

**Official Request for Three-Member Panel to review complaints and alleging violations.**

**Gallatin County Commissioners February 24, 2014**

**Probable Cause exists in the matter of violation of the oath of office to support the Constitution of the United States of America as taken by the listed appointed and elected officials named in this complaint and any subsequently named party. Specifically violation of USC Title 18 Part I Chapter 13 Sec. 241**

**Supporting law**

2-2-144. Enforcement for local government. (1) Except as provided in subsections (5) and (6), a person alleging a violation of this part by a local government officer or local government employee shall notify the county attorney of the county where the local government is located. The county attorney shall request from the complainant or the person who is the subject of the complaint any information necessary to make a determination concerning the validity of the complaint.

(2) If the county attorney determines that the complaint is justified, the county attorney may bring an action in district court seeking a civil fine of not less than \$50 or more than \$1,000. If the county attorney determines that the complaint alleges a criminal violation, the county attorney shall bring criminal charges against the officer or employee.

(3) If the county attorney declines to bring an action under this section, the person alleging a violation of this part may file a civil action in district court seeking a civil fine of not less than \$50 or more than \$1,000. In an action filed under this subsection, the court may assess the costs and attorney fees against the person bringing the charges if the court determines that a violation did not occur or against the officer or employee if the court determines that a violation did occur. The court may impose sanctions if the court determines that the action was frivolous or intended for harassment.

(4) The employing entity of a local government employee may take disciplinary action against an employee for a violation of this part.

(5) (a) A local government may establish a three-member panel to review complaints alleging violations of this part by officers or employees of the local government. The local government shall establish procedures and rules for the panel. The members of the panel may not be officers or employees of the local government. The panel shall review complaints and may refer to the county attorney complaints that appear to be substantiated. If the complaint is against the county attorney, the panel shall refer the matter to the commissioner of political practices and the complaint must then be processed by the commissioner pursuant to 2-2-136.

(b) In a local government that establishes a panel under this subsection (5), a complaint must be referred to the panel prior to making a complaint to the county attorney.

(6) If a local government review panel has not been established pursuant to subsection (5), a person alleging a violation of this part by a county attorney shall file the complaint with the commissioner of political practices pursuant to 2-2-136

### **Oath of Office as prescribed in the Montana Constitution Article III**

**Section 3. Oath of office.** Members of the legislature and all executive, ministerial and judicial officers, shall take and subscribe the following oath or affirmation, before they enter upon the duties of their offices: "I do solemnly swear (or affirm) that I will support, protect and defend the constitution of the United States, and the constitution of the state of Montana, and that I will discharge the duties of my office with fidelity (so help me God)." No other oath, declaration, or test shall be required as a qualification for any office or public trust.

### **Public Trust**

**2-2-103. Public trust -- public duty.** (1) The holding of public office or employment is a public trust, created by the confidence that the electorate reposes in the integrity of public officers, legislators, and public employees. A public officer, legislator, or public employee shall carry out the individual's duties for the benefit of the people of the state.

**USC Title 18 Part I Chapter 13 Section 241 Conspiracy against rights**

**§241. Conspiracy against rights**

If two or more persons conspire to injure, oppress, threaten, or intimidate any person in any State, Territory, Commonwealth, Possession, or District in the free exercise or enjoyment of any right or privilege secured to him by the Constitution or laws of the United States, or because of his having so exercised the same; or

If two or more persons go in disguise on the highway, or on the premises of another, with intent to prevent or hinder his free exercise or enjoyment of any right or privilege so secured-

They shall be fined under this title or imprisoned not more than ten years, or both; and if death results from the acts committed in violation of this section or if such acts include kidnapping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill, they shall be fined under this title or imprisoned for any term of years or for life, or both, or may be sentenced to death.

**Probable Cause defined**

**Montana supreme court ruling**

*State v. Williamson*, 1998 MT 199, ¶ 12, 290 Mont. 321, ¶ 12, 965 P.2d 231, ¶ 12. Probable cause exists where the facts and circumstances within an officer's personal knowledge prove sufficient to warrant a reasonable person to believe that someone is committing or has committed an offense.

**US Supreme Court rulings**

"Articulating precisely what 'reasonable suspicion' and 'probable cause' mean is not possible. They are commonsense, non-technical conceptions that deal with the factual and practical considerations of everyday life on which reasonable and prudent men, not legal technicians, act. As such, the standards are not readily, or even usefully, reduced to a neat set of legal rules." (Ornelas v. U.S.)

"Probable cause does not require the same type of specific evidence of each element of the offense as would be needed to support a conviction." (Adams v. Williams)

"Finely-tuned standards, such as proof beyond a reasonable doubt or by a preponderance of the evidence, useful in formal trials, have no place in the probable cause decision." (Maryland v. Pringle)

"The rule of probable cause is a practical, non-technical conception affording the best compromise that has been found for accommodating often opposing interests." (Beck v. Ohio)

"The process does not deal with hard certainties, but with probabilities. Long before the law of probabilities was articulated as such, practical people formulated certain commonsense conclusions about human behavior; jurors as fact-finders are permitted to do the same-and so are law enforcement officers." (U.S. v. Cortez)

"We have held that probable cause means a 'fair probability'." (U.S. v. Sokolow)

The same goes for arrests. "Whether an arrest is valid depends upon whether, at the moment the arrest was made, the officers had probable cause to make it-whether at that moment the facts and circumstances within their knowledge and of which they had reasonably trustworthy information were sufficient to warrant a prudent man in believing that the person to be arrested had committed or was committing an offense." (Beck v. Ohio)

Probable cause exists when "the facts and circumstances within the arresting officer's knowledge are sufficient to warrant a prudent person to believe that a suspect has committed, is committing, or is about to commit a crime." *United States v. Hoyos*, 892 F.2d 1387, 1392 (9th Cir. 1989), cert. denied, 489 U.S. 825 (1990) (citing *United States v. Greene*, 783 F.2d 1364, 1367 (9th Cir. 1986), cert. denied, 476 U.S. 1185 (1986)).

### **Facts of the alleged violations**

- 1: Defendant was cited for fishing without a valid Montana fishing License
- 2: Defendant was arrested for resisting
- 3: Defendant was cited for obstructing
- 4: 9-3-13 Defendant released from custody. Omnibus set for justice Bryan Adams for 11-13-13
- 5: 9-3-13 Appointment of Public Defender Notice. Judge Rick West assigned as judge.
- 6: 9-6-13 Defendant filed a Declaration of Required Response, Declaration of Acceptance of Oath of Office and Assignment of Trustee.
- 7: 9-26-13 Defendant filed a Notice of Default and a Certification of Non-Performance and Recorded on the public record 10-3-13
- 8: 11-4-13 Omnibus hearing in Three Forks under justice Wanda Drusch.
- 9: 11-12-13 Defendant, supported by phone records, an eye witness, and later confirmed by justice Bryan Adams, that he contacted via speaker phone the Law and Justice Center to confirm his 11-13-13 Omnibus hearing. Defendant was told he was not on any docket of any judge on 11-13-13
- 10: 11-13-13 justice Bryan Adams issued a bench warrant for the defendant for failure to appear, even though he was not the judge of record resulting in an arrest and incarceration and a fine.
- 11: 11-19-13 Defendant was arrested at the Law and Justice Center for Contempt of Court for failure to appear on 11-13-13. Witness were present. Defendant was additionally charged with resisting arrest resulting in additional fines. Justice Bryan Adams noted, in front of witness that defendant had called to confirm his court appearance, yet he still fined defendant.
- 12: 11-22-13 justice Wanda Drusch held a trial for resisting and obstructing. Venue was moved from Three Forks to the Law and Justice Center in Bozeman. Defendant asks for Oath of Office and is removed from the court room and held in another room on camera. The trial continues without defendant present resulting in a conviction.
- 13: 1-27-14 justice Brian West issues a Contempt of Court v. defendant. Defendant given max fine and jail time.

**Probable Cause for Conspiracy against rights and violation of Public Trust**

USC Title 18 Part I Chapter 13 Section 241

MCA 2-2-103

1: Day of arrest officers did not establish jurisdiction on several points.

(One) The arrest was not in city limits there for the Three Forks police should never have been involved, a sheriff was required.

(Two) Defendant is part native American and is there for under the jurisdiction of the Hellgate Treaty of which the river he was fishing in is part of the treaty negotiations. As a native he is allowed to fish without a license.

2: 9-3-13 D.A.'s office assigns justice Rick West to the case. Brian Adams, however did not release control of the case and did not inform the defendant.

3: 9-6-13 Defendant, demands in lawful papers served, the Oath of Office of several elected or appointed officials as established under the Montana Constitution Article III section 3 and supported by various MCA codes, including a citizen's entitled to inspect (MCA 2-6-102).

4: 9-26-13 Defendant (lawfully) defaults Gallatin County Justice Courts et. al. Byran Adams, Rick West or successors. Prosecutor Marty Lambert or successors, Gallatin County Sheriff Bryan Gootkin for Non Performance and serves a Notice of Default against all and makes Certifies it as a matter of Public Record. Thereby establishing standing as an aggrieved person.

5: 11-4-13 Omnibus hearing in Three Forks, defendant attempts to establish oath of office, bond and jurisdiction for justice Wanda Drusch and assigned prosecutor for the alleged resisting arrest and obstruction on the day of the initial arrest for fishing without a license. Justice Wanda Drusch and prosecutor abandon the courtroom after refusing to produce oath or establish jurisdiction.

6: 11-12-13 on or before, D.A.'s office fails to notify defendant of judicial change from Rick West to Bryan Adams and removes him from the docket of any justice court hearing.

7: 11-12-13 supported by witness, phone record and later conformation by justice Bryan Adams justice court administrator emphatically state that defendant is not on Rick West's docket or ANY docket for or on 11-13-13. No notice was given of change and conformation via speakerphone with witnesses, indicate the defendant was not scheduled to appear.

8: 11-19-13 defendant appears at the Law and Justice Center to serve paperwork and is promptly arrested by seven law agents. There were two living witnesses to the event in which

14: Sheriff Brian Gootkin on local television made statements of misleading facts which have harmed the public trust and the office of sheriff as well as all law agents of Gallatin County. These statements of misleading facts were made after a tape recorded meeting between a citizen and the Sheriff and Undersheriff, in which the true and accurate facts were established. That meeting also occurred after a meeting with a local FBI agent in which those facts were clearly stated. If at any time during those conversations, those facts would have been convoluted, the citizen would have been subject to immediate arrest by the FBI. However, having established those facts backed up by phone records, any statement made by Sheriff Gootkin on local television was purely to defame the citizen and inflame the public.

15: Defendant is incarcerated and the law agents, judiciary or the D.A.'s office or agents have purposely delayed the delivery of sensitive court documents and files to the defendant in a timely manner.

**Conclusion of Probable Cause and Demand for Three Person Panel (MCA 2-2-144(5))**

Having established the definition of Probable Cause using Montana and US Supreme Court rulings, there is a preponderance of multiple events cannot be random in occurrence. After the filing of the Default on the named complainants, and with the events that have gone viral worldwide on the internet via Youtube.com videos on the date of leading up to the trial on 11-22-13 and 1-27-14, there is Probable Cause to believe the following which warrants the enacting of a MCA 2-2-144(5) three person independent panel.

In retaliation for filing the Default Motion and making it a matter of public record, for exposing various components of the legal system to the public and for exerting his protected rights, the defendant in this matter has been the targeted subject of retaliation that has cost him his freedom and financial wealth. This targeted retaliation has been as described under USC Title 18 Part I Chapter 13 Sec 241:

“two or more persons conspire to injure, oppress, threaten, or intimidate any person in any State, Territory, Commonwealth, Possession, or District in the free exercise or enjoyment of any right or privilege secured to him by the Constitution or laws of the United States, or because of his having so exercised the same; or If two or more persons go in disguise on the highway, or on the premises of another, with intent to prevent or hinder his free exercise or enjoyment of any right or privilege so secured-“

This targeted retaliation is documented by willing participants and sworn to in affidavit. The actions against the defendant has undermined the public trust and has cause real and financial harm to the people of Gallatin County for the sole purpose of punishing the defendant by denying him his protected rights. This is not a singular isolated incident, but one that has been planned and executed by many agents of the law, judiciary and public service. There are too many incidences of events that cannot be explained away as coincidence. This is not a case of the left hand not knowing what the right hand is doing. This is a system that has the power to take a American's freedom and liberty away and should be held to the highest standards of scrutiny.

The defendant mentioned in this demand for a public review panel is not the only case in which the citizens of Gallatin County have been subject to falsified official documents, perjury, false arrest and Collusion to deprive them of Constitutionally protected rights. This is a disturbing reoccurring practice of perjury, malicious prosecution and collusion to deprive lawfully protected rights for the purpose of protecting the elected or appointed officials from suits at law and claims against MACo backed policies and oppressing and denying Americans to due process.

I ask the County Commissioners to protect the people of Gallatin County and establish this review panel for the purpose of justice and the integrity of the confidence in elected governing body and the various agencies. The people of Gallatin County have a greatly reduced respect for the elected official's ability to protect them from the corruption afore mentioned. The list is grievous and the media attention it is garnering will only reinforce the distrust of elected officials if the County Commissioners fail to allow the citizens of the State of Montana there Constitutionally given right to self-governance and participation as established in the Montana *Constitution Article II Section 2 and Section 8.*

Thank you for your remembering that you cannot judge the merits of a case only review panel can and for your affirmative action to protect and include the people of Gallatin County to insure our elected and appointed officials serve the public trust.

Wolf

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**CC: FBI,**  
**MT Attorney General's office**  
**US Marshall's office Billings**  
**G.C. District Attorney**  
**United Nations Human Rights Council**  
**Public Record**

**Dept. of Justice (federal)**  
**Judicial Review Board**  
**G.C. Sheriff's office**  
**Office of Political Practices**  
**Amnesty International**  
**Media**