

David Hinkson
08795-023 3-B
United States Penitentiary/McCreary
P.O. BOX 3000
Pine Knot, KY 42635

7E126-208888

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WINNEXVILLE TN
08 MAR 2018



08795-023
Rud Davis
PO BOX 2088
Forney, TX 75126
United States



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OFFICIAL TRANSLATION

Ministry of Health



Ukraine

Kharkov State Medical University
Subsidiary Company
Testing Center

61022, Kharkov -22
4, Lenin pr. Room 155
Tel. 40-5459, 40-2657

Attested by MOH of Ukraine
Certificate No. 164 dated 29 Jun.2000
Accredited by State Standard Committee of Ukraine
Register No. UA 6.001.H.499 dated 02 Nov. 1999

**PROTOCOL
OF STATE SANITARY AND HYGIENICAL EXPERTISE**

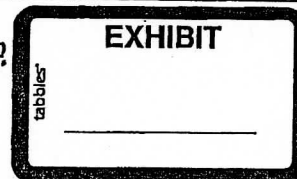
No. 372/VTS-12.02 dated 24 December 2002.

1. Name and area of usage of the product: 1) concentrate for making mineral water "WaterOz Concentrate"; 2) Mineral Waters "WaterOz".
2. Materials and compounds manufactured by: "WaterOz" company, U.S.A.
3. Ordered by: representative of WaterOz company in Ukraine. Ponomarenko R.J.
4. Samples manufacturing (submission) date: November 2002
5. Analysis made: from 20 Dec. 2002 till 28 Dec. 2002.
6. Type of analysis: Measurement of concentration of chemical elements

7. Analysis Data

Name of Product	Concentration, mg/liter (ppm)	
	Concentrate	End Product
1	2	3
1. Boron		
2. Iodine		
3. Sulfur		
4. Gold	242,5	61,0
5. Silver	505.000,0	103,5
6. Platinum	12.500,0	51,0
7. Indium		
8. Potassium	198.000,0	887,0
9. Calcium	270.000,0	332,5
10. Lithium	14.300,0	4,8
11. Magnesium	100.000,0	570,0
12. Manganese	280.000	40,0
13. Cobalt	116.400,0	114,4

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14. Chromium	5.000,0	25,0
15. Tin	225.000,0	Traces
16. Copper	42.500	100,0
17. Iron	118,4	1,8
18. Zinc	99.000,0	168,0
19. Selenium		
20. Vanadium		
21. Molybdenum		
22. Water of Life		
- Calcium	72.000,0	802,5
- Chromium	15,8	15,8
- Copper	3,45	3,45
- Magnesium	355,0	318,0
- Silver	0,3	0,3
- Platinum	17,5	17,5

NOTE: Water of Life sample contains other unknown elements that influence the results of quantitative analysis.

Head of
Testing Center
Kharkov State Medical University
Doctor of Medicine, professor

/Signature/

V.O. Korobchansky

Head of Sanitary and Hygienic
Laboratory, Doctor of
Pharmaceutical Sciences

/Signature/

T.O. Ivanenko

[Oval Stamp:
Ministry of Health of Ukraine
Kharkov State Medical University
Testing Center
No. UA6.001.H.499]

Official translation made by
"MOST Translation Services"
Subsidiary of "Infor" Private Company
Kiev, Ukraine. Date: 26 Dec. 2002

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(which invoice was disputed and never paid by WaterOz, and no further action was taken by Mr. Swisher).

53. Mr. Swisher also issued numerous false invoices (Exhibit A-13) in February 2003 asserting that there were past due and unpaid charges from as far back as September 2002.

54. One of the most vicious attacks by Mr. Swisher was his accusation that I had put cyanide in my products to cause great harm to the users of WaterOz minerals. Mr. Swisher is the one who put the cyanide into a sample of WaterOz Potassium which he sent, by regular US mail to an independent lab in Kellogg, Idaho (SVL Analytical). That bottle of Potassium had a large quantity of cyanide in it that, not only could it have caused damage if a person drank it, but that amount of cyanide if spilled from a broken bottle during shipping, could have caused serious injury or death. Mr. Swisher made it appear that the cyanide came from my factory, when it came from his mineral assay operation (see Exhibit A-11, SVL Analytical Chain of Custody Record attached which shows that Swisher was the originator of the WaterOz sample that had cyanide in it and Mr. Swisher's cover letter of February 2, 2003, requesting analysis confirming that there was cyanide in the potassium).

55. On or about November 6, 2002, I spoke with Mr. Bellon on a speaker phone when Mr. Ponomarenko was present. Mr. Bellon invited us to come to his home for a noon meal and barbecue the next Sunday. The rest of that week was spent in meetings with Mr. Ponomarenko concerning the development and sale of WaterOz products in Ukraine and Russia.

56. On or about Sunday, November 10, 2002, Mr. Ponomarenko and I arrived at the Bellon home at roughly 11:00 a.m. After about 30 minutes, a Ford Explorer arrived driven by Barbara Swisher. She asked if two individuals could help Mr. Swisher out of the car because he was too sick to get out by himself.

57. Mr. Bellon and Mr. Ponomarenko assisted Mr. Swisher so that he could get from his vehicle to his wheelchair. Mr. Swisher had to be strapped into the wheelchair to keep him from falling out, and his skin color was very pale. He was wearing diapers and had a catheter tube and bag hooked to his leg and was very sickly looking. He was not in the sort of physical shape that one would expect from a hit man.

58. November 10, 2002, was a warm day, allowing us to spend time comfortably on an outside deck at the Bellon home. While having the meal, Mr. Swisher gave the history of his illness and how he had been in a coma, had died on the operating table during surgery and had to be revived with a defibrillator. Mr. Ponomarenko discussed the possibility of establishing a WaterOz factory in Vinnitsa, Ukraine. After we had eaten barbecued chicken for lunch, Mr. Bellon brought out a 22 rifle, a shot gun and a bird launcher.

59. Mr. Ponomarenko took turns shooting at clay pigeons with Mr. Bellon. Mr. Swisher shot at the clay pigeons from his wheelchair. He could not shoot standing up as he was

strapped in by a seat belt to his wheelchair and too weak to stand up. After the clay pigeon, shooting Mr. Ponomarenko and I returned to my home.

60. At my January 2005 trial, Mr. Swisher testified that this event of shooting clay pigeons during a social gathering at the Bellon home occurred in September 2002 rather than November. However, that was simply untrue and impossible for two reasons: first, Mr. Ponomarenko and I were half a world away in Ukraine conducting presentations regarding WaterOz products in September 2002; and second, because Mr. Swisher was having open heart surgery on September 15, 2002 (see Affidavit Swisher, Exhibit A-15, paragraph 11) and according to his own account of his health history he "almost died on the table," so that it was apparent that he was not in any condition to have been at an outside barbecue firing guns at clay pigeons at any time in September 2002.

61. On or about Monday, November 11, 2002, I arranged for Mr. Ponomarenko to ride with Mr. Chris Paitreyot to the Northwest Analytical Laboratory. He was to pick up the 22 samples of WaterOz products to go to Ukraine that had supposedly been tested by Swisher's lab. Again, he was testing for confirmation that the mineral content was consistent with the amount as reported on the labels. Once the test results were confirmed at Northwest Analytical, Mr. Ponomarenko had agreed to take these samples to a Laboratory in Ukraine for independent testing (see copy of Ukrainian lab results Exhibit A-16).

62. On or about November 12, 2002, I drove Mr. Ponomarenko to Lewiston, Idaho, so we could fly together to Minnesota and then to New York to visit some WaterOz distributors. From New York, he went back to Ukraine with the 22 samples and I returned to Idaho.

63. On November 21, 2002, I was in my bed in my house at 5:45 a.m. when my home and factory were raided by 50 agents of the U.S. Government, involving three agencies, the FBI, the FDA and the IRS. I was arrested and released on my own recognizance. I was informed that some of the charges were based on independent laboratory analysis which had been ordered by the FDA. That analysis determined that WaterOz products were misbranded because the mineral content of the product actually was lower than on the amount stated on the WaterOz label.

64. Three days before the raid, Chris Paitreyot did not show up for work at WaterOz. From all appearances, Mr. Paitreyot disappeared right before the raid as if he had advance knowledge that it was about to happen.

65. On or about November 22, 2002, I went to Mr. Swisher's laboratory with Lonnie Birmingham (the replacement mineral maker for WaterOz since the disappearance of Mr. Paitreyot) demanding to know why an independent tester working for the FDA showed that my products were deficient in mineral content as compared to Swisher's testing, which had always shown that the mineral content of my product was always consistent with the WaterOz labels. Since I had been charged with the crime of selling in interstate commerce

my WaterOz products, which the government claimed were misbranded and since WaterOz was paying Mr. Swisher to test the product to prevent this very thing from happening, I wanted answers from Mr. Swisher.

66. Mr. Swisher was still in a wheel chair, sickly looking, with the edges of his diapers showing at his waist and with a bladder bag hanging from his leg. I was told by Mr. Swisher that Northwest Analytical had properly tested all WaterOz products given to them and consistently found them to have substantially the same content as shown on the labels. Mr. Swisher theorized that since Chris Paitreyot had disappeared right before the raid, he must be the one who was trying to create trouble for me with the FDA. (See Exhibit A-12) Mr. Swisher theorized that it was Chris who added mineral concentrate to samples just before presenting them to Northwest Analytical so that from the tests it would appear that the content of the products were in compliance with WaterOz labeling; when in fact, he had sabotaged the product so that the minerals in the large mixing tanks at the factory were had a lower amount of mineralization. Because at that point I did not trust Mr. Swisher, I asked him to put his statement and theory in writing and he agreed to sign an affidavit to that effect (see Exhibit A-15).

67. At the meeting of November 22, 2002, at Mr. Swisher's lab, he mentioned for the first time that he thought there was cyanide found in at least one of the WaterOz products. He took the lid off a sample of potassium and said it smelled like cyanide (I later learned that cyanide has no smell). Little did I know that two months later, Mr. Swisher would actually mail that bottle to a laboratory in Kellogg, Idaho (see Exhibits A-11 and A-14). I informed Mr. Swisher that the only person I knew using cyanide was him and that was in association with his gold assaying business. I then demanded to know who had added cyanide to my product. In his opinion, he said he believed that the federal government put the cyanide in the potassium when they raided the factory. He claimed that he had not added the cyanide but suggested that if the FDA obtained that information (Exhibit A-12), I would be in deep trouble with the government. Although I felt intimidated by Mr. Swisher's statements about the cyanide at that time, he did not attempt to extort money or property from me; apparently, he was preparing me for the extortion that was to come later.

68. Mr. Swisher told Doug Sellers to put a bag of bromine in my truck and informed me that I should pour bromine over the ground where he expected me to dump out the potassium to cover up any cyanide. Because there never was any cyanide in any of my products (except the sample held by Mr. Swisher), I did not dump any out on the ground and did not use any bromine, as there was nothing to cover up.

69. On or about December 26, 2002, it was reported to me that the 22 WaterOz samples had been tested in Ukraine and I learned that some of the samples did not show adequate signs of artificial mineralization. In fact, I was told that some of these samples appeared to be no more than tap water. At that point, it appeared to me that someone, possibly Mr. Swisher and or Chris Paitreyot had sabotaged my efforts to have comparative parallel tests of

WaterOz products in USA and in Ukraine. It appeared that some of my products had been diluted after the November testing at Northwest Analytical, or that the results reported by Northwest Analytical were not accurate. I was informed that all 22 tests of product samples taken by Mr. Ponomarenko to Ukraine, which cost me \$1,000.00, were of no value and the test would have to be repeated.

70. On or about December 27, 2002, I called Mr. Swisher to inform him of the Ukrainian lab test results and asked him to immediately sign and send me the affidavit we had discussed earlier.

71. Mr. Birmingham went to Mr. Swisher's lab on Friday, January 3, 2003, to deliver product for testing, picked up Mr. Swisher's Affidavit (see Exhibit A-15) and brought it to me at the WaterOz office.

72. Later in the day of January 3, 2003, after I obtained the Affidavit from Mr. Swisher, I was paged by Geri Gray on the overhead speaker and took a call from Joe Swisher. He told me that he wanted me to pay him \$800,000 in cash and to give him a one-half ownership interest in WaterOz or, he threatened he would testify against me in Federal Court. He said I was already in trouble with the FDA because they suspected that there was cyanide in the WaterOz products. He said if he testified against me, I would go to prison for the rest of my life.

73. I refused this offer of extortion by Mr. Swisher and informed him never to contact me again and that he was not welcome in the WaterOz factory.

74. Immediately after I hung up with Mr. Swisher, I paged all of my employees on the overhead speaker and informed them that Swisher was a blackmailer, a liar and a thief and no one at the factory should ever talk to him again. I called Geri Gray, told her the story and informed her that no one was to take any more of his calls.

75. Swisher began a campaign of billing WaterOz for extortionate amounts that were not due or owing (see Exhibits A-13). He billed for conferences that did not occur and services that were not rendered, running up a bill of over \$5,000.00 in charges that were not owed, pretending that there were past due bills from four months earlier that had not been paid.

76. Mr. Swisher billed me for the purchase of his AA Machine that I never agreed to purchase. The stated price was \$12,000 (see Exhibit A-10) but was never discussed with me. This bill came out after Geri Gray told Mr. Swisher that WaterOz had already purchased an ICP machine and no longer needed his services.

77. I subsequently learned, but was not aware at the time, that Geri Gray continued to give products to Mr. Swisher against my wishes. Mr. Swisher would come by the factory and not come in. Ms. Gray would have employees, such as Debbie Doty (A-5) carry product out to

Mr. Swisher's car. There was an improper alliance between Mr. Swisher and Geri Gray that still has not been disclosed to this day, but I am concerned that she was working behind the scenes with Mr. Swisher to destroy my company and cause me to go to prison so that she and Mr. Swisher could steal my business.

78. I did not ever solicit Mr. Swisher to kill anyone, and his statement that I did was a total lie and part of his extortion scheme to take property from me.

79. The lead counsel in my case, Mr. Thomas Nolan never met with me or allowed me to participate in my own defense. When he took the military records file home with him to review, he allowed me and the others on the defense team to believe that he had studied it and was knowledgeable about its contents.

80. This whole case was about Mr. Swisher's greed and he was trying to set me up with something so he could steal my business WaterOz. If it was not deliberately approving my products as to mineral content matching the labels which were sold short of the full amount because of him and I got in trouble with the FDA, it was cyanide that he, from his mining assay lab put in a sample of WaterOz product and sent it off to an independent lab to determine what he already knew, that it contained cyanide. He was always going to testify against me and I was going to prison for the rest of my life. So, he finally made up a big enough lie that in January 2005 when he testified, I ultimately was convicted of crimes I did not commit and in fact never happened, but he was right, I was sentenced to essentially life in prison for crimes he made up and he testified against me in federal court.

Further Affiant sayeth naught.

I declare under penalty of perjury that the foregoing is correct this 13th day of April 2012.





B-5

DEPARTMENT OF THE NAVY
HEADQUARTERS UNITED STATES MARINE CORPS
2280 RUSSELL ROAD
QUANTICO, VIRGINIA 22134-5103

IN REPLY REFER TO:
1650

MMA-4

30 DEC 2004

Mr. Ban Keeley, SVSO
State of Idaho Division of Veterans Services
821 21st Avenue
Lewiston, ID 83501-6392

JAN 10 2005

Dear Mr. Keeley:

This is in further reply to your letter of January 23, 2004, to the Personnel Management Support Branch of this Headquarters, which was referred to the National Personnel Records Center, St. Louis, Missouri for reply regarding awards for Mr. Silven J. Swisher for his service while a member of the U.S. Marine Corps. Your letter was subsequently forwarded to this office for our review and comments concerning his award entitlement/verification.

We have thoroughly reviewed the copy of the Certificate of Release or Discharge from Active Duty (DD Form 214) and supporting letter which you submitted on behalf of Mr. Swisher with your request. The documents you provided do not exist in Mr. Swisher's official file. The official DD Form 214 in his record of the same date was signed by Mr. Swisher and does not contain any awards information in box 26, and contains no "wounds" information in box 27. A copy of his official DD 214 is provided as the enclosure. Given this information we have reason to believe that the documents you submitted are not authentic.

Specifically, the DD 214 you submitted on behalf of Mr. Swisher indicates that Mr. Swisher is entitled to the Silver Star Medal, Navy and Marine Corps Medal (Gold star in lieu of the Second Award), Purple Heart, and Navy and Marine Corps Commendation Medal with Combat "V." However, our review of his official military records, those of this Headquarters, and the Navy Department Board of Decorations and Medals failed to reveal any information that would indicate that he was ever recommended for, or awarded any personal decoration.

Additionally, the Navy and Marine Corps Commendation Medal, which is listed in block 26 of the DD 214 that you submitted did not exist at the time of Mr. Swisher's transfer to the Marine Corps Reserve in 1957. On March 22, 1950, a Metal Pendant was authorized for issue in connection with a Letter of Commendation and commendation ribbon. On September 21, 1960, the Secretary of the Navy changed the name of the award to the Navy Commendation Medal. On August 19, 1994, the Secretary of the Navy renamed the medal as the Navy and Marine Corps Commendation Medal. It is impossible that the approving officer could have signed an official document in 1957 indicating Mr. Swisher's entitlement to a personal decoration which did not exist in its present form until 1994.

EXHIBIT

A

Further review of Mr. Swisher's records reveals that he is not entitled to any service awards, including the Marine Corps Expeditionary Medal, for his service in the U.S. Marine Corps. Mr. Swisher's official military records failed to indicate any information that he served in Korea during the period when any awards were authorized. His records show that he was stationed at Camp Fuji and Yokosuka, Japan from March 4, 1955 to May 6, 1956.

There is no information in his military record or his medical record to substantiate his entitlement to a Purple Heart medal. His medical records show that on February 10, 1957, he was involved in a private vehicle accident near Port Townsend, Washington.

Marines who are recognized with a Navy and Marine Corps personal decoration for their performance, actions or meritorious service while involved in classified military operations may receive an award citation that contains non-specific information about the actions or service of the Marine. However, we found no evidence that Mr. Swisher was involved in any classified operations.

Given all of these facts, we must base our analysis on what is contained in Mr. Swisher's official military record, and not the documents you submitted on his behalf. Accordingly, since Mr. Swisher's official records do not support his entitlement to any awards, we will take no further action. His records will be returned to the National Personnel Records Center, and a copy of this letter will be filed in Mr. Swisher's official military records.

Sincerely,

K. G. Dowling

K. G. DOWLING
Lieutenant Colonel, USMCR
Assistant Head, Military Awards Branch
By direction of the
Commandant of the Marine Corps

Enclosure: 1. Certificate of Release or Discharge
From Active Duty (DD Form 214)



DEPARTMENT OF THE NAVY
HEADQUARTERS UNITED STATES MARINE CORPS
3280 RUSSELL ROAD
QUANTICO, VIRGINIA 22134-5103

IN REPLY REFER TO:
1650

MMMA-4

30 DEC 2004

Mr. Ben Keeley, SVSO
State of Idaho Division of Veterans Services
821 21st Avenue
Lewiston, ID 83501-6392

JAN 10 2005

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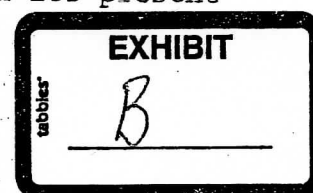


EXHIBIT B

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Sincerely,



K. G. DOWLING
Lieutenant Colonel, USMCR
Assistant Head, Military Awards Branch
By direction of the
Commandant of the Marine Corps

Enclosure: 1. Certificate of Release or Discharge
From Active Duty (DD Form 214)