

COMMITTED NAME: Scott Fawl
REG. NO. & QTRS.: 04564-059 Unit K3
FEDERAL CORRECTIONAL INSTITUTION
P.O. BOX 1000
SANDSTONE, MN 55072

04564-059
Rudy Davis
PO BOX 2088
Forney, TX 75126
United States

75126-2088



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August 23, 2018

Scott Faul
Reg. No. 04564-059
F.C.I. Sandstone
P.O. Box 1000
Sandstone, MN 55072

Rudy Davis
P.O. Box 2088
Forney, TX 75126

Dear Rudy and Erin,

Since last writing on July 19, 2018, I received from you: an "Update" email which you sent on 7/23/18; an "Alan Schael" email sent 7/27/18; a "No Updates" email sent 8/8/18; and, 2 emails sent on 8/10/18, "USAO ND" and "Pardon Letter." In the regular mail, on August 6, 2018, I received your "01 AUG 2018" postmarked postcard, and an envelope postmarked "30 JUL 2018" with 10 pages (5 f&b) of the "7/28/2018 Survey Results"; on August 15, I got the book you caused to be sent, "Miracle in Atlanta by William Bicket as Told to Pat Shannan" (enjoying it); and, finally, on August 22, I got your 3-page transcript of "USAO-ND Chris Myer's Office Notified About Unjust Incarceration of Scott Faul for over 35 Years" which really made my day. That is super, and gives rise to a great opportunity to follow up on it.

Also, on August 22, I received an August 14, 2018 dated "Notice of Action on Appeal" from the Parole Commission via staff here at Sandstone. I am enclosing a copy of that for you, but will refrain from commenting on it at this point, allowing you to lay it beside the July 16, 2018 dated 50-page appeal that I sent to them (with a copy to you), and come to your own conclusions as to what they are all about. Then I will send you my scathing report against them when I get it put together.

I am planning to call you tonight, so I will just leave this without further elaboration, except for sharing my strong belief that Shantel will be able to bring about some positive results with that family's problem.

Sincerely,



Scott Faul

enc: 3 pp., as stated
cc: file

Name: Faul, Scott

Institution: Sandstone FCI

Register Number: 04564-059

Date: August 14, 2018

The National Appeals Board examined the appeal of the above named and ordered the following:

Affirm the previous decision.

REASONS:

Throughout your appeal you assert that the Commission, and the U.S. judicial system at large, has made a multitude of errors in denying your parole and acted in a biased manner in an organized conspiracy to keep you incarcerated. You assert twelve claims against the Commission arguing a wide range of range of issues that can best be summarized as such: (1) the Commission has made a procedural error in your case, and a different decision would have resulted if the correct procedure would have been followed in that you were not considered under the terms of mandatory parole; (2) the Commission applied a statute or regulation incorrectly in that your sentence has not been properly calculated and you are eligible for mandatory parole; (3) the Commissioner and Hearing Examiner who were involved in your parole decision were biased against you and need to recuse themselves from this matter; (4) the Commission made a procedural error in deciding your case because it was not properly considered under Original Jurisdiction; (5) the Commission wrongfully engaged in double counting when making their decision; (6) a decision outside the guidelines was not supported by the reasons or facts stated in the Notice of Action; (7) there are especially mitigating circumstances in your case which justify a different decision; lastly (8) you seek the enforcement of a multimillion dollar contract against the Commission and its actors.

First, the National Appeals Board addresses both of your claims that (1) you are eligible for mandatory parole and (2) that there has been an error in computing your sentence together. Under 28 C.F.R. § 2.53 mandatory parole is available to prisoners serving life terms after completion of 30 years of each life-term they are serving. You have been sentenced to (1) a term of Life plus 15 years for the offenses 2nd Degree Murder of Federal Officers & Aiding and Abetting and (2) Forcibly Assaulting & Impeding Federal Officer by Deadly Weapon. Your two-thirds date is currently calculated by the Bureau of Prisons as February 14, 2023, and you are not currently eligible to be considered for Mandatory Parole. If, as you allege, there has been an error in calculating your sentence, this error should be pursued through the proper channels of the Bureau of Prisons.

You also assert that your case is one of Original Jurisdiction and was not considered as such by the Commission. Your file shows that in January of 2003 your case was referred to the Commissioners to be one of Original Jurisdiction, but that referral was promptly denied. There is no evidence that your case is, or has ever been designated for Original Jurisdiction and this claim is denied.

Your claim that the Commission engaged in double counting, and did not state reasons for going above the guidelines in your case is also without merit. The decision in your case is a decision within, not above, the guideline range of 100+ months due to your Category Eight offense severity. The statute does not require a statement of "good cause" for any decision within the guideline range. The regulation requiring the Commission to state "pertinent case factors explaining a decision more than 48 months

above the guideline minimum is not the equivalent of the statutory requirement of a "good cause" finding. In other words, the Commission is not required to state any aggravating factor or circumstance in a Category Eight case, but only to explain its decision more than 48 months above the minimum, which can be done by reference to the circumstances of the offense. "This procedure is intended to ensure that the prisoner understands that individualized consideration has been given to the facts of the case, and not to suggest that a grant of parole is to be presumed for any class of Category Eight offenders." 28 C.F.R. § 2.20. The notice of action dated May 9, 2018 referenced the circumstances of your offense and gave proper notice that your case was considered on an individual basis, and thus satisfies the Commission's requirement. Additionally, your double-counting argument lacks merit because the Commission did not go above the guidelines in your case.

Next, all evidence in mitigation you have put forth has been considered by the National Appeals Board and does not warrant a different decision. Most of this evidence pertains to the claim that you have been wrongfully convicted and your current incarceration is illegal. Additionally, you put forth your version of events regarding the crimes you have been convicted of. The Commission relies upon the findings of fact made by the District Court when you are convicted of a crime. This is not the proper venue to raise claims of your innocence, wrongful conviction, or correction of the record from your trial. If you wish to pursue these claims they should be brought before the proper appellate court. Additionally, the survey you submit of "public opinion" including 31 respondents in no way serves as mitigating evidence for the crimes you committed, and will not sway the National Appeals Board towards a more favorable decision.

In your next claim you allege that the hearing examiner and commissioner who decided your case were biased against you because they have "promised favoritism" to those who are responsible for your conviction. Additionally you claim that they are further disqualified due to their past history working in law enforcement. Government officials, including hearing examiners and commissioners, are presumed to act with honesty and integrity in carrying out their official duties, unless a showing otherwise. You have failed to assert anything more than mere allegations against these individuals, and have shown no reason to suspect any bias or animosity towards you has influenced the decisions made in your case. The National Appeals Board finds no merit to this claim, and dismisses it.

Last, you claim that the continued involvement of Commissioner Massarone and Hearing Examiner Kubic provides acceptance to a "contract" you had previously sent to the Commission, and you are now owed a sum of money over \$1 Billion. This claim is not grounded in any law, and has no merit. No valid contract has been created between any parties, and your appeal is denied.

After considering all of your assignments of error, the National Appeals Board affirms the decision of the Commission, and continues your parole until expiration of your sentence.

All decisions by the National Appeals Board on appeal are final.

cc: Designation & Sentence Computation Ctr
U.S. Armed Forces Reserve Complex
Grand Prairie Office Complex
346 Marine Forces Drive
Grand Prairie, TX 75051

U.S. Probation Office
District of North Dakota

655 First Avenue North
370 U.S. Courthouse
Fargo, ND 58102