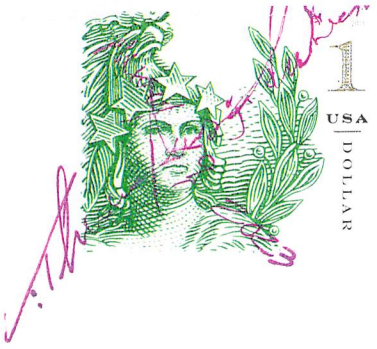


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IN THE UNITED STATES DISTRICT COURT

DISTRICT OF UTAH, NORTHERN DIVISION

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UNITED STATES OF AMERICA,

Plaintiff

VS.

THOMAS FAIRBANKS

Res Defendant - VESSEL

APPLICATION FOR PRETRIAL HABEAS CORPUS

CHANGE OF COUNSEL

FARETTA MOTION - GOING "pro per"

CONFLICT OF INTEREST

ATTORNEYS AS WITNESS

INEFFECTIVE COUNSEL

SUPPRESSED EVIDENCE

BRADY VIOLATIONS

WITNESS TAMPERING

INTERFERRENCE AND INTIMIDATION

PERJURY

MANUFACTURING OF A CRIME

FRAUD

DOUBLE JEOPARDY

ABUSE OF PROCESS

PROSECUTORIAL MISCONDUCT

JUDICIAL MISCONDUCT

DEPRIVATION OF RIGHTS

MISTRIAL

OATH OF OFFICE VIOLATIONS

MISPRISION OF FELONY

MISPRISION OF TREASON

PETITION FOR REDRESS OF GRIEVANCES

FIRST JUDICIAL NOTICE

JUDGE JILL N. PARRISH
CASE NO. 1:19-cr-00114-JNP-DAO

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Defendant Thomas Hanson Fairbanks files this Application for Pretrial Writ of Habeas Corpus and Change of Counsel Request or Faretta Motion Going "pro per" on the grounds of Conflicts of Interest with Attorneys Acting as Witness resulting in Ineffective Counsel.

**APPLICATION FOR WRIT OF PRETRIAL HABEAS CORPUS AND CHANGE OF COUNSEL**

In the MEMORANDUM DECISION AND ORDER DENYING MOTION FOR JUDGMENT OF ACQUITTAL, Judge Parrish states the following: "The government charged Fairbanks with two counts of securities fraud in relation to his promotion of the SupplyLine concept. Count 1 charged Fairbanks with fraudulently obtaining $5,500 from the Holloways. Count 2 charged Fairbanks with fraudulently obtaining $30,500 from Ms. Dustin. A trial was held on these charges. After the government rested and after the close of all evidence, Fairbanks moved for a judgment of acquittal under *Rule 29*(a) as to both counts...

"Fairbanks allegedly did not articulate any arguments for granting the motion at that time. The court reserved decision on the motion under Rule 29(b) and assured Fairbanks that he could make any arguments in favor of his motion either orally or in writing at a later time. The jury returned a guilty verdict on both Count 1 and Count 2.

"Fairbanks' public defenders informed the court that he wished to orally argue his motion for a judgment of acquittal. The court convened a hearing for that purpose. At the hearing, Fairbanks'

public defenders argued that the court should grant a verdict of acquittal as to Count 2 for two reasons. [1] First, they argued that there was no evidence of fraud in relation to the Count 2 transaction. Second, he argued that there was no evidence that any fraudulent activity was sufficiently connected to the offer or sale of a security."

## JUDGE PARRISH'S STATED LEGAL STANDARD

Rule 29(a) provides that "the court on the defendant's motion must enter a judgment of acquittal of any offense for which the evidence is insufficient to sustain a conviction." In considering a motion under Rule 29, the court "ask[s] only whether taking the evidence—both direct and circumstantial, together with the reasonable inferences to be drawn therefrom—in the light most favorable to the government, a reasonable jury could find the defendant guilty beyond a reasonable doubt." United States v. McKissick, 204 F.3d 1282, 1289 (10th Cir. 2000) (citation omitted). The court "must not weigh conflicting evidence or consider the credibility of the witnesses, but simply 'determine whether the evidence, if believed, would establish each element of the crime.'" United States v. Vallo, 238 F.3d 1242, 1247 (10th Cir. 2001) (citation and alteration omitted). The court must "consider the collective inferences to be drawn from the evidence as a whole," "rather than examin[e] the evidence in 'bits and pieces.'" United States v. Brooks, 438 F.3d 1231, 1236 (10th Cir. 2006) (citation and alterations omitted). "This familiar standard gives full play to the *responsibility of the trier of fact fairly to resolve conflicts in the testimony, to weigh the evidence,* and to draw reasonable inferences from basic facts to ultimate facts." Vallo, 238 F.3d at 1247 (citation omitted). When evaluating the sufficiency of the evidence supporting a conviction, courts "owe considerable deference to the jury's verdict." United States v. Mullins, 613 F.3d 1273, 1280 (10th Cir. 2010)

Judge Parrish acknowledged that: "[1]Fairbanks stated that he was making a 'general motion' for acquittal as to Count 1. But he did not explain why the evidence supporting the jury's verdict on this count was inadequate. Although the court may sua sponte consider whether the evidence supports a charge under Rule 29(a), **the court declines to do so absent any argument from Fairbanks**."

## JUDGE PARRISH'S STATED ANALYSIS

In Count 2, the government charged Fairbanks with securities fraud under 15 U.S.C. § 77q(a). "Three basic elements comprise the offense: (1) fraud by any of the means identified in subsections (a)(1)-(3), (2) using any means or instruments of interstate commerce or the mails, and (3) occurring in the offer or sale of a security." United States v. Harris, 919 F. Supp. 2d 702, 705 (E.D. Va. 2013). Fairbanks argues that he is entitled to a verdict of acquittal for Count 2 because the government failed to prove two of these elements. First, he asserts that the government did not produce sufficient evidence of fraud. Second, he contends that that the government did not prove that any fraud was connected to the sale of a security.

### I. FRAUD

The three methods of committing fraud listed in 15 U.S.C. § 77q(a) are:

> (1) employ[ing] any device, scheme, or artifice to defraud, or
>
> (2) obtain[ing] money or property by means of any untrue statement of a material fact or any omission to state a material fact necessary in order to make the statements made, in light of the circumstances under which they were made, not misleading; or
>
> (3) engag[ing] in any transaction, practice, or course of business which operates or would operate as a fraud or deceit upon the purchaser.

"These provisions capture a wide range of conduct." Lorenzo v. Sec. & Exch. Comm'n, 139 S. Ct. 1094, 1101 (2019) (analyzing both 15 U.S.C. § 77q(a) and 17 C.F.R. § 240.10b-5 (Rule 10b-5), which uses nearly identical language).

Because Ms. Dustin passed away before trial, she did not testify.[2] Thus, there was no evidence of any false statements that Fairbanks may have made to Ms. Dustin in relation to the money that was transferred from her to accounts controlled by Fairbanks. Fairbanks, therefore, argues that he is entitled to a judgment of acquittal because there was no evidence of any untrue statements to support a finding of fraud under subsection (2) of 15 U.S.C. § 77q(a). But evidence of a false or misleading statement is only one of three permissible methods of proving the fraud element of securities fraud. Here, there is evidence from which the jury could have reasonably concluded that Fairbanks's SupplyLine business operated as a fraud or deceit under subsection (3).

> Judge Parrish also acknowledged: "[2] **Moreover, Fairbanks presented evidence that Ms. Dustin did not believe that he had defrauded her." However, Judge Parrish's refusal to bifurcate the two counts allowed the prosecution to base their entire case on uncorroborated hearsay, gossip, rumor and innuendo evidence.**

Mrs. Holloway testified that Fairbanks told her that a number of profitable businesses in the community participated in SupplyLine and that her and her husband's investment would be secured by collateral in those businesses. Fairbanks also told the Hollowways that they could withdraw their investment whenever they wanted. Based on these representations, the Hollowways invested $5,500. But when they attempted to contact Fairbanks to request the return of their money, he ignored their phone calls, emails, text messages, and hand-written notes for months. When the Hollowways finally found Fairbanks at his business, he promised to return their money within two weeks. Fairbanks, however, did not return the money, and he again ignored the Hollowways' attempts to contact him. Fairbanks allegedly told an investigator that rather than investing the Hollowways' money in local businesses, as he said he would, he used it to prepare an amicus brief in a criminal case. Fairbanks is not an attorney. He was unable to explain to the investigator how *writing an amicus brief could generate profits.* – ***See Suppressed Evidence Section provided below.***

The government also presented evidence that Ms. Dustin invested money in SupplyLine. Fairbanks admitted that he received $40,000 in cash from Ms. Dustin as an investment in SupplyLine. Fairbanks told investigators that he used the $40,000 cash payment to prop up his own failing business. The government also produced evidence of checks drawn from Ms. Dustin's funds totaling $58,700 with "Supply Line Partners" written in the memo line. As noted below, the jury could have inferred that these checks also constituted investments in the SupplyLine business model. When asked to provide records describing where this money went and how he or others was being compensated, Fairbanks stated that the records had been destroyed. An investigator also asked what happened to the money invested with SupplyLine. Fairbanks responded that the investors sabotaged their own investments. Fairbanks never returned any of Ms. Dustin's investment.[3]

> [3]**The government presented evidence that some of the Ms. Dustin's investment went to a business called ERA Advantage Reality (ERA) as a loan. Several monthly payments were then made from ERA to businesses controlled by Fairbanks. But none of the money was returned to Ms. Dustin. – See Fairbanks Email Instructions to Public Defenders provided below.**

The "judge" alleges that this evidence supports a finding that Fairbanks's SupplyLine business scheme constituted a "course of business which operates . . . as a fraud or deceit upon the purchaser." See 15 U.S.C. § 77q(a)(3). First, the government presented alleged evidence that Fairbanks operated SupplyLine as a fraud against the Holloways. Mrs. Holloway testified that Fairbanks promised to invest the Holloways' money in profitable local businesses and return the investment with interest whenever the Holloways asked to withdraw the money. Fairbanks, however, allegedly admitted to an investigator that he [Fairbanks] diverted the money to himself as compensation for preparing an amicus brief in a criminal case.

Fairbanks never paid back any of the Holloways' investment. Second, the government proffered alleged evidence that Ms. Dustin invested money in the same SupplyLine scheme with a similar outcome. Ms. Dustin signed a SupplyLine contract that was almost identical to the contract signed by the Holloways. Fairbanks allegedly admitted that she invested $40,000 in cash to the scheme, which he used in his own business. Checks with "Supply Line Partners" written in the memo line totaling $58,700— including the $30,500 check at issue in Count 2—were also drawn from Ms. Dustin's funds. Fairbanks claimed that he did not have any records showing what happened to this money because they were destroyed. The "Judge" alleges that Fairbanks did not return any of the $98,700 that Ms. Dustin had invested in SupplyLine.

From this evidence, says the judge, the jury could have reasonably concluded that Fairbanks operated SupplyLine as a fraudulent course of business to both directly and indirectly enrich himself at the expense of his investors. Accordingly, "viewing the evidence and the reasonable inferences to be drawn therefrom in the light most favorable to the government," the jury could also have reasonably found beyond a reasonable doubt that the $30,500 check at issue in Count 2

constituted an investment in this fraudulent course of business. See United States v. Hale, 762 F.3d 1214, 1222 (10th Cir. 2014).

II. NEXUS TO THE SALE OF A SECURITY

In order to prove its case, the government was required to show that the fraud occurred in connection with the offer or sale of a security. 15 U.S.C. § 77q(a). Fairbanks argues that his Count 2 conviction may not stand because the government did not produce sufficient evidence to permit the jury to reasonably conclude that the $30,500 check was for the purchase of a security. The court disagrees.

The government entered into evidence a contract signed by Ms. Dustin entitled "SupplyLine Investment Partners Collaboration Agreement" dated May 29, 2014. The contract provided that Ms. Dustin would receive a six percent annual return on capital contributions to the SupplyLine collaboration. A Capital Contribution Schedule, which listed Ms. Dustin's initial $40,000 cash contribution, was incorporated into the contract. The Capital Contribution Schedule contained numerous additional blank spaces for additional contributions, and the language of the agreement contemplated the potential for "additional capital contributions" to SupplyLine. At trial, the government argued that this agreement constituted a "security" under 15 U.S.C. § 77q(a). The government also presented to the jury a copy of a $30,500 check drawn from funds belonging to Ms. Dustin dated December 22, 2015. The memo line to the check read: "Re: Supply Line Partners."

**Fairbanks' public defenders did not contest that the jury could have reasonably found that the SupplyLine contract constituted a security**. Instead, they argued that a memo line on a check dated over 18 months after Mrs. Dustin signed the SupplyLine contract is not sufficient to prove that the funds drawn from her account were connected to the sale of a SupplyLine security. **The court concludes, however, that the evidence produced at trial was sufficient to support Fairbanks's conviction**. The SupplyLine agreement contemplated future contributions that would be governed by the terms of the contract. Moreover, the jury could have recognized that the memo line on a check is a common method of indicating the purpose of the funds drawn by the check. Accordingly, the jury could have reasonably concluded that the $30,500 check was for the purchase of a SupplyLine security.

CONCLUSION

For the above-stated reasons the court DENIES Fairbanks's motion for a judgment of acquittal.

Dated: December 19, 2022

**CONFLICT OF INTEREST - ATTORNEYS ACTING AS WITNESS - INEFFECTIVE *COUNSEL***

**The actions of Judge Parrish and the prosecution has resulted in Fairbanks' public defenders**

**having to act as a witness**. Specifically, Judge Parrish stated: "*Moreover, Fairbanks presented evidence that Ms. Dustin did not believe that he had defrauded her.*" Yet, Fairbanks' evidence addresses the specific questions raised by Judge Parrish, in her Denial of the Motion for Acquittal, such as, "Fairbanks is not an attorney. He was unable to explain to the investigator how writing an amicus brief could generate profits" and "When asked to provide records describing where this money went and how he or others was being compensated, Fairbanks stated that the records had been destroyed. An investigator also asked what happened to the money invested with SupplyLine. Fairbanks responded that the investors sabotaged their own investments. Fairbanks never returned any of Ms. Dustin's investment," **the evidence, which was actually submitted in Fairbanks' previously filed Faretta Motion, was suppressed.**

Judge Parrish's declaration, "*Fairbanks presented evidence that Ms. Dustin did not believe that he had defrauded her,*" is sufficient to show that **Fairbanks' public defenders had, in fact, been heard and recognized by Judge Parrish as witnesses for Fairbanks.** (Sadly, Fairbanks' public defenders met personally with Byrna Dustin on multiple occasions, **yet they failed to preserve Ms. Dustin's testimony with a deposition, nor did the public defenders have Ms. Dustin's personal attorney (who was willing and waiting for his subpoena) appear as a witness and testify of his personal and professional knowledge of Ms. Dustin's feelings and the information provided in Ms. Dustin's suppressed documents.**)

One of the witnesses for Fairbanks, who was willing to impeach RuthAnn Holloway's lack of involvement in the illicit acquisition of records belonging to Fairbanks, was mercifully released prior to giving testimony because he had laid for hours, in agony of the floor of the witness room, in pain from a back injury. Four other witnesses, Kathleen Burnett, Aaron Lemmon, Bob and Marian Hartung, were never called to give testimony for fear that their testimony would result in retaliatory charges from the prosecution. **The end result was that Fairbanks' public defenders did not provide any witnesses who appeared before the jury.**

Furthermore, Judge Parrish's following declarations, "*Although the court may sua sponte consider whether the evidence supports a charge under Rule 29(a), the court declines to do so absent any argument from Fairbanks.*" - "*Fairbanks' public defenders did not contest that the jury could have reasonably found that the SupplyLine contract constituted a security,*" - "*The court concludes, however, that the evidence produced at trial was sufficient to support Fairbanks's conviction,*" and "*For the above-stated reasons the court DENIES Fairbanks's motion for a judgment of acquittal,*" **Judge Parrish's statements provide ample evidence to show Fairbanks' public defenders have provided Ineffective Counsel.**

The suppressed affidavit of Byrna Dustin, provided to the Court in Fairbanks' previous Faretta Motion, in which Ms. Dustin declared that she did NOT believe she had been defrauded by Fairbanks, was alluded to by the testimony of Fairbanks' public defenders and acknowledged by Judge Parrish. **Yet this most crucial testimony and evidence from Ms. Dustin was never presented to the jury and Judge Parrish's refusal to bifurcate the two counts was prejudicial**

**to Fairbanks,** as any reference to an allegation of fraud by Fairbanks with regard to Ms. Dustin amounts to hearsay, since Ms. Dustin is deceased and cannot testify for herself!

**FAIRBANKS EMAIL INSTRUCTIONS TO PUBLIC DEFENDERS**

In response to Judge Parrish allegation that Fairbanks did not return any money back to Ms. Dustin, Fairbanks submits the following:

On August 31, 2022 Fairbanks emailed the public defenders asking, "Is there any reason that this was never followed up on? No need to do anything about it now." The email is in reference to a previous email sent to the public defenders on January 29, 2021 at 9:05 AM which reads:

"I have searched through what records I have available to me, without success, for anything to do with my original agreement with Byrna Dustin regarding the settlement of the $40,000 Note. Part of that settlement agreement had to do with my direct personal involvement and long hours in the rehabilitation of her nephew Anthony (Tony) Armstrong.

"In spite of that unsuccessful avenue, I was recently able to complete the sale of the last remaining asset (the Honor Copy building in Brigham City) of GXN-Smithfield, LLC. (The Holloways had active involvement in the sabotage and destruction of that business interest)

"While I did not personally benefit from the sale of that asset, I was able to satisfy several outstanding financial obligations and the liens against the property belonging to GXN-Smithfield, LLC. Out of the proceeds, I had a check made payable to Byrna Dustin in the amount of $52,000.00 to show a payoff of the $40,000 Note I had with her.

"I also had a check in the amount of $8,000.00 made payable to the trust account of Attorney Greg Skabelund on behalf of Jim and Ruth Ann Holloway. These funds are made available to you for a negotiated settlement of the $5,500.00 Note I have with the Holloways. My records show that the current balance of that Note with interest should be $7, 226.27 as of February 2021. You may use your discretion in the settlement offer, but I don't believe they need the full 8,000.00.

"Copies of the checks are provided for your review and Greg Skabelund's contact information is as follows: Skabelund Law Office, 2176 North Main St. North Logan, Utah 84341 – (435) 752-9437 (phone) and (435) 753-0077 (fax).

"Thanks for your assistance in helping to settle this matter."

**It is obvious from Judge Parrish's above referenced allegation, "Fairbanks never**

**returned any of Ms. Dustin's investment;" this matter was never addressed with the court and certainly was NOT presented to the jury, a material fact that was extremely damaging to Fairbanks' defense.**

## CROSS EXAMINATION OF THE INVESTIGATOR FOR UTAH DEPARTMENT OF SECURITIES

The trial transcripts, the request for which have repeatedly been ignored, will show that the cross examination of witness Liz Blaylock, Investigator for the Utah State Department of Securities, by Fairbanks' public defenders, Ms. Blaylock admitted that the Grand Jury was never informed of Ms. Dustin's feelings about the claims that she had been defrauded by Fairbanks and **Ms. Blaylock further admitted that the Grand Jury had NOT been informed of Ms. Dustin's feelings because she (Ms. Blaylock) was never asked any questions, by the prosecutors, about Ms. Dustin's feeling in regard to the charges being sought from the Grand Jury.**

Fairbanks was accused of Securities Fraud and the investigation was conducted by witness Liz Blaylock on behalf of the Utah State Department of Securities. **The only substantial evidence presented to the jury, or Grand Jury, in regard to an alleged claim of Securities Fraud came from Ms. Blaylock's investigation. Whether or NOT the Fairbanks agreements are actual Securities is the central point of the charges made against Fairbanks.**

The first step in Ms. Blaylock's investigation should have been a search of UCC Filings to determine if the agreements were, in fact, recorded with a secured interest with the State of Utah. If Ms. Blaylock did do such a search, this information was withheld from the jury and Grand Jury. **Fairbanks did a UCC Filing search on December 26, 2022 and found that there were no records (ever) found for UCC Filings in regard to Fairbanks as of December 22, 2022. – Another fact withheld from the jury!**

As noted from Judge Parrish's statements, "***Fairbanks' public defenders did not contest that the jury could have reasonably found that the SupplyLine contract constituted a security.*** *Instead, they argued that a memo line on a check dated over 18 months after Mrs. Dustin signed the SupplyLine contract is not sufficient to prove that the funds drawn from her account were connected to the sale of a SupplyLine security.* ***The court (Judge Parrish) concludes, however, that the evidence produced at trial was sufficient to support Fairbanks's conviction.***"

The fact that Fairbanks' public defenders made NO EFFORT to conduct a UCC Filings search or TO PROVIDE AN EXPERT WITNESS to challenge Ms. Blaylock's contention that Fairbanks' agreements constituted a Security is probably **THE MOST GLARING EVIDENCE OF INEFFECTIVE COUNSEL because Fairbank's lack of witnesses or evidence for this one single issue, before the jury, is the very**

**evidence, which Judge Parrish claimed was sufficient to support Fairbanks' conviction.**

## CROSS EXAMINATION OF THE ONLY LIVING ALLEGED VICTIM

During cross examination Fairbanks' public defenders pointed out to RuthAnn Holloway that in all of her communications with Fairbanks and even in their failed litigation against Fairbanks in the Providence Justice court, Ms. Holloway had always referred to the agreement as a "loan." Yet, after the Department of Securities had become involved, now Ms. Holloway had changed her reference to the agreement as an "investment." When directly questioned if she had been coached on how she should make reference to the agreement Ms. Holloway declared, "No, it was an investment!" Ms. Holloway was repeatedly questioned by Fairbanks' public defenders about the numerous times that the prosecution and investigator for the Department of Securities had been to her home "to pour over" the illicitly obtained documents. Ms. Holloway responded that most of the research of the documents was done by her deceased husband and that there had been a considerable amount of time "looking for evidence."

Discussions leading to the "Holloway Agreement" were only between Fairbanks and Jim Holloway, RuthAnn Holloway's now deceased husband. The only discussion ever attended by RuthAnn was the day the agreement was signed, **which makes most of Ms. Holloway's declared testimony hearsay**. – **Another Fact Not Presented to the jury!**

Most of the evidence (Fairbanks' records, which he believed had been destroyed) presented by the prosecution were illicitly obtained by RuthAnn Holloway's deceased husband. **Fairbanks' public defenders completely failed to properly address the "fruit of the poisonous tree" doctrine, which is an evidentiary rule that, together with the exclusionary rule, gives the Fourth Amendment of the United States Constitution its teeth. The exclusionary rule bars illegally obtained evidence from being used in trials.**

Fairbanks was stunned when he heard Ms. Holloway being questioned about rehearsing for her appearance in court. Fairbanks' public defender asked Ms. Holloway if she had practiced and rehearsed her testimony. In fact, she was asked if she had rehearsed her testimony from the very seat she was sitting in, the night before (Sunday Night)? Ms. Holloway responded with, "No."

**Public defender Spencer Rice, at the conclusion of RuthAnn Holloway's cross examination, returned to his chair and audibly announced "she just lied on the stand." His statement should have been loud enough to be picked up by the microphone and should be able to be heard on the court recordings.**

**SUPPRESSED EVIDENCE**

Fairbanks was repeatedly told that the presentation of his evidence was not permitted because the court would not allow the merging of civil and criminal matters. The following outline of the suppressed evidence will help to explain the denial of due process of law and the collusion orchestrated in the prosecution of Fairbanks.

One of the suppressed documents provided in Fairbanks' Faretta Motion was the Glenn L. Pace Memorandum to the LDS Church dated July 19, 1990 showing the subject as Ritualist Child Abuse. The document is notated with, "Pace Memo of cult infiltration using the LDS church. **Utah's government has many LDS employees--who are the blood thirsty cult members using gov[ernment] to satisfy their sacrificial ceremony needs**?" LDS General Authority Glenn L. Pace stated, "I have met with sixty victims... I felt someone needed to pay the price to obtain an intellectual and spiritual conviction as to the seriousness of this problem within the Church."

RuthAnn Holloway was instrumental in exposing Fairbanks to, and obtaining, an in depth understanding of this horrendous subject beginning in 2010. **Fairbanks' disclosures of activities and events connected to Satanic Ritual Abuse (SRA) are a central element to the motivation of those who have sought Fairbanks' destruction through the Federal indictment against him.**

RuthAnn Holloway and her now deceased husband Jim filed a small claims action in the Providence Justice Court in Cache County Utah, case number 178300005, which was answered by Fairbanks on March 9, 2016. As the HOLLOWAY CLAIM WAS DENIED, an angry RuthAnn Holloway defiantly declared, "You haven't seen the last of this yet!" Marshalling the efforts of "others," RuthAnn accomplished her declaration, the results of which led to Fairbanks appealing to US Attorney for the District of Utah John Huber, as a whistleblower, after numerous threats and attempts of violence on Fairbanks.

The information provided to John Huber in Fairbanks' Whistleblower Appeal on April 15, 2019 included the following information about the **Holloway's motivation, to assist RuthAnn's eldest son, who is currently incarcerated at the Utah State Prison for aggravated child sexual assault**, and their involvement with Fairbanks' efforts to expose the corruption in the courts and satanic ritual abuse that is so prevalent in Cache Valley, Utah.

This chronicled tale began when Fairbanks, with the assistance of the Holloways, filed three Amicus Curiae (Friend of the Court Briefs bearing the address and phone number of the Holloways) on Monday December 14th, 2015 in the First District Court of Cache County Utah regarding claims of Prosecutorial Misconduct and Public Corruption along with concerns about ISIS influence in Cache Valley. (Exhibit A - Friend of the

Court Briefs on behalf of Jeena Nilson, Michael Anthony, and Andrew Lesky.)

Unfortunately, Jeena Nilson and Michael Anthony are not the only ones who are caught up in this crushing cycle of prosecutorial misconduct, judicial abuse, and public corruption, here in Cache County. Lonnie Nyman, Brevan Baugh (recently released for wrongful conviction), Jay Toombs, Cody Smith, Torrey Green, Ryan Wray, and Jason Relopez, just to name a few, who are part of the long list of victims that seems to grow on a daily basis here in Cache Valley. (Each of whom seeming share a strikingly familiar story of alleged sexual assault, prosecutorial misconduct, judicial abuse, and public corruption in the manufacturing of crimes.) [The disclosures are problematic for Judge Brian Cannell, the court, and the other parties named in the amicus briefs and other affidavits, including the Jim and RuthAnn Holloway. So, it doesn't take much of an imagination to see who would seek to harm Fairbanks and why there has been so much effort to attack Fairbanks' character and credibility.]

The Friend of the Court Briefs were later updated in litigation filed in the Providence Justice Court in February of 2016, Holloway vs. Fairbanks (Exhibit B - Holloway Answer and Update to the Filed Friend of the Court Briefs).

Family members of Byrna Dustin, who have a close connection to the Holloways, made three separate complaints to the Department of Aging with claims that Fairbanks had taken financial advantage of Ms. Dustin. (Exhibit C - Byrna Dustin's Last Communication with the Department of Aging.)

Following the receipt of several voicemail threats, Fairbanks contacted the Utah State Bar Association and the Utah State Attorney General's Office appealing for their aid and assistance. (Exhibit D - Utah State Bar Association and the Utah State Attorney General Request for Assistance) – Three weeks following Fairbanks' interview with Nate Mutter, the Section Chief for Special Prosecutions and Public Corruption, Mr. Mutter made an admission to Fairbanks that it would be a conflict of interest for the State Attorney General's office to investigate Fairbanks' claims. (What kind of admission is that?)

Nate Mutter then referred Fairbanks to the FBI for assistance. When Fairbanks asked for a name, Mutter told Fairbanks to look it up on the internet. Because of Fairbanks' previous experience with the FBI, outlined in the friend of the court briefs, Fairbanks chose NOT to contact the FBI. Mr. Mutter's comment is a most disturbing admission that indicates the Utah State Attorney General's Office is complicit in the prosecutorial misconduct, judicial abuse and public corruption addressed above!

Curiously, approximately seven months after Fairbanks appealed to John Huber, as a whistleblower, John Huber's office filed charges against Fairbanks for Securities Fraud, Wire Fraud and Money Laundering. The primary complainant was Jim and

RuthAnn Holloway with an allegation that Fairbanks had defrauded Byrna Dustin. Ms. Dustin was beside herself and personally knew the evidence would show Holloway's involvement with Fairbanks, their actions and behavior, prior to, and after their loan agreement with Fairbanks, which would clearly show that Fairbanks had NO SCHEME AND ARTIFICE TO DEFRAUD. Ms. Dustin freely provided statements and affidavits for Fairbanks that showed the orchestrated attempts by the Holloways, her family, and others, who maliciously attacked Fairbanks' character and credibility. (Exhibit E - John Huber Whistleblower Appeal and Exhibit F - Byrna L. Dustin Federal Indictment Affidavit)

A personal friend of Fairbanks was repeatedly told by Jim Holloway that Fairbanks had "pissed off" some very powerful people who wanted him destroyed. For a long time, everyone thought the Fairbanks' situation was the result of local political influence seeking his destruction. That was until; it was discovered that John Huber had actually reported his findings on the Clintons and their Foundation in January 2020. Most were shocked to learn that John Huber claimed that there was nothing to be found and loudly chuckled when President Trump called Huber a "human garbage disposal."

The realization that Fairbanks' claims might be personal to John Huber was startling. In December of 2017, approximately sixteen months prior to the Fairbanks' indictment, Fairbanks wrote a book titled, American Crossroad of Trust, which was published by Amazon on January 18, 2018. The book details the current condition we are experiencing here in America and a good portion of the book addresses many of the matters that have come from the Clintons and their cartel. In the first edition the last chapter makes the connection to the Bundy mistrial, the John Podesta emails and National Monuments, which points directly to uranium and Hillary Clinton's actions that resulted in the selling of 20% of our Uranium Deposits to an enemy of the State (all from public records). Fairbanks added an additional chapter in the second edition to include the Russia Collusion Hoax and the story of Hillary Clinton's interview with Matt Lauer, which ends with Hillary's tirade in which she states that if Trump is elected, they (Hillary and her cohorts) will all hang!

Everything John Huber was assigned, by President Trump, to investigate was exposed and published long before John Huber reported there was nothing to see AND THEN Fairbanks asked for John Huber's help as a whistleblower. **Surely this is more than a coincidence!**

In February of 2021 a copy of the Video, Victim And Witnesses statement was delivered to Fairbanks by a concerned citizen of Cache County. (Exhibit G - SRA Ceremonial Rape Statement Declaration - Copies of which were sent to President Donald J. Trump, Sydney Powell, Lynn Wood along with the Fairbanks' military contacts, as the subject matter involves national security.)

The anonymously written statement details a meeting in the Holloway home when Fairbanks first met the author and the document reveals that RuthAnn Holloway was the referenced SRA victim, which lends credibility to Fairbanks' contentions that Ms. Holloway is still involved in SRA activities. The anonymous statement also supports the statements Fairbanks made in his answer to the Holloways small claims action filed against Fairbanks in 2016. (Exhibit B - Holloway Answer And Update to the Filed Friend of the Court Briefs)

**The Holloways and their many other co-conspirators, named in numerous affidavits and the Friend of the Court Briefs, along with disgruntled family members of Ms. Dustin, certainly do have a lot to hide [and answer for]** about their connection to Public Corruption, Sex & Human Trafficking, and Satanic Ritual Abuse.

Fairbanks' suppressed filing constitutes both exculpatory and material evidence, which would require disclosure from the government. The failure to disclose the suppressed evidence clearly shows why there has been such an effort to indict and to destroy Fairbanks and his credibility. ***Where there is smoke, there is fire!***

## BRADY VIOLATIONS

Brady Violations result when exculpatory or impeaching information and evidence that is material to the guilt or innocence or to the punishment of a defendant is suppressed. The term comes from the 1963 U.S. Supreme Court case Brady v. Maryland, in which **the Supreme Court ruled that suppression of evidence favorable to a defendant, who has requested it, violates due process.**

## WITNESS TAMPERING, INTERFERENCE AND ATTEMPTED INTIMIDATION

In an email sent to Fairbanks' public defenders on August 31, 2022 at 3:05 PM, Fairbanks stated, "I received this from Kathleen [Burnett] today, just as you did. This is beyond troubling to me. Witness tampering is rather serious and RuthAnn's boldness is rather troubling as it is an indication that she feels she is beyond approach. It is bad enough that she attempted to intimidate Kathleen, who doesn't intimidate, but if it makes Kathleen uncomfortable then something is certainly not right about this situation."

Kathleen Burnett's email on August 31, 2022 at 12:45 PM states, "I do have a concern and it may not be important, but feel you should know. Yesterday, when only Aaron [Lemmon] and I were at the court house, before Bob and Marian [Hartung] arrived, I was sitting on the bench by myself that you and I met on. I saw a woman aggressively walking towards me, I thought I recognized her as RuthAnn Holloway, but was not totally sure due to the amount of time that had passed since I last saw her. She came up to within three feet of me and almost as if she were trying to intimidate me said "Hi

there". I responded with a "Hello" still not believing who she was, based on the fact she had a phone with her. She stood by the window behind me for a minute or so and then walked back past me, again looking directly at me. It was then that Aaron [Lemmon] joined me and said "Was that RuthAnn Holloway?' I responded, "No, could not have been, She had a phone, must be an attorney". At this point the woman was standing in an area to my right, just before the elevators, talking on her phone, now watching Aaron and myself. The woman had a petite build, was wearing dark slacks, a shorter dress jacket that my memory tells me was a black and white pattern. She had on white heals that clicked loudly when she walked and had shoulder length, blond hair. I put the uncomfortable experience out of my mind, again thinking who I saw was an attorney. Last evening when I arrived home, I check on RuthAnn Holloway's Facebook account and knew then without a doubt the lady I had seen earlier was her. I texted Aaron and mentioned it to him my findings and thoughts and he responded, "Yes, I just looked her up on Facebook and that was her for sure." I guess my concerns are as follows, "Why was she able to have a phone?" and "Why did she find it necessary to try to intimidate me?"

Fairbanks' follow-up questions to his public defenders in the email of August 31, 2022 at 3:05 PM was, "Just how did RuthAnn Holloway get a phone past the security guards? Who gave her the seeming permission to use a phone in the courthouse? What was she doing with her phone and to whom was she talking and or recording? I personally observed her freely walking around the courthouse, both inside and out, and it appeared to me that she had freedoms that no other witness was afforded."

**Spencer Rice's response was that RuthAnn was a convincing liar, but Fairbanks' public defenders never provided anything to show that Fairbanks' concerns were addressed with the court.**

The attempted witness tampering/interference by Utah State Attorney General's Office in their challenge to prevent the appearance of Fairbanks' witness, who would impeach the colluded and defamatory testimony of two witnesses, Cindy Funderburk and Bobette Elam, disgruntled family members of Ms. Dustin was most revealing.

Even though Judge Parrish gave a great performance in her threats to hold the witness, from the Department of Aging, in contempt of court until he appeared; the disruption to Fairbank's defense and the impeachment of Ms. Dustin's disgruntled family member's malicious testimonies was settled by way of a stipulation. **Another fact not presented to the Jury!**

However, vital questions regarding the mandatorily required evidence to prove that Fairbanks took advantage of Byrna Dustin were NOT addressed before the jury because of the interference of the Utah State Attorney General's Office. The unaddressed

illusion of Fairbank's exploitation of Ms. Dustin as a "vulnerable adult" along with the suggestion that Ms. Dustin "lacked the capacity to consent" to her agreements with Fairbanks, was prejudicial and damaging to Fairbanks' defense. Even here, Fairbanks' public defenders failed to provide Ms. Dustin's personal physician as a witness, who could have testified to Ms. Dustin's personal capacity and vulnerability.

**It doesn't take much of an imagination to recognize the attempted interference by the Utah State General Attorney's Office may well be directly related to information disclosed about the Utah State Attorney General Office's prior acknowledgment of their illicit and conspiratorial involvement in this complaint against Fairbanks, which was revealed in the Suppressed Evidence.**

## THE MANUFACTURING OF A CRIME

The Holloways, Liz Blaylock, the Prosecutors, and members of Byrna Dustin's family colluded together in an effort to manufacture a crime. In order to make their Securities Fraud Scheme plausible from Holloway's $5,500 claim and accusation, it would require the inclusion of Fairbanks' alleged fraud against Ms. Dustin for the shock factor and public repulsion. The prosecution made good use of a manipulated Grand Jury and the media who would willingly sensationalize this case, while the co-conspirators sought the opportunity to publicly humiliate Fairbanks and destroy his credibility.

Fairbanks' public defenders' testimony highlighted how strange it was that Holloway's failed small claim action in the Providence Justice Court somehow, miraculously, resulted in a Federal Indictment, bypassing both the district and state courts over a $5,500 dispute.

Judge Parrish's refusal to bifurcate the two counts graphically illustrates the prosecution's need for the inclusion of the claim of fraud for Fairbanks against Ms. Dustin because the allegation of Fraud by Fairbanks against Ms. Dustin is the only way to seemingly make Holloway's claim viable.

The three Friend of the Court Briefs, which were revealed in the Suppressed Evidence, show that prosecutors, here in the State of Utah, are in the habit of manufacturing crimes for those they prosecute and convict. In fact, the UCASA (Utah Coalition Against Sexual Assault) Winter 2004 edition, announced that [former Cache County Prosecutor], Scott Wyatt was one of the 2004 award recipients stating, "When Scott Wyatt ran for Cache County Attorney, he ran on the platform that he would aggressively prosecute sexual crimes. At the time, Cache County was reporting 0-1 sexually violent crimes a year. **Now, Cache County has become one of the nation's models of an effective criminal/justice response to rape**. Under Scott's leadership, the Cache County Attorney's office prosecuted many difficult cases where the victim and perpetrator were related, lovers, married or friends. His assertive approach led to

an increase in reported sexually violent crimes, a comprehensive protocol for responding to victims of rape, a curriculum for other prosecutors, an award-winning video, and indirectly, improvements throughout the state...Scott retired from the Cache County Attorney's Office in 2002. He is now in private practice. The Cache County area and response to rape is the subject of the American Bar Association Silver Gravel Award winning film, "It's Called Rape."... Currently Scott serves on the board of trustees for Snow College and has been involved on USU's board of regents and board of trustees." Political careers have been made following the practice of the manufacturing of crimes for prosecution.

**Furthermore, the trial transcripts will also show Judge Parrish's partiality (Lack of impartial posture), a common trait that allows this behavior to continue. In this matter involving Fairbanks, Judge Parrish's statements and her actions will also show her willingness to practice law from the bench.**

## UNDUE INFLUENCE

Clearly, if the jury had been informed of all of the evidence suppressed or interfered with, No Honest, and Informed, Jury would have found Fairbanks guilty of the charges against him.

However, Judge Parrish instructed the jury "to only consider the evidence" and reminded the jurors that the statements made by an attorney are NOT to be considered evidence. **Judge Parrish's admission that Fairbanks' public defenders did, in fact, provide evidence of Ms. Dustin's belief that she had Not been defrauded by Fairbanks was completely ignored by the jury because of Judge Parrish's instructions. – Whether intentional or inadvertent, this act could be viewed as Jury Tampering.**

## DOUBLE JEOPARDY

On February 10, 2023 the prosecutor filed a Motion to Apportion Restitution Under 18 U.S.C. § 3664(i), which was sealed by the court, to appoint Bobette Elam as the Mandatory Victims Restitution Act ("MVRA") representative for purposes of restitution.

The Motion states, "The restitution statute allows for certain victims to be prioritized over other victims. To that end, the United States moves the Court to appoint Byrna Dustin's niece Bobette Elam to assume Byrna Dustin's victim's rights under the Mandatory Victim Restitution Act ("MVRA")... Since the MVRA gives the Court discretion to appoint any person suitable by the Court, the United States believes the correct person to assume these rights is Bobette Elam. Ms. Elam is Byrna Dustin's niece. She is the power of attorney for Ms. Dustin's sister – Byrna Dustin's closest living relative. Ms. Dustin's sister is now incapacitated with dementia, and unable to be appointed, therefore Ms. Elam is the best person to be the recipient of restitution in

this case."

The prosecution's efforts here is a most creative move to make Bobette Elam, and Ms. Dustin's incapacitated sister, Brenda Armstrong, victims, or substitute victims, after the trial has already been presented to the jury. This attempt is an effort to create additional prosecution of Fairbanks, which would constitute double jeopardy.

This effort is also an attempt to negate the stipulation, agreed to at trial, to impeach Bobette Elam's testimony and claims when the Utah State General Attorney's Office interfered the appearance of Fairbanks' witness, who would impeach the colluded and defamatory testimony of Bobette Elam.

Bobette's husband, Rick Elam, has also made public statements stating that Fairbanks and his accomplices have stolen "their" home (Byrna Dustin's) from them and acknowledges their participation in a conspiracy to convict Fairbanks.

Furthermore, the prosecution's blatant attempt to reward Bobette Elam for her participation in this colluded prosecution of Fairbanks and is also a deliberate attempt to defraud Ms. Dustin and her estate. Ms. Dustin was very vocal about her feelings regarding her disgruntled family members, who were behind the indictment of Fairbanks, and her disdain over the abuse and neglect Ms. Dustin had received from members of her family over the years.

**Lastly, this motion's attempt to reward Bobette Elam for her participation in this deplorable prosecution of Fairbanks may well be an Emolument Clause Violation.**

It is also interesting that this motion clearly shows that the prosecution is deliberately attempting to mix Civil and Criminal matters in the case against Fairbanks, which was the reason Fairbanks' Evidence was Suppressed in the first place. Therefore, Fairbanks' Suppressed Evidence should now be included as actual evidence and needs to be presented to a jury before a conviction can take place.

**USC 18 Code § 1595 (b)(1)** Any civil action filed under subsection (a) shall be stayed during the pendency of any criminal action arising out of the same occurrence in which the claimant is the victim.

**A Pretrial Application For Writ Of Habeas Corpus Is The Preferred Way Of Litigating Jeopardy Issues**

When a person asserts that further prosecution would constitute double jeopardy the proper, indeed, the preferred vehicle for litigating that matter is with a pretrial application for writ of habeas corpus. The concept of double jeopardy is meant to protect a person, not only from multiple prosecutions, convictions or punishments for the same crime, but also from being subjected to the hazards that result from multiple trials. "The underlying idea, one that is deeply ingrained in at least the Anglo-American system of jurisprudence, is that the State with all its resources and power should not be allowed to make repeated attempts to prosecute an individual for an alleged offense, thereby subjecting him to embarrassment, expense and ordeal and compelling him to live in a continuing state of anxiety and insecurity, as well as enhancing the possibility

that even though innocent he may be found guilty." Green v. United States, 355 U.S. 184, 187-88 (1957). The only way to avoid the danger of double jeopardy is to bar that trial before it occurs. That is the purpose of the pretrial application for writ of habeas corpus, and that is why the procedure is recognized under federal law. (a pretrial writ of habeas corpus is the proper procedure to assert the "Fifth Amendment right not to be exposed to double jeopardy and [to insure that it is] reviewable before that exposure occurs"); see also Abney v. United States, 431 U.S. 651, 660-61 (1977)("the rights conferred on a defendant accused by the Double Jeopardy Clause would be significantly undermined if appellate review of double jeopardy claims were postponed until after conviction and sentence); Headrick v. State, 988 S.W.2d 226, 228 ("the right not to be tried twice for the same offense would be meaningless if it could not be raised before the commencement of the second trial").

**Finally, the representation of Bobette Elam by the prosecutors and John Huber's replacement, Tina A. Higgins, United States Attorney for the District of Utah is a blatant Conflict of Interest and is Valid Evidence of Prosecutorial Misconduct and their participation in the Colluded Prosecution of Fairbanks.**

***Nothing is as it appears and we stand at the crossroad of trust.***

## FRAUD VITIATES EVERYTHING

***There is no question of the general doctrine that fraud vitiates the most solemn contracts, documents, and even judgments...*** United States v Throckmorton

## ABUSE OF PROCESS

By the Abuse of Process detailed herein, it appears that Mistrial may be the only remedy available because of the compromised prosecution of the claims against Fairbanks.

**Sadly, every effort has been employed by the officers of the court,** who have participated in Abuse of Process and/or Failure to Comply with Duty, in their efforts **to Obfuscate, Hide, and Conceal Fraud Upon, In, and Of, the Court in the orchestrated scheme to convict Fairbanks.**

## PROSECUTORIAL AND JUDICIAL MISCONDUCT

In jurisprudence, prosecutorial misconduct is "an illegal act or failing to act, on the part of a prosecutor, especially an attempt to sway the jury to wrongly convict a defendant or to impose a harsher than appropriate punishment." This is similar to selective prosecution, which seems to be glaringly apparent in the prosecution of Fairbanks.

In the UNITED STATES' SENTENCING MEMORANDUM AND POSITION ON SENTENCING FACTORS filed on February 10, 2023, the prosecution asks the Court to sentence Fairbanks to 51-months incarceration and 3 years of supervised release to follow, and to also increase the amount of restitution to $270,232.

This amount of incarceration time and restitution being requested is a far cry from the prosecution's original offer, of no time served, in exchange for a plea agreement. **The request is clearly excessive and is evidence of prosecutorial misconduct by the attempt to impose a harsher than appropriate punishment and supports Fairbanks' claim of the conspiracy to convict him.**

Judicial misconduct occurs when a judge acts in ways that are considered unethical or otherwise violate the judge's obligations of impartial conduct.

Judges and Prosecutors are bound by a set of rules which outline fair and dispassionate conduct, both of which have the glaring appearance of being violated in the prosecution of Fairbanks. Furthermore, **the prosecution released news reports following the trial claiming Fairbanks had been convicted, even though Judge Parrish had accepted Fairbanks' Motion for Acquittal. The news releases provide a clear indication that the case against Fairbanks was designed to result in a predetermined conviction.**

## DEPRIVATION OF RIGHTS

There is a volume of evidence contained herein to show that there has been a deprivation of Fairbanks' rights.

**USC 18 Code § 242 - Deprivation of Rights Under Color of Law** - Whoever, under color of any law, statute, ordinance, regulation, or custom, willfully subjects any person in any State the deprivation of any rights shall be fined under this title or imprisoned not more than one year, or both.

**18 U.S. Code § 241 - Conspiracy Against [Privileges, Immunities and] 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.

## MISTRIAL

A mistrial occurs when there is a serious procedural error or misconduct that would result in an unfair trial – See, Williams v United States, 512 US 594 (1994).

In the aforementioned email of August 31, 2022 at 3:05 PM, Fairbanks stated to his public defenders, "Not only is this highly inappropriate, but it suggests that there has been collusion by the Court, its Clerk and Security Officers (and even points a finger in the direction of the Judge) in the efforts to prosecute the Defendant! Couple that with the orchestration of the prosecution's witnesses to do character assignation on the Defendant and their inappropriate behavior in the courtroom, along with the bizarre attempt of the Utah State Attorney General's office to block one of the defense witnesses, THESE ACTIVITIES CLEARLY SHOW THAT THE ALL OF THESE PEOPLE'S ACTIONS HAVE CREATED A MISTRIAL!!!!! By all means proceed with the motion to acquit, but add it or file a separate motion for a mistrial. Justice Demands It!"

**Fairbanks' public defenders have not responded to Fairbanks' request to seek a Mistrial. Now Fairbanks demands a declaration of Mistrial for the numerous procedural errors and examples of misconduct provided herein.**

## OATH OF OFFICE VIOLATIONS

A prerequisite of an attorney's license is an inviolable promise that they will always support and defend the Constitution in all situations.

Every lawyer in the country must be sworn in and take their state's oath of attorney. This ceremony may seem traditional and mundane, but it has never been more important. This oath binds each attorney to certain professional obligations and requires us, as lawyers, to faithfully uphold and support the laws of our state and our country.

The words in that oath are a mandate to all attorneys that they practice with professionalism, integrity, and respect. Each state's oath varies in its wording, but they all require of us the same three duties:

1. to support the Constitution of the United States,
2. to faithfully discharge the duties of an attorney, and
3. to conduct oneself with integrity and civility.

As officers of the courts, lawyers are sworn to support the Constitution not just of the state in which they seek to practice, but above all, to support the Constitution of the United States. This promise is included first in every state's attorney oath, and it is the most important promise that a new attorney will make. It commands an attorney to take action to ensure the supreme law of the land is followed and upheld. This promise is a burden on all lawyers—every lawyer must defend the US Constitution, in all ways, at all times. – American Bar Association

The Oath of Attorney in Utah State declares: "I DO SOLEMNLY SWEAR that I will support, obey and defend the Constitution of the United States and the Constitution of Utah; that I will discharge the duties of attorney and counselor at law as an officer of the courts with honesty, fidelity, professionalism, and civility; and that I will faithfully

observe the Rules of Professional Conduct and the Standards of Professionalism and Civility promulgated by the Supreme Court of the State of Utah."

**"Any judge [or magistrate] who does not comply with his/her oath to the Constitution of the United States wars against that Constitution and engages in acts in violation of the supreme law of the land. The judge is engaged in acts of treason."** Cooper v. Aaron, 358 U.S. 1, 78 S. Ct. 1401 (1958)

The public corruption (treasonous violations of the oath of office) discussed herein may well fall under The RICO Act, which focuses specifically on racketeering, and it allows the leaders of a syndicate to be tried for the crimes, which order others to do or assisted them in doing, closing a perceived loophole that allowed a person who instructed someone else to, for example, murder, to be exempt from the trial because they did not actually commit the crime personally.

**Therefore, it is incumbent upon you, as officers of the Court and Servants of We the People, to bring this out into the light of day and expeditiously restore law and order to the nation.**

**18 U.S. Code § 2381 - Treason** - Whoever, owing allegiance to the United States, levies war against them or adheres to their enemies, giving them aid and comfort within the United States or elsewhere, is guilty of treason and shall suffer death, or shall be imprisoned not less than five years and fined under this title but not less than $10,000; and shall be incapable of holding any office under the United States.

**MISPRISION OF FELONY**

Bouvier's 1856 Law Dictionary – accepted by four Acts of Congress – serving as commentary on Constitutional law, under the definition of "misprision" states a purpose of this Affidavit: "4. It is the duty of every good citizen, **knowing of a treason or felony** having been committed; to inform a magistrate. Silently to observe the commission of a felony, without using any endeavors to apprehend the offender, is a misprision." 1 Russ.on Cr. 43; Hawk. P. C. c. 59, s. 6; Id. Book 1, c. s. 1; 4 Bl. Com. 119. **You are hereby noticed of potential felony by this undersigned "good citizen".**

Fairbanks' previous Faretta Motion Filing provides evidence to show Holloway's motive to distance themselves from Fairbanks' filing of the three Friend of the Court Briefs in the First District Court in Cache County Utah. Magistrate Daphne Oberg's comments at the motion hearing acknowledged that Fairbanks has a "good civil claim against the government."

**This statement is an acknowledgement of the felonious activities surrounding the case against Fairbanks. It is also an acknowledgement by Magistrate Oberg that**

**she has knowledge of those said felonious events, and by her actions, has "silently observed the commission of a felony, without using any endeavors to apprehend the offender(s)" and is thus guilty of Misprision of Felony, as is every other officer of the court or individual involved in this case against Fairbanks.** – Fairbanks has done his duty in this regard and has made every attempt to properly expose the felonious actions addressed herein.

**MISPRISION OF TREASON**

Whoever, owing allegiance to the United States and having knowledge of the commission of any treason against them, conceals and does not, as soon as may be, disclose and make known the same to the President or to some judge of the United States, or to the governor or to some judge or justice of a particular State, is guilty of misprision of treason and shall be fined under this title or imprisoned not more than seven years, or both. – 18 U.S. Code § 2382

**There is ample evidence presented to show that Fairbanks' claims have plausible merit. The prosecution in concert with others have conspired to cause harm and have willfully sought the destruction of Fairbanks' God Given Rights of due process of law, which lies at the heart of this matter.**

The Department of Homeland Security has a national campaign to raise public awareness of the signs of terrorism and terrorism-related crimes called, **"If you see something, say something."** Fairbanks' appeals and actions leave a most important question before this court, **"What good does it do, if no one responds?"**

> "I, ___, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God."

**The violation of one's oath of office is an act of treason and anyone having knowledge of the commission of treason, who conceals or does not, as soon as possible, disclose and make known the same is guilty of misprision of treason.**

**PETITION FOR A REDRESS OF GRIEVANCES**

A petition for a redress of grievances is protected and guaranteed by the Constitution for the United States of America of 1787 with the ratification of The Bill Of Rights as "further declaratory and restrictive clauses" by Congress on March 1, 1789 and then amended in 1791. And Amendment 1 states: "Congress shall make no law respecting

an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances."

**PRAYER**

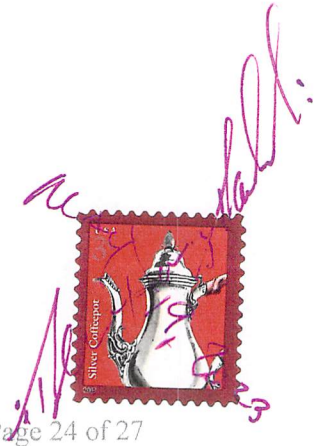
The Defendant declares the following: I am a Living Man residing in the United States of America and I DO NOT UNDERSTAND OR CONSENT to any of the CONTRACTS presented to me to date. My GOD GIVEN RIGHTS, which Congress passed into law in on October 4,1982 (Public Law 97-280), have been grossly violated and the claims against me are thus NULL and VOID and WITHOUT AFFECT.

I am a free and natural man, described by the Lord God in Genesis 2:7 as a Living Soul, living under God's law and his grace alone. I have assumed among the Powers of the Earth, granted by the Lord God Almighty, the Separate and Equal Station to which the Laws of Nature and Nature's God entitle Us. Giving Us dominion over all things. Therefore, in order to secure the Blessing of Liberty to our posterity and ourselves, to re-acquire our Birthright as "one" of a member of the Sovereign Social Body of "We the People," I hereby Asseverate, Repudiate and Revoke my Citizenship, if any ever existed, with the Legal fiction known as the "UNITED STATES" Government (Corporation), USA Inc, and any and all subsidiary corporations both known (STATE, COUNTY, CITY,) and unknown under its control.

THEREFORE, due to the serious number of procedural errors and the evidence of misconduct provided herein along with the violations of federal prohibitions, the relief requested in this Application for Pretrial Habeas Corpus should be granted, the Indictment should be Dismissed with Prejudice, and a Mistrial must be declared in the interest of justice along with Defendant's Rights for Claims of Damages, Punitive Damages and for such other and further relief as the Court may deem just and equitable.

Respectfully submitted:

:Thomas-Hanson; .Fairbanks:



**FIRST JUDICIAL NOTICE as allowed by Federal Rules of Procedure Rule 201, for Good Cause, as provided herein:**

**Constructive Notice**

> "Constructive notice in law creates an irrebuttable presumption of actual notice." Mooney v. Harlin, 622 SW 2d 83.
>
> **Fairbanks provides this Judicial Notice of the Fairbanks' intent of Filing for an Emergency Application for Writ of Pretrial Habeas Corpus with the Supreme Court of The United States (SCOTUS), under Rule 11, as it remains the only Court with Original Jurisdiction for a Writ of Habeas Corpus.**

**A Matter of National Security**

> Around May of 2022, Fairbanks' military liaison met with Spencer Rice and Fairbanks at the Baugh Motel, in Logan Utah, where Mr. Rice was told the Case against Fairbanks needed to be dismissed as a matter of National Security.
>
> Mr. Rice was stunned by the appearance of the military liaison with really nothing to say. After the military liaison left, Mr. Rice told Fairbanks that he did not believe anything the military liaison had said and cautioned Fairbanks not to believe it either.
>
> There is no evidence to suggest that Mr. Rice ever notified the court, or the prosecution, of the meeting with Fairbanks' military liaison.
>
> Fairbanks now wishes to reveal his active involvement with the Intelligence Support Activity and his admission that he has been operating undercover exposing the ugly and sorted details of Satanic Ritual Abuse (SRA) and the criminals involved, including the documented details of the Criminal Case brought against Fairbanks.

**AFFIRMATION**

I declare the preceding to be true and correct to the best of our knowledge this date, and do so sworn in the form of an Affidavit of Truth herein.

Dated this 19th day of May in the Year of Our Lord Two Thousand –twenty-tthree. :Thomas-Hanson; .Fairbanks: "pro per."

The true Beneficent of :Thomas-Hanson; .Fairbanks: and all estates My fathers and forefathers.

See Genesis ch 1 verse 26-28, Genesis ch 2 verse 7, Job ch 32 verse 21 As Beneficiary of CQV under the PCT.

Without Prejudice - Without Recourse - all unalienable rights guaranteed

Autographed by :Thomas-Hanson; .Fairbanks:; a man, a Living Soul on the 19th day of May, 2023 in the 70th year since Born alive.

:Thomas-Hanson; .Fairbanks:

## Notary Public as JURAT CERTIFICATE

Utah State:

Cache County:

United States of America

On this May 19, 2023 before me,

a Notary Public, personally appeared :Thomas-Hanson; .Fairbanks: who proved to me on the basis of satisfactory evidence to be the living man whose Name is subscribed to the within this instrument and acknowledged to Me that he executed the same in his authorized capacity.

I certify under PENALTY OF PERJURY under the lawful laws of Utah state that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature _____

Of Notary / Jurat

NOTARY PUBLIC
JENNA HIATT
COMM. # 720837
MY COMMISSION EXPIRES
OCTOBER 13, 2025
STATE OF UTAH

## CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 19th day of May, 2023, he served a true and correct copy of the above and foregoing document by:

XXX United States mail, first class postage prepaid

addressed as follows:

Judge Jill N. Parrish
United States District Court
District of Utah
Orrin G. Hatch United States Courthouse
351 S West Temple
Room 1.100
Salt Lake City, Utah 84101

Mr. John W. Huber - Former United States Attorney
Ms. Ruth Hackford-Peer – Assistant United States Attorney
Mr. Kevin L. Sundwall – Assistant United States Attorney
Attorneys for the United States of America
111 South Main Street
Suite 1800
Salt Lake City, Utah 84111

Mr. Spencer Rice
Federal Public Defender for the Defendant
American Towers Plaza
44 W Broadway
Suite 110
Salt Lake City, Utah 84101

By _____

:Thomas-Hanson; .Fairbanks: