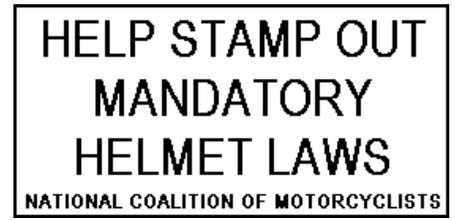


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Brothers Behind Bars Newsletter...

April 2013 – Issue 1...



NCOM – National Coalition Of Motorcyclists / AIM - Aid for Injured Motorcyclists

AIM / NCOM - Free Legal And Legislative Consultation

Free All Brothers Behind Bars...

Editor: Mike SOS MC Retired...

The only difference between a tax man & a taxidermist is that the taxidermist leaves the skin. - Mark Twain

NCOM Sponsors this Newsletter with a donation of \$250.00 per month.

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<b>SOS MC Nomad Skunk</b> donates \$ 25.00 a month...	<b>Silent Thunder MC; North Dakota</b> donates regularly...
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<b>SOS MC Western North Dakota probationary chapter</b> donates \$ 30.00 a month...	

In memory of **El Forastero Lonnie** from *Minnesota*... R.I.P. Lonnie...

In memory of **X-Wino Jack** from *Kansas* died in a motorcycle accident on April 5<sup>th</sup>...

In memory of **Sons Of Silence "The Dude"** Retired who passed away on March 26, 2013 in I.C.U. with Pneumonia & failing Kidneys...

"The Dude" was the Sons Of Silence MC Founder Member... R.I.P. "The Dude"...

In memory of **Warlocks Pa Francis** who died as a result of a bar fight... R.I.P. Francis... Article was in Issue 1 for March...

In memory of **Warlocks Pa Half Breed** who passed away on February 19, 2013 with complications concerning diabetes... R.I.P. Half Breed

Welcome **Avenger Beetlejuice** to the NCOM Brothers Behind Bars Newsletter Mailing List...

Congratulations to **Irish Martin** on your upcoming release on June 19<sup>th</sup>...

Congratulations to **Liberty Rider Jaws** from *Michigan* on your upcoming release on May 16<sup>th</sup>...

Congratulations to **Hells Angel Tony** from the *Dago Chapter* on your upcoming release on May 14<sup>th</sup>...

Thanks goes to **Hells Angels** from *Minnesota* for their \$ 80.00 donation to this newsletter...

Thanks goes to the **Combat Vets Association** (48-1) *Minnesota* for their \$ 40.00 donation to this newsletter; which is In Memory of **Sons Of Silence MC Nomad Griz**...

**Editor's Correction (Zip Code should have been 36054):** I would like to Thank the *Alabama* Confederation Of Clubs for their donation to this Newsletter... I just received a \$ 600.00 check from them for the 4th year for \$ 50.00 per month... The one thing we can do to ensure this newsletter continuing is Thanking our sponsors, so please thank them at: Alabama COC; 82 Pine Ct; Millbrook, AL 36054...

**Editor's Correction (Zip Code should have been 36054):** I would like to Thank the **In Country Vietnam MC Nation** for their donation to this Newsletter... I just received a \$ 600.00 check from them for the 4th year for \$ 50.00 per month... The one thing we can do to ensure this newsletter continuing is Thanking our sponsors, so please thank them at: In Country Vietnam MC; 82 Pine Ct; Millbrook, AL 36054...

**Editor's Note: Thank You letters to Sponsors:** As Always, if you would like, you could send your Thank You letters to Sponsors to me And I'll see that they get them... I still believe best sent directly to the sponsors... Respects, Mike SOS MC Retired

**Editor's Note:** Currently we are sending over 365 copies of this newsletter to members of **73 Motorcycle Clubs**...

**Editor's Note:** For *February* there were 2 issues, For *March* there were 2 issues, For *April* this is the 1<sup>st</sup> issue ...

**Editor's Note:** I would like to Thank my Wife "Kari" for getting these Newsletters ready to be mail...

**Disclaimer:** The News Media does NOT always tell the Whole Truth... It tends to sensationalize the News to Sell Newspapers...

*In Fact, Many Times the News Media gets the Facts Wrong!!!*

**Editor's Note:** It is too hard to keep up with counts, But for your info here are the Clubs that are getting the Brothers Behind Bars Newsletter (**73 Clubs**) in Prison: Avengers, Bandidos, Banshees, Barons, Black Pistons, Boozefighters, BPM, Breed, Brother Speed, Brotherhood Nomads, Brothers Of Wheels, Damned Deacon, D.C. Eagles, Death Squad, Derelicts, Devils Diciples, Diablos, El Forastero, Finks, Fly-In-Wheels, Forsaken Few, Free Souls, Galloping Goose, Ghost Riders, Grim Reapers, Gypsy Joker, Hells Angels, Hells Lovers, Hells Outcasts, Hermanos, Hessians, Hidalgo's, Highwaymen, In Country Vietnam, Iron Coffins, Iron Horsemen, Invaders, Iron Wings, Iron Mustangs, Legion Of Doom, Liberty Riders, Long Riders, **Marauder's**, Misfits, Mohawk Valley Riders, Mongols, Motopsychoz, Nomads, Outlaws, Pagan's, Peckerwood, Phantom's, Pharoahs, Reapers, Renegades, Sadistics, Satans Soldiers, Scorpions, Set Free Soldiers, Sin City Deciples, Sons of Legion, Sons Of Silence, Sovereign, Sundowners, Thunderbirds, Unforegiven, Vagos, Vietnam Vets / Legacy Vets, Y-Rohirrin, Warlocks Pa, Warlocks, Winos Crew And Wheels Of Soul... With newsletters going to Australia, Canada, England, France, Finland, Germany, Norway, Sweden, & Wales...

**Editor's Note:** In the interest of cost savings, If you can share One copy of this newsletter where I am sending multiple copies to the same institution, please let me know... Thanks, Mike

**Editor's Note:** I produce this National Coalition of Motorcyclists Brothers Behind Bars Newsletter which is a non-partisan newsletter for Bikers by Bikers. Information from the Newsletter contains News Articles & other information that may be of interest to a biker behind bars. Financial support for this Newsletter comes mainly from NCOM, Motorcycle Clubs, And Confederations Of Clubs...

**Editor's Note (For BBB Only):** Being a Patch holder in Good Standings does have it privileges... And this is one of them... If you are a Patch Holder in Good Standings & contact me, include your Chapter too... If you are Not a patch holder of a MC in Good Standings, Don't write me & request that I add you to the mailing list. You will only get rejected, as I only make very few special exceptions.

**News Article Sources:** All News Articles contained in this NCOM Brothers Behind Bars Newsletter, unless source is specified, are obtained from the following 3 Web Sites: **Road Scholars**(Wolf From Atlanta), Outlaw Biker World, White Trash News & Becky Cakes...

**Editor's Note (New):** I would like to Thank all of the contacts from all of the Motorcycle Clubs that verify if requesting member is in Good Standing with their Club; & all of the other assistance that you give me, such as address changes, being released, & soliciting donations...

**The Mouth of Babes...** I was eating breakfast with my 10-year-old Granddaughter & I asked her, "What day is tomorrow?" Without skipping a beat she said, "It's President's Day!" She's smart, so I asked her "What does President's Day mean?" I was waiting for something about Washington or Lincoln, etc. She replied, "Pres's Day is when Pres Obama steps out of the White House, & if he sees his shadow, we have 4 more years of Bull Shit." You know, it hurts when hot coffee spurts out your nose!

**In general, the art of Gov't** consists of taking as much money as possible from one party of the citizens to give to the other.  
- Voltaire (1764)

**28th Annual NCOM Convention** - May 9<sup>th</sup> thru 12<sup>th</sup>, this year at Silver Legacy Resort-Casino; Reno, Nevada... Featuring:

- Confederation Of Clubs:
  - Your Rights During A Traffic Stop
  - Patch Holder Meeting
- US Defenders
  - Anti-Profiling Laws
  - Fusions Center updates
- Christian Unity
  - Motorcycle Resource Teams (MRT)
  - Prayer / Fellowship Meeting
- Partners In Liberty: NCOM – SMRO - COC
  - How NCOM and the local CMO work together with
  - State Motorcycle Rights Organizations
- Veterans Affairs
  - Your Rights As A Veteran
- Special Meetings
  - Women in Motorcycling
  - Clean & Sober Round Table
  - World of Sports Bikes

**Skype, Xbox Snooping Requests Revealed** - March 25, 2013 – U.S.A. - By Andrew Lu; <http://blogs.FindLaw.com> - Is the Gov't snooping on your Skype, Xbox, Hotmail, or other Microsoft accounts? If so, how often does it happen? After receiving criticism for its lack of transparency, Microsoft has released information regarding Gov't surveillance of its services, reports Slate. Microsoft follows other tech giants like Google & Twitter in making such information public.

**By the Numbers:** The report reveals that in 2012, Microsoft & Skype received a total of 75,378 law enforcement requests for user information. Of those, 4,713 requests specifically targeted Skype. The requests affected 137,424 users. Though the Gov't made thousands of requests, Microsoft revealed that only 2.2% of requests resulted in the company turning over any content. In fact, Microsoft says that in 18% of cases, no data was reported at all, while in almost 80% of the cases, only "non-content" data was revealed. No Skype content was disclosed in 2012.

**Types of Data Requested:** Microsoft defined "non-content" data as basic subscriber information, such as a user's e-mail address, first & last names, & IP address captured at the time of registration. Personal information like gender, age, & even your credit card & billing information may also be revealed -- though Microsoft requires legal documentation like a subpoena before turning over this information. As for "content" data, Microsoft defines this to include what customers create, communicate, & store through their services like Hotmail & SkyDrive. The company requires a court order or search warrant from law enforcement before disclosing this content. Microsoft users should know that even without a request from law enforcement, the company may be able to turn over content or non-content data on its own accord. For example, if the company suspects that a child is being abused or that someone is about to harm himself, the company may voluntarily release this information to law enforcement.

**A little boy got lost** at the YMCA & found himself in the women's locker room. When he was spotted, the room burst into shrieks, with ladies grabbing towels & running for cover. The little boy watched in amazement & then asked, 'What's the matter, haven't you ever seen a little boy before?'

**Kevin Artice Miles, Petitioner-Appellant, v. Charles L. Ryan, Director, Arizona Dept of Corrections** - Filed August 27, 2012  
Amended March 25, 2013 - *San Francisco, California* - D.C. No. 4:01-cv-00645-RCC - Habeas Corpus/Death Penalty - **Order**;  
Opinion by Judge Graber; Partial Concurrence & Partial Dissent by Judge Berzon. (Length of docket – 51 pages)

**Summary:** *Habeas Corpus/Death Penalty* - The panel affirmed the district court's denial of a 28 U.S.C. § 2254 habeas corpus petition challenging a capital sentence for felony murder, dangerous kidnapping & dangerous armed robbery in connection with a car-jacking. The panel held that counsel did not provide ineffective assistance during sentencing, despite petitioner Miles's claims that counsel should have focused on drug addiction as a mitigating factor, inadequately prepared the defense expert psychologist regarding Miles's drug use & mental state, & inadequately investigated Miles's social history. The panel concluded that counsel adopted a permissible sentencing strategy supported by mitigation witnesses, & that portraying Miles as a crazed drug addict with a sordid past would have contradicted that chosen strategy. The panel further concluded that, assuming that *Martinez v. Ryan*, 132 S. Ct. 1309 (2012), applied to a petitioner who had counsel in his post-conviction relief proceeding & raised a trial ineffective assistance claim at that time, Miles would not be entitled to a remand for consideration of the above claims in light of new evidence, unless he could establish ineffective assistance of post-conviction counsel & that the trial ineffective assistance claim is a substantial one. The panel explained that the claim was not substantial merely because current counsel has now uncovered new mitigating information beyond that presented to the state court by post conviction relief counsel.

**Judge Berzon concurred** in part & dissented in part. She agreed that Miles had not shown entitlement to relief based on counsel's alleged deficiencies in presenting addiction as a mitigating factor & in preparing the expert to testify. She did not agree with the conclusion that Miles is not entitled to relief based on counsel's deficient investigation of his troubled background. Because that decision was contrary to clearly established Fed law, she would review de novo & conclude that Miles's counsel was constitutionally deficient & that Miles was prejudiced as a result.

**Counsel:** Sean Bruner, Law Office of Sean Bruner, Ltd., Tucson, Arizona; & Timothy M. Gabrielsen, Assistant Fed Public Defender, Tucson, Arizona, for Petitioner-Appellant. Jonathan Bass, Assistant Attorney General, Criminal Appeals/Capital Litigation Section, Tucson, Arizona, for Respondent - Appellee.

**Order:** The opinion filed on August 27, 2012, slip op. 9797, & appearing at 691 F.3d 1127, is amended as follows: On slip opinion page 9827, replace lines 6 through 15 with the following: Even though Petitioner has now uncovered, during Fed habeas proceedings, some new information that was not presented to the state courts during post-conviction review, that evidence is insufficient to demonstrate that his lawyer's investigation during the state-court proceedings was objectively unreasonable. As detailed above, his counsel conducted an extensive investigation during post-conviction review, obtaining a psychologist to perform further testing & hiring an investigator who visited Petitioner's home town & interviewed many people who knew him & his mother. With this amendment, Judges Graber & Tallman have voted to deny Petitioner-Appellant's petition for rehearing & petition for rehearing en banc. Judge Berzon has voted to grant the petition for rehearing & petition for rehearing en banc. The full court was advised of the petition for rehearing

en banc. A judge of the court called for a vote on whether to rehear the matter en banc. The majority of the nonrecused active judges failed to vote in favor of en banc rehearing. Petitioner-Appellant's petition for rehearing & petition for rehearing en banc are Denied. No further petitions for rehearing or for rehearing en banc shall be entertained.

**Opinion:** *Graber*, Circuit Judge: Petitioner Kevin Miles appeals the district court's denial of his habeas petition, brought pursuant to 28 U.S.C. § 2254. Petitioner challenges only his capital sentence; he does not challenge his underlying felony murder conviction, arising from his role in a car-jacking. Petitioner argues that his counsel was ineffective at sentencing because she failed to focus on Petitioner's drug addiction (rather than on intoxication), enlisted an unqualified expert, & failed to investigate Petitioner's social history thoroughly enough. We have jurisdiction pursuant to 28 U.S.C. §§ 1291 & 2253, & we affirm.

**Conclusion:** Petitioner's council adopted a permissible sentencing strategy to show: **1)** that Petitioner was a nice young man who went with bad companions because he was depressed, who may have been intoxicated at the time of the crime, who was remorseful, & who was worth saving through rehabilitation; & **2)** that he was just a very minor participant in the crime who was surprised by the violent turn of events. She presented mitigation witnesses to bolster this theory. To portray him as a crazed drug addict with a sordid past would have contradicted the chosen strategy. Petitioner's arguments amount to little more than a contention that his counsel should have adopted a different strategy. Under *Strickland*, such arguments must fail, & *Martinez* does not compel a different result. Affirmed.

**Berzon, Circuit Judge**, concurring in part & dissenting in part: I agree with the majority that Miles has not shown that he is entitled to relief under the Antiterrorism & Effective Death Penalty Act of 1996 ("AEDPA"), Pub. L. No. 104-132, 110 Stat. 1214, on the basis of his counsel's alleged deficiencies in presenting addiction as a mitigating factor & in preparing Dr. Levy to testify. I cannot agree, however, with the majority's conclusion that Miles is not entitled to relief based on his counsel's deficient investigation of his troubled background. In rejecting this claim, the state court applied *Strickland* in a way inconsistent with the holdings of several Supreme Court cases. Its decision was therefore "contrary to" clearly established Fed law, & we should conduct de novo review. On de novo review, I would conclude that Miles's counsel was constitutionally deficient & that Miles was prejudiced by this deficiency. On this point, therefore, I dissent.

**C. Conclusion:** Reviewing Miles's claim de novo, it is clear that Sattler's performance was deficient, & that Miles was prejudiced by that deficiency. Sattler could not have reasonably chosen the particular strategy she decided upon without first making a reasonable investigation into Miles's past, & the significance of the missing information is sufficient to undermine my confidence that Miles would nevertheless have been sentenced to death. I therefore dissent.

**This brought a tear to my eye**, being the compassionate sort I am... A wife being the romantic sort sent her husband a text. "If you are sleeping, send me your dreams. If you are laughing, send me your smile. If you are eating, send me a bite. If you are drinking, send me a sip. If you are crying, send me your tears. I love you." He replied..... "I'm taking a shit. What should I do?"

**A.I.M. Attorneys:** Alabama Motorcycle Lawyer - William E. Swatek; Law Offices of William E. Swatek P.C.; A Professional Corporation; 230 Bearden Road; Pelham, AL 35124

California Motorcycle Lawyer - Richard M. Lester; 7334 Topanga Canyon Boulevard, Suite 200; Canoga Park, CA 91303

Email: [aim@onabike.com](mailto:aim@onabike.com) Phone: (800-662-2453)

Sacramento Office: 1124 2nd Street; Old Sacramento, CA 95814

Joseph M. Lester, 7334 Topanga Canyon Boulevard, Suite 200; Canoga Park, CA 91303 Phone: (800) On-A-Bike (800-662-2453)

Bakersfield Office: 1527 19<sup>th</sup> St, Suite 206; Bakersfield, CA 93301

San Luis Obispo: 1555 Higuera St; San Luis Obispo, CA 93401

Santa Barbara: 610 Anacapa Street; Santa Barbara, CA 93101

Sam Eagle, Law Offices of Richard M. Lester; 10101 Slater Avenue, Suite 218; Fountain Valley, CA 92708

Colorado Motorcycle Lawyer - Wade Eldridge, Esquire

1120 Lincoln Street, Suite 809; Denver, CO 80203

Email: [aim@onabike.com](mailto:aim@onabike.com) Phone: (800) On-A-Bike

Connecticut Motorcycle Lawyer - Mitch Proner; Proner & Proner, Attorneys at Law; 14 Depot Place, Suite 4 & 6; Bethel, CT 06801

Email: [aim@onabike.com](mailto:aim@onabike.com) Phone: (800) On-A-Bike

District of Columbia Motorcycle Lawyer - Jay Irwin Block, Stahl & Block; 5 Park Center Court, Suite 301 Owings Mills, MD 21117

Email: [aim@onabike.com](mailto:aim@onabike.com) Phone: (800) On-A-Bike

Florida Motorcycle Lawyer - Jerry Theophilopoulos, Law Offices of Larry Crow P. A.; 1247 Pinealls Ave.; Tarpon Springs, FL 34689

Email: [aim@onabike.com](mailto:aim@onabike.com) Phone: (800) On-A-Bike

Jerry Theophilopoulos (known as "Jerry T") rides a 1974 Harley Davidson FXE Shovelhead. He graduated from Eckerd College in 1990. In 1995 Jerry graduated with Honors from the University of Miami School of Law (Cum Laude Honors). While at the University of Miami Jerry was selected as a member of the Moot Court Board for his oral advocacy skills. He also studied at the University of Florida College of Law & Stetson College of Law earning Dean's List Honors & Honors respectively. In 1995, Jerry was awarded the Paul Barnard Award for Clinical Excellence for his trial works. Upon graduating from law school, Jerry worked for the Public Defender's Office where he was awarded Trial Attorney of the Year in 1999. Jerry concentrates his practice in the areas of Motorcycle Accidents & both Fed & State Criminal Law. He is licensed to practice law in all State Courts in Florida as well as the U.S. Middle District Court, & the Eleventh Circuit Court of Appeals. As a member of the Trial Lawyers of America, National Association of Criminal Defense Lawyers, Florida Justice Association, Florida Association of Criminal Defense Lawyers & Tampa Bay Trial Lawyers Association, Jerry fights to preserve the Constitutional Rights of all his clients. Furthermore, Jerry is a lifetime member of ABATE & the A.I.M. Attorney for the entire state of Florida. He proudly represents the North, West & South Florida Confederation of Clubs in Florida.

**Richard F. Davco Obituary** – Feb 19, 2013 – *Pennsylvania* –

By [www.Legacy.com](http://www.Legacy.com) - Richard F. "Half Breed" Davco, 819 Centre St., Ashland, passed away Tuesday afternoon at his residence. Born in Allentown, he was a son of the late Emil & Hilda Jordan Davco. He attended Palisades' schools & was employed as a laborer for area construction companies. He put his heart & soul into the Warlocks MC. He was a lifetime member of the "Lehigh Valley Chapter". His true passion was riding his bike. He also loved spending time with his family. Surviving are daughters, Nicolette Davco, Shenandoah, Stacey Angerman, Macungie, & Lorie Novak, Bethlehem; a son, Christopher Davco, Bethlehem; sisters, Judy Negrete, Bethlehem, & Diane Johnson, Bethlehem; a brother, Milton Mindler,

Bethlehem; his former wife, Frances Davco, Bethlehem; 5 grandchildren; nieces & nephews. Relatives & friends are invited to a memorial service at 11 a.m. Sat at Richard W. Fritz Funeral Home, 1323 Centre St., Ashland, officiated by the Rev. Rose Marquardt. A calling hour will begin at 10 a.m. until the time services. Richard W. Fritz Funeral Home, Ashland, is in charge of arrangements.

**Editor's Correction (I had the wrong Zip Code):** I would like to Thank **Flash Productions** from *Michigan* for their donation to this Newsletter... I just received a \$ 120.00 check from them for \$ 10.00 per month... The one thing we can do to ensure this newsletter continuing is Thanking our sponsors, so please thank them at: Flash Productions; P.O. Box 34; Birmingham, MI 48012-0034 (*correct*)... Visit [www.flashproductionsllc.com](http://www.flashproductionsllc.com) ...

**The Police State Comes To Arkansas** – Dec 18, 2012 – *Arkansas* - Unfortunately, not an exaggeration - By Radley Balko; [www.HuffingtonPost.com](http://www.HuffingtonPost.com) - "[Police are] going to be in SWAT gear & have AR-15s around their neck," Stovall said. "If you're out walking, we're going to stop you, ask why you're out walking, check for your ID." Stovall said while some people may be offended by the actions of his department, they should not be. "We're going to do it to everybody," he said. "Criminals don't like being talked to." Gaskill backed Stovall's proposed actions during Thursday's town hall. "They may not be doing anything but walking their dog," he said. "But they're going to have to prove it." . . . "This fear is what's given us the reason to do this. Once I have stats & people saying they're scared, we can do this," he said. "It allows us to do what we're fixing to do." . . . "To ask you for your ID, I have to have a reason," he said. "Well, I've got statistical reasons that say I've got a lot of crime right now, which gives me probable cause to ask what you're doing out. Then when I add that people are scared...then that gives us even more [reason] to ask why are you here & what are you doing in this area." . . . "Anyone that's out walking, because of the crime & the fear factor, [could be stopped]," he said . . . Individuals who do not produce identification when asked could be charged with obstructing a governmental operation, according to Stovall. Here's the least surprising line in the article: Stovall said he did not consult an attorney before announcing his plans to combat crime. Stovall added that he realized there was little difference between what he was proposing & martial law--and that he didn't much care. The mayor & city attorney have apparently walked the idea back, at least a little. But the police chief isn't wavering. And of course it's his cops who will be enforcing the law. Using SWAT teams for routine patrols isn't uncommon. Fresno did this for several years in the late 1990s & early 2000s. The city sent its Violent Crimes Suppression Unit into poorer neighborhoods & stopped, confronted, questioned, & searched nearly everyone they encountered. "It's a war," one SWAT officer told Christian Parenti in a report for The Naiton (not available online). Another said, "If you're 21, male, living in one of these neighborhoods, & you're not in our computer, then there's something definitely wrong." A 1999 report in the Boston Globe found similar units patrolling the streets of Indianapolis & San Francisco, which the reporter noted gave the communities under siege "all the ambiance of the West Bank." In a 1997 survey, the criminologist Peter Kraska found that about one in 5 cities in his survey used their SWAT teams for routine patrols. It seems likely that number has fallen since then as the crime rate has dropped (the Fresno VCSU was disbanded in 2002), but it's hard to say for sure. The total number of SWAT teams has only increased since then, as has the number of situations in which they're utilized. But Stovall's comments show that it isn't so much a rise in crime

that allows these sorts of police actions to happen, it's the fear of crime. (Though there has been an actual increase in crime in Paragould.) Back in the early 1970s when Nixon was preparing to impose his new crime bill on Washington, D.C., he ran into a problem. According to FBI data, crime was actually starting to fall in D.C. Nixon's strategy was to make D.C. the "model city" to show off his tough anti-crime policies. The fact that crime was already falling presented 2 problems: 1) It could make the city less fearful, resulting in less pressure on Congress to push through his bill, & 2) it would make it more difficult for Nixon to claim credit for any crime drop in the city later. So Nixon's Justice Dept sat on the figures. They refused to release them until after they had won on Capitol Hill. The fear of crime is ever-present, even when crime isn't. For example, despite the fact that the crime rate has been dropping dramatically for nearly 20 years\*--to historic lows--70% of Americans still think crime is getting worse. I'm sure the cable news obsession with sensational crime stories & the emergence of tragedy vultures like Nancy Grace have a lot to do with it. Long-developing trends like the crime drop by definition aren't daily news. Crime is, even when it's down. I've seen it stated over & over in the Newtown coverage that mass shootings are on the rise. As I pointed out in the morning links, there is no evidence for that, & in fact the numbers suggest they're on the wane. They happen so infrequently that there simply aren't enough data points to say for certain. Unfortunately, empirical data aren't nearly as compelling as images of victims & mug shots of scary-looking criminals. And like Nixon, today's politicians & law enforcement officials know that you don't pass new laws & give the police new powers by assuaging public fear. You get these things by stoking it. (\*There was a slight uptick in the crime figures in 2011, driven mostly by an increase in minor assaults.)

**Detailing Drone Debate Developments in the 1st Circuit States**  
- March 11, 2013 - U.S.A. - By William Peacock;  
<http://blogs.FindLaw.com> - As our dear First Circuit court has remained relatively silent for the past week, we thought it might be a good opportunity to discuss an ongoing debate in First Circuit states: the proper limits on drone usage. As the usage of drones increases, & the acquisition costs decrease (a Maine agency just acquired a \$300 drone out of "curiosity") the potential for a pummeling of privacy rights looms. With telephoto lenses, night-vision, & other photography enhancements, the day where a law enforcement agency can cheaply & easily track & photograph your every move is nearly at hand, & it has many Americans concerned. The ACLU has a great roundup of pending legislation in over thirty states to limit or prohibit the use of drones. There are a few notable local developments in New Hampshire & Maine that are worth taking a closer look at.

**New Hampshire:** Though we admire the spirit of the proposed legislation, it does seem to be quite flawed. It's language prohibits the use of aerial or satellite photography where either a human or a man-made structure can be identified. This would seem to ban map & street view services, such as Google's popular tools, & even some forms of sports photography. FOX's "Blimp Cam," which floats behind the quarterback during football games, comes to mind immediately. At the same time, there are a number of exceptions for Gov't & law enforcement agencies, so long as the agency can provide "articulable suspicion" to support the surveillance. This is far less than many states' proposed requirement of probable cause or a search warrant before using drone photography. The verdict: a noble-intentioned yet sloppily drafted piece of legislation that will restrict private users more than over-reaching Gov't agencies.

**Maine:** Maine is a heck of a lot closer to a reasonable piece of legislation than NH. Though the bill has been temporarily tabled for additional study due to the outright ban on private use of drones, it does have a lot of positives. For one, it is significantly longer & more comprehensive than NH's 2 paragraph proposal. It also heavily protects against over-reaching by law enforcement agencies. Though the many provisions are too long & intricate to go into in depth, the short version is this: law enforcement agencies can use drones in life-or-death situations, where a warrant is obtained, or where a court order, similar to one used in wiretap situations, is approved. If the court order, which requires a lesser showing than a warrant, is obtained, it is limited to 48 hours, plus extensions of up to thirty days. There are also no weaponized drones, facial recognition, or use or retention of "accidentally" gained information. Plus, if a law enforcement agency breaks the rules, there is a built-in private cause of action for statutory damages. The verdict: This bill is close, but not there. Much like NH's bill, it would ban most (if not all) private use, including map makers & sports & news photography. To Drone or not to Drone in the First Circuit.

**U. S. Supreme Court Happenings** - March 2013 - U.S.A. - [www.FederalCriminalParalegal.com](http://www.FederalCriminalParalegal.com) - The next Conference in the U. S. Supreme Court will be on Friday, March 15, 2013. The next Oral Arguments will be on March 18-20, 2013 & March 25-27, 2013. However, there will not be any criminal cases argued that will have any significance for our struggle. Favorable Circuit Fed Circuit Cases March 4-8, 2013 4th Circuit United States v. Rangel-Castaneda, (No. 12-4408)(4th Cir. March 7, 2013) Because Tennessee's statutory rape provision sets the age of consent at eighteen & is therefore significantly broader than the generic offense, a conviction there under does not categorically qualify for the crime-of-violence enhancement, & therefore the district court erred in imposing a crime of violence sentencing enhancement to defendant's conviction of illegally entering or staying in the country & the case is remanded for resentencing. United States v. Mann, (No. 12-6590)(4th Cir. March 4, 2013) District court's reduction of defendant's sentence for possession with intent to distribute crack cocaine & distribution of powder cocaine, following amendment to Sentencing Guidelines, is affirmed, where the district court: 1) did not clearly err in holding that it had not originally made a finding that rendered defendant ineligible for the reduction, i.e. that he was responsible for any specific amount above 1.5 kilograms of crack cocaine; 2) did not err in exercising its discretion not to make additional findings; & 3) did not abuse its discretion in concluding that defendant was eligible for a sentence reduction. 5th Circuit Richards v. Thaler, (No. 11-20803)(5th Cir. March 5, 2013) Petitioner Kenneth Richards, a Texas state prisoner, exhausted his state remedies & moved to file a habeas corpus petition. The district court dismissed the application as time-barred because it was filed after the one-year deadline under 28 U.S.C. #194;#167; 2244 for filing a 28 U.S.C. #194;#167; 2254 application expired. Richards appeals, contending the district court erred by deeming the date the clerk of the court stamped his state post-conviction petition as received to be the date he filed the petition. Richards alleges under Texas law the pleadings of pro se inmates, including petitions for state post-conviction relief, are deemed filed at the time they are delivered to prison authorities, not at the time they are stamped by the clerk of the court. Richards also asserts he is entitled to equitable tolling. In light of the Texas Court of Criminal Appeals holding in Campbell v. State, 320 S.W.3d 338, 339 (Tex. Crim. App. 2010), applying the prison mailbox rule to criminal cases, the Fifth Circuit Reversed & Remanded.

**Smarter Sequestration:** Simple Statutory Ways to Save Prison Monies... Since sequestration became official on March 1, 2013, there has been much talk about possible furloughs. In his Senate testimony, AG Eric Holder closed with this ominous comments about the impact of sequestration: [C]uts are already having a significant negative impact not just on Dept employees, but on programs that could directly impact the safety of Americans across the country. Important law enforcement & litigation programs are being disrupted. Our capacity to respond to crimes, investigate wrongdoing, & hold criminals accountable has been reduced. And, despite our best efforts to limit the impact of sequestration, unless Congress quickly passes a balanced deficit reduction plan, the effects of these cuts on our entire justice system, & on the American people may be profound. It is my personal opinion that we could & should improve the administration of justice & save money if DOJ & BOP & others would use existing statutory mechanisms to reduce Fed prison populations & costs. About a year ago, the Fed Public Defenders, drawing from data gathered by the Gov't Accountability Office ("GAO"), provided a simple roadmap of action that could & should be taken now to reduce excessive sentencing practices which could save hundreds of millions of dollars just by better implementing certain "smart sentencing" statutes. The GAO Report Reveals Multiple Ways To End The Waste Of Millions On Unnecessary Over-Incarceration. The full report is a dense account of BOP policies that lead to longer periods of incarceration than necessary to accomplish sentencing goals; the key recommendations suggest we could achieve large savings simply by providing some relief to the least dangerous & most deserving of Fed prisoners. This executive summary from the report makes these essentials clear: First, the GAO identified 3 statutory programs that, if fully implemented, would save taxpayer dollars that are now being wasted on unnecessary incarceration: The BOP underutilizes the residential drug abuse program (RDAP) incentive for nonviolent offenders. If inmates had received the full 12-month reduction from 2009 to 2011, the BOP would have saved up to \$144 million. Much more would be saved if all statutorily eligible prisoners were allowed to participate. The BOP underutilizes available community corrections so that inmates serve an average of only 4 months of the available 12 months authorized by the Second Chance Act. Just by increasing home confinement by 3 months, the BOP could save up to \$111.4 million each year. The BOP underutilizes available sentence modification authority for "extraordinary & compelling reasons," depriving sentencing judges of the opportunity to reduce overincarceration of deserving prisoners whose continued imprisonment involves some of the highest prison costs. Second, the GAO confirmed that amending the good time credit statute to require that inmates serve no more than 85% of the sentence would better calibrate actual time served with the assumptions underlying the sentencing guidelines consulted at sentencing. Both the Dept of Justice & the BOP favor the amendment. After the release of about 3,900 inmates in the first fiscal year, the BOP would continue to save about \$40 million a year once the amendment was enacted. Third, the GAO identifies cost savings that the BOP could realize simply by using available rules for executing & calculating sentences. For example, the BOP unilaterally abolished the shock incarceration program, spending unnecessary millions by replacing sentence reductions & increased home detention with prison time for nonviolent offenders with minimal criminal history. The BOP also fails to treat defendants time in immigration custody as "official detention," an unnecessary policy that increases custody costs by creating dead time. The BOP should act immediately to end these & other unnecessary & wasteful policies.

**Comment:** This week was very light in cases. Hopefully, it picks up next week. I have been somewhat unavailable for the last couple of days & have not been able to answer e-mails. I had a small medical procedure which kept me away for a couple of days. However, I am fine & I am catching up. I should have everything brought back up to speed by Monday. Stay tuned. Craig M. Coscarelli, Paralegal; 9211 West Road, Suite-143-149; Houston, Texas 77064 (832) 814-1050

**Craig M. Coscarelli** was born & raised in Southern California. He has worked as a Paralegal & a Legal Assistant for the past 18-years. For the first 7-years, he was in Federal prison where he was forced to teach himself federal criminal law & to be a paralegal. Craig fought his case on his own. After 7-years in federal prison, he finally won his case & was released from prison. See *United States v. Coscarelli*, 149 F. 3d 342 (5th Cir. 1998). Craig has a Bachelor of Science (BS) degree in telecommunications & film from San Diego State University. He wrote screen plays & television productions at San Diego State. During his time as a Fed Inmate & because of his excellent research & writing ability, Craig was able to assist & help other Inmates gain significant relief on their cases. This included release from prison & significant sentence reductions. After Craig was released from prison, he was immediately hired by a high profile Federal criminal defense law firm in Houston, Texas (Dameris & Kuniansky). For the next 10-years, Craig worked as a Paralegal where he assisted attorneys in research, drafting, preparing & perfection of criminal pleadings in all phases of Fed & State Criminal Law defense. Craig has assisted, prepared & written virtually hundreds of Pre-trial Motions, Direct Appeals, Writs of Certiorari, §§ 2254 Petitions, 2255 Motions, 2241 Writs, Certificates of Appealability, Rule 60(b) Motions, § 3582 Motions, Writs under 28 U.S.C. § 1651, the All Writs Act, among many others. He also has vast experience in State direct appeals & State post-conviction motions in all States. He also has experience in immigration matters inclusive of motions to reopen/reconsider; appeals to the Board of Immigration Appeals; & Petitions For Review in the circuit courts.

**Ghost Mountain Riders' Event Still On** – March 21, 2013 - **California** - By The Aging Rebel; [www.AgingRebel.com](http://www.AgingRebel.com) - For reasons that are less than clear Santa Cruz County has decided it has a problem with the Ghost Mountain Riders MC. A week ago the County Sheriff published a press release that said murdered Mongol Eric "Li'l Pee-Ka" Garcia was last seen in a San Jose bar named the Park Lane Lounge at 2 in the morning "in the company of persons associated with the Ghost Mountain Riders MC." The release did not say how those persons were associated with the club. Tuesday the County Board of Supervisors told the Ghost Mountain Riders they could not sell alcohol at an upcoming charity event unless the club forked over \$2,100. The event is called the First Daze-O-Summer Run & it benefits a campground for disabled kids called Camp Krem. This will be the 23rd time the club has held the run & only now have local cops & politicians decided the event is problematic. This year the run will be held on April 6. Participants usually meet at the Scotts Valley Moose Lodge in Santa Cruz & ride about 16 miles to Camp Krem in the Santa Cruz Mountains. This year, participants will have to ride to Camp Krem alone.

**Sheriff's Shakedown:** This year the club cleared the event with the California Highway Patrol as it has the last 22 times it held the run. But, this year the County Sheriff's Office demanded the club get its approval as well. The club could have done that if it paid 4 Deputies \$525 each to watch participants drink. The donation for

the camp comes from the proceeds of a bar at the event. The club makes less than \$2,100 from the bar for the day so this year there will be no bar & the club will have to scrounge to come up with its annual donation. At the Supervisors' meeting, Chief Deputy Jim Hart explained, "We've told the motorcycle club we would approve the permit if there was hired security to be on scene, & they have told us they aren't willing to pay for security to be at Camp Krem when the party takes place." Hart also told the politicians that the event was likely to snarl traffic with a pack of motorcycles "25 miles long." That was a blatant lie. The Supervisors avoided the issue by simply refusing to vote on whether to grant a permit for the event or not. The club had already paid the county for the permit. Lyle Fleming, a founder of the club, Pres of the Lompico Chapter & the lone Ghost Mountain Rider at the meeting, said "between 200 & 300 riders" make the run from Santa Cruz to the Camp. "We fully intend to hold the event," Fleming told Jason Hoppin of the Santa Cruz Sentinel. "Not having an event permit means we can't ride as a group. There won't be a pack." But there will be a good party for a good cause. The Ghost Mountain Riders have a 30-year-long history of supporting local charitable causes. Entertainment at this year's First Daze-O-Summer Run will include live music, comedy, & door prizes. Shakedowns by local police for exorbitant compensation to protect citizens from the biker menace doomed the Hollister Rally in nearby San Benito County in 2009. That rally is scheduled to return this July.

**On Writing Samizdat** – March 25, 2013 – *Connecticut* – By The Aging Rebel – [www.AgingRebel.com](http://www.AgingRebel.com) – I live in a quiet part of the jungle & I know how to listen so I learned this from the beating drums of the jungle telegraph. About a week ago, a member of a well-known & widely respected motorcycle club was complaining in his cell in a Connecticut prison. No one told me this. The drums told me. And, the chattering monkeys. "...last year," the native drums repeated, "they began to bar books about or by motorcycle club members. This includes the book *The Aging Rebel: Dispatches From The Motorcycle Outlaw Frontier* by Donald Charles Davis. These books are purely being banned because their subject matter includes motorcycle clubs. They use the 'catch-all' 'promotes criminal activity' while still allowing books on the Mafia, murder, kidnapping & corruption of Gov't officials, all of which apparently promote NO criminal activity." The prisoner's current estimated release date, the monkeys tell me, is June 2060. I don't even know this guy's name, his inmate number or the institution where he is currently being rehabilitated for his eventual release back into society in another, mere, 47 years. That is why they do not appear here. Although, I would not say even if I did know. Obviously, the benevolent & all-knowing social engineer Michael Bloomberg has extended the frontiers of his tyranny northward into New England. So to name this prisoner, even if I knew his name which I do not, would doom him to further re-education & other forms of corrective actions by the wise & infallible Ct Dept of Correction. Isn't that a wonderful name for a psychopathic society? The Dept of Correction?

**Right To Read:** A few people who read this – particularly social liberals – may be surprised to learn that among the other rights prisoners forfeit is the right to read what they want. In the United States, until recently, the right to read anything was considered one of the most basic freedoms. One driver of the abolitionist movement was outrage that slaves were forbidden to read. Frederick Douglas wrote movingly of the fury his masters unleashed on him when they caught him reading. Next thing you know Harriet Beecher Stowe was writing the book that started the Civil War. Slaves couldn't read Uncle Tom's Cabin of course.

Plantation owners would have banned Stowe's book if they could. But the sad & inflammatory tale of what happened to poor, old Tom got read anyway. The right to read what you want inspired a peasant's revolt in late 14th Century England, drove the Protestant Reformation & was considered integral to American democracy for almost 200 years – even if you were a prisoner. As recently as 1974, in a case called *Procunier v. Martinez*, the Supreme Court ruled that prison officials had virtually no right of censorship. But the high court began to back track in 1987, in a decision called *Turner v. Salley*. After that case, the First Amendment right to read could be "reasonably regulated" if prison officials asserted a "legitimate neutral interest." The Supremes seem to have wanted to keep books that describe the does & don't of successful prison breaks out of the hands of prisoners. And, this ruling established something called the "Turner Test." Banning *The Aging Rebel* clearly fails the Turner Test for 2 reasons. First because *The Aging Rebel* is a book of essays, all of which first appeared on this website, it is totally removed from any penological interest. There isn't a single paragraph about how to make a tattoo gun out of a CD player or how to transform a toothbrush into a knife. The parts of the book prisoners seem to like best are the essays about riding a motorcycle under the Southwestern sky. Secondly the book has been banned simply & only because it appeals to bikers. A specific phrase in the Turner ruling, a "legitimate neutral interest," explicitly means that a book cannot be banned simply because a jailer dislikes a certain idea or group – like bikers.

**The Turner Test** became a little less important after 1989 when a slightly different Supreme Court ruled in *Thornburg v. Abbott* that prison officials could restrict what a prisoner reads as long as they could offer an argument that the restriction served a legitimate penological interest. Connecticut's censorship probably fails that test, too. But, any argument against banning any non-religious book disappeared after a Supreme Court case in 2006 called *Beard v. Banks*. *Beard* allows any little dictator to legally ban anything she wants – based on her own professional opinion. If a prison official has a professional belief based on his experience & training that the Moon is made of green cheese he can punish or prevent dissent by simply banning books that argue that the Moon is made of old rocks. In their dissent to *Beard*, Justices Stevens & Ginsburg warned that prison regulations that could arbitrarily take away prisoners' right to read what they wanted "comes perilously close to a state-sponsored effort at mind control." David Fathi, who at the time was the senior counsel for the ACLU's Nat'l Prison Project, later called the ruling "a deliberate attempt to strip prisoners of the most fundamental attribute of citizenship, & even of personhood – the right to know, to learn, & to think about what is happening in the community, the country, the world." And, chances are you are just learning all this now because, ironically, this is not the sort of thing newspapers, magazines & television networks like to report. What newspapers & the networks did report was a ruling the high court announced the day before, that case was *Hamdan v. Rumsfeld*, which established certain constitutional rights for Al Qaeda detainees at Guantanamo Bay. Stevens & Ginsburg voted for that one, too & the rest of the court let the 2 liberals win. So that disturbance in *The Force* had to be righted with *Beard*. Not even liberal Supreme Court Justices can have it their way every time. The *Hamdan* & *Beard* rulings taken together probably illustrate as well as anything how American "justice" actually works.

**Kimberly J. Weir:** The Connecticut official who decided that *The Aging Rebel* "encourages or instructs in the commission of criminal activity" is Kimberly J. Weir. Weir is one of those American success stories that keep getting shoved down the

people's collective throat. She has been a Connecticut jailer since 1990. During that time she has been promoted up through the ranks, serving as a guard, a unit manager, an Affirmative Action Investigator, a deputy warden & now she is Director of Security & literary critic at large. While working on the open side of the bars she has found time to earn a bachelor's degree in "Criminal Justice & Human Service" & a master's in something called "Human Service/Organizational Management & Leadership." Her official biography adds, "Director Weir's commitment to help others is not only exemplified by the dedication she demonstrates on the job, but also by her community involvement. She served as a mentor & role model to young girls, volunteered to assist families victimized by fire, helped build homes for Habitat for Humanities, participated in Extreme Home Makeovers, volunteered as a Big Sister, & as a crisis response advocate for women who have been victimized by domestic violence. She is also an active member of the Progressive Community Baptist Church where she serves as a Leadership Board member & leads several ministries." I don't know Weir. I never heard of her before. My first reaction after learning, from the monkeys & the drums, that she had banned my little & unimportant book was to sit down & write her a polite & sincere thank you note. The book doesn't sell that well so I'm considering adding a headline to the front cover that screams, "Now! Banned by the Connecticut Dept of Corrections for Encouraging & Instructing Criminal Activity!" On the other hand Weir did just cost me 16,000 potential readers. She banned *The Aging Rebel* because a prisoner ordered a copy with the intent of reading it & this was a way for her to bully & further dehumanize the man. Politicians call Weir's employer the "corrections industry" but it is really the "punishment industry." It's a vital component of our new "knowledge-based," "post-industrial" economy – like the foreclosure business, big data & usury. There isn't much new to say about the punishment business but some of what everybody already knows is probably worth repeating here now. The corrections industry has been bigger than the tobacco business for more than 15 years. It writes its own laws through something called the American Legislative Exchange Council or ALEC. ALEC lobbied for & got passed the California Three Strikes law in 1994. As an industry, corrections staunchly supports both the war on drugs & the war on illegal immigrants. More Americans work in a prisons, about 800,000, than work for an airline. In 2010, just 2 private prison corporations had revenues of \$3 billion. The U.S. prison population quadrupled between 1980 & 2007. The United States has 5% of the world's population & 25% of the world's prisoners. About 1% of all American adults is in prison or jail. About 33% of the American adult population is either locked up or on probation. No one bothers to compile statistics on how much this all costs. Eight years ago, 2005 was the last year for which official statistics are available, it cost an average of about \$24,000 to imprison someone for a year. There are several economic explanations for the growth & escalating influence of the prison-industrial complex. The most obvious is the rebirth of slavery. According to an article in *The Huffington Post* late last year, "nearly a million prisoners are now making office furniture, working in call centers, fabricating body armor, taking hotel reservations, working in slaughterhouses, or manufacturing textiles, shoes, & clothing, while getting paid somewhere between 93 cents & \$4.73 per day." Virtually all Fritz helmets are made by prison labor, so that element of the emerging slave industry is vital to our national defense. Weir represents the psychological aspect of creating a huge underclass of legal inferiors. "All madness," the psychiatrist Fritz Perls once observed, "is power madness." Weir is one of those people, so common in the police & corrections fields, who likes to push powerless people around.

Her ruling is not about *The Aging Rebel*. She just saw the book as an opportunity to rub a powerless man's face in the dirt. Who knows what books Weir read while earning her prestigious advanced degree in Human Service/Organizational Management & Leadership. She probably didn't read anything by the 19th Century philosopher Friedrich Engels. Which is a shame. Because if Weir was just slightly better read she might understand that laws are easily disobeyed & words cannot really be banned. Sure, she has made a powerful statement of her contempt for her charges, for the prisoner who wanted to read *The Aging Rebel* & for that book's author & its contents. But if only she had found time to glance through Engels she might have stumbled over his truest & most famous dictum: That the one constant in history is irony. And, from there she might even have stumbled upon the phenomena called samizdat.

**Samizdat:** Samizdat, usually pronounced SAHM-hees-dot in English & something more like sah-MEEZ-dot in Russian, is a word invented in the Soviet gulags during the reign of Joseph Stalin. It translates literally as "self-publication." It is usually translated as "forbidden writings." But what it really means is writing which cannot be officially suppressed. Prisoners read & write. They have always written & read. They have a lot of time to kill. Men educate themselves in prison. An ignorant pimp named Malcolm Little became the now sainted Malcolm X while he was locked up. An alleged embezzler named William Sidney Porter became a writer named O. Henry in prison. Thomas Mallory wrote what was arguably the first European novel, *Le Morte d'Arthur* in a prison cell sometime before his death in 1471. The book passed through some unknown pairs of prisoners' hands before it was finally published in 1485 & eventually became the Broadway musical *Camelot*. Russian prisoners in the 20th Century, many of them political prisoners, read the novels of Solzhenitsyn & Pasternak as samizdat. Before it was a best seller & a movie in the West, *Doctor Zhivago* was samizdat. These words you are reading now are hardly *Doctor Zhivago* but they are samizdat. And, they will make their way into the Connecticut prisons, probably within another week, whether Kimberly Weir likes it or not.

**New Media:** In case you hadn't noticed, the world is undergoing a profound set of changes. On the one hand, policemen & other anti-democratic constituencies around the world seek to define reality & suffocate the free exchange of ideas by controlling language. For example, the term "gang" or even more to the point here the term "outlaw motorcycle gang," or the boundary marker between informed & uninformed biker experts, the common codeword "OMG." The world is awash in propaganda – which is the use of certain words to describe some limited information to achieve a particular effect. Propaganda might serve a good or bad end. In the broader world, there is now something called "marriage equality." What were once soldiers are now "warriors" & will soon be "female warriors." There are, apparently, both "Islamofascists" & "Islamophobes." Numerous words & phrases now have legal meanings that are at odds with their meanings in common English, like "criminal enterprise," "conspiracy," "racket" and, a current favorite, "transnational gang." In this historical moment, most propaganda serves the enforcers & enablers of repression who have allied themselves with traditional media. That is why people who want to know something about bikers often find themselves reading a book written by Kerrie Droban or George Rowe instead of a book written by Donald Charles Davis – because the same big publishers who published Droban & Rowe passed on *The Aging Rebel*. The criminal justice & prison systems are poorly understood by most citizens because

major magazines & national newspapers refuse to look. It can be hard to look. It can be unpopular to look. Most jurors in biker cases ground their verdicts in lies they have been told by television – not simply by Gangland & The Devils Ride but by the factually evil nitwits who are Action News Now. Ironically, these traditional & now corrupted ways of spreading words, ideas, news & complaints are dying. Magazines are folding right & left. Newspapers are dropping like flies. Literary agents refuse to accept new clients. The hot new novel will be written by Lena Dunham, Gangland is no longer in production. And meanwhile, a million blogs bloom. So-called new media has become the new samizdat. Most of the cheerleaders for traditional media condemn internet writing. The most common complaint is that the internet is full of lies. Sometimes it is. But the internet is also full of truths that you can find nowhere else. Forbidden writing is mostly found on the net because unlike traditional publishing, journalism, television & film there are no guardians of the gate – like the editors who think No Angel is more truthful than The Aging Rebel. Or, like Kimberly Weir. Anyone can publish in cyberspace even without official approval. The Arab Spring would have been impossible without the internet. There could have been no Occupy Movement, no Tea Party & certainly no hactivist group like Anonymous without the internet. Democratic & dissident movements in countries as disparate as Mexico & Burma spread news & ideas as samizdat on the internet. Gov'ts everywhere, including the American Gov't, are very concerned about the internet & about the free expression it represents. Even in the United States, internet surveillance is pervasive & civil libertarians are increasingly concerned about that. But surveillance is much less dangerous than censorship. Censorship is really only possible in a place like prison, or in a country that has become a prison like China, or in the prison Michael Bloomberg thinks America should become. There are no walls, bars, restraint chairs, spit masks or ball gags in cyberspace. I can say almost anything I want to say here & so can you – whether the apparatchiks approve or not.

**Editor's Comment:** If you know of any other Motorcycle Related reading material that has been rejected via your prison, please let me know... Thanks...

**Mongols Win Yet Again** – March 26, 2013 – *California* – By The Aging Rebel; [www.AgingRebel.com](http://www.AgingRebel.com) - A legal case named Ramon Rivera v. Ronnie Carter et al. was finally settled yesterday after more than 4 years. It went on as long as it did because the United States Department of Justice, with unlimited money, unlimited manpower & unlimited time delayed, denied & counterattacked in order to maliciously frustrate the interests of justice. The Gov't took the actions it did because its attorneys intended to use the rules of Fed court procedure to maliciously punish innocent men. Eight days ago, on March 18, Stephen R. Welk, the Assistant U.S. Attorney who unnecessarily prolonged this travesty of justice, finally gave up on the case & moved to dismiss an appeal filed with the Ninth Circuit Court. Yesterday, the Ninth Circuit dismissed the case. At the end the argument was over whether the Rivera's attorneys were entitled to be paid \$243,824.00 in fees, \$8,642.00 in additional fees & \$740.78 in costs. Now those attorneys, David Loy of the American Civil Liberties Union & consumer attorney Alan M. Mansfield can finally get their money.

**The Mongols Case:** In the Mongols case, United States versus Doc Cavazos et al., the United States tried to outlaw membership in the Mongols MC by criminalizing the use of the clubs principal identifiers, the name "Mongols" & the Mongols center patch. The

club's former Pres, Ruben "Doc" Cavazos had trademarked those 2 marks in the name of his corporation, Shotgun Productions. After his arrest, & possibly before his arrest, Cavazos agreed to forfeit his "ownership" of those 2 "trademarks" to the Gov't in return for a lighter sentence. When Doc Cavazos made his deal is unclear because although he was not arrested until Oct 21, 2008 a temporary restraining order effecting the marks was requested by the Gov't on Oct 17th. The Gov't's original request asked that the court (1) proscribe subsequent sale of the Club's Marks; (2) enjoin use or display of the Club's Marks by defendants in the criminal case & "those persons in active concert or participation with them"; & (3) authorize seizure of "all . . . materials bearing the [Club's] trademark." The Gov't originally wanted much more. And a press release issued on the day Cavazos was arrested stated: "In addition to pursuing the criminal charges set forth in the indictment, for the first time ever, we are seeking to forfeit the intellectual property of a gang," said United States Attorney Thomas P. O'Brien. "The name Mongols, which is part of the gang's patch that members wear on their motorcycle jackets, was trademarked by the gang. The indictment alleges that this trademark is subject to forfeiture. We have filed papers seeking a court order that will prevent gang members from using or displaying the name Mongols. If the court grants our request for this order, then if any law enforcement officer sees a Mongol wearing his patch, he will be authorized to stop that gang member & literally take the jacket right off his back."

**Cooper Intervenes:** For the next 8 months, various Fed, state & local police agencies treated the press release as if it had the power of law & seized not simply patches but other insignia, mementos & even personal photographs that referenced the Mongols from numerous innocent persons – including people who were not affiliated with the club in any way. But under American law, Cavazos never owned the marks because they were not trademarks. They were instead "collective membership marks." The name Mongols & the center patch indicated membership in the motorcycle club & belonged to the collective membership of the club. And collective membership marks are Constitutionally protected forms of expression – they are "free speech." Ramon Rivera, an unindicted Mongols patch holder from San Diego filed a civil rights suit over the issue The judge handling the case at the time, the late Honorable Florence Marie Cooper, ruled on both the Rivera suit & Cavazos forfeiture of the marks that summer. She said the marks were owned by the club & not Cavazos. Cooper also pointed out that she had been lied to by the Gov't. Judge Cooper ruled on July 31, 2009 that the Gov't had no right to Rivera's patch & on August 6 she ruled on the issue of Cavazos' ownership. On that matter she wrote: "Even if the Court were to accept the Gov't's evidence that Ruben Cavazos controlled the use of the mark during his tenure as National President," Cooper wrote, "there is no support for the notion that a defendant's control of property belonging to a RICO enterprise is sufficient to establish a forfeitable ownership interest in the property. In addition, there is no evidence that Ruben Cavazos owned a majority interest or any interest in the Mongol Nation that would equate to an ownership interest in the mark. There is no evidence that Shotgun Productions, LLC ever used the mark as a collective membership mark – to indicate membership in an organization substantially similar to that of the Mongol Nation. The purported assignment to Shotgun Productions, LLC is therefore without legal effect. Moreover, the Gov't's evidence demonstrates that the Mongol Nation began using the collective mark in approximately 1969, & either Mongol Nation or Mongols Nation, Inc. continues to use the mark to identify their members. The Mongol Nation & Mongols Nation, Inc, by virtue of having used the collective

membership mark since 1969, having registered the mark in 2005, & having continued use of the mark to identify members of the club, have acquired & maintained exclusive ownership in the collective membership mark at issue.” “At the June 22 hearing,” she wrote, “the Gov’t revealed for the first time that the mark it sought to forfeit was a collective membership mark. Previously, in its Ex Parte Application for Post-Indictment Restraining Order, the Gov’t (in this case ATF Case Agent John Ciccone) referred to the mark simply as a trademark, which was ‘purportedly for use in commerce in connection with promoting the interests of persons interested in the recreation of riding motorcycles.’ In contrast to commercial trademarks, which are used in commerce & generally not entitled to full First Amendment protections, collective membership marks are used by members of an organization to ‘indicate membership in a union, an association, or other organization.’ The use & display of collective membership marks therefore directly implicate the First Amendment’s right to freedom of association. The Supreme Court has recognized that ‘implicit in the right to engage in activities protected by the First Amendment’ is ‘a corresponding right to associate with others in pursuit of a wide variety of political, social, economic, educational, religious, & cultural ends.’ This right is crucial in preventing the majority from imposing its views on groups that would rather express other, perhaps unpopular, ideas.’ Furthermore, clothing identifying one’s association with an organization is generally considered expressive conduct entitled to First Amendment protection.... If speech is noncommercial in nature, it is entitled to full First Amendment protection, which prohibits the prior restraint & seizure of speech-related materials without a judicial determination that the speech is harmful, unprotected, or otherwise illegal. “Prohibiting speech of this nature constitutes an attack on a particular viewpoint. In *Sammartano v. First Judicial District Court*, in & for the County of Carson City) the Carson City courthouse enacted a rule to prohibit admission of those with ‘clothing, attire or colors which have symbols, markings or words indicating an affiliation with street gangs, biker or similar organizations,’ because ‘such clothing or attire can be extremely disruptive & intimidating, especially when members of different groups are in the building at the same time.’ The Ninth Circuit reasoned that the rule singles out bikers & similar organizations for the message their clothing is presumed to convey, & held that the rule impermissibly discriminates against a particular point of view – the view of biker clubs as opposed to garden clubs & gun clubs. In this case, the Gov’t targets an even narrower group of individuals, a single motorcycle club. In addition, the Gov’t has been seizing property, which imposes a greater restriction on individual rights than the denial of access to a public facility. Accordingly, the seizure of property bearing a Mongols membership mark should be considered viewpoint-discriminatory. The Gov’t’s ability to seize property bearing the trademark acts as a prior restraint & cannot stand without a judicial determination that the speech is harmful, unprotected, or otherwise illegal. No such determination was ever sought by the Gov’t, & no such determination was ever made by the Court.”

**Judges Wright And Carter:** After Judge Cooper died in the middle of the Cavazos case, the forfeiture matter was transferred to Judge Otis Wright. Wright eventually ruled: “no amount of discovery could affect the dispositive legal issue: whether Cavazos, or any other individual defendant, had a forfeitable ownership interest in the Marks . . . There is no evidence that Cavazos or any other individual member of the organization holds or ever held an ownership interest in the Marks.” But the Gov’t still refused to give up & eventually the issue was decided by

Judge David Carter on Feb 28, 2012. Carter ordered the Gov’t to pay Loy & Mansfield for their work under a Fed law called the Equal Access to Justice Act. The Gov’t argued that the 2 attorneys were asking for too much. Carter replied: “The purpose of Equal Access to Justice Act (EAJA) ‘is to eliminate financial disincentives for those who would defend against unjustified governmental action & thereby to deter the unreasonable exercise of Gov’t authority.’” “In sum, the novelty of the Gov’t’s position did not make it substantially justified. Rather, it took unlawful ‘action based on an ungrounded & unsubstantiated legal theory, & without sufficient factual support.’” “Furthermore, Counsel’s hours were reasonable given the Gov’t’s obstinacy in continuing to litigate legal theories that have now been rejected by all 3 judges to hear this case. The Gov’t could have, at any time, spared itself the expense of Counsel’s EAJA fees by simply conceding that it was wrong on the law. Instead, the Gov’t took advantage of the changes in judges in this case by advancing unsupportable legal theories before each judge. In advancing these theories, the Gov’t submitted voluminous documents through which Counsel & the Court were forced to wade.” The Gov’t appealed to the Ninth Circuit. Last week they finally gave up. Today it is over. The Gov’t cannot seize the patch of any motorcycle club without first proving that every member of the club & the club as an entity constitute a criminal enterprise.

**Hells Angel charged over city assault** – March 26, 2013 – *Australia* – By [www.News.com.au](http://www.News.com.au) - A High-Ranking Hells Angels biker has been charged with assaulting a man inside a legal chambers in Sydney’s CBD. Police said the 23-year-old sergeant-at-arms of the Hells Angels Chinatown chapter assaulted the man, 47, inside the chambers of a legal firm on King Street on Feb 7. The victim was allegedly assaulted when he refused to hand over a \$50,000 cheque, which was being held as security for unpaid legal fees, to the biker, & another man. Police said they arrested man at his Rouse Hill home early on Tue, & are still trying to identify his alleged co-offender. He was charged with assault with intent to rob. The man was due to appear in Parramatta Local Court on Tuesday.

**U. S. Supreme Court Happenings Latest Decision- *Florida v. Jardines***, (No. 11-564)(S. Ct. March 26, 2013) – *U.S.A.* - Using a drug-sniffing dog on defendant homeowner’s... Porch to investigate the contents of the home is a “search” within the meaning of the Fourth Amendment, & therefore the judgment of the Supreme Court of Florida suppressing evidence obtained from that search is affirmed. Upcoming April 15, 2013 Oral Argument *United States v. Davila*, (No. 12-167): Issue: Whether the court of appeals erred in holding that any degree of judicial participation in plea negotiations, in violation of Fed Rule of Criminal Procedure 11(c)(1), automatically requires vacatur of a defendant’s guilty plea, irrespective of whether the error prejudiced the defendant. Favorable Circuit Fed Circuit Cases March 25-29, 2013 6th Circuit *Lovins v. Parker*, No. 11-5545 (6th Cir. Mar. 28, 2013) After a Tennessee state court jury convicted petitioner Derry Lovins of 2<sup>nd</sup>-degree murder, the state trial court judge made additional factual findings & enhanced Lovins’s sentence from twenty to 23 years based on those findings. In this petition for a writ of habeas corpus under 28 U.S.C. #194;#167; 2254, Lovins raises various claims of trial error & argues that the 3-year sentence enhancement was unconstitutional under the rule of *Blakely v. Washington*, 542 U.S. 296 (2004), because the sentence was enhanced based on facts that were not found by a jury. The history of Lovins’s requests for relief in state court is byzantine, but the legal principles are not. Lovins’s direct appeal was not final until almost 3 years after the *Blakely* decision, &

therefore Blakely applies to his case under the clearly-established retroactivity rules of *Griffith v. Kentucky*, 479 U.S. 314 (1987), & *Teague v. Lane*, 489 U.S. 288 (1989). For this reason, & because the procedural default doctrine does not bar our review of the merits of Lovins s Blakely claim, we Reverse the district court's denial of relief, & we conditionally Grant a writ of habeas corpus on the Blakely sentencing claim only.

**Personal Comment:** Unfortunately, I no longer get ample opportunities to report Blakely Sixth Amendment sentencing issues these days. However, this could change if the Supreme Court gives these issues a new boost via a big ruling in Alleyne in the near future. Joyfully, Lovins v. Parker brings a little Blakely-era nostalgia via the Sixth Circuit's habeas grant. 8th Circuit *United States v. Deondre Higgins*, (No: 11-2905)(8th Cir. March 29, 2013) Because of grouping, defendant's 2001 delivery offense did not receive a criminal history point & the district court erred in considering it a prior felony conviction for career offender sentencing purposes; as a result, defendant's sentence on count 5 is vacated & the case is remanded for resentencing. *United States v. Ricky Johnson*, (No: 12-2438)(8th Cir. March 25, 2013) - Defendant preserved his claim regarding his due process right to cross-examine adverse witnesses at his revocation of supervision proceeding by making specific & timely objections which gave the court an opportunity to prevent or correct the error; where the Gov't produced no witnesses & simply had the probation officer read a police report into evidence, the process denied defendant the opportunity to cross-examine adverse witness, & the court erred in considering the facts contained in a police report read into evidence as a basis for revoking defendant's supervision; the Gov't had a full & fair opportunity to present its case at the revocation proceeding, & the court would limit it to this "one bite at the apple;" the sentence is vacated & the matter is remanded for re-sentencing based on the existing record & without considering the contents of the police report previously read into evidence.

**New York Times editorial urges** "Shrinking Prisons, Saving Billions." The mandatory sentencing craze that gripped the country 4 decades ago drove up the state prison population sevenfold from under 200,000 in the early 1970s to about 1.4 million today & pushed costs beyond \$50 billion a year. Until recently, it seemed that the numbers would keep growing. But thanks to reforms in more than half the states, the prison census has edged down slightly by just under 2% since 2009. A new analysis by the Pew Charitable Trusts shows that the decline would have been considerably larger had the other states not been pulling in the opposite direction. Over the last 5 years, 29 states have managed to cut their imprisonment rates, 10 of them by double-digit percentages. California, which has been ordered by the Supreme Court to ease extreme prison crowding, led the way with a 17% drop, mainly by reducing parole & probation revocations & shifting custody of low-level offenders to counties. Other states reduced prison terms for low-level offenses; diverted some offenders to community supervision; & strengthened parole programs, so that fewer offenders landed back in jail for technical violations like missed appointments or failed drug tests. Even law-and-order states like Texas, which cut its imprisonment rate by 7%, have discovered that they can shrink the prison population without threatening public safety. Investing heavily in drug treatment & community supervision, Texas has avoided nearly \$2 billion in spending on new prisons, while the crime rate has dropped to levels unseen since the 1960s. But even as the national prison population has declined, 20 other states including Arizona, Arkansas, Pennsylvania & West Virginia keep sending more people to prison than need to be there....

**Personal Comment:** Of course, this is all fine & dandy, but what are the feds doing? Building more prisons. When are they going

to get it. What used to be the military industrial system has quickly become the correctional industrial system for the Fed Gov't. It is all about the money. Giving sentences of probation to first time non-violent offenders, allowing them to work & pay taxes seems to be a no brainer. But, then again, brains was never a prerequisite in the Fed system.

**Personal Comment:** This week was another slow week for positive cases. I imagine Easter & good Friday slowed the week down. We are all waiting with great anticipation the Alleyne decision which will be decided before the end of this session in June. Because of the great interest in the Justice Safety Valve Act of 2013 before the Senate expanding the "safety valve" provision to include all crimes that carry minimum mandatory sentences, I have received numerous requests for the addresses of the sponsoring Senators Paul & Leahy. Here are their addresses: Senator Rand Paul, 541 Buttermilk Pk Ste 102; Crescent Springs, KY 41017; Senator Patrick Leahy, P. O. Box 1042 Montpelier, VT 05601. Craig M. Coscarelli, Paralegal; 9211 West Road, Suite-143-149; Houston, Texas 77064 (832) 814-1050 (832) 209-1452 (Fax) Business Hours: 9am to 6pm CST M-F (Inmate calls accepted noon to 4pm). 9am to 1pm CST Sat (Inmate calls accepted 10am to noon). [craigsparelegalservices@yahoo.com](mailto:craigsparelegalservices@yahoo.com) [www.federalcriminalparalegal.com](http://www.federalcriminalparalegal.com) (Website)

**Arizona Senate rejects bill requiring police training about ban on profiling of motorcyclists** - March 26, 2013 - *Arizona* - By Bob Christie; [www.TheRepublic.com](http://www.TheRepublic.com) - A handful of Arizona Senate Republicans joined with Democrats Thursday to reject a bill requiring that police be trained about the illegality of pulling over motorcyclists based solely on their clothing or the fact they're riding motorcycles. The bill by Republican Sen. Judy Burges of Sun City West drew hundreds of patch-wearing motorcycle club members to a committee hearing earlier this month. They complained they were constantly harassed by law enforcement officers simply because they wore "colors" & rode motorcycles. But Democrats pushed back Thursday, joined by Republican Sen. Steve Yarbrough of Chandler, who argued against creating a new class of protected people & called it the first step toward micromanaging police training. "Are we going to indeed create a new class of protected persons, & once we do that I can suggest other groups - how about military people, how about young people, how about little old ladies with gray hair?" Burges urged the full Senate to pass her bill Thursday, saying she did not believe it created a protected class & saying it "is kind of frustrating when you're pulled over & somebody points a gun at you." In the end the bill failed 14-14, with 2 members absent. "The guys worked very hard, they came down & lobbied members of the Legislature, so I'm of course sure they're very, very disappointed today," Burges said after her bill failed. "They had certain expectations, bless their hearts, but I couldn't make it happen for them." The bill was opposed by the Arizona Peace Officer Standards & Training Board, known as AzPOST, the entity that oversees police training & certification in the state. Executive director Lyle Mann has said it would write a hard & fast rule barring law enforcement action in certain situations, instead of allowing officers to act based on reasonable suspicion & probable cause from a totality of the situation. The bikers who packed the Senate hearing room Feb. 6 complained they were often stopped, held at gunpoint & detained for hours just because they wore their motorcycle club colors. "I was surprised that the Democratic caucus voted as a block in that they generally stand for freedom & civil rights of people," said John Dreyfus, who was representing the Arizona Confederation of Motorcycle Clubs & is a member of the ALMA Motorcycle Club. "In this case they decided that bikers generally don't deserve the same civil rights as

everybody else. “We’re facing situations where they’re pointing guns at our heads on a regular basis, & it’s getting more intense,” Dreyfus said. “The more often this goes on the greater the chance that somebody’s going to end up dead.” But Democratic Sen. Steve Gallardo said it’s simple enough for members of clubs like the Hells Angels & other so-called “outlaw” gangs to avoid such encounters. “That 1 percent patch symbolizes that these are folks who live outside the law,” Gallardo said. “So if you don’t want to be profiled, stop wearing those patches.”

**Nebraska Hells Angel member makes bid for freedom** – March 27, 2013 – *Nebraska* – By Margery A. Beck, AP; [www.SFGate.com](http://www.SFGate.com) - A former Hells Angel member serving a life sentence for the 1975 murder of a 19-year-old woman has filed for habeas corpus, or relief from illegal detention, & a Fed judge this week issued an order allowing the motion to proceed. Thomas “Red” Nesbitt was convicted in 1986 of first-degree murder in the death of Mary Kay Harmer, who disappeared in 1975. Her skeletal remains were found 9 years later in a manhole near Omaha’s Eppley Airfield. On Monday, U.S. District Judge Laurie Smith Camp allowed Nesbitt to continue without paying the \$5 filing fee. In his latest attempt, Nesbitt resurrects claims that his trial attorney was ineffective. He also says damning evidence against him was fabricated, & evidence that would have helped him was destroyed or suppressed, violating his constitutional rights. Prosecutors at Nesbitt’s trial said Harmer was lured to Nesbitt’s house, & that Nesbitt killed Harmer after she rejected his sexual advances. Nesbitt claimed that Harmer had died from a drug overdose at his house & he disposed of her body. Nesbitt, a member of the Hells Angels motorcycle gang at the time, said he did not report her death to police because he did not trust them. Experts, however, testified that the condition of Harmer’s remains suggested she had been shot & that a caustic substance, such as lye, had been poured over her head. Nesbitt’s neighbor testified that Nesbitt asked him whether he should kill Harmer because he had raped her & feared he was in trouble. The neighbor also said Nesbitt asked him to get some lye. Another witness testified that Nesbitt had abducted & raped her in 1974 & threatened to kill her family if she reported it. Nesbitt’s latest motion says, among other things, that his neighbor later recanted his testimony & that the woman lied about the abduction & rape. Nesbitt’s motion says police destroyed reports that would have corroborated his claims. Nesbitt is representing himself & could not be reached Wed for comment. Nesbitt’s has lost at least 4 previous appeals in the case.

**Prescott Cover Up Continues** – March 27, 2013 – *Arizona* – By The Aging Rebel; [www.AgingRebel.com](http://www.AgingRebel.com) - More than 3 months after the fact the Arizona Dept of Public Safety has still not released its long awaited report on a cop motorcycle club riot in Prescott last December 22. When the DPS began its investigation last year, it promised to issue a report in March. What happened last December is straightforward. An unknown number, but greater than a score, of members of the Iron Brotherhood MC were drunk, disorderly & belligerent in the historic Whiskey Row section of Prescott. The club members flaunted their police powers & displayed both patches & badges simultaneously. Three of the revelers were high ranking local policemen. They were Prescott Deputy Police Chief Andy Reinhardt, Prescott Valley Police Chief Bill Fessler & Prescott Area Narcotics Taskforce Commander William “Mongo” Suttle. About 10:40 p.m. in Moctezuma’s Bar an inebriated young man named Justin Stafford asked Chief Fessler about his patch & was immediately attacked by several members of the Iron Brotherhood. One patch holder, a Homeland Security Officer whose name on the road is “Top Gun”

broke Stafford’s nose. Top Gun, who works at the Homeland Security office at 410 North Malacate Street in Ajo, Arizona, then fled to his hotel, which has already been established to have been the Hotel St. Michael’s. Since then he has successfully eluded the short reach of the DPS. According to a statement made by Mongo Suttle to Prescott police shortly after the assault Reinhardt was there & Suttle told him to go home before the cops showed up. During its long investigation, the Arizona DPS has issued a statement that, “Chief Reinhardt was not in the bar at the time of the incident.” All of this is already public information & most of it has been reported by the Prescott Daily Courier.

**Resignations:** Suttle was placed on paid administrative leave on February 21 & he & a previously unnamed member of the Yavapai County Sheriff’s Office, Captain Marc Schmidt, resigned from their jobs on March 17. A Sheriff’s Office spokesman named Dwight D’Evelyn announced the resignations & said he “did not know” why either man resigned. Last Friday, D’Evelyn said Suttle was still being paid. The Associated Press reported that Suttle intended to retire. Fessler finally quit his job on March 18. The day he resigned he issued a statement that read: “It has been an honor & privilege to have served the citizens of Prescott Valley & been involved in building a police department over the last 23 years. Because of the controversy associated with the events of December 22, I feel compelled for the good of the agency & of the Town to take this time to examine my career & choose to retire from the Town of Prescott Valley. I am proud of my service record as a professional police officer with the Town.” Reinhardt is still on the job. The Arizona DPS is still investigating.

**James Frederick Keach, Jr. Sentenced** – March 27, 2013 – *South Carolina* – By The Aging Rebel; [www.AgingRebel.com](http://www.AgingRebel.com) - James Frederick Keach, Jr., a former member of the Red Devils MC was sentenced to 12 – 15 months confinement yesterday. He was the first defendant in the recent Fed racketeering trial of motorcycle club members in South Carolina to be sentenced. He had faced a mandatory sentence of 20 years. In keeping with the rest of the case, Keach’s sentence is a national secret. Keach has been in custody since June 8, 2012 & will receive credit for time served. He should be a free man this summer.

**March 13 Motion:** In a motion filed on March 13, his attorney, Jan S. Strifling, told Judge Cameron McGowan Currie: “Mr. Keach’s safety is at higher risk while serving time in a Fed Institution. Counsel is informed that the Hell’s Angels as well as other gangs are well established in all Fed Institutions. It is also well known that any defendant’s cooperation is easily discovered in Fed Institutions. Mr. Keach would be safer not in a Fed Institution. “Mr. Keach has a very extensive medical history. He is a completely disabled military veteran & his medical history & current state of health are documented in the Presentence Report (See paragraphs 90, 91 & 92 of the Presentence Report. The Probation officer indicates that he has not received records from the military. However, counsel has records documenting the defendant’s conditions & will produce them on request). “During the time counsel has represented the defendant, there have been a number of instances that the defendant has been without his proper medication of other medical devices. Counsel argues that, while there are very adequate medical facilities in the BOP, the health & welfare of the defendant would be better served by treatment at the Veterans Administration. “Keach has exhibited ‘the ability & potential to become a productive member of society.’ Mr. Keach voluntarily renounced his allegiance to the Red Devils & the lifestyle. He cooperated early (He signed as proffer on June 14th, 2012, less than a week after he was arrested)

& courageously. He has no prior criminal history. He is an extremely intelligent individual as the court has seen firsthand. He has employment skills in the computer industry that are sought after & he should have no problem finding employment.”

**March 26 Motion:** In a motion written sometime before the sentencing but not actually filed as a public document until after Keach learned his fate, Assistant U.S. Attorney Jay Richardson wrote: “Defendant Keach is scheduled to be sentenced at 9:00 am on Tuesday, March 26, 2013. The Gov’t submits that Keach has provided substantial assistance during the course of his cooperation in the cases against his codefendants & his co-conspirators. “For reasons that will be provided at sentencing, the Gov’t requests that the Court reduce his sentence pursuant to U.S.S.G. §5(K)1.1 & Title 18, United States Code §3553(e). “The Gov’t respectfully moves this Court for a downward departure, pursuant to U.S.S.G. §5(K)1.1 & Title 18, United States Code §3553(e). Keach is facing a statutory maximum sentence of 20 years based on his plea to ‘racketeering conspiracy,’ a violation of Title 18, U.S.C. Section 1962(d). Keach is facing an advisory guideline sentence of 21-27 months based on a total offense level of 16 & a criminal history category of I. The Gov’t will provide additional factual details & a recommendation at sentencing.” The public record shows that Judge Currie granted Richardson’s motion yesterday.

**Grandma stood up to bikie over puppy stoush** – March 28, 2013 – *New Zealand* – By [www.Stuff.com](http://www.Stuff.com) - A minor dispute over a runaway dog has resulted in the arrest of the Hells Angels Sergeant-at-Arms, the alleged assault of a grandmother & a major drug bust. It was a story that should have ended happily if not for the gang member’s hair trigger temper. It began when bikie heavy Peter “Skitzo” Hewat’s lost white shih-tzu terrier was found by a kind hearted lady near his Craigieburn, Victoria home last week. The 62-year-old put out posters of the dog around the neighborhood trying to find the legitimate owner, only to end up being abused for her community spirit. According to police, Mrs. Skitzo rang the woman and, instead of thanking her, showed a distinct lack of gratitude. The Good Samaritan responded that she would need proof of ownership before handing over the puppy in question. Police say Hewat fronted at the woman’s house last Sunday & tried to force his way through the front door. When she blocked his entry police allege the big tough bikie punched her in the jaw, leaving deep bruising & swelling. Naturally, she sought medical & law enforcement assistance, only to find that she received another unwelcomed visit on the Monday. This time it was 2 unidentified men who threatened her with a pistol & told her to withdraw her complaint. Unlike a host of businessmen, publicans & heavy crooks, the grandmother would not be intimidated. Enter the Echo Bikie taskforce that on Thursday conducted a series of raids, including at Hewat’s Craigieburn home & heavy haulage office. And, unlike Skitzo, the raiding of Echo & Santiago detectives, backed by the Australian Fed Police & the Critical Incident Response Team, had little trouble entering the buildings in question. It is alleged police found 500 grams of ecstasy tablets, a stun gun & ammunition. They also found he was running his business without a license. At last report he was in police custody, not assisting them with their inquiries. Fairfax Media has been unable to ascertain the present location of Skitzo’s shih-tzu.

**If you think health** care is expensive now, wait until you see what it costs when it’s free! - P.J. O’Rourke

**FAMM** - April 2013 – *U.S.A.* - Julie on Justice: It’s deja vu all over again! – By [www.famm.org/](http://www.famm.org/) - Two decades ago, I was

working furiously on a bill that would allow Fed courts to avoid the mandatory minimum sentence for drug offenders if the sentence clearly exceeded the person’s role in the crime. That bill became known as the “safety valve.” It was passed by Congress the following year in 1994 & since then more than 80,000 Fed drug defendants have received fairer sentences, saving taxpayers \$11 billion. Fast forward 20 years. Now we are working furiously on a New safety valve! This time all Fed defendants facing a mandatory minimum sentence would be eligible for a fairer sentence, not just those facing drug charges. After many months of behind the scenes efforts, the bill was introduced in the U.S. Senate on March 20 by Senators Rand Paul (R-KY) & Patrick Leahy (D-VT). The bill, S. 619, is known as the “Justice Safety Valve Act of 2013.” The Justice Safety Valve Act is exciting for a lot of reasons. For one thing, it was introduced by leading senators from both parties. The Republican sponsor, Sen. Rand Paul, became an overnight sensation to millions after his 13-hour filibuster against drones last month. And the Democrat, Sen. Patrick Leahy, is the powerful Chairman of the Senate Judiciary Committee, which has jurisdiction over all criminal justice issues. When the bill was introduced, each of them released strong statements in support of the bill. Sen. Leahy said, “Our reliance on mandatory minimums has been a great mistake. I am not convinced it has reduced crime, but I am convinced it has imprisoned people, particularly nonviolent offenders, for far longer than is just or beneficial. It is time for us to let judges go back to acting as judges & making decisions based on the individual facts before them.” Sen. Paul said, “Our country’s mandatory minimum laws reflect a Washington-knows-best, one-size-fits-all approach, which undermines the Constitutional Separation of Powers, violates the bedrock principle that people should be treated as individuals, & costs the taxpayers money without making them any safer.” Even more important than the impressive bipartisan sponsors of this bill is what the Justice Safety Valve Act would do. It would allow Fed judges to avoid giving mandatory prison sentences that are clearly excessive; the kind of sentences that keep judges up at night, the kind that ruin people’s lives. The Justice Safety Valve Act would make thousands of Fed defendants eligible to receive sentences that would more closely reflect their culpability. It isn’t a “get out of jail free” card, though. It wouldn’t mean that people get off without any prison time, just that they don’t get any more prison time than is necessary to keep us safe. For instance, if a Fed judge determines that a person qualifies for the Justice Safety Valve Act, he could be sentenced to 5 years or 7 years (or some other appropriate amount) instead of the 10-year mandatory minimum. The savings from the extra years not spent in prison would free up taxpayers’ dollars for prosecuting truly violent offenders or rehabilitating addicts, or -- imagine this -- the money could even be returned to taxpayers! You’ll notice that S.619 does not apply retroactively to those already in Fed prison. I know this is a huge disappointment & I get it. The 1994 drug safety valve was also not retroactive & I had a brother sitting in prison at the time for a marijuana offense. None of my efforts helped him. But I knew they would help somebody else’s family avoid extra years of pain. And that was worth fighting for. I wish retroactivity were a possibility, but with a bill of this magnitude it isn’t. So we have to pay it forward & fight for those who will enter Fed prison in the years to come. We’re also focused on helping state prisoners, which is why we released a new report titled, “Turning Off the Spigot: How Sentencing Safety Valves Can Help States Protect Public Safety & Save Money.” The report details how 8 states have embraced sentencing safety valves as a way of reducing prison populations & saving money, while at the same time protecting public safety. We are going to make sure this report

gets in the hands of every state legislator who is looking for new ideas. It's an exciting time for FAMM & one that feels great because we're playing offense! We are fighting for something instead of simply fighting against the bad ideas of those who think the status quo is fine. Twenty years ago I should have changed our name to Families For Sentencing Justice because that's exactly what we want, what we've spent the last 2 decades fighting for, & what S.619 is trying to achieve. I predict it will be deja vu all over again & we'll win this safety valve, too. After all, who can argue against a bill that keeps us safe & saves us money?! Especially with the force of FAMM's membership behind the bill! My best, Julie Stewart; FAMM Pres

**Reputed head of the Pagan's MC gets public defender in civil case** – April 2, 2013 – *Pennsylvania* - By Paul Peirce; <http://TribLive.com> - The reputed head of the Pagan's MC in Western Pennsylvania & his wife will fight a \$5,388 civil damage award. Dennis "Rooster" Katona, 46, of Hempfield, who is awaiting trial for allegedly manufacturing & delivering cocaine, & his wife, Sherri, recently were found jointly liable by West Newton District Judge Charles Christner for damage to a telephone pole & equipment owned by Verizon in Sewickley Township. According to court documents, Ronald S. Thomas of Glassport was driving a vehicle owned by the Katonas on Clay Pike Rd on Oct. 8, 2011, when it struck the utility pole. Thomas could not be reached for comment on Monday. The relationship between the Katonas & Thomas could not be determined. Thomas, 25, pleaded guilty to driving under the influence & was admitted to the Accelerated Rehabilitative Disposition Program for first-time offenders. He was given a 60-day license suspension & was ordered to attend alcohol highway safety school, according to court records. Online records show he has not made a payment on his fines & costs in over one year & is \$350 in arrears. Meanwhile, Verizon filed a civil complaint to recover its alleged property damage against Thomas & the Katonas. Court documents state the Katonas' vehicle was not insured at the time of the wreck. Christner ruled in Verizon's favor on March 5. In paperwork seeking to appeal Christner's decision without paying filing fees, Katona, who is free on \$500,000 bond, & his wife, Sherri, indicated that she is the family's sole breadwinner. Judge Debra Pezze has repeatedly denied Dennis Katona's requests for work release while he remains at home on electronic monitoring. Court documents indicate that Sherri Katona works as a "muffin packer." Judge Gary Caruso signed an order on Monday approving the Katonas' request to proceed as paupers in their civil case & waiving payment for filing fees on the appeal. Meanwhile, Dennis Katona's criminal atty, Paul Boas, has sought to review grand jury testimony to determine if an internal police investigation may have uncovered evidence of tampering in the criminal case. According to court documents, Boas maintains that witnesses may have provided testimony that could be used to exonerate Dennis Katona. Dennis Katona was charged in June 2011 when police searched his Ember Lane home & found more than 84 grams of cocaine & nearly 100 grams of methamphetamine with a combined street value of \$20,000. The search also turned up nearly \$4,000, a digital scale & a document that indicated who owed Katona money, police reported. Boas suggests in motions the grand jury is investigating the actions of a state trooper who was part of the team that organized a raid on Dennis Katona's home. The grand jury investigation & the Katona case may be linked, according to Boas. Earlier this year, state police Cpl. Robert Stauffer, 52, of Adamsburg was suspended without pay as part of an ongoing investigation, an agency spokeswoman confirmed. Arguments on motions are

scheduled to resume later this month before Pezze. The case is tentatively set for trial in May.

**City's Bandidos head to face court** – April 2, 2013 – *Australia* – By Leah Fineran; [www.GoldCoast.com.au](http://www.GoldCoast.com.au) - THE Gold Coast Bandidos sergeant-at-arms will face court in May on cocaine charges. Joshua Leigh Downey allegedly concealed cocaine & obstructed police at Surfers Paradise last year. Downey is on bail & was absent in the Southport Magistrates Court as solicitor Campbell MacCallum from MM Lawyers requested an adjournment to compile statements & take final instructions. Downey is expected to appear in person on May 9.

**Homes of Vagos motorcycle gang members searched by authorities** – April 3, 2013 – *California* – By Bill Morem; [www.SanLuisObispo.com](http://www.SanLuisObispo.com) - Members of 3 law enforcement agencies served search warrants Wednesday at the homes of the 5 Vagos motorcycle gang members who had been arrested on March 15 on suspicion of firearms-related charges. The arrests occurred during a traffic stop near the intersection of Highways 154 & 101 in Santa Barbara. The search warrants were served Wednesday at homes in Paso Robles, Cayucos & Heritage Ranch. The Santa Barbara County Sheriff's Gang Enforcement Unit, with assistance from the San Luis Obispo County Sheriff's Office & Paso Robles P.D., served the warrants on all 3 locations around 6:30 a.m. According to a news release from the Santa Barbara County Sheriff's Office, the search yielded a shotgun & several pieces of suspected gang-related items. No additional arrests were made. The March 15 arrests followed a traffic stop after members of the Santa Barbara Sheriff's Gang Enforcement Unit saw 2 of the riders fail to stop at a red light. During the traffic stop, 3 additional motorcycle riders stopped in the middle of the highway, apparently waiting for the members of their group who had been stopped. During the stop, detectives found concealed semi-automatic handguns within the motorcycle saddlebags of the individuals who were stopped. All 5 suspects were arrested on firearms-related allegations, along with gang enhancements. Those arrested were Kirk Koester, 46, the club's San Luis Obispo chapter president, & his wife Shannon Koester, 41, both from Cayucos; Byron Posey, 38, of Paso Robles; Daniel Chapman, 46, of Paso Robles; & John Gallagher, 41, of San Luis Obispo. The case has been turned over to the Santa Barbara County District Attorney's Office. An arraignment date has not been set. According to law enforcement, there are more than 600 Vagos members in the country. The club originated in San Bernardino County in the 1960s.

**Two shot at motorcycle club** – April 4, 2013 – *Indiana* – By Scott Smith; <http://KokomoTribune.com> - Kokomo police are looking for leads in a Sunday morning shooting which left 2 Kokomo men hospitalized. Police said Nikkolas Allen, 20, had a single gunshot wound to his chest & was taken by helicopter to an Indianapolis hospital. Steven Allen, 21, suffered multiple gunshot wounds to his leg & arm. Police said both victims are in stable condition at this time. Major Brian Seldon of the Kokomo P.D. said neither victim is a suspect in the shootings, & said police are looking for more than one perpetrator. No one was arrested in the aftermath of the incident, which happened around 5:12 a.m. at the MoVille Groundshakers MC, 120 W. Monroe St. Seldon said police are still trying to piece together what happened prior to the shooting, which happened in the club's parking lot as both victims were leaving the establishment.

**We're Proud of our Privates...!!!** By the U.S. Army...

**Bikie beer ban set in stone** - April 3, 2013 – *Australia* – By Alison Bevege; [www.NTNews.com.au](http://www.NTNews.com.au) - Licensing laws are to be changed permanently so no NT pub can serve bikies wearing colours ever again. The NT News yesterday revealed an emergency directive was rushed through to stop the 200 Hells Angels now heading to Darwin from having a beer in uniform. But it only lasts until April 11.

**Hells Angels implicated in fire at Columbia strip club** – April 4, 2013 – *South Carolina* – By Noelle Phillips; [www.HeraldOnline.com](http://www.HeraldOnline.com) - The Hells Angels are implicated in the 2012 burning of a controversial Columbia strip club as part of an insurance fraud scheme, but only one person has been named as a suspect. Owners of the business & the property, meanwhile, insist they were not involved in the fire at the former Crush Nightlife property at 3722 River Drive. Crush closed last month after it became the target of Richland County Sheriff Leon Lott & 5th Circuit Solicitor Dan Johnson, who were beginning to build a nuisance case against the club. The club had become a focus after repeated problems, including shootings 2 weekends in a row in January. Stan Hudgins, the club owner, said he shut the club's doors after Lott's deputies twice raided the business. Crush caught fire in the early morning of March 8, 2012. The blaze caused an estimated \$100,000 in damage. At the time, officials said the cause was under investigation. The club was rebuilt & reopened. A document filed in U.S. District Court in Columbia said that Daniel Bifield, a former president of the Rock Hell City Nomad Chapter of the Hells Angels, allegedly was part of a group that attempted to burn the club. The reference to the strip club fire is in a footnote in a 51-page Gov't document filed in response to a defense attorney's motions. "In March of 2012, Bifield – along with other named & unnamed members of the enterprise – attempted to burn down Club Crush in Columbia, SC, as part of an insurance fraud scheme. During the early morning hours of March 8, the club was partially burned down after firefighters were able to top the fire set by Bifield & his associates," the document said. In Dec, Bifield pleaded guilty to a racketeering conspiracy charge, which included arson as part of the Hells Angels' alleged organized illegal activity. However, Bifield filed a motion in February asking to withdraw his guilty plea, & a hearing on that motion has not been held. No other individual has been named in connection with the arson. Efforts to reach Bifield's Fed public defender were unsuccessful. Bifield was one of 19 Hells Angels indicted in May 2012 on a long list of charges including racketeering, conspiracy, money laundering, drug trafficking & illegal gun sales. A handful of the Hells Angels have been acquitted of the accusations, while others have been found guilty on some charges. Some cases are pending. Assistant U.S. Attorney Beth Drake said she could not confirm or deny any ongoing investigations into the Crush fire, including whether someone else was involved in the alleged arson. At the Richland County Courthouse, a lis pendens has been filed on the property by the U.S. Attorney's Office. The most recent filing was dated March 15, but it was the third such notice. Lis pendens notices typically are filed by banks when property is under foreclosure. The notices also expire after 30 days, which explains why the U.S. Attorney's Office has filed 3 since Jan. The U.S. Attorney's office filed the lis pendens to warn any potential buyers that the Gov't could have a claim in the property, Drake said. But she declined to elaborate on the Gov't's interest in the property. But the Gov't would have to take further steps to seize the former club's buildings & land. "The United States Gov't isn't seeking to seize the property as part of the Hells Angels case," she said. "There would have to be a separate criminal or civil proceeding." The Columbia Richland Fire Dept & the Richland County Fire

Marshal's Office declined to release their reports on the 2012 blaze, even though the state Freedom of Information Act specifies that they release reports. The fire department referred The State to the FBI, which declined to comment. Sheriff Leon Lott declined to comment on the arson investigation because it is under Fed jurisdiction. "I hope there are other arrests to be made," Lott said. The arson accusations are just one more reason the club needed to be shuttered, the sheriff said. Before it closed, sheriff's deputies had been called to the club 142 times in 2 years. "It all goes back to us wanting to close that club down for being a nuisance as well as for being as dangerous as it was," Lott said. While Hudgins owned the strip club business, the building & land are owned by Jerry Britt of Columbia. Both men said they were not involved in the fire. "Of course not!" Britt said when asked if he hired the Hells Angels to burn down the building. Britt, who has been battling cancer, said he has lost money on the building. Britt said he has not been contacted by the FBI & he also said he was not aware of the lis pendens notice on the property. "I know (I) haven't been charged with nothing," he said. "If I have, nobody told me." As for Hudgins, he also said he has not spoken with the FBI, but he had met with the Richland County sheriff's arson investigator. "The feds haven't talked to me because they have no reason to," Hudgins said.

**Biker gangs infiltrating business world** – April 4, 2013 – *Finland* – By <http://yle.fi> - More & more Finnish businesses have criminal groups lurking in the background. According to Finland's crime busters the Nat'l Bureau of Investigation, a rise in the number of motorcycle gangs has seen a corresponding increase in their presence in labor-intensive enterprises, & even beyond. The National Bureau of Investigation says that more than 100 biker gangs have links to different business operations & they also run intermediary groups. The crime busters point out that it's difficult for ordinary people to know when they are hiring a company that has links to organized criminals. According to a report conducted by the NBI a few years ago, there are some 130 motorcycle gang members who are involved in labor-intensive businesses. More often than not, these businesses operate in the construction sector, as well as the restaurant & cleaning fields, said the NBI's Detective Inspector Tapio Kalliokoski. He added that in these cases the recruitment & labor practices fall on the shadowy side of the law. "Those involved in the (shady) business operations included chief executives, board members, accountants & procurement officers. So they were not deputies," Kalliokoski explained. In the course of their investigations, police have noticed that a group of influencers may also be involved in the operations. They may include job site checkers, jobholders & pay officers, & they are recorded as different individuals in the companies' register. Some of the money earned from these black market operations are redirected to the criminal groups by way of tax & accounting fraud. It is also used to finance other criminal activities including drug trafficking, prostitution, human trafficking & illegal bars. Frequently businesses fronting organised crime have some legal operations that pay taxes & other legal obligations. "Some of their activities are legal & tax declarations are duly made. Some salaries are paid out & some it left for obscure activities," the detective said. **Explosive rise in gangs:** Kalliokoski enumerated Finland's 4 well-known criminal groups: Hell's Angels, Bandidos, Cannonball & the United Brotherhood. By 2000, the criminal underground fielded 8 groups. Since then, the number of gangs has continued to multiply; currently police estimate that there are as many as 60 gangs operating in Finland. "The changes have occurred in those hard-core groups that are involved in serious crime & are behind the biggest criminal jobs," he declared. Kalliokoski hinted that in

light of these developments, it might well be time consider whether customers have an obligation to look into their service providers' backgrounds.

**Prison officers 'threatened by bikies' – April 4, 2013 – Australia** – By Paula Doneman; <http://AU.News.Yahoo.com> - Security has been increased after 2 prison officers & their general manager were allegedly threatened by a bikie incarcerated at a north Queensland jail. One of the officers allegedly named as a target went on leave yesterday after he was told the prisoner, a member of the Finks bikie gang & convicted drug trafficker. The threats sparked a lockdown at the Townsville Correctional Centre & an upgrade of security protocols, staff told Seven News. Queensland Corrective Services Deputy Commissioner Peter Bottomley warned violence towards staff from outlaw motorcycle gang members would not be tolerated. "They continue to draw our focus in terms of the threat they pose & in that regard, we closely monitor their activities, gather & analyse information, & continue to develop strategies to reducing the threat. That includes working with police & other agencies," he said. Bottomley said the crackdown & new policy on bikie gangs behind bars introduced last year would only get tougher. Prison staff alleged the threats came from Phillip Bruce Main, who has been actively recruiting fellow prisoners for the gang's feeder group – the "66 street crew". "All internal prisoner movement is being heavily monitored. The threats made were the staff were targets inside & outside the jail. Main claims he has their home addresses," an officer said. Members of the street crew do not have to be "patched" members to join as required when for outlaw motorcycle gangs. Behind bars the Finks call themselves the "66 Jail Crew". The numeral is the symbol for FF, the sixth letter of the alphabet, as in "Finks Forever". Queensland Corrective Services have referred the matter to police & Main has been placed in the jail's detention unit. Townsville Correctional Centre's General Manager Andrew Pike was adamant the situation was under control, saying the jail dealt with threats swiftly. "We have good linkages externally with QPS (Queensland Police) & they're able to quickly advise us & dispel any concerns with our staff pertaining to any threats that are made," he said. "We manage all threats or any issues pertaining to our staff swiftly & ensure we maintain their safety," he said. The union representing prison officers called on the Gov't to spend more money on safety. "We do put our lives on hold to come in here every day & put our lives on the line to protect the community," said Together Union delegate Belinda Johnson. Officers said Main had been involved in several incidents in jail hoping it will force prison authorities to transfer him back to the south-east corner so he can be closer to his club & aging parents. An internal report from the jail obtained by Seven News shows Main & a fellow "66" member Sean Miller staged a rooftop protest on March 25. It was described as a "level one" major security incident as the prisoners accessed the roof of the high security unit from the jail's sports oval. Main & Miller accessed the area with the help of other prisoners who distracted officers during a head count. The jail was locked down as a result while staff ordered the prisoners down. Main was jailed in 2011 for 5 years for drug trafficking & gun supply on the Gold Coast after being caught in a major undercover police sting. He was also given extra jail time for refusing to answer questions at a "star chamber" coercive hearing before the Australian Crime Commission during an investigation into the Gold Coast chapter of the Finks. He refused to take an oath, answer questions about his associates, drug dealing or how he was shot when examined by the commission. He is a member of the Gold Coast chapter of the Finks which last month lost a High Court bid to stop

Queensland police's bid from declaring them a criminal organisation. Main was transferred from Brisbane to Townsville jail several months ago in bid to curtail him recruiting fellow prisoners for the "66 Crew". Seven News revealed last year that Queensland jails outlawed the bikie culture & violence behind bars as gangs stepped up their recruitment of prisoners. In a bid to stem recruiting, Queensland Corrective Services banned bikies from depositing money into prisoners' trust accounts & having telephone contact with them unless a prisoner can prove they had a pre-existing relationship before they were jailed. As part of the new policy bikies & associates wearing club colours or insignia wanting to visit Queensland jails are now refused entry & all gang paraphernalia such as posters has been removed. Gangs such as the Finks & Bandidos have been targeting prisoners with drug networks & lifers who have fearsome reputations within prison culture.

**Fourth South Australian Finks bikie arrested over club bashing – April 6, 2013 – Australia** – By [www.TheAustralian.com.au](http://www.TheAustralian.com.au) - A Finks bikie was arrested this morning for the savage bashing of a senior colleague at the outlaw motorcycle gang's clubrooms at Middle Row, Salisbury, in Feb. The 41-year-old is the fourth man arrested by outlaw Crime Gangs Task Force detectives. The bikie from Mile End has been charged with aggravated cause serious harm & aggravated robbery & will appear in the Adelaide Magistrates Court on Monday. Police are still trying to identify a fifth suspect involved in the assault, which took place about 3.10pm on Feb 13. The bashing victim suffered serious injuries including collapsed lungs, broken jaw, broken leg & other facial fractures. He was also robbed of jewellery during the attack, which police strongly suspected was as a result of a falling out amongst Finks members. Since the assault police have raided a number of locations & seized items for forensic testing. Today's arrest follows a swoop by police on Friday resulting in the capture of 3 men over the bashing: cruiserweight boxer Mostyn Niemann, 26, from Hendon, Bozidar Cecic, 22, of no fixed address & a 20-year-old from Albert Park. All were charged with aggravated cause serious harm & aggravated robbery & appeared in court yesterday. Two are Finks members & one is a Finks associate. Detective Superintendent John DeCandia, Officer in Charge Crime Gangs Task Force, yesterday appealed for public help to help identify the outstanding suspect. "We are seeking information from the community, which can be provided anonymously, to identify & locate him," he said. "The investigation is on-going & further arrests have not been ruled out. "Gang violence will not be tolerated & we will take action to ensure that those responsible are arrested & made to account for their actions."

**A Gov't** big enough to give you everything you want, is strong enough to take everything you have. Thomas Jefferson

**The inherent** vice of capitalism is the unequal sharing of the blessings. The inherent blessing of socialism is the equal sharing of misery. - Winston Churchill

#### **U.S. Defenders:**

- We don't accept applications. We accept commitments...
- If we all do a little bit, Then no one has to do a lot...
- There can be no "I", there has to be "We"...
- One heart, One Voice...

**National Coalition of Motorcyclists...**  
An Idea Whose Time Has Come...