was convicted because a jailhouse informant testified that Inman had confessed while awaiting trial. There was no physical evidence linking him to the crimes.

On Dec. 20, 2021, after serving more than 20 years in prison for a crime he did not commit, Inman walked out of the Augusta State Medical Prison, making him the last wrongfully convicted person to be released in the United States during 2021. He was exonerated after newly discovered DNA evidence, as well as other evidence the prosecutor had illegally kept from the defense, revealed that another man had committed the crimes.

The National Registry of Exonerations reports that 2021 was a relatively busy year in the business of remedying the pervasive injustice of wrongful conviction in this country. By year's end, 133 people had been freed from prison where they had been held for a crime they did not commit. That is more than one person every three days.

But 2021 was not an outlier. Every year since 2012, the number of exonerations has exceeded 100.

Despite its role in Inman's case, DNA plays a small though not insignificant role in the quest to undue those miscarriages of justice, accounting for 375 of the 2,993 exonerations that have occurred since 1989. More pervasive are discoveries of new evidence, witnesses who recant their testimony, and revelations about prosecutorial misconduct.

While some might think that exonerations prove that "the system works," Americans should take little solace from the fact that such large numbers of prisoners are freed every year.

Remedying the injustice of wrongful convictions does not end when the jailhouse door opens and the wrongfully convicted walks to freedom. For most of the exonerated that is only the first step on a long and painful journey to rebuild their shattered lives.

And the governments whose culpable negligence led to their wrongful convictions often do little or nothing to aid in that process. True, 37 states, the District of Columbia and the federal government offer some kind of compensation for the wrongfully convicted, but that leaves 13 states with no compensation laws.

Even where compensation is offered, the process for getting it is arduous and time consuming. It generally takes years to complete.

Exonerees may pursue compensation claims in three ways: suing state actors, lobbying state legislatures to pass private compensation bills, or filing for compensation under a state statute.

In each of these systems, exonerees bear the burden of action. When exonerees do sue, file statutory claims, or lobby legislators, none of those things leads either to adequate monetary compensation or to the kind of social services needed to help exonerees successfully transition to life outside prison.

That fact was driven home late in the year by the well-publicized release of Kevin Strickland, who served 43 years in a Missouri prison for a crime he did not commit.

Despite this grievous wrong, the state provided Strickland no compensation and no help.

Georgia, the state where Inman was falsely convicted, is another of the states that provide no compensation and no help at all when the release a victim of a miscarriage of justice.

Exonerees like Inman are dependent on the kindness of strangers who step up to the plate to help them get back on their feet and rebuild their lives.

Across the country a few organizations and private individuals work to fill the void when exonerees are freed.

One of the leaders in this effort is Jason Flom, a well-known executive in the music business. Flom is known among exonerees as "the godfather of help." As Douglas DiLosa, who served 14 years in prison for a murder he did not commit and who now works for The First 72+ helping other exonerees, told me, "There is no one else who does as much for exonerees as Jason."

For two decades, Flom has been a board member for the Innocence Project and essentially a one-person social services agency. He has provided significant help to well over 100 exonerees. Among other things, he has paid for clothing, automobiles, and housing, and in some cases has subsidized employment.

Today Flom's name is passed by word of mouth from one exoneree to another. He is the person they call when they have nowhere else to turn.

Flom's quiet help for individuals also has a public face in advocacy work. He hosts a podcast,

"Wrongful Conviction," where he interviews exonerees and people who are still in jail despite having strong innocence claims. He uses these interviews to publicize acts of injustice and to bring attention to the failure of government to provide help.

Along with other activists and advocacy groups, Flom is working to get states and the federal government to improve compensation systems for exonerees.

Such efforts include federal legislation, The Justice for Exonerees Act, which was introduced last year by Rep. Maxine Waters (D-Calif.) and which would increase the funds for which an exoneree in the federal system is eligible from $50,000 to $70,000 per year of unjust incarceration.

That is an important step forward, but the Waters bill does not go far enough.

What is urgently needed is the kind of universal wrongful conviction compensation system proposed by the Innocence Project. Such a system would ensure that people like Devonia Inman and Kevin Strickland are not left out in the cold because they live in states that refuse to take responsibility for injustices that occur in their jurisdictions.

That system should provide for automatic payments on release, both a lump sum payment as well as an additional amount in the form of an annuity for every year a wrongfully convicted person spends in prison. The amount of loss and damage of years spent behind bars for a crime someone did not commit is the same regardless in which part of the country it occurs.

A universal compensation system also should require official acknowledgement when a wrongful conviction is uncovered. It should guarantee that exonerees are enrolled in any state and federal health and welfare benefits programs for which they are eligible, and it should provide a comprehensive array of psychological and social services.

Unjust convictions and the havoc they wreak on the lives of innocent people are a national problem requiring a comprehensive, national solution.

Only such a solution will ensure that responsibility for remedying the injustice of wrongful conviction is assumed by all of us, not just people like Flom who have for so long valiantly stepped into the breach.

Austin Sarat is the William Nelson Cromwell Professor of Jurisprudence and Political Science at Amherst College. He is author of numerous books on America's death penalty, including "Gruesome Spectacles: Botched Executions and America's Death Penalty." ★★★

For 20 Years, This Prosecutor Had a Secret Job Working for the Judges Who'd Decide His Cases

By Billy Binion

One of Ralph Petty's Victims is Trying to Hold Him Accountable, But She Will Have to Overcome Prosecutorial Immunity

(**Reason.com**) - Ralph Petty worked as an assistant district attorney in Midland County, Texas, for 20 years. Like any prosecutor, he fervidly advocated for the government. But he wasn't just any advocate, because he wasn't just a prosecutor. Each night, Petty took off his proverbial DA hat and re-entered the courthouse as a law clerk for the same judges he was trying to convince to side with him by day.

His unethical side hustle heavily tipped the scales toward the government as he discreetly wrote opinions and orders that ruled in favor of the prosecution — also known as himself — and accessed materials confidential to the defense. For two decades, Petty managed a covert balancing act: He was both prosecutor and de facto judge, pocketing an extra $250,000 for his dishonest services.

In over 300 cases, the accused were denied their due process rights due to Petty's misconduct. Among his first victims was Clinton Young, the Texas man who was inching toward execution after entering death row in 2003 for a murder he maintains he did not commit. The conviction was overturned in 2021, and Young was released on bond in January pending a new trial.

Yet while Petty may have stolen years off people's lives — and, in Young's case, almost sent someone to die — it may be almost impossible to hold him accountable, thanks to

Clinton Young

assorted immunity doctrines that provide government agents with a near-impenetrable shield against facing victims in civil court. The safeguard given to prosecutors is extra thick, affording them absolute immunity for duties carried out in their official scope, meaning they can knowingly impanel false testimony or introduce fabricated evidence and still be protected.

One of Petty's victims is willing to try. In a lawsuit filed yesterday in the U.S. District Court for the Western District of Texas, Erma Wilson alleges she was wrongly convicted of drug possession when Petty mangled her case and subverted her due process rights. After declining multiple plea deals and insisting on a trial — something exceedingly rare these days — she received an eight-year suspended sentence. And though she did not actually spend time behind prison walls, she is still feeling the ripple effects of her 2001 conviction, unable to fulfill her girlhood dream of becoming a nurse due to Texas licensing laws that disqualify people with certain felony offenses. Meanwhile, the Supreme Court of Texas disbarred Petty in 2021, two years after he retired.

"All I want now is to hold Petty and Midland County's entire judicial system accountable, so other prosecutors will think twice before violating the people's rights," Wilson said in a statement. *"There is nothing that can be done to give me back the past 20 years of my life or my missed nursing career, but I can ensure that similar violations don't happen to others."*

Alexa Gervasi

Whether or not Wilson will even get the privilege to appear before a jury to ask for damages is unclear. It will continue to be elusive for years, as her attorneys work their way through the courts, asking a series of judges to deny Petty immunity for his dealings.

Erma Wilson

The vast majority of like-minded suits are dead on arrival, thanks to the absolute protections given to prosecutors for job-related malfeasance. An example: A federal court shielded District Attorney Samuel D'Aquilla of Jackson, Louisiana, from any civil litigation after he sabotaged a rape case against his colleague in the justice system — then an assistant warden at the Louisiana State Penitentiary — brought by a woman who alleged the man had brutally raped her multiple times on prison grounds. *"In 99 percent of cases when you try to bring in a prosecutor as a defendant, you lose immediately under prosecutorial immunity,"* says Alexa Gervasi, an attorney at the Institute for Justice and a lawyer for Wilson. *"This lawsuit seeks to change that."*

They may have a shot. Core to the current framework is that DAs are protected so long as the alleged wrongdoing occurred in the context of the job. Petty was indeed acting as a prosecutor. But he was also acting as a lot more — assuming the position of a law clerk. The case *"is a stepping stone toward upending prosecutorial immunity,"* says Gervasi. *"What this case will do is show why absolute immunity in any respect is wrong. It creates incentives to do wrong and to violate the Constitution."* Why abide by our founding charter when you know you have nothing to lose?

Ralph Petty

If they defeat prosecutorial immunity, Gervasi and Wilson will also have to overcome qualified immunity, the legal doctrine that allows state and local government actors to infringe on your rights if the precise way they do so has not been baked into a prior court ruling. The criminal-justice protests in 2020 brought the topic of qualified immunity to the fore, as it sometimes protects police officers for doing things like stealing, shooting children, and destroying innocent people's property if plaintiffs are unable to find a pre-existing precedent with very similar factual circumstances. But prosecutors may also be entitled to qualified immunity for the actions taken outside of their official scope of duties when absolute immunity no longer applies.

It's a fitting microcosm for just how hard it is for victims to seek any sort of meaningful recourse when their constitutional rights are violated by the most powerful people in society. *"When you do something wrong, there has to be consequences,"* says Gervasi. *"Otherwise, rules don't mean anything."* ★★★

Continued from page 2 • 89-year-old Clara Fambro Claims Abuse

seated near Clara. She smiled and looked over at me. *"My, aren't you a looker,"* she exclaimed with a grin. We laughed together. She's a nice lady.

I watched as Dollie exercised her mother and how Clara strived to keep going. She showed me her strength and determination.

The staff were very leery of me. On more than one occasion I caught their gaze to find them quickly look away. But I will say that while I was there, they became involved with their patients. I watched as they fed them all lunch, making sure to smile while I was watching, and not when they thought I wasn't.

Dollie took me aside and whispered, *"they usually don't treat them this well."* I could tell they didn't.

ABUSE OF THE ELDERLY

Later, when we were back in Clara's room, I was witness to an unprompted conversation between mother and daughter that I captured on film which broke my heart, and for me, verified the claims of abuse:

Clara: *"One of them hit me..."*
Dollie: *"Was it one of the ladies that hit you or one of the guys?"*
Clara: *"One of the ladies..."*
Dollie: *"I'm sorry they're hitting you."*
Clara: *"That's alright. Don't keep talking about it or they gonna get mad."*

Later Dollie enquired about one of Clara's teeth that had been "knocked out" in a previous incident at the facility.

Dollie: *"Do you know who knocked out your tooth?"*
Clara: *"Mm-hmm."*
Dollie: *"Was it one of the guys?"*
Clara: *"unh-unh"*
Dollie: *"Was it one of the women?"*
Clara: *"Mm-hmm. She didn't knock out my teeth, she broke it."*

Off and on Clara would say that she is scared to be left there; that they hurt her. Clara remembered my name throughout our meetings. While she has been diagnosed as being legally blind, I found that she reacted to my smiles from across the room. From time to time, Clara would mentally wander to past times in her life and talk as if they were happening in the present, but she would quickly recover. I found that she clearly expressed her desire to no longer live in the facility and told us that they often "take it out" on her if Dollie makes a fuss about anything.

Dollie reports that she has asked repeatedly for her mother to be moved to a different facility, and that she has cited the reasons why, but no one is listening - especially Ann Yela, who reportedly refuses to engage in conversation with Dollie.

When it comes to the facility, Dollie and Clara aren't the only ones saying abuse happens there. Several past employees have made statements claiming that staffers abuse the patients and that one male employee beats other employees, some of whom it has been reported are in country on visas.

Dollie and Clara

ALL ABOUT ANN

What has since emerged from my time visiting Clara is that Ann Yela either doesn't believe that things are happening to Clara Fambro, or she does not care.

Ann Yela is no stranger to the US~Observer. It has been reported that Yela plays financial games with her wards' estates. In fact, you can read the article, *"US~Observer Clients Free - Jack Dunn and Rose Henley Case Dismissed,"* on the front page of this edition of the US~Observer. It's the outcome of another case where she supported criminal charges against two helpful neighbors next door to one of her wards, Wayne Faulk, an elderly gentleman whose estate has been allegedly pilfered and whose home has been sold.

In March, US~Observer Editor-in-Chief, Edward Snook, sent a letter to Ann Yela detailing everything we had uncovered. His letter concluded with; *"Let Clara receive the care she deserves, in a facility that is safe, with unfettered access to her daughter. It is the correct thing to do."*

You'd think Yela would be wary of the US~Observer, knowing that we succeed in getting the truth to the court of public opinion and affect change in the system. Perhaps she feels she's above the law and untouchable. Regardless, she never responded to the letter, and she did not change Clara's living arrangement.

A STORM ON THE HORIZON FOR ANN YELA

Since the letter was sent, Dollie Fambro found a new attorney, fired Julie Rowett, and has filed to regain guardianship of her mother. After all, the court had determined she was fit to care for her mother in that capacity before.

Dollie's new attorney, Robert Parker, vehemently decries any person who victimizes others, especially the most vulnerable, our seniors. Parker asserted, *"As someone who has been a victim of a broken system and has fought hard to get to where he is, I can tell you I will not let this lie. They will not get away with this."*

It has been reported that Ann Yela is facing a potential IRS investigation, that there has been a report filed against her with the Oregon Attorney General, as well as a complaint filed with the Center for Guardianship Certification of a violation of the National Guardianship Association Ethical Principles and Standards of Practice.

But one must wonder if it will all happen soon enough.

According to Dollie she recently asked workers if Clara had eaten or had water. Dollie reported that the workers told her that she had not been allowed to have food or water for 24 hours. Dollie then called the organization that provides Clara's hospice and was reportedly told that it was Ann Yela's decision that they withhold food and water until she died, as Clara could not eat or drink without the possibility of aspirating. Dollie maintains they just try to feed her when she is lying down, and her mother can't be fed that way. Dollie went there with a friend, and they refused to leave until her mother was sitting up and drinking water and eating. Clara tolerated the food and water just fine.

But what happens next time?

One thing is sure, Clara deserves better. She deserves to be cared for by a guardian that has respect for her person, not just her pocketbook.

Editor's Note: Your prayers for Clara and Dollie will be passed on to them if you submit them to editor@usobserver.com. Please donate to help Dollie continue to fight to bring her mom home to care for her. Donations can be made by going to Dollie's GoFundMe campaign – simply Google "clara fambro gofundme" and you'll find it.

Dollie Fambro wants to invite anyone willing to be more proactive to call the Oregon Attorney General's office at 503-378-4400. Dollie states, "you can also make signs and protest in front of the Roselane Adult Care facility at 8670 SW Turquoise Loop Beaverton, OR, the Multnomah Courthouse or Ann Yela's office located at 12746 SE Stark St, Portland, OR." ★★★

Continued from page 8 • Dystopia Disguised as Democracy

promise of safer roads, only to find ourselves caught in a tangle of profit-driven red-light cameras, which ticket unsuspecting drivers in the so-called name of road safety while ostensibly fattening the coffers of local and state governments. Despite widespread public opposition, corruption and systemic malfunctions, these cameras are particularly popular with municipalities, which look to them as an easy means of extra cash. Building on the profit-incentive schemes, the cameras' manufacturers are also pushing speed cameras and school bus cameras, both of which result in hefty fines for violators who speed or try to go around school buses.

We're being subjected to the oldest con game in the books, the magician's sleight of hand that keeps you focused on the shell game in front of you while your wallet is being picked clean by ruffians in your midst.

This is how tyranny rises and freedom falls.

With every new law enacted by federal and state legislatures, every new ruling handed down by government courts, and every new military weapon, invasive tactic and egregious protocol employed by government agents, "we the people" are being reminded that we possess no rights except for that which the government grants on an as-needed basis.

Indeed, there are chilling parallels between the authoritarian prison that is life in the American police state and The Prisoner, a dystopian television series that first broadcast in Great Britain more than 50 years ago.

The series centers around a British secret agent (played by Patrick McGoohan) who finds himself imprisoned, monitored by militarized drones, and interrogated in a mysterious, self-contained, cosmopolitan, seemingly idyllic retirement community known only as The Village. While luxurious and resort-like, the Village is a virtual prison disguised as a seaside paradise: its inhabitants have no true freedom, they cannot leave the Village, they are under constant surveillance, their movements are tracked by surveillance drones, and they are stripped of their individuality and identified only by numbers.

Much like the American Police State, The Prisoner's Village gives the illusion of freedom while functioning all the while like a prison: controlled, watchful, inflexible, punitive, deadly and inescapable.

Described as "an allegory of the individual, aiming to find peace and freedom in a dystopia masquerading as a utopia," The Prisoner is a chilling lesson about how difficult it is to gain one's freedom in a society in which prison walls are disguised within the trappings of technological and scientific progress, national security and so-called democracy.

Perhaps the best visual debate ever on individuality and freedom, The Prisoner confronted societal themes that are still relevant today: the rise of a police state, the freedom of the individual, round-the-clock surveillance, the corruption of government, totalitarianism, weaponization, group think, mass marketing, and the tendency of mankind to meekly accept his lot in life as a prisoner in a prison of his own making.

The Prisoner is an operations manual for how you condition a populace to life as prisoners in a police state: by brainwashing them into believing they are free so that they will march in lockstep with the state and be incapable of recognizing the prison walls that surround them.

We can no longer maintain the illusion of freedom.

As I make clear in my book *Battlefield America: The War on the American People* and in its fictional counterpart The Erik Blair Diaries, "we the people" have become "we the prisoners."

★★★

Continued from page 1 • Found Guilty of Murder in Spite of Reasonable Doubt

This has been the life of 37-year-old Roy H. Murry and his nightmare continues.

Murry maintains he is innocent of the heinous crimes and that he was wrongfully convicted on Dec. 14, 2016. Murry has already served five years of three consecutive life sentences.

After extensively investigating this case, we are left in part with the following questions:

1. Did Spokane County Sheriff's Detective Kirk Keyser make a rush to judgment causing him to have tunnel vision which prevented him from stepping back and considering other suspects and possible motives? There is now no doubt that Murry shouldn't have been the only suspect.

2. We are currently looking for an alleged drug dealer named Alejandro who was reportedly tied to murder victim John Constable. Constable and Alejandro were said to have had a "bad drug deal." We have not concluded our investigation into this allegation yet, but one thing is certain – to our knowledge law enforcement never pursued this significant lead even though it was known at the time of the murders.

3. The jury foreperson was reportedly seen at a restaurant with Detective Kirk Keyser who was literally the driving force behind Roy Murry's conviction. The foreperson is reported to be a Personal Fitness Trainer who has several "clients" that work for Spokane County at the Courthouse & surrounding businesses. This would lead any prudent person to question whether or not there was any collusion.

Larry Haskell

4. Was Spokane County Prosecutor Larry Haskell motivated to act in self-interest in order to put a notch in his belt or did he have the interest of justice in mind? After all, this case began just a few months after Haskell took office. We'd say, based on the lack of evidence in this case, it appears he acted in self-interest. We'd also say that Haskell used circumstantial evidence to convict Murry. We cannot find one piece of factual evidence proving Murry committed the murders.

HISTORY

On May 26, 2015, at approximately 2 AM, a neighbor reported a blaze at 20 East Chattaroy Road, Colbert, WA, the home of Lisa and Terry Canfield. As firefighters worked, they found Terry Canfield, a 59-year-old lieutenant with Spokane Fire Department, his wife Lisa Canfield, 52, and her son, John Constable, 23, fatally shot.

To Spokane County Sheriff's Detective Kirk Keyser, it must have appeared to be an open and shut case. Murry's wife – now known by her maiden name, Amanda Constable – identified Murry as a suspect as soon as she arrived home to the blaze and learned her mother, stepfather and brother had been murdered. Ms. Constable informed law enforcement that she intended to get a divorce and that Murry did not take it well. Constable said she *"wouldn't be surprised if Roy killed her family. He would see the killing of her family as a loss of her security and love for the most important thing in her life."* She continued, *"Roy would think this would cause her to reconsider ending the marriage and leave Roy Murry as the only person she had for comfort and stability."*

Murry was an avid gun aficionado and was known to exercise his 2nd Amendment protected rights. Having been in the National Guard and sent to the Iraqi conflict, one would expect Murry to be very knowledgeable about guns and own several firearms. He also understood the concept of being prepared for natural and manmade disasters. According to the WA Secretary of State (WA SOS), in July, 2010, Murry formed Patriot Enterprises, LLC, which was administratively dissolved in November of 2014.

Murry and Amanda Constable met at a party in 2009 and began dating shortly thereafter. They married in August of 2013 - this would be Murry's second marriage. Unfortunately for the couple, the marriage was troubled early on, Murry felt his wife's family interfered too much, making it difficult to have a good marriage.

One of the aspects which would be brought up at trial was that Murry's wife's stepdad would not allow him to have firearms when he came onto their property. Although he did not like it, Murry complied as he always did, when it came to following the rules others set forth on their property regarding his firearms. As one witness testified, *"He [Murry] had mentioned that he was armed. It was concealed on his hip in a holster so no worries there, you know. And then he [Murry] had asked, you know, do you mind if I show it or take it off, and my supervisor had said, no, I would prefer you don't. And so that's where that ended. There was no further argument or anything there. He respected that."*

Much was also said at trial about Murry's wife wanting to leave him, but the reality was, Murry himself was in the process of moving on and starting over. Murry's sister testified that when she saw Murry in March of 2015, she thought Roy and Amanda appeared to be done with their relationship. Murry was calm about the divorce, and it seemed to be a mutual decision.

THE STATE'S CASE

Spokane County Prosecutor Larry Haskell did not have any direct evidence to convict Murry. The murder weapon was never found and according to court documents:

1. Law enforcement went to Murry's apartment to check on him the day of the blaze. He appeared clean, there was no odor, and his car did not appear to have been used on the wet road conditions. He told the lieutenant he had been to Safeway and a vape shop the prior day and showed him the calls with his wife on his cell phone.

2. The state found Murry posted some songs to social media and conducted internet searches on trioxane, canon fusing, and some music law enforcement found to be of a similar theme. However, trioxane **was never found in any evidence from the crime scene**, (low levels could not be conclusively determined).

3. The state had shell casings, a gas can spout, and a gas can cap from the scene examined for fingerprints, but there was not enough information on any item to be useful.

4. The sole of Murry's boots was examined and found not to contain the same soil as at the scene.

5. DNA from under Lisa Canfield's fingernails was tested, and **Murry was excluded as a contributor**.

6. Murry's DNA was **excluded** from the gas spout, flare cap, and the cabin door suspected of possibly being used by the person who breached the scene.

7. DNA testing of some other items from the scene was inconclusive.

8. Only Murry's DNA was found on fabric removed from his vehicle, and the three victims' DNA were **excluded** from this sample. There was no blood on his shoes or boots.

Notice the numerous mentions where "Murry was excluded as a contributor." The murders were gruesome, reportedly 17 shots in total. The state focused heavily on trioxane, **something that was never found in any evidence from the crime scene.** Prosecutor Haskell knew he had no evidence yet continued the prosecution and took it through to a conviction. The state claimed that it had located nanoparticulates of magnesium silicone on shell casings from the scene, which were consistent with an experimental lubricant called Accudure. A nanoparticle is a small particle that ranges between 1 to 100 nanometres in size. Undetectable by the human eye, nanoparticles can exhibit significantly different physical and chemical properties to their larger material counterparts. Murry had worked with the professor who developed Accudure and had access to a vial of it. Murry argued that the science underlying the state's evidence that nanoparticles consistent with the lubricant Accudure were found on casings from the crime scene was not generally accepted. Was there cross-contamination or some other logical explanation for this very sketchy and complicated evidence? The jury never knew because Murry's public defender failed to call Murry's expert witness at trial, thinking they had a slam-dunk case.

Further, Murry's defense was riddled with obvious signs of ineffective assistance of counsel. So, with no murder weapon, Murry's DNA excluded on all accounts, no soil particles on his shoes, no physical evidence whatsoever, the jury convicts. Sometimes you have to wonder just what exactly it was a jury thought was beyond a reasonable doubt, or if they even knew what beyond a reasonable doubt even means!

INVESTIGATION REVEALS STUNNING DETAILS

The US~Observer's investigation into the Murry case led to a curious discovery… Murry's wife Amanda, her stepdad, Terry Canfield, and her biological father, Kelly Constable, were practically neighbors. And this could be of serious concern.

In the early days, the Constable household included Kelly, wife Lisa, daughter Amanda and twin sons Ryan and John. We know that Kelly and Lisa had issues and Lisa sought to get away from her husband.

After she separated from Kelly, she rented a home from Terry Canfield for herself and her children.

According to court documents, Lisa and Kelly separated in Apr. 2010. In a Mar. 24, 2011, declaration Terry Canfield made the following statement:

"Lisa came to me to rent my home, which I had for rent. After she moved in, I saw that she needed help and I became her advocate. Since I have become her advocate, we have become romantically involved.

In addition to being her boyfriend, I have found myself in a position of caretaker and also as her financial support because her injuries render Lisa incompetent to handle her own affairs. Technically, Lisa is supposed to be renting the home from me. Unfortunately, because of the state of her financial affairs, I have found myself on the short end of rent payments, in addition to assisting Lisa and her twin boys (age 19) with utilities, groceries, and gasoline to get the boys from the home in Chattaroy to school at Spokane Community College.

In my role as caretaker, I manage nearly all aspects of Lisa's life: from collecting her mail, to making an attempt to pay her bills. Because of Lisa's condition, she is easily upset and cannot deal with the stress of her financial affairs and also her legal affairs. I have taken a role as her advocate in her legal proceedings.

Kelly used to make $600 bi-weekly payments to Lisa to make up for some of the bills that he used to pay. Even that amount was not sufficient. There are very significant living expenses here related to Lisa and the twins that he should be responsible for paying. He recently suddenly stopped making these payments by withdrawing the money from their joint account after he had already deposited it, which makes Lisa's situation even worse than it was before."

A few weeks later, Terry Canfield would make another declaration on behalf of Lisa. He asked the court to appoint a guardian due to a neurological evaluation. Canfield reiterates in his declaration that:

"I stepped in to help Lisa after seeing that she was having serious problems organizing herself. I met with her and learned she needed a lot of help, and that she had had a series of serious brain injuries. She appears to be well dressed and seems to be able to take care of herself to the average person, however, that is misleading. She cannot organize complicated issues well and has serious memory problems, mixed with anxiety over how to solve these problems. I asked her if I could help her with her family and financial issues since she was having a terrible time with her memory and organization. She agreed and appointed me her Power of Attorney."

What is clear is that while the divorce between Lisa and Kelly Constable was in the works, Lisa and Terry became romantically involved. Lisa appointed Terry as her Power of Attorney. The court appointed Amanda Constable to assist her mother, Lisa, with the case.

In a letter dated May 26, 2011, Spokane County Superior Court Judge Greg Sypolt wrote, *"After the trial had begun it*

Continued on page 12

WANTED

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A teen wrongly charged in a shooting says police offered him fast food to get a confession

By Kim Bellware

(Washington Post) - Advocates for juvenile justice are calling for changes to the way police and schools handle arrests after the lawyer and family of an Illinois teenager said he was coerced into giving a false confession that led to him spending two days in lockup and charged with attempted murder.

The attorney for Martell Williams, 15, said Waukegan police interrogated the teen for hours without his parents or a lawyer present and tried to bribe Williams with food from McDonald's in exchange for a confession; Williams caved after police promised he could go home once he confessed.

Williams said during a Monday news conference that he didn't know why his principal pulled him from class at Waukegan High School on Friday morning, or why the two police officers waiting for him in the office immediately announced that he was under arrest.

"When they came and got me from school, I was very confused by the situation," Williams said. "I was scared. I just wanted to go home."

Kevin O'Connor, an attorney representing Williams, said that when officers coerced the teen's wrongful confession, they had not yet told him that he was suspected in a shooting.

"They tried to bribe him with McDonald's and saying, 'Look, just tell us you were there … and we'll get you home in 10 minutes,' " O'Connor said.

Williams's family knew he was not involved and soon found video evidence to prove as much: He was playing in a high school basketball game 20 miles away when the Feb. 4 shooting in Waukegan took place.

"If his sister hadn't found this evidence, he would have been convicted," O'Connor told The Washington Post on Wednesday, noting that Williams would not have had his first court date for at least a month.

O'Connor said Williams is receiving counseling, but the trauma of his arrest and detention is still fresh.

"You can see it in his eyes that he is reliving this and thinking of nightmares that, 'Oh God, I could have spent 10 to 20 years in jail,' " O'Connor said.

Williams's family isn't alone in being alarmed by his arrest and wrongful charges; advocates in juvenile justice and wrongful convictions say stories like Williams's still happen despite a recent Illinois law that was meant to prevent them.

In January, Illinois became the first state in the country to bar police from lying to minors during interrogations — including using tactics such as false promises of leniency if the accused person cooperates.

"The Waukegan Police Department, and Lake County Major Crimes Task Force, with whom they work closely, has a sordid past and an outrageous history of obtaining false confessions and standing by wrongful confessions," said Lauren Kaeseberg, legal director of the Illinois Innocence Project.

Kaeseberg cited wrongful convictions from Waukegan, including those of Angel Gonzalez, who was interrogated by Waukegan police in 1994, wrongfully convicted of rape and imprisoned for 20 years; and of Juan Rivera, who also spent two decades in prison before DNA evidence cleared him of wrongful convictions for rape and murder.

O'Connor, Williams's attorney, said another "big failure" rests with Waukegan High School for pulling the teen from class in front of his teachers and his peers, and for letting police take him into custody before his parents could be reached.

Neither the Waukegan Police Department nor officials at the school responded to requests for comment Wednesday.

Waukegan interim police chief Keith Zupec confirmed in a statement Monday that the city was reviewing the case and that Williams is not a suspect.

A spokesperson for Lake County State's Attorney Eric Rinehart (D) said the office dropped charges of aggravated battery and attempted murder against Williams and expunged his record once it was alerted to his alibi. Rinehart asked to meet personally with the family on Wednesday afternoon.

The prosecutor's office is reviewing video of Williams's interrogation as part of an investigation of his arrest, said spokesperson Steve Spagnolo.

"Obviously, there's concern of how this 15-year-old came to a confession and how there was a decision made by police that Mr. Williams was a suspect," Spagnolo told The Post.

If Waukegan police are found to have violated the law against deceiving juveniles during interrogation, Spagnolo said, the matter would be considered an "administrative disciplinary issue" rather than a criminal offense.

Williams's ordeal occurred 12 days after a 19-year-old clerk at a Waukegan Dollar General was shot in the face and survived. Police came to Williams's high school on Feb. 16 and said people had identified him as being at the store during the incident; Williams said police mentioned an incident but never disclosed that it was a shooting.

O'Connor said police told the teen that " 'We know you were there' " and that Williams should " 'Just make it easier on yourself, we know it was self-defense, we know the other guy was the aggressor.' "

An officer at one point brought fast food for the teen, who had not eaten in hours. O'Connor said that Williams did not have an independent juvenile advocate with him — "No one to tell him, 'They have to feed you no matter what' " — and that such a tactic is bribery when it targets minors.

"Even though handing him the McDonald's doesn't at first seem to be a bribe, in a kid's mind, [police] are holding you, and if you don't answer their questions, they're not feeding you again," he said. " 'If you don't tell us what we want to hear, you're not going to eat again, and by taking the food, you now have to confess' — that's how Martell interpreted it."

He said Williams never ate the food, but ultimately confessed when police said doing so would mean he could go home. Instead, he learned for the first time that he was facing serious charges.

Once in juvenile detention, Williams's bewildered family scoured the Internet for video evidence that would show that he had been playing in a basketball game in Lincolnshire, Ill., about 15 miles away.

O'Connor lamented that by arresting Williams, police were not pursuing the actual shooter, who had not been identified by Wednesday.

O'Connor said the family will file a lawsuit if they don't get immediate assurances of change from the school or police.

"I don't want to have to file a civil suit. I want the school board, and police department to make changes immediately and have the DA hold their feet to the fire," O'Connor said. "The civil system doesn't fix this; this kid is suffering now." ★★★

Continued from page 11 • Found Guilty of Murder in Spite of Reasonable Doubt

was determined appointment of a guardian for petitioner was appropriate and necessary. The trial was recessed with the understanding that counsel would be submitting a petition for appointment of a guardian immediately."

Court records show that the Constable divorce decree was finally issued on June 7, 2012, nearly two years after the proceeding began. Constable was ordered to pay Lisa $1,600 for spousal maintenance. He subsequently filed a Motion for Reconsideration stating that he lost his employment. Judge Sypolt denied this motion. By mid-Sept. 2012, Constable was in contempt for failing to comply with the Decree of Dissolution filed the previous June. A judgment was entered in the amount of $5,650.00 plus interest for delinquent maintenance for the period from May 15, 2012, through September 15, 2012.

Lisa Canfield wrote in an October 2012 declaration, *"From the date of the dissolution Kelly [Constable] has made it very clear that he would never pay me maintenance, in spite of my health issues. I have a head injury that keeps me from working and must rely on others to help me. This, along with the length of our marriage was the primary reasons why Judge Sypolt ordered maintenance.* ***When the maintenance was ordered I could see that that order devastated Kelly, he hung his head and could not speak or look up for several minutes. It looked like he just received a life sentence in a criminal case.*** *Since that time, he has tried to manipulate the orders, change the property, and simply avoid any semblance of responsibility toward me, simply referring to his loss of job as the solution or situation that gave him a reason not to pay maintenance."*

Lisa married Terry Canfield on October 29, 2012. Now as Lisa Canfield, she continued the court action over spousal support against Kelly Constable. In July 2013, Spokane County Commissioner Anthony Rugel ordered spousal support be terminated due to Lisa Canfield remarrying. The Commissioner also entered a judgement against Constable of $1,493 for back maintenance.

There was no further action in this case until Nov. 20, 2014, when Lisa Canfield's attorney, Gary Stenzel, filed a motion which requested Kelly Constable produce the previous three years of financial statements including tax returns, paycheck stubs, certificate of title on all vehicles and more. It was discovered that there was still property in existence from the dissolution decree.

On December 4, 2014, Spokane County Commissioner Wendy Colton signed an order which restrained Kelly Constable from *"selling, encumbering, hiding or disposing of any personal property he received in the decree."* Colton further found that, *"During supplemental proceedings property was discovered that was still in existence from the dissolution decree."*

Seemingly, in order to put a stop to Lisa's continued court wins and to get out of paying Lisa, on Dec. 16, 2014, Kelly Constable filed for bankruptcy in the United States Bankruptcy Court, Western District of Washington at Tacoma. Constable disclosed assets totaling approximately $240K and liabilities just shy of $417K. The Constable residence at 516 E Chattaroy Road in Colbert, WA, the house where Lisa and Kelly had raised Amanda, John and Ryan, was reported abandoned and in foreclosure.

Kelly Constable clearly had a confrontational relationship with his ex-wife Lisa Canfield.

According to court documents, just five months later, bullets were removed from Lisa Canfield's upper body and **up to twelve** shots were determined to have been fired at her; she had cuts on the underside of her arm, injuries to her hand and DNA under her fingernails, consistent with self-defense. Her legs were badly burnt. John Constable had four bullets in his upper body. Bullets and bullet fragments were also removed from Terry Canfield.

Should Detective Keyser have looked past Roy Murry to Kelly Constable, or perhaps someone associated with Constable, as a suspect? Given their past history, their close living proximity, and the concentrated egregious nature of Lisa's wounds, it stands to reason that connection should have been investigated, especially in light of the lack of evidence pointing at Murry.

SPECIAL RESPONSIBILITIES OF A PROSECUTOR

The Washington State Bar Association (WSBA) Rules for Professional Conduct (RPC) Rule 3.8 assigns special responsibilities to prosecutors. A prosecutor has the responsibility of a minister of justice and not simply that of an advocate. This responsibility carries with it specific obligations to see that the defendant is accorded procedural justice and that **guilt is decided upon the basis of sufficient evidence**. RPC 3.8(g) states:

"When a prosecutor knows of new, credible, and material evidence creating a reasonable likelihood that a convicted defendant is innocent of the offense of which the defendant was convicted, the prosecutor shall:

1. promptly disclose that evidence to an appropriate court or authority, and

2. if the conviction was obtained in the prosecutor's jurisdiction,

a) promptly disclose that evidence to the defendant unless a court authorizes delay, and

b) make reasonable efforts to inquire into the matter, or make reasonable efforts to cause the appropriate law enforcement agency to undertake an investigation into the matter."

Let this sink in… Remember, Lisa Canfield had DNA under her fingernails. **It was <u>not</u> Murry's DNA.** How could Murry be the perpetrator then? At the very least, it shows someone else was the contributor to that DNA, and that someone is out there right now. Why isn't anyone other than the US~Observer looking for this person? Does getting a conviction suddenly invalidate the hard evidence? Do DA's get to just sit back with a clear conscience when there is more than enough evidence to suggest others were involved or that someone other than Murry committed the murders? No, we won't let them.

Roy Murry was vilified by his estranged wife's ire. He was let down by the justice system and Detective Kirk Keyser's inability to adequately investigate a murder case. Prosecutor Larry Haskell's drive to get a conviction, be damned the evidence supporting Roy Murry's innocence, led to a jury turning a blind eye to reasonable doubt. Those facts could mean the real murderer may still be at large. That alone should make a reevaluation of Roy Murry's conviction a top priority.

Editor's Note: If you have any information regarding the deaths of Terry Canfield, Lisa Canfield, and John Constable, please call the US~Observer immediately – 541-474-7885. Be responsible and realize that an innocent man could be sitting in a prison cell day after day. Someone knows the truth and they have an absolute obligation to come forward and clear their conscience. Whoever left their DNA under Lisa Canfield's fingernails is still at large and they obviously were involved in the attack and subsequent murders. Reasonable doubt? Absolutely! ★★★

Articles and Opinions

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The goal of *US~Observer* is to ensure "due process" and "equal protection under the law."

Citizens who have founded and support it believe in the Bill of Rights and Article 1, Section 1, of the Oregon Constitution which states:

"We declare that all men, when they form a social compact are equal in right; that all power is inherent in the people, and all free governments are founded on their authority and instituted for their peace, safety, and happiness and they have at all times a right to alter, reform, or abolish the government in such a manner they think proper. This enumeration of rights and privileges shall not be construed to impair or deny others retained by the people."

Get involved & send YOUR comments or concerns to the Editor

A Silent Epidemic: Parental Alienation in a Child

By Alan D. Blotcky, PhD

(Psychiatric Times) - Based on current research, over 22 million adults have been targets of parental alienation in the United States. An estimated 10 million adults have experienced what they perceive to be severe alienation from their children.1 Even so, the clinical problem of parental alienation has been underreported and underappreciated in the public at large. It is a silent epidemic that must be acknowledged.

Parental alienation is a pathological phenomenon in which a child is convinced by one parent that his or her other parent is unworthy and dangerous and should be rejected.2 The child is convinced through a variety of tactics and maneuvers by the alienating/offending parent. If these maneuvers are successful, the child develops the mental condition of parental alienation. This alienation can be mild, moderate, or severe in intensity.3 In severe cases, the relationship with the rejected/targeted parent is completely severed due to the child's mental condition. Even in mild and moderate alienation, there is damaging disruption in the parent-child relationship.

The rejection of a parent due to parental alienation is a devastating and tragic event for the child. Research clearly shows that children need both of their parents to be actively involved in their lives. The rejection of a parent is associated with many long-term, negative consequences for the child. Depression, anxiety, poor self-esteem, lack of trust in relationships, and self-defeating behavior are just some of the deleterious consequences.

Causing parental alienation in a child is on par with physical and sexual abuse. It is considered child psychological abuse and is subsumed in DSM-5 (V995.51).4 Parental alienation is real, definable, and toxic. In severe cases, it is so malignant that it can undermine a child's psychological development. It is not hyperbole to say it can be catastrophic.

A case of parental alienation needs to be investigated rigorously by the state's protection agency, similar to what is done in cases of suspected physical or sexual abuse. To do otherwise is to miss the central point—that causing parental alienation is as toxic and damaging as these other forms of abuse.

Cases of parental alienation must be taken seriously by all professionals involved with the family. For example, attorneys are in a unique position to make a major difference in diagnosis and treatment.5

Attorneys for alienating parents must forcefully communicate to their clients that their alienating behavior is toxic and must stop immediately. Zealous representation of a client is not applicable in these alienation cases. In fact, confrontation of the alienating parent must be a top priority for the attorney, no matter how difficult or uncomfortable it may be. Short of that, attorneys will be condoning and enabling the alienation of the child.

Attorneys for alienated children—guardians ad litem—must take active steps to make sure the alienating parents stop their behavior while also assuring that the children get therapy to reverse their alienation.

Attorneys for the rejected or targeted parents must assure that reunification therapy is pursued with diligence and positive expectation so that the child's alienation is corrected as quickly as possible.

In cases of physical and sexual abuse, the child is removed from the offending parent. That decision is not controversial. Similarly, a child who totally rejects the targeted parent due to parental alienation must be removed from the offending parent, at least temporarily. The removal of a child has been shown to be warranted and effective. In other words, removal of the child is the best option available.

Other professionals involved in a case of parental alienation—such as mediators, counselors, pediatricians, family physicians, teachers, social workers, and others—must play an attentive and corrective role in the process. Allowing alienation to continue unchecked is highly destructive to the child.

One final note: Mild parental alienation is much easier to correct than moderate or severe alienation. This principle must be kept in mind by all professionals who have contact with the child and the parents.

Parental alienation is a psychiatric emergency and interventions should be put in place as quickly as possible because it is as toxic and pernicious as physical and sexual abuse.

Dr Blotcky is a clinical and forensic psychologist in private practice in Birmingham, Alabama. He can be reached at alanblotcky@att.net. Dr Bernet is professor emeritus in the department of psychiatry at Vanderbilt University School of Medicine in Nashville, Tennessee. ★★★

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Continued from page 1 • "Gay" Texas Ranch Hand Rustles Estate?

Randy Coleman's ranch

mental illness, depression, and loneliness.

Kyle Lee Rector of Electra, Texas was hired as a ranch hand to help Randy on his property. According to US~Observer sources, Rector has had prior felony drug charges, run-ins with the law, as well as warrants for his arrest. Rector reportedly portrays to the public that he is a family man. We are informed he was married to Victoria Shea Rector for several years, and he is currently married to Bernedette Jean Rector of Electra, Texas. According to sources, between both women, Rector has eight children. We attempted to reach Rector's wife and ex-wife without success.

Kyle Rector and wife, Bernedette

According to family members of Randy, Rector told Randy he was in love with him. Further, Randy has stated they are in love and their relationship is both romantic and sexual. Witnesses state, "Rector not only has a sexual relationship with Randy, but he has done anything and everything possible to become the beneficiary of Coleman's twenty-nine-year family estate and take over his last wishes". We have been informed that Rector has become Executor of Coleman's estate, as well as Beneficiary. Needless to say, Randy's family is completely infuriated.

Does Rector's wife Bernedette and his family know that he is accused of telling Randy he is in love with him, and that their relationship is more than just an employee and a boss? Is Bernedette an accessory to this alleged abuse? Why would Rector allegedly pretend he is a homosexual who is in love with Randy? Randy recently informed a family member Rector told him he was not married. Not one family member has ever met Rector and they did not know his last name until July of 2021.

Randy Coleman

Family members are left with the belief that Rector is lying about his intentions. They cannot understand why a married man, who is forty-one years younger than Randy, would allegedly proclaim he is in love with him and wants a relationship with him, especially considering Rector is already married. Randy's ailments leave him vulnerable and multiple family members believe Rector is taking advantage of him. Randy has reportedly given Rector a vehicle, paid for his EMT schooling, and even covered treatment of an illness suffered by a Rector family member. Rector and his wife have refused repeated US~Observer attempts to contact them.

This alleged elder and financial abuse along with sexual exploitation by Kyle Rector was reported on November 19, 2021, to the Texas Department of Protected Services. The lead case worker heading the Adult Protective Services (APS) investigation is Kimberly Davis. We spoke with Ms. Davis, she refused to comment on the case stating it was under investigation. As we go to press, we are informed that Ms. Davis has dropped her investigation without taking any action – this is par for the course with APS.

Editor's Note: The family can only hope their belief about Rector's alleged lies and deceit with Randy will be taken seriously by Texas APS. Our investigation into this elder abuse is ongoing, and we have every intention of holding Ms. Davis and the department she works for accountable, publicly. Please contact the US~Observer at 541-474-7885 with any information you have on Kyle Lee Rector. ★★★

Continued from page 1 • Reward for Stolen Southern Oregon Property

criminals forcibly entered his property and stole his belongings.

His long-time friend, fellow patriot and US~Observer contributor, Curt Chancler brusquely quipped, *"you have to ask yourself what kind of low-life waste of skin would go on an old man's property, cut the locks and steal the 2006 Nomad camp trailer Larry used to live in while mining the gun range for lead."*

Curt Chancler

According to reports, the thieves also stole two all steel tandem axle black dump trailers. One is a 2015 SRTC and the other is a 2020 PJTM. *(The identification numbers of the stolen trailers is located at the end of this article.)*

Chancler continued to bemoan, *"These thieving RATS stole from a disabled senior that never asks anyone for help but is always willing to help anyone that asks for his help."*

Chancler feels for his friend's plight and with years spent working to expose corruption, help the falsely accused, and confront the bad apples he couldn't keep from lamenting on the current state of the justice system and pleading to the people for his friend:

"It would appear from reading the paper that the thieving low-life Meth monsters of Jackson County have become more brazen in their bad behavior, and law enforcement has become absent without leave.

Even worse our DAs seems to be afraid to put these scum bags on trial for fear they will get a conviction. Because of the cost of a trial and that of incarceration, it is simply less expensive to let these guys go with lesser punishments; to offer no confinement plea deals. In fact, you could look at it as a net positive to their bottom line. And this is the problem, most deputy DAs that I have encountered want to be the elected District Attorney someday. To do so they must compile an impressive record of wins. This often happens by violating their Constitutional oath of office, a crime by the way. Inevitably they end up hiding exculpatory evidence that would prove an innocent citizen was not guilty, all just to increase their conviction rate.

Meanwhile our police are still using a form of brain washing called the Reid Technique in order to get confessions. Look it up on the internet - it alone shows how corrupt the system can be. As I recall, the inventor of the Reid Technique, Dr. John Reid claimed in the 1950's, when used properly law enforcement can expect up to a 60 percent conviction rate boost. Interestingly, and maybe not so surprisingly, false confessions stand as one of the main issues in exonerated cases - people proven to be innocent after they were convicted, sometimes years later, are found to have succumbed to the Reid Technique.

Let's not forget one of the most important links in the chain of injustice, our judges. Our judges can be the problem or the answer to the problem, it all depends on the judge.

I will readily admit that I have no faith our law enforcement will find Larry's trailers and recover them unharmed. However, I believe wholeheartedly that the eyes and ears of our army of like-minded Americans can find the trailers and the low-life scum bags that stole them from a good man like Larry Stockman."

One of Stockman's stolen trailers

Chancler is correct in his presumption. The odds that law enforcement find and return the trailers in working order, if at all, are staggeringly small.

Let's help our neighbor and ensure his property is found and those responsible are punished.

Larry Stockman has offered a reward for the return of his property.

Camp trailer:
2006 Nomad - Plate# 082173436
VID# 1SE200M296D000657

Tandem axel black dump trailers:
2015 SRTC - Plate# U478760
ION# SPTBD142SF1022456
2020 PJTM - V# 4PSDL1623L1328606 ★★★

'Junk' Forensic Science Lands Thousands of Innocents in Prison

By TCR Staff

(The Crime Report) - So-called "expert witnesses," forensic dentists, ballistics experts, FBI laboratory agents, lie detector examiners, blood stain investigators, are putting innocent people behind bars by utilizing and relying upon "junk science" that has no empirical basis and is simply subjective speculation masquerading as science, reports The Guardian.

Popularized in the 1960s and 1970s, junk science turned the scientific method on its head, say experts. Instead of testing out hypotheses empirically, self-described forensic specialistsc start with a desired solution of establishing guilt and then work back to the science that would support it. Techniques including hair microscopy, voice spectrometry, "toolmark analysis", comparative bullet lead analysis, and "forensic odontology" (bite mark evidence) have faced increasing skepticism from scientists–but they have led to thousands of convictions across the U.S.

Developers of bite-mark evidence lent validity to their technique by going so far as to forming an "odontology section" within the American Academy of Forensic Sciences, and even created their own organization, the American Board of Forensic Odontology (ABFO). However, like many of the other questionable forensic techniques, bite mark analysis is subjective, with a 2009 study finding that skin could not accurately record the impressions left by teeth.

A 2015 study found that out of 100 cases that used the technique analysts reached unanimous agreement in only four. The dawning realization that junk science might have put a vast mountain of innocent people behind bars has prompted the Innocence Project to widen the net of cases that it takes on to include those where no DNA evidence is available.

Today, the tally of people who have been exonerated after wrongful indictment or conviction involving bitemark analysis stands at 35.

"There are 2.3 million people incarcerated in this country," said Chris Fabricant, director of strategic litigation at the Innocence Project. "Even if the wrongful conviction rate were 1 percent , and that's conservative, you are looking at tens of thousands of people." ★

Scientists close in on heart attack cure with groundbreaking technology

By Lauren Davidson

(Daily Star) - Scientists from King's College London are regenerating damaged hearts using the same technology as Covid-19 vaccines in a bid to develop a cure for heart attacks - and human trials are due to start within two years.

The research has identified genetic codes which produce proteins that stimulate the creation of healthy heart cells, and these can be delivered to the heart muscle after a heart attack using the same technology as the Moderna and Pfizer vaccines.

The scientists have also identified proteins which could be injected into heart attack patients by paramedics to stop heart cells dying, the Times reports.

Approximately 100,000 people are admitted to hospitals in the UK after suffering a heart attack every year.

As the heart has no ability to repair itself, heart attack victims are often left with a scar that can lead to heart failure - but the new therapy could potentially transform cardiovascular medicine and prevent heart failure in victims.

Professor Mauro Giacca, who is leading the research, said: "We are all born with a set number of muscle cells in our heart, and they are exactly the same ones we will die with.

"The heart has no capacity to repair itself after a heart attack. Regenerating a damaged human heart has been a dream until a few years ago, but can now become a reality.

"We are using exactly the same technology as the Pfizer and Moderna vaccines to inject micro RNAs to the heart, reaching surviving heart cells and pushing their proliferation.

"The new cells would replace the dead ones and instead of forming a scar, the patient has new muscle tissue.

"We have identified three proteins which stop heart cells from dying by encouraging them to repair themselves.

"The idea is to produce these proteins so they can be injected immediately after a heart attack in the back of an ambulance or when the patient reaches the hospital.

"If clinical trials go well it would be blockbuster medicine. The treatment revolution that has occured in cancer in recent years, where there is immunotherapy and targeted biological therapies, has not occurred for the heart. Treatment for heart attacks and heart failure remains very similar to 50 years ago."

Professor Sir Nilesh Samani, of the British Heart Foundation, said: "The money raised by the 2022 TCS London Marathon will enable Professor Giacca and his team to push the boundaries of science by finding ways to teach the heart to repair itself. Unlocking these secrets could help heal hearts." ★★★

Love, Fear, and the Law of Good Intentions

By Aleksander Rammos

(Mises.org) - Max Weber, citing Leon Trotsky at Brest-Litovsk, bluntly stated that *"every state is founded on violence."* The imaginative theories that have been at times employed to justify the state violence do not fall under the scope of this article. What is analyzed here is the orderly way in which the state elites have jointly prepared the ground to dominate individuals in the fourth technological revolution.

LAW AND WAR

Pursuant to the standard definition of German sociologist Max Weber in "Politics as a Vocation" (1918), the state is "a human community that (successfully) claims the monopoly of the legitimate use of physical force within a given territory." In other words, a state is nothing more than a narrow group of people (i.e., the government) who manage to exert violence on larger groups (i.e., the subjects) in a certain place (i.e., the territory).

When state violence is directed against common individuals, it is called law, while when it is directed against other officials, it is called war or a coup / civil war. A self-destructive war among state officials provides an opening for the liberation of the common people, as Mao Zedong noted during the Cultural Revolution: "The world is in great chaos; the situation is excellent". If only chairman Mao and his peers did not use commoners as disposable weapons in their fights! To the contrary, the sacrifice of people in the interests of the state elites is not easily justifiable and risks awakening the subjects.

For this reason, following the shocking aftermath of World War II, governments resorted to the legal shelter of international law, under the motto of international peace, to maintain their privileges.

WAR AND PEACE

In light of the atrocities committed by state officials during World War II, it was obvious that legal positivism and the social contract theories could not easily survive in the new era. The most awkward period for the victorious state officials was the Nuremberg trials. On one hand, the plaintiffs themselves had committed the same crimes; on the other hand, the prosecuting agents found it difficult to support the charges, simply because the Nazis had abided by the Nazi laws and the Nazi laws were perfectly legal pursuant to the statist maximum of legal positivism.

Facing such an embarrassing situation, state officials put forward a then neglected apparatus—international law. They enforced a corpus of internationally applied laws promising peace, or at least to avoid unproductive fights between them, in exchange for immunity and authority. The international law was not truly intended to relieve the subjects. The common people remained subjects of sovereign officers instead of being recognized as sovereign subjects of a universal law. The case law of the intergovernmental courts of human rights, wherever established, merely proved that the governors did not seriously mean to submit their powers to any law.

Although it is true that for a half century international law offered relief to the common people, this happened only to the extent that bureaucrats reduced their scuffles. With more peace, the people were subjected only to the violence of their officials without suffering from wars among regimes. However, at the end of the twentieth century, the state officials' poor capacity to bind themselves to any peaceful principle led them to more wars exposing anew their true violent nature.

Thus, it became evident that governments needed a new narrative in order to maintain their status. For this reason, they called on love.

LOVE AND FEAR

At the dawn of the twenty-first century, the significance of a shared national territory faded due to technological progress. In this context, national territory started being conceived as a fluid space formed by a combination of substantial areas and insubstantial "metaverses" and that could not easily be monitored. To the contrary, what remained tangible and, thus more subject to regulation, were the individuals, who could simultaneously interact in several territories.

In this context, Western state officials ended up with a group of subjects acting in multiple spaces, the metaverses included, where individuals could escape state violence and assume full self-ownership and sovereignty. In the West, an abrupt return to the traditional territorial state would have sounded like an arbitrary request to use horses instead of cars. Thus, Western officers needed a justification for their violent interception of individuals' progression toward full self-ownership.

To this end, the state elites substituted love for peace, resorting to the most vague and authoritarian law, the good intentions law—an emergency law that allows constant governmental interference with human liberty out of fear of harm, provided that everything is well intended.

FROM NONAGGRESSION TO GOOD INTENTIONS

The rising universal emergency law of good intentions is distinguished by the following characteristics:

Universal as opposed to international. The old international law had been designed for tangible spaces, while the state elites now needed a law which could apply universally. Indeed, the new law can regulate certain individuals in uncertain "verses;" e.g., offline, online, metaverse, universe, multiverse, alterverse, megaverse, etc.

A permanent state of emergency. In the increasingly interconnected digital environments, governments present every issue as an urgent situation that needs to be immediately regulated. On this occasion, the state officials show up to regulate subjects' behavior by leaps and bounds, out of an alleged fear of an imminent collective hazard.

Law as violence. Violence is the foundation of the state officials' authoritarian privilege; under the new law, the state has an upgraded authority to arbitrarily regulate the body, the mind, and the morals of the subjects.

Good intentions as opposed to nonaggression. The passive nonaggression principle is not only rejected, but it rather qualifies as immoral. Pursuant to the active good intentions principle, state officials have declared themselves restless fighters for an abstract Western collective virtue. For this reason, they are allowed to constantly interfere with every aspect of life while inviting the subjects to cooperate (i.e., to passively obey). Possible bad consequences are excused due to officers' good intentions. If some subjects dissent, they obviously do not share the progressive social and moral values and must be ostracized (canceled, in the digital slang) or otherwise sanctioned.

CONCLUSION

In the West, the political ideologies of the last two centuries have long been replaced by a collective raving love and fear delirium orchestrated by the privileged bureaucrats. In the center of it, there is a muddle of regulations regarding identity issues, climate change, energy efficiency, health and social threats, safeguard of democracy, etc. The subjects must follow all legislation religiously, not for its doubtful results (external) but to prove their moral alignment (internal) with the state in its fight against a vague emergency. The emergency, as if it were religious dogma, cannot be questioned by any commoner, while the political elites, as if they were clergy, are allowed to be authoritarian as long as they have good intentions.

★★★

Consumer Financial Protection Gone Awry

By Star Parker

(Townhall) - Can a government bureaucrat really determine why a banker did or did not make a loan, and should the heavy hand of government be involved here?

Can it be the same thing when government intervenes in how financial institutions do their business as when government intervenes regarding who sits at a lunch counter?

We can learn something about this from the financial crisis of 2008.

According to the work of American Enterprise Institute's Peter Wallison, the crisis was not the result of insufficient regulation of business but of government excess.

It all started, according to Wallison, with government mandated Affordable Housing Goals in 1992. These mandated that the two giant government-backed mortgage companies -- Fannie Mae and Freddie Mac -- set a quota of 30% of all mortgages they acquired from mortgage originators to be targeted to low- and moderate-income borrowers.

By 2008, this was up to 56%.

In order to meet these quotas, lending practices were dramatically relaxed. Down payment requirements dropped from 10% to 3%; credit score requirements were relaxed, as were debt-to-income requirements for borrowers.

By 2008, according to Wallison, just before everything collapsed, "More than a majority of all mortgages in the U.S. financial system was sub-prime, required low or no down payment, or were otherwise risky."

With the collapse of lending standards, housing demand and prices went through the roof, and then the bubble exploded.

Who suffered the most in the ensuing recession? Per Pew Research, "Blacks and Hispanics have borne a disproportionate share of both job losses and housing foreclosures." The low-income Americans government most wanted to help were those who were hurt the most.

Rohit Chopra

Today, Democrats are back at it.

CFPB Director Rohit Chopra is gearing up to use his almost unilateral power to show he knows better than business and the marketplace what is good for consumers.

Surely, once again, those who will suffer the most will be our struggling low-income citizens.

★★★

Continued from page 8 • Wikipedia Bias

I wrote Wikipedia founder Wales to say that if his creation now uses only progressive sources, I would no longer donate.

He replied, "I totally respect the decision not to give us more money. I'm such a fan and have great respect for you and your work." But then he said it is "just 100% false … that 'only globalist, progressive mainstream sources' are permitted."

He gave examples of left-wing media that Wikipedia rejects, like Raw Story and Occupy Democrats.

I'm glad he rejects them. Those sites are childishly far-left.

I then wrote again to ask why "there's not a single right-leaning media outlet Wiki labels 'reliable' about politics, (but) Vox, Slate, The Nation, Mother Jones, CNN, MSNBC" get approval.

Wales then stopped responding to my emails.

Unless Wikipedia's bias is fixed, I'll be skeptical reading anything on the site. ★★★

FBI Conducted Millions of Warrantless Searches of Americans' Data in 2021

By Arjun Singh

(National Review) - The FBI conducted as many as 3.4 million searches of data in the U.S. without a warrant over the year 2021, according to a new government report.

The Annual Statistical Transparency Report, was published by the Office of the Director of National Intelligence on Thursday and focuses on the intelligence community's use of national security authorities for surveillance under U.S. law.

The information was previously gathered by the National Security Agency, the U.S. military's signals intelligence agency, but was transferred to the civilian-led FBI per the U.S.A. FREEDOM Act, passed in 2015.

The figure represented a 260 percent increase from the previous coverage year, 2020, where the FBI had conducted around 1.3 million searches.

According to analysis by the Wall Street Journal, more than half the data searches – 1.9 million – pertained to the FBI's investigations of attempts by Russian hackers to infiltrate and sabotage critical U.S. infrastructure. This included the investigation of the cyberattack on the Colonial Pipeline, a 5,500-mile pipeline from Texas to New York, which was shut down by Russian hacking group "DarkSide" in exchange for ransom in May of 2021.

The shutdown briefly prompted emergency fuel rationing measures by the Department of Energy across the northeastern United States.

Though a version of the same report has been published every year since 2014, this marks the first time that an accounting of the number of data acquisitions by the FBI has been undertaken. At a press briefing in Washington on Friday, an FBI official admitted that "3.4 million is certainly a large number. I'm not going to pretend that it isn't."

However, other officials have admitted that the data pertaining to U.S. citizens is likely lower than this figure, which also covers all data originating in the U.S. searched by the FBI under law.

The report did not suggest that any of the searches – including those pertaining to U.S. citizens – was illegal. Authority for the FBI's activity was cited as drawing from Section 702 of the Foreign Intelligence Surveillance Act. That law, passed in 1978 during the Cold War, authorizes collection of private data by "non-U.S. persons," though their communications with U.S. citizens and lawful permanent residents may be accessed, as well.

Section 702 has come under withering criticism from privacy advocates, who claim it allows the federal government to spy on Americans with little oversight and due process.

Former president Donald Trump, who last signed a bill reauthorizing the law in 2018, had openly questioned its use to allegedly spy on his presidential campaign, which are part of the focus of Special Counsel John Durham's ongoing investigation. That year, the Foreign Intelligence Surveillance Court – created by the 1978 Act to authorize warrants – had rebuked the FBI for its handling of information gathered under the statute.

Section 702's congressional authorization expires on December 31, 2023, and experts anticipate a political fight for its reauthorization

★★★

The Disappearance of Trial by Jury

By Clark Neily

(The Ripon Society) - Did you know there's only one right that is mentioned both in the body of the unamended Constitution and the Bill of Rights? And not only does the Bill of Rights spend more words on this subject than any other, it was also one of the few things the Federalists and Anti-Federalists agreed upon as being indispensable to American government. It's the right to a criminal jury trial, and it has been almost completely purged from our system by the ad hoc, extra-constitutional, and often extraordinarily coercive practice we call "plea bargaining."

Unknown at the Founding and nowhere mentioned in the text of the Constitution, plea bargaining began creeping into our criminal justice system in the late nineteenth century and received a boost when the Supreme Court upheld it in a 1970 case called Brady v. United States and insulated it from any meaningful judicial scrutiny. It has since expanded to the point where Justice Kennedy observed in a 2012 case that plea bargaining "is not some adjunct to the criminal justice system; it is the criminal justice system."

According to the U.S. Sentencing Commission's 2021 Sourcebook, 98.3 percent of federal criminal convictions came from guilty pleas, and only two percent of cases went to trial.

The data bear this out. According to the U.S. Sentencing Commission's 2021 Sourcebook, 98.3 percent of federal criminal convictions came from guilty pleas, and only two percent of cases went to trial. Figures from the states are less precise, but similar. What this means is that, contrary to the Founders' decision to put citizen participation at the very heart of the administration of criminal justice, ordinary people have almost no personal involvement in deciding who gets charged, convicted, and incarcerated in America; instead, those decisions are made by prosecutors with a strong incentive to maximize efficiency and convictions rates. The resulting system of plea-driven mass adjudication is profoundly pathological and fundamentally illiberal.

The most significant problem with a plea-based system is the use of coercion to obtain guilty pleas. Judges and prosecutors assure us that inducements to plead guilty never cross the line from permissibly motivating to palpably coercive, but the evidence is clearly to the contrary. Thus, of the three thousand people on the National Registry of Exonerations, more than 15 percent falsely pleaded guilty to crimes they did not commit—a figure that surely represents just the tip of the iceberg given how resistant the system is to post-convictions claims of innocence. As Federal District Judge Jed Rakoff documents in chilling detail, there is every reason to believe innocent people in our system regularly plead guilty to crimes they did not commit.

The most significant problem with a plea-based system is the use of coercion to obtain guilty pleas.

The second problem with plea bargaining is that it favors quantity over quality. This is reflected in the current record-low rates of arrest for serious crimes such as murder, rape, and robbery. Indeed, the arrest (or "clearance") rate for homicide today is less than 50 percent, while fewer than 30 percent of rapes and robberies are ever solved. When prosecutors know that most of their cases will result in guilty pleas they can afford to pursue marginal transgressions that would not merit the expense and inconvenience of a full-blown jury trial. America is by far the world's leading jailer, with an incarceration rate five or six times that of other liberal democracies such as Canada, Australia, and England. A question that should haunt all of us is whether we would pursue that many convictions if we had to pay the full constitutional cost—including a jury trial—for every one of them. The oft-heard refrain that "the system would grind to a halt" without plea bargaining strongly suggests that the answer is no.

Finally, the practice of inducing people to condemn themselves is an inherently squalid business that has been embraced and abused by the worst regimes throughout history. This is manifested in various plea-bargaining practices, including the notorious "trial penalty," which is the differential between the sentence offered to the defendant if he pleads guilty versus the sentence he is threatened with if he goes to trial and loses—a differential that routinely exceeds three hundred percent in our system and that the Supreme Court has effectively held can be limitless. Incredibly, courts have also approved the practice of threatening to indict (or refrain from indicting) a defendant's family members just to exert plea leverage. Short of physical torture, a more coercive tactic is difficult to imagine.

The Founders were no strangers to tyranny, and they would recognize it instantly in a system that depends on people to confess their guilt instead of proving it beyond a reasonable doubt to the satisfaction of a unanimous jury. Citizen participation is indispensable to the administration of criminal justice. The Framers knew this, and they wrote it into the Constitution with unmistakable clarity. Or so they might have thought.

★★★

The US~Observer's services have defeated over 5,000 false charges to-date.

Are You Facing False Criminal Charges?

Have You Been a Victim of False Prosecution?

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

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

You then rush to an attorney, pay him a huge retainer to cover the usual $200.00 per hour (if not higher), which he/she charges, to supposedly defend your innocence. The attorney usually files some motions, writes some worthless letters and makes many unproductive (unless they pertain to you accepting a plea bargain) phone calls until you are broke. Generally, you haven't even started your trial and 99% of the time the attorney hasn't completed any investigation.

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

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

There is only one way to remedy a false prosecution: Obtain conclusive evidence by investigating the accusers, the prosecutors – everyone involved with your case. In other words, complete an in-depth investigation before you are prosecuted and make the facts public, forcing a just outcome.

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

Faces of the US~Observer's VINDICATED

Shawn Yoakum
Employment Discrimination

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

Status: Compensated

Bryan Tucker
Sex Abuse

"I would have taken the plea deal for crimes I didn't commit if it wasn't for you. Thank you. I was acquitted because of you."

Status: Acquitted

Dean Muchow
Government Abuse

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

Status: Cleared

Jessica Morton
Sex Abuse

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

Status: Dismissed

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

Status: Dismissed

Ella Lee
Assault & Resisting Arrest

"...no amount of reading can convey the heart, the sincerity and dedication of care you receive from these guys. Through their hard work, I got my dismissal papers today... So sweet it is."

Status: Dismissed

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