

May 18, 2005

AUSA Dan Stewart, Criminal Division  
U.S. Attorney's Office  
Room 5510  
400 East 9<sup>th</sup> Street  
Kansas City, MO 64106

Dear Dan:

FYI is attached a copy of a letter I mailed to Mr. Tucker Kirk.

As you know or should know I have repeatedly made serious allegations that I remain in the midst of a vicious obstruction of justice, cover-up, and retaliation conspiracy in state and federal courts and a conspiracy to deny my familial relationship with Aaron, Jesse, and Adam while minor children when I was in state and federal custody involving, but not limited to, your office.

The Johnson County Kansas Prosecutor's Office deliberately and as public policy assigned prosecutor/victim's assistance coordinator Lynn Stemm, as my probation officer in diversion case K-61261 creating an impossible conflict of interest and with an underlying public policy agenda in joint and concerted action with the alleged victim to deny the my parental rights under color of law without due process and in clear absence of any evidence of child abuse or neglect.

The Johnson County Prosecutor's Office deliberately concealed material evidence known to its office in jury trial K- 67315 that tends to negate the guilt of the accused and once I was unjustly jailed the Johnson County Prosecutor's Office deliberately concealed material evidence known to its office to secure a *nolo contendere* plea agreement with the promise of a reduction of jail time K-67532 with the sole purpose to deny my parental rights without due process through fraudulent use of court protection orders and conditions for release. The material evidence deliberately concealed was a City of Leawood police surveillance report of failed sting operations using my 9-year-old son, Adam Braun, in joint and concerted action with sole complaining witnesses in K-67315 former wife, Donna K. Braun (Kirk) and brother-in-law William Copland. My theory of defense at trial was that I was being deliberately provoked and set up by my former wife and brother-in-law.

Once I was in unlawful Kansas custody, the Johnson County Prosecutor's office deliberately concealed the material evidence to a plethora of Kansas officials in order to fraudulently represent a protection from abuse court order as a no contact order when the prosecutor's office knew it could not be a no contact court order because they had conducted failed sting operations using the my children as bait apparently to provoke some kind of incident when the same protection order was in effect.

Further, the State of Kansas has a deliberate and unlawful custom or policy to conceal evidence used in revocation proceedings and this has been public policy for over 30 years. When I attempted to blow the whistle on the unlawful Kansas public policy, the State of Kansas transported me to Larned Correctional Mental Health Facility, declared me administratively insane, and issued a direct order for me not to contact my sons citing the protection of abuse order as authority. When I defied this direct order I was thrown in the hole of the insane asylum and was denied access to the prison law library until I agreed not to contact my sons.

The Johnson County Prosecutor's Office used this unlawful public policy to deny due process to unlawfully solicit letters from my siblings, thereby creating evidence, alleging I was a danger to the community, with the promise of secrecy to the siblings. These letters were then unlawfully and secretly used against me in violation of clearly established law to revoke my conditional release. Specifically, I was revoked for expressing intent of not following unlawful release provisions that prohibited me from going to the residence where was approved to live and prohibiting me from contacting my sons. The sibling letters were then used secretly by the Kansas Parole Board as evidence to revoke my conditional release and the use of this secret evidence was deliberately concealed from me as a matter of public policy.

The Johnson County Prosecutor's Office in joint activity with common understanding or "meeting of the minds" under color of law with Donna K. Braun and Tucker Kirk further went on to obstruct correspondence with my sons and caused a plethora of Kansas officials to join in this unlawful activity by fraudulently representing that the protection from abuse order was a no contact court order when they knew it was not a no contact court order.

While unlawfully imprisoned in Kansas my business, Gold Standard Corporation, collapsed. In the fall of 1993 the Johnson County Prosecutor's Office entered into a federal perjury, cover-up, obstruction of justice and retaliation conspiracy with the City of Leawood Police Department, the U.S. Attorney's Office and certain individuals with testimony that I repeatedly violated a no contact protection from abuse court order for the purpose to deny me bond in federal court. The Leawood Police Records Sergeant testified that he entered "all the police reports that have anything to do with the Braun situation" into the record. The police surveillance report was deliberately omitted. Johnson County Prosecutor Thomas Bath and Lynn Stemm then testified that I repeatedly violated a no contact protection from abuse order when they knew the order was not a no contact order. The Johnson County Prosecutor's Office then deliberately concealed the evidence and lied to federal Probation Officer Larry Revella causing him to create a false criminal history. The evidence was again deliberately concealed at federal sentencing causing my federal sentence to be sharply enhanced under the Sentencing Reform Act 1984 by a criminal history that the Johnson County Prosecutor's Office knew was false and that your office knew or should have known was false.

Further, in the fall of 1993 minor child Aaron Braun was reported truant from your office and was subsequently suspended from suspended from Shawnee Mission East High

School for his truthful testimony in federal court. Later, AUSA Linda Parker bragged to my court appointed counsel Susan Hunt that she waited until after Aaron's testimony so she could not be accused of witness tampering, apparently not realizing that retaliation of a federal witness is also a felony.

In August 1994 court appointed counsel Susan Hunt conveyed by letter threats to me from your office that if I continued write letters to my children and file lawsuits (two constitutionally protected activities), things would go hard on me at sentencing. Instead, of relaying these threats to the presiding judge, appointed counsel Susan Hunt conveyed the threats to me. Pursuant to my duty as per Title 18 USC 4 I reported the threats to the presiding judge. The presiding judge did nothing and went on to sentence me harshly based on a criminal history that the state of Kansas and your office knew or should have known was false.

Dan, while I have no idea if you are culpable in any of the above matters, they did occur under your watch. And, if true, the implications should be obvious to you.

Finally, the record will show that while in federal custody it became evident to me that the Sentencing Reform Act of 1984 is apparently not in the public archives as is required by Title 1 USC 4(a) calling into serious question whether this Act was ever enacted by the United States Congress at all. In her response AUSA Linda Parker argued I needed to prove the Sentencing Reform Act of 1984 is not in the public archives, a logical impossibility, and a legal impossibility known as *impossibilium nulla obligatio est*. "There is no obligation to do impossible things." Black's Law Dictionary, Sixth Edition.

While several federal judges have looked at the enactment issue on different grounds this issue has yet to be judicially addressed. Apparently the Comprehensive Crime Control Act of 1984 of which the Sentencing Reform Act of 1984 is a part was attached to a temporary spending bill that expired in 90 days. This is permissible for abolishing or amending existing law, but the creation of new law must be deposited in the public archives. In this case the Sentencing Reform Act of 1984 created an entirely new bureaucracy and an entirely new section in federal procedure that did not before exist. It is not simply an amendment of existing law but the creation of new law. And because this new law was attached to a temporary spending bill it is apparently not in the National Archives, and hence, in violation of Title 1 USC 4(a).

As you may recall, at my allocution I stated my first duty is to our Lord, my second is to my sons, and my third duty is to my depositors whom I harmed. Due to my personal experience and isolation in a prison law library I have discovered a fourth duty to my Nation and its Constitution.

Truly my case is one which I clearly enunciated my own wrongdoing, accepted responsibility, and continue to this day to seek to make my wrongdoing right. And yet, under a law that perhaps was never enacted by Congress, I had no means available to make my wrongs right as the executive branch has usurped powers previously reserved

for the judiciary by circumventing the only branch able to regulate these powers, our legislative branch.

Again, Dan, I have no idea of the degree of your culpability, if any, in these matters. I do know that you apparently created a Chinese wall in my prosecution due to our personal friendship. Nevertheless, these things did occur under your watch so I wanted to give you the opportunity to clean your own house, an opportunity that is not available for judges to grant defendants under the Sentencing Reform Act of 1984.

Cordially yours,

Conrad J Braun  
4432 Mentone Street  
San Diego, CA 97108

cc: Honorable Judge Nanette Laughery  
Honorable Judge Stephen Tatum  
Honorable Judge Janice D. Russell  
Johnson County District Attorney Paul Morrison  
FBI – Kansas City  
Professor Douglas A. Berman, Sentencing Law and Policy