

**ALLOCUTION**  
**Presented on October 31, 2005**

First, I want to thank Bob Thomas, an excellent attorney, who has believed in this case and me and agreed to represent me for far less than what he normally commands.

Secondly, I want to thank an honest group of jurors who really had no choice but to convict me.

Thirdly, I want to thank you, Judge Tatum, whom I believe was more than fair within the parameters of instructions given and the amended complaint ordered by Judge Anderson.

Frankly, we were not expecting this motion for a dispositional departure by Paul Morrison and Ms. Welch and were expecting to settle this matter on appeal without jail time being a consideration.

This morning Mr. Thomas advised me to limit my allocution by indicating to you that my primary goal is to get this behind me and to get on with my life and be with my children and grandchildren in San Diego. Judge Tatum, this is my deepest desire. I am here today and missing tonight a very special evening with my son, Aaron, my daughter-in-law Siobhan, my son Jesse and my three small grandchildren Andrew, Jacob, and Amelia. There is nothing I desire more than to be with my family tomorrow and in the future.

At the same time I would be remiss to future generations if I fail to state my position clearly. Our Nation and this State is in the midst of an issue as great in importance as issue in which this great state was founded 155 years ago. We have an opportunity to be an example to this Nation. We have an opportunity to be a peaceful lawful Kansas able to address tough and divisive issues. But this can only be done within the context of an independent judiciary that does not practice law for the state of Kansas, an Attorney General who faithfully follows due process, and a Governor who is willing to supervise and oversee that this is done.

The Bill of Rights in the Kansas Constitution reads:

“The liberty of the press shall be inviolate; and all persons may freely speak, write or publish their sentiments on all subjects, being responsible for the abuse of such rights; and in all civil or criminal actions for libel, the truth may be given in evidence to the jury, and if it shall appear that the alleged libelous matter was published for justifiable ends, the accused party shall be acquitted.” Bill of Rights, Constitution of Kansas

Judge Tatum, on June 14, 2005 a Johnson County jury found me guilty of the “crime” of exercising my Constitutional rights without hearing this instruction. Today I stand before you for sentencing. My position remains unchanged. I have committed no crime.

Nor am I alone in this assessment. On March 28, 2003, I received a Voluntary Discontinuance form from U.S. Postal Inspector T. A. Rebotarro. While I refused to sign the *STATEMENT OF VOLUNTARY DISCONTINUANCE*, I voluntarily discontinued my activities pending an investigation by the Postal Service. On April 29, 2003 the United States Postal Inspection Service and the U.S. Attorney’s Office determined that my activities were constitutionally protected. (Exhibit #1, attached.)

On June 9, 2003 the Johnson County Sheriff’s Department served Paul Morrison with a *pro se* mandamus to produce evidence concealed to secure false criminal convictions against me 14 years ago. Braun v. Morrison, 03cv03933. This evidence was also concealed from Kansas officials to deny my parental rights without due process while in Kansas custody shortly after the incident concerning Mr. Kirk. (Exhibit #2, attached) Mr. Kirk actively interfered with my parental rights in joint and concerted action with the Johnson County District Attorney’s Office while I was in Kansas custody. (Exhibit #3, attached).

The Johnson County Prosecutor’s Office filed the charge of “blackmail” on June 12, 2003, three days after being served the *pro se* mandamus by the Sheriff’s Department, and I was arrested at my home on June 13, 2003.

The original complaint did not state that I committed a crime. On January 23, 2004 Judge John Anderson, III *sua sponte* ordered an amended complaint without recusal in violation of Judicial Cannon 2A, Judicial Cannon 2B(1), and Judicial Cannon 4(G). When I attempted to set a *pro se* motion for recusal for hearing, I was arrested by Judge Anderson and detained for suspected jury tampering. Judge Anderson then recused based on this collateral matter.

Only in the Johnson County courthouse by order of Judge John Anderson, III can my activities be a crime. Only in Johnson County Kansas are activities protected by our federal and state constitutions turned from a civil matter into a criminal matter.

Since the jury was denied the Kansas Bill of Rights instruction, there was no point in presenting truth or justifiable ends in evidence to the jury. Going into this trial we knew that the only way a group of honest Johnson County jurors could find me innocent of the “crime” outlined in the amended complaint was through jury nullification. Jury nullification has a rich history in our nation and is the foundation for first amendment rights guaranteed in both our federal and state constitution. In 1735 John Peter Zenger was tried criminally for seditious libel for printing critical but true stories about the New York colonial governor.

Jury nullification instructions have been banned in our Nation since an 1885 Supreme Court decision. As a result of this decision, juries are instructed only to rule on the facts. You must rule concerning the law.

Today I am handing you a letter containing all the elements of the “crime” outlined in the amended complaint ordered by Judge Anderson.

This letter is a willful act by me to compel you to act against your will and declare me legally innocent threatening you with public ridicule, contempt, or degradation on [www.fairtrialsinamerica.org](http://www.fairtrialsinamerica.org) should you fail to do so.

I have heard a lot of law bandied about in this courtroom. This is not a Neufeld issue. Whether Mr. Kirk chooses to settle this matter or whether Paul Morrison or Judge Anderson chooses to quit office, whether Phil Kline chooses to end public policy that denies due process, whether Governor Sebilus chooses investigates the Kansas Judicial Commission or you chose to declare me innocent is irrelevant. According to the Kansas Bill of Rights truth is relevant. If the letters are published for justifiable ends the accused party shall be acquitted.

If what I have said or done is libelous, a civil action is the proper forum. If what I am alleging is libelous, Paul Morrison, Judge Anderson, and Mr. Kirk must take me to civil court. If what I am doing is a crime you have no choice but to lock me up and throw away the key, medicate me, and send me to Larned as the victim Mr. Kirk has demanded. I have committed fourteen acts of overt Johnson County blackmail since my conviction. This letter makes it number fifteen.

At my trial for “blackmail” Sarah Welch vilified me before the jury as a man full of hate shouting. “Fire” in the theater. Ms. Welch, I don’t hate you or Mr. Kirk or Paul Morrison. But I do hate what is going on here and I hate the public policy of state terrorism in Johnson County to deny due process that enabled this mess. I hate the retaliation by a cabal of Johnson County officials that remains determined to silence me and cover-up their ongoing criminal public policy. I hate it that Paul Morrison creates, conceals, and destroys evidence at trials and in revocation proceedings as public policy. And I hate it when judges are willing to deny due process and court officers deliberately participate or have a deliberate blind eye.

As Paul Morrison has publicly stated there is no Republican or Democratic way to prosecute a case, but there is a lawful way and an unlawful way. Surely the question must be how many convictions in this courthouse have been lawful? How many citizens are languishing in the Johnson County Jail or Kansas prisons because evidence has been created, concealed, or destroyed at trial or revocation proceedings by Paul Morrison?

The fact remains that the City of Leawood Police Department used my child in a failed sting operation. The fact remains that Paul Morrison concealed this evidence at jury trial and again to secure a plea. The fact remains that I was given release conditions that denied my parental rights without a hearing and were impossible to follow in that I

could not even go to the residence I was approved to live. The fact remains that Paul Morrison created, concealed, and then destroyed sibling letters secretly used in a revocation proceeding. The fact remains that then Kansas Attorney General Robert Stephen publicly stated this was public policy in Kansas. The fact remains that Paul Morrison went on to portray a court order as a no contact court order to the Kansas Department of Corrections when he knew it could not be a no contact court order because my former wife initiated contact with herself and the children in the failed sting operations and this evidence was concealed at jury trial to secure the original conviction. The fact remains that Tucker Kirk sexually traumatized my son and shortly thereafter conspired with the Johnson County Prosecutors Office to declare me administratively insane and deny all contact with my children and caused a direct order from the Kansas Department of Corrections prohibiting contact with my sons. When I defied this direct order I was thrown in the hole of the insane asylum where I read Dietrich Bonhoeffer's Prison Letters. Even Adolf Hitler allowed prisoners to write their families! The fact remains that the Johnson County Prosecutors Office entered into a perjury conspiracy in federal court to cover up their evil deeds and went on to lie to federal probation Officer Larry Revella causing him to write a false criminal history sharply enhancing my federal sentence.

The fact remains that when I was finally released and instituted pro se legal proceedings I was arrested and charged with blackmail. Paul Morrison you are no Wyatt Earp, you are just a common thug.

Judge Tatum, Paul Morrison has made me into an unrepentant Johnson County serial "blackmailer." If what I am doing is a crime then Paul Morrison needs to arrest me and try me for fifteen new counts of blackmail I have committed since my original conviction. My position remains the same yesterday, today, and tomorrow. There can be no probable cause for the 'crime' of exercising a constitutional right. I am not shouting, "Fire in the theater." I am shouting "Corruption in the Johnson County Courthouse." I will continue to shout this warning in prison or out. I ask that you uphold our Constitution and dismiss this criminal case, declare me innocent, and allow this matter to proceed in the civil arena where it belongs.