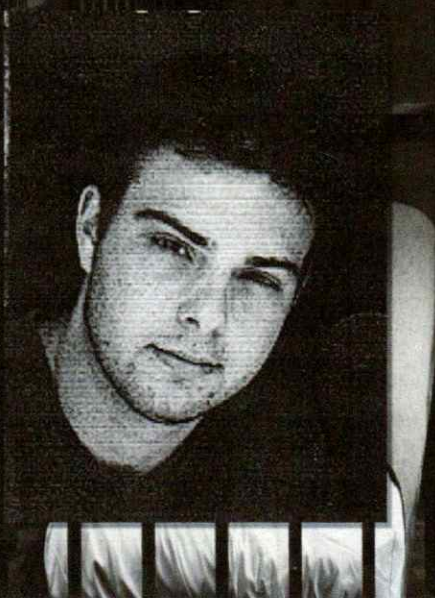


Guilty

Until Proven

Innocent



by Scott Zirus

[Second Edition 2023]

GUILTY UNTIL PROVEN INNOCENT

by

Scott Zirus

* * * * *

Scott Zirus is an Australian National wrongfully convicted in Texas for a crime he did not commit. This ebook exposes the truth behind his actual innocence, and explores the phenomenon responsible for the systemic convictions of thousands of innocent people in the United States. From cognitive bias, emotional reactivity, cold pleas of guilty, to false confessions, this ebook is a scathing but honest indictment of the current state of the American justice system.

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To the thousands of innocent people
whom bear the errors of society
because they have neither
money, experience nor friends to help them.

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PREFACE

I am INNOCENT - but how do I prove it? How do I unravel the devil's knot that has become my life?

To attempt to understand the sudden change that had ripped me away from my familiar world, and plunged me into the darkest saga of my life, is to realize the enormity of what has happened to me.

At times I feel overwhelmed by a sense of adversity and intense powerlessness.

I am far from happy with the suffering forced upon me, but I refuse to be defeated by it. I had always believed that if you did nothing wrong you could never get in trouble with the law. However this experience has proven that perspective to be naive - what has happened to me could easily happen to anyone.

In this regard my story is a cautionary tale - one that has the potential to expose the systemic abuse of the justice system in America.

No matter how insurmountable a task it may seem, I can not for one moment fall silent about the truth. Silence in the face of evil, is evil itself. I know my innocence can not be suppressed forever. One day the truth will set me free.

Logic dictates that only a fool could be so bold and expose himself to such scrutiny and expect to survive if he was guilty - but I am no fool. I can (and indeed must) do this because I am actually innocent. The only thing that allows me to be held captive for a crime that never occurred is the suppression of truth.

Since the U.S. Courthouse doors have been slammed in my face, I shall instead seek justice in the court that essentially sealed my fate - The Court of Public Opinion...

It is not my intent to try to venerate myself by demonizing others. My intent is simply to shine light on facts that (until now) have been hidden from public scrutiny. If, after reviewing all the evidence in my ebook, someone draws the conclusion that they can not support my innocence then thats their prerogative.

At least their opinion was formed upon enquiry and not based upon pure speculation (which is what most people do).

But I am confident that if you approach my case honestly and without any predisposed opinions, you will realize beyond doubt that I am innocent. In the end YOU are the Grand Jury of the Court of Public Opinion - and it is your duty to demand justice when the innocent are convicted. You are the ultimate vanguard against a government that neglects its divine duty to do what is right.

The American judicial system is faced with a serious epidemic - the reincarnation of the Salem Witch Trials! A chapter in history that good people vowed would never raise its ugly head again.

I am the first to admit that if I was on the outside looking in on my situation, I would likely do what everyone else has - impulsively decide I know what happened, while ignoring or discounting evidence that contradicted it - And I'd be wrong. To presume that someone is guilty upon mere allegation is to license conclusions that belie the need for proof. The presumption of innocence allows for a moment of hesitation before we indulge the voices in our heads. This is the safeguard that was implemented to protect the innocent from the seemingly incomprehensible phenomenon called "cognitive bias" - the tendency to interpret events to confirm existing preconceptions.

How many times have you seen the mugshot of an accused child molester on the evening news and NOT assumed his guilt? That's cognitive bias. In such situations it is inevitable that the accused will fall victim to prejudice and bias simply because the allegation has been made and the accused has been arrested, indicted, and brought before a court. Because of cognitive bias, the burden bore by the accused in order to overcome the automatic mark of guilt for allegations of child sexual abuse is seemingly insurmountable.

I am far from advocating that everyone accused of such a crime is innocent - that isn't the case. That which is false of me is undoubtedly true of many others. What I am advocating is that we need to develop the ability to stay neutral in the face of such allegations so that we can assess the facts and respond with insight and conscious action rather than from mere emotional reactivity. Acts of child sexual abuse leave a vile taste in our mouths and are infused with such intense emotion that we often lose all sense of reason and logic. It is this emotional reactivity that convicts the innocent.

But if we honestly want to prevent wrongful convictions while protecting children from predators, this undesirable conversation must be had. We simply do not protect children when we convict innocent people.

In my situation there is considerable cognitive bias to overcome. I was falsely accused, coerced into signing a false statement, and was subsequently wrongfully convicted in a foreign country after giving a 'cold plea' of guilty.

I want to use my situation to help prevent this from happening to other innocent people. With reason, logic, and scientific studies, I will unravel this devil's

knot so that you can clearly see how easily an innocent event can be taken so drastically out of context and proportion - and the life changing consequences it has on both sides.

- Scott Zirus -

- Chapter One -

THE UNTOLD STORY

"Never apologize for being correct,
or for being years ahead of your time.
If you're right and you know it, speak your mind.
Even if you are a minority of one,
the truth is still the truth"

- Mohandas Gandhi

"A wrongly accused man is always vilified
by the ignorant masses.
Such a man should fire at will,
he is bound to hit something"

- Anonymous

THE UNTOLD STORY

It has been said that my life would make one hell of a campfire story [1]. I never once thought I'd be locked up abroad for a crime I did not commit; or be the unwitting victim of a multi-million dollar conspiracy; or even that I'd make international news and be so publically vilified as "Zirus the Virus" [2].

I'm the first to admit that I'm not perfect - although I endeavour to do my best. All I wanted was to live a simple life, but it never played out as I had imagined it would in my mind. In hindsight, seemingly irrelevant events have tended to be the most defining. The fulcrum point was the culmination of these thousands of seemingly unrelated events that ultimately lead to my wrongful conviction.

When I was a young boy in rural Western Australia, all I wanted to be was a film maker. I believed that as long as the human heart was capable of being touched by tales of heroic self-sacrifice or bittersweet drama, then there was hope for humanity and I wanted to capture it on the screen.

While a student at the Donnybrook High School, my friends and I would hijack the schools video camera and spend all weekend shooting short films and editing it with two old VCRs. The system was crude, but it was the late 90's and it worked. "My Brothers Shadow" was my first short film of any significance. We entered it into a short film competition called 'Show Us Your Shorts'. It made the finals and was shown on a big screen at Edith Cowen University. Although it didn't win, the judges complimented how skillfully the film was pulled together with "bubble gum and shoelace".

The following year my friends and I got a little more ambitious and shot a short film called "Keeping The Roses". Once again we made the finals, but this time we won the Special Mention category. I made the local newspaper and "Keeping The Roses" was shown at the Grand Cinemas in Bunbury, Western Australia. As part of the prize I was rewarded by work experience at GWN News. Journalism (at that stage of my life) didn't seem very exciting - I wanted to do feature films... But fate had different plans.

There is a lot that I do not understand about the dynamics of this period of my life. My mother suffered from depression and other illnesses, and I was by my nature an independant teen [3]. Like most teens I couldn't understand that I had responsibilities around the house. All I wanted to do was make films. My mother

found me difficult to cope with, and I saw this as a form of rejection. Ultimately this caused a lot of arguments and resentment [4].

At the time of "Keeping The Roses", I was living in the rural town of Donnybrook, Western Australia. The highest level of education available in Donnybrook was Grade 10, so I moved to Bunbury with my uncle so that I could continue to go to Senior High (Grade 11 and 12). I saw it as both an adventure and an opportunity to live independently of my mother [5].

Unfortunately, a few months later I returned home from school one afternoon to find that my uncle had packed up and moved out. I never saw him (nor my mother) again [6]. Because I was so young I couldn't afford the rent, nor could I sign a lease agreement. Subsequently I was thrust into youth homelessness [7].

I wasn't a delinquent. I never even tried a cigarette or experiment with drugs like other teens my age. But I did have my fair share of sleeping on the streets or scavenging for food in dumpsters. Often my friend's family would take pity upon me, and I'd stay at their house until I felt that I'd wore out my welcome, and I decided to move on.

Eventually a friend of the family, Ruth, contacted BUNYAP (an organization that helps "at-risk" youth) which assisted me in getting a housing unit, and providing support so that I could graduate school regardless of my unfortunate situation [8]. My short, but eventful, stint of youth homelessness was over.

After I graduated Grade 12 from Newton Moore Senior High in December 2001 (age 17) I was determined to make my name in the film industry. I put all my energy into writing, directing, and editing my first feature film called "The Hunt". I moved to Mandurah, Western Australia, where I had more opportunity and support.

"The Hunt" was a testament to Murphy's Law - anything that can go wrong, will go wrong. The Hunt was branded as a "youth" film and because I volunteered at the drop-in at the Billy Dower Youth Center, I was able to organize a makeshift premiere at the center. Although it made the Mandurah newspapers a few times, by all accounts it was a flop. Still, I wanted to get into film, so I obtained a traineeship through Country Arts WA to produce a documentary for the Stretch Festival, and eventually I decided to start a media business. In March 2005, after I'd secured mentorship through the NEIS program [9] and completed my Certificate IV in Small Business Management, my business partner (Jeff) and I launched "Mandurah Media" [10]. We did wedding videos, commercials, promotion videos etc. The highlight of our creative endeavours was our short film "Stolen Earth" which made it into the finals of the Peel Film Festival and was shown publically at the Fish Trap Theater.

But it wasn't long before we understood the literal meaning of "starving artist". Jeff was at least 17 years older than me and, unbeknown to me at the time, was struggling with addiction. With the floundering business and personal struggles our partnership collapsed in December 2005. I continued with the NEIS program under the business name "ZirusMedia" until about June 2006. I was forced to face the harsh reality that I would not be able to support myself doing what I loved. I needed to find another career.

At this point I had been an active member of the Mandurah Youth Advisory Council (MYAC) since 2003 (age 19) where I had been the Chairperson for at least 2 years. I'd done youth suicide awareness talks with the local Rotary; I had completed a youth leadership development program upon the Leeuwin II (a replica sailing ship); organized youth events like concerts; volunteered at the Billy Dower Youth Center; sat on the committee for the Peel Youth Programme; and taught a film making class as part of an anti-truancy program for 'at-risk' youth.

Because of this, the job agency that I signed up to thought that I'd be a good candidate to work with youth. I had done outdoor recreation at Senior High, so in September 2006 (aged 22) I became the full time Senior Activities Instructor for Fairbridge Western Australia, Inc. [11].

Fairbridge is an EcoVillage near Pinjarra, Western Australia. It was once a Farm School for orphans. The cottages where the children once lived were renovated after decades of neglect, and Fairbridge clients (family groups/schools/youth groups) would rent them. Fairbridge is the closest thing you would find to a summer camp in Western Australia.

As the Senior Activities Instructor it was my responsibility to book, plan, and lead outdoor activities and camps for Fairbridge clients. The majority of the approximate 3,500 clients that went through the Activities Department per year were school groups, 'at-risk' youth groups or family groups [12]. The activities that we provided included: rock climbing, abseiling, high ropes course, low ropes course, canoeing, team building activities, bike hikes, the giant swing, flying fox (zip line); river crossing, nature hikes, wilderness survival, mini golf, boomerang making, hay trailer rides, campfires, trail hiking, and overnight campouts [13].

I was also responsible for the supervision and training of full time trainees who were completing their Outdoor Education qualifications. I was required to schedule and train casual staff and I coordinated the Fairbridge School Holiday Activities program. If that wasn't enough, I sometimes volunteered as a support leader at COOL camps ('at-risk' youth) and FAIR camps (families with disabilities) [14]. Both COOL and FAIR were Fairbridge initiated and funded charity programs coordinated by my friend Leanne.

During my time at Fairbridge I completed a series of modules in outdoor activities through OutdoorsWA, as well as a canoeing qualification and my Senior First Aid certificate. As required by law, I obtained a "Working With Children" clearance [15]. A WWC Clearance is issued by the Government of Western Australia Department of Communities. The Screening Unit conducts a background check, an assessment of the risk-of-harm a person may pose to children, and a suitability assessment [16]. The background check includes details concerning previous employment and relevant experience; verification of qualifications and professional registration; criminal history information, thorough reference checks; and work history reports. This clearance also includes verification by the WWC Screening Unit of an applicant's national police history from the Australian Criminal Intelligence Commission [17]. It is illegal in Western Australia to commence child-related work without an approved and valid WWC Clearance [18].

By my nature I was organized, relatable, patient, and had the ability to keep large groups of kids engaged. If you have ever worked with groups of children, you would appreciate that it is often like herding cats. But I proved to be good at my job, and I found it extremely rewarding (although it was also very demanding). For convenience, I moved out to Fairbridge to live on-site.

I love chinese food. The mum of my friend Leanne worked at the local chinese take-away in Pinjarra. Leanne's mum mentioned to me that the local Scout Group was going to close down if they did not find a new and reliable leader. She suggested that I volunteer. She thought that since I already worked with kids through Fairbridge I would be a good person to lead a Cub Scout Pack.

As a child, I was a Cub Scout myself at the 1st Donnybrook Scout Group. As a teen I became a Scout at the same group [19]. I personally believe Scouting is important for youth character building and I thought it would be a shame if the Scout Group closed down for lack of volunteers - more so in a small town like Pinjarra where there isn't much for kids to do.

On 25th October 2008, I had a one-on-one interview with Mac. I left a very good impression and in his Interview Summary, he wrote:

There's no two ways about it - Scott Zirus is one of the most qualified and "high demand" counsellors I've seen in recent years interviewing for Camp America, and his lifestory will make one hell of a campfire story! One might raise an eyebrow at any young man who felt compelled to leave home at the tender age of 14. He had to learn to fend for himself with the support of the Youth Hostel Association and became self-sufficient. School was not a high priority but one must surely see great value in his maturation. It is a path that has only been positive for Scott as he grew up and gained a wealth of great life experiences. After high school, he studied Child Psychology and then started his own multi-media business which he ran for a few years. With this, he produced everything from television commercials to wedding videos. As such, he is highly skilled with lots of media technology which will be invaluable to any camp with a video program. After this, he became involved in Fairbridge Village - a wonderful environment I would like to see for myself. It's a self-sufficient 'eco-village' for youth camps. Various clients such as sporting groups, schools or even kids from the justice system (young offenders and victims) come to Fairbridge and Scott arranges programs specifically for them. Whether it's hikes and canoeing trips, team bonding exercises or even making boomerangs, Scott has an incredible array of skills and activities which, if he can't teach it outright, he can assist and improvise. High ropes courses, overnight camping, tower swings - he knows it all. The incredible thing is, more than possibly any applicant I have ever interviewed in the last 11 years, he has probably been a counsellor to more children than anyone else - an estimated 3,500 per year for the last 2 years! On top of this, Scott is a scout leader and is proudly the youngest Akela in West Australia. Again, his skills and experiences are tailor made for summer camp life having arranged all sort of fund raising events, shows and educational exercises. Scott himself is absolutely charming and likeable to talk to. His life is rather humble, really, living by himself with nary a kettle, microwave or television in his house. If anything, I am stunned he has taken this long to apply to Camp America. But am delighted he did. Absolutely highly recommended for a leadership role! [24]

Later when asked whether my application and skill set rose to the level of a guaranteed placement status in Camp America, Mac replied:

"It would have. I would even say that his skill level was -- possibly exceeded that of many that I have seen go to guaranteed placement status [25]... the discussions that I was having with him led me to believe he had a very healthy professional relationship with children and a very healthy contact level... There was nothing presented to me which suggested an overinterest in children [26]... No such red flags came up in the process for Scott Zirus's interview" [27].

Once my Interview Summary was submitted, I immediately caught the eye of Camp America who flagged me as "one of the finest and most outstanding young men we've ever interviewed" [28]. Early one morning in early November, Gary Bauer of Camp America called the office of Camp Stewart for Boys [29] - a prestigious summer

camp in the Hill Country of Texas. Gary told the Camp Stewart Director of Human Resources, Mike Busby, that they had found "an outstanding candidate" that he considered to be "part of the cream of the crop and thought that [Camp] Stewart would want to get a head start" in the selection process for counselors [30].

It was considered "very unusual" for an "interviewer to make that high of a recommendation", so Camp Stewart inquired deeper into "the experience level of the interviewer" and found him to be highly experienced and credible [31].

Camp Stewart then organized Jeremy Tyzack (a former Camp Stewart employee) to fly to Perth to personally interview me at a Summer Camp Expo. I drove to Perth to see Jeremy, and after the one-on-one interview, Jeremy wrote an email to Camp Stewart management stating: "he sounds amazing, very mature, young at heart guy who works as a camp leader as a professional" [32].

After the extensive vetting process (including by the Australian Federal Police and the U.S. Homeland Security) Camp Stewart felt confident to place their final bid to secure my placement at Camp Stewart for Boys for the summer of 2009.

In December 2008, I formally resigned my position at Fairbridge as the Senior Activities Instructor. My primary reason for leaving Fairbridge was essentially because I had applied to Camp America and upon my return to Australia I planned to become self-employed as a freelance camp coordinator. I trained the new Senior Activities Instructor to replace me and then continued to work at Fairbridge on a casual basis until 15th April 2009.

On 15th November 2008 I registered my camp coordinator endeavours as "Grassroot Ventures" [33] and during three weeks in January 2009, I facilitated a school holiday program to help cover the costs of my trip to America. During February - May 2009 I also did some casual work as an instructor at Mornington Adventures, Manjadel, and LazerScape.

Norma organized for ScoutsWA and Scouts Australia to endorse my trip to America and allowed me to wear the official Australian scarf to any American Scout Group I visited.

On 16th May 2009 I traveled outside Australia for the first time in my life. Kathy Ragsdale was the Camp Stewart Director and Camp Matriarch, and upon seeing me for the first time, stated: "I will confess that, when he arrived and I looked at him, I had questions because he's kind of doward looking. But, as I watched

him over the summer, yes, I thought he was outstanding... Scott Zirus was one of the most caring, compassionate staff members that I thought that I had seen" [34].

The summer at Camp Stewart was broken into four terms:

* Mini Term (30th May - 3rd June 2009)

Cabin: Coyote Coven (6/7 year olds)

Duty: Activity Counselor (Mini Carts and Outdoor Cooking)

* June Term (6th June - 3rd July 2009)

Cabin: Coyote Coven (6/7 year olds)

Duty: Cabin Leader AND Division Leader (Ravens)

* July Term (9th July - 1st August 2009)

Cabin: Dog Patch (6/7 year olds)

Duty: Cabin Leader AND Division Leader (Ravens)

* Short Term (7th - 15th August 2009)

Cabin: Badger Burrow (6/7 year olds)

Duty: Cabin Leader

Due to my personality and experience, Camp Management decided that for all four terms I would be assigned to the cabin of the youngest campers - the 6-7 year old boys. For both the June and July Terms I was also assigned the additional duty of Division Leader of the 'Ravens' - all campers aged 6-9 years.

Camp was an awesome experience and I learned a lot of different things that I could adapt for the camps I intended to run back home in Australia. Camp Management were so impressed by my overall performance that we discussed the possibility of me returning in the summer of 2010 as the Junior Side Director. Camp America has also invited me to become part of the Western Australian team to interview potential camp counselors for them.

- But, again, fate had different plans...

During the July Term I had a 6 year old boy named MW who was incredibly stubborn and prone to temper tantrums. His mother even described her son as "argumentative, irritable, [and] stubborn". Although MW at times frustrated me, I can not say I disliked him. I felt sorry for him because I put his behaviour down to simply being spoilt as an only child to a divorced well-to-do family.

As his camp counselors, the real problem we faced with MW was that he would pretend to "hump" the other boys, expose himself, and encourage the other kids to do naughty things: "MW don't do that... MW stop that... MW get down from there..." - were constant reprimands from all the counselors. But MW seemed irreprimandable. More often than not his behaviour was rewarded by giggles from the other boys. Things got so bad that we even sought assistance from Camp Management about what to do - but nothing seemed to curb his behaviour.

As Kathy Ragsdale explained: "We had had a great deal of problems with [MW] being very inappropriate and -- with his genitals and acting out" [35]

MW became close friends with a bright, well-mannered boy named CW. They became inseparable. Because of their close friendship and the fact they shared the same surname, I often wondered if they were secretly cousins - but their parents assured me they were of no relation. CW was a far more reserved child than MW, but over the weeks of camp I could see that MW's behaviour started to influence CW - CW started to act out as well.

One night in particular I recall that CW was feeling sick with an upset stomach. MW shared the bunk next to CW and was feeling "homesick" (likely because CW was getting more attention than he was). Because they were good friends I asked MW to give CW a hug goodnight and get back into bed - but while MW was doing so he pretended to hump CW. I stopped him (as we always did) and put MW back to bed. This incident was seemingly insignificant at the time, but proved to be the trigger that set off a chain of events that resulted in my wrongful conviction.

At the end of the summer, as a tribute to our experiences, a few of my close counselor friends (the surviving members of 'The Platoon') and I woke early on Sunday 16th August 2009 (the first day after the conclusion of camp) to hike to the top of Joy Bluff. In the early morning light I played my didgeridoo which echoed down the Guadalupe River that graced Camp Stewart. For me this was not only a goodbye to camp, but a pledge to return in the following years. To sanctify the pledge (and spiritually bind myself to the land) I cast my didgeridoo off Joy Bluff. We then trekked back to camp to have our last breakfast in the Dining Hall. The next few days I played tourist in San Antonio before my scheduled flight to California where I planned to go hiking amongst the Redwoods.

However on the fateful day of Thursday 20th August 2009, I was arrested at the San Antonio International Airport by Officer Jeff McCoy for allegedly touching some of my campers indecently.

Because of my training I had become accustomed to creating detailed itinerary and contingency plans, and although I wasn't required to, I felt it prudent to voluntarily issue Camp Stewart with a copy of my itinerary in case of an emergency. After CW's mother called the police, McCoy had acquired a copy of my travel itinerary from Camp Stewart and knew exactly where I was going to be and when. All he had to do was wait. Logic dictates that if I had actually committed any type of sexual abuse at the camp, and wanted to slip out of the country "Scott-free", I would not have given Camp Stewart my travel itinerary (or given them a fake one). Arguably without this information, McCoy would have never known how to locate me. But I wasn't trying to hide because I had done nothing wrong.

After my arrest, I was taken to the San Antonio Police Department to be magisterated by a Judge. At this hearing I unequivocally invoked my Constitutional Right to an attorney. My invocation was documented by the Judge on the magistration paperwork. I was then illegally interrogated by Officer Jeff McCoy without the presense of an attorney.

Under U.S. Law, from the moment that someone requests an attorney after arrest the police are constitutionally prohibited from initiating any type of questioning or interrogation until an attorney is present. This law (called Edwards Rule) is "designed to prevent police from badgering a defendant into waiving his previously asserted Miranda Rights. The rule ensures that any statement made in subsequent interrogation **is not the result of coercive pressures**" [36]

But what coercive pressures? There are many - but the one which has been widely criticized for it's long history of eliciting false confessions is the 'Reid Technique'. Critics regard this technique as hazardous, and a number of other developed nations have outlawed it. But in the U.S. the Reid Technique is a very common interrogation technique.

The Reid Technique was clearly employed during my illegal interrogation. McCoy ignored my invoked right to an attorney and knew exactly how to use loaded questions that contain the unspoken, implicit assumption of guilt. I was scared and confused, so under the direction and manipulation of McCoy, I took an innocent event (the humping incident) and twisted it to inculcate myself.

McCoy was present for MW's forensic interview, had spoken to both parents of MW and CW, and had received a briefing on CW's interview prior to my interrogation. So he had all the information he needed to create a narrative for his theoretical crime. Had McCoy not ignored my prior request for an attorney, he would not have succeeded in eliciting a false confession, nor would I have felt compelled to sign a statement that McCoy handwrote himself.

There is no doubt that signing that untrue statement was the biggest mistake of my life. But because McCoy ignored my rights, I was presented a false choice. I was essentially a prisoner long before I was convicted.

The presumption that innocent people do not confess to crimes they did not commit is one of the biggest obstacles I must overcome in gaining support for my innocence. I once believed that common myth - until I found myself inside a foreign interrogation room. Unknown to the general public, "studies of unequivocally exonerated prisoners have found that between 15-25 percent of them had confessed to a crime they had not committed" [37].

It is difficult to fully know how the phenomenon of the false allegations came to fruition, but based on the documents I have read, this is how I believe the false allegations evolved:

It is unquestionable that MW and CW were both involved in behaviour at camp that they knew their parents would not approve. So when CW's mother questioned him about whether anyone had inappropriately touched him (which she testified was her routine practice) CW told her that MW had.

But CW's mother was a hypersensitive parent - seeking danger and predators lurking around every corner. So when CW told her this story about his involvement in an inappropriate situation with MW, she feared the worst. As far as she was concerned, her son would never engage in that kind of behaviour willingly, so she jumped to the conclusion that someone else made them do it. She continued to question CW to get to the bottom of the matter.

Knowing full well that his mother would strongly disapprove of his actions, CW elaborated on the story to deflect his culpability and implicates me as the person who initiated the inappropriate touching. However, once CW offered a lie, it was impossible for him to take it back (no matter how much he wanted to).

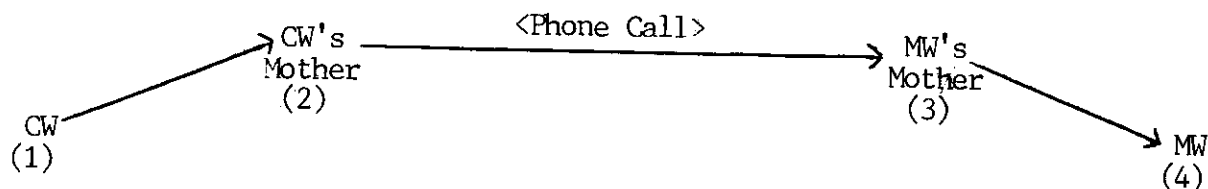
Although both CW and MW would make false allegations against me, the allegations did NOT arise independantly. They were based upon CW's mother discussing the allegations directly with MW's mother.

At first MW denied that I inappropriately touched him, but after his mother pressed the issue and she told him that CW had said I was the one who initiated the touching, he hesitantly agreed that CW's story was "correct". This is how MW was to come to implicate me in the inappropriate touching as well. I became a convenient scapegoat when he felt his mother had busted him.

If CW and MW had told their parents independantly, it would be a completely different situation. But the fact these two boys pointed their finger at me came from a chain of events that relied on the previous event to materialize:

- (1) CW lied to get out of trouble;
- (2) CW's mother communicated that information to MW's mother;
- (3) MW's mother inturn questioned MW as to whether CW's story was correct;
- (4) MW simply agreed.

- CHAIN OF EVENTS -



This is a simple and plausible explanation. What CW's mother should have done was contact the police directly after discovering the allegation and allow them to question MW and his mother. This would have allowed the allegation (had it been true) to arise independently. But this is not what happened.

It was only after CW's mother had discussed the allegations a few more times that she reported it to the police. Officer Jeff McCoy was assigned to the case. He organized for Child Advocacy Centers to conduct separate 'Forensic Interviews' of both MW and CW on the same day at the exact same time. These 'Forensic Interviews' would become their official outcry. The interviews were timed this way so that it could not later be alleged that one interview influenced the other - but such an influence had already occurred.

The objective of a forensic interview by a Child Advocacy Center is to elicit responses from the child on tape to build a criminal case. Noble enough - however the interviewer does not approach this objective impartially.

In my case, the forensic interviewers interviewed the parents first and spoke to police to acquire the backstory to build their line of questioning. They then used leading questions to elicit the answers they needed. Both boys were heavily influenced by parental coaching. This is evident by the language used to describe the alleged incident, and that their accounts lacked detail. It is clear that they were put under considerable pressure to "remember" things that did not happen. However, upon MW's affidavit about what he allegedly told him (which was different than the version he told the forensic interviewer), Officer McCoy had enough "probable cause" to issue a warrant for my arrest.

After my arrest and illegal interrogation, McCoy contacted all the parents of the rest of my campers and told them to look for signs of abuse in their own children. Naturally this enflamed paranoia and parents interpreted trivial things as signs of abuse. Some expressed their concerns to the police. Forensic interviews were organized, but none of them made an outcry - except one... JB.

I had JB as a camper in the June Term. He was a good kid who was very respectful, but he was a chronic bed wetter. As advised by Camp Management, we put him on a bed wetting plan. This involved no water after dinner and waking him up around midnight so that he could use the restroom. The plan worked, and after a few weeks JB felt confident enough to sleep without pullups - a huge milestone for him. However one night I forgot to wake him, and early the following morning JB woke me up because he had wet the bed. I told him to have a shower while I changed his bed. These are the kinds of things you must do when you are a cabin leader of such young children. I sat on the end of my bed to finish off my Division Leader Reports. JB asked whether he could hop onto my bed and talk to me while I wrote. At the time I saw no harm as I was NOT in the bed with him and I knew he was upset and felt rather insecure after his accident - Another big mistake!

According to Kathy Ragsdale JB initially denied that I acted inappropriate with him:

"And I had several conversations with [JB's mother] because, at first, [JB] said no, and -- [his mother] had been very impressed with Scott and found him to be a very caring and compassionate person, so she too was in a state of shock... She had been so appreciative of having a

counselor that was compassionate of if her six-year-old got scared. She said [JB] was never unclothed with Scott, he always had on clothing, that [JB] never reported being touched inappropriately" [38]

Despite the fact that other counselors were only feet away [39], JB alleged during his forensic interview that I touched him while he was on my bed. I considered the bed wetting plan to be a potential "situation-of-risk" and, as I was trained, I recorded in my camp journal each time I woke him to use the restroom. This was standard procedure for my other camps whenever there was a situation that could possibly be misconstrued as inappropriate. Interestingly, after my arrest my camp journal was "misplaced" by police. It was later proven that JB has a propensity for making false allegations when he falsely accused another international counselor of touching him in the summer of 2012.

With confirmation bias at full speed, and the rush of feverish media attention, the Texas authorities failed to notice the ambiguous nature at the heart of the allegations - nor the impracticality of what I was accused of under those camp conditions. The authorities seemed to be intoxicated by all things mythically Texan as they seized the opportunity to play gun-slinging cowboys on the international stage. They publically declared me an international child predator and created a fictitious creature named "Zirus" who fed exclusively on the innocence of little boys - and behold, the cowboys were the ones to catch him!

On 5th October 2009, I was indicted on three charges:

- * In Cause No. B09-552 I was indicted on two counts of "Aggravated Sexual Assault of a Child". It was alleged that I forced MW and CW to touch their penises together during the 'humping incident'. I faced up to 99 years in a Texas prison.
- * In Cause No. B09-553 I was indicted with "Continuous Sexual Abuse of a Child". This charge has two parts: It was alleged that I touched JB inappropriately while in my bed. It was also alleged that "30 or more days" later I also inappropriately touched CW while helping him get changed after shower time. With these two allegations linked together I faced 25-LIFE in a Texas prison with no possibility of parole.
- * In Cause No. B09-490 I was indicted with "Indecency with a Child by Contact". It was alleged that I also inappropriately touched MW - but because the allegations are overly ambiguous, I am unsure of the alleged details of this allegation. For this charge I faced up to 20 years in a Texas prison.

With the charges sounding a lot more malicious than what was actually alleged, the Kerr County Prosecutor was very creative in how he drew up these charges. It is very easy to get an indictment, so he essentially threw as much mud as he could against the wall to see what stuck.

In Texas, prosecutors are elected - so they need to appease the general public as someone "tough-on-crime" so that during the next election their opponent could not accuse them of being soft on crime and unworthy of their office. My case made international news, so it was an ideal opportunity for a prosecutor to use that platform to advance his career.

Meanwhile, not only was I alone in a foreign country, but I was under incessant pressure from my court-appointed counsel to sign a plea deal. I refused to plead guilty and, seemingly out of retaliation, they refused to allow me to discuss my defense. I was told that even "IF" I was innocent, it wouldn't matter because too much had been "invested" in my conviction for me to prove it. As far as they were concerned my so-called "confession" sealed my fate.

After months of consistently refusing to accept any plea deal, I was completely demoralized and emotionally fatigued. I was broken. The prosecutor had publically vowed to ensure I died on U.S. soil if I exercised my right to trial. Not understanding the law, this gave me the impression that I was eligible for the death penalty. The thought of dying in any other place than Australia absolutely terrified me. No one believed I was innocent - and no one wanted to listen. In my moment of weakness, my attorneys convinced me to make a 'cold plea' of guilty in exchange for a 40 year sentence. All charges would run concurrent (at the same time) and I'd be eligible for parole in 20 years (which was a lie - I must discharge the ENTIRE 40 years day-for-day).

In a letter I wrote to the Australian Embassy on Sunday 18th April 2010, I explain that "I had to plea guilty to all charges to take the deal - **not out of actual guilt but for self preservation** which means I technically had to lie under oath but I felt I had no choice... I still feel like I was discriminated against and manipulated but there wasn't much I could do about it" [40].

In a Declassified Consulate Cable it states: "Mr Zirus stated that he was fine, however, was disappointed in himself for agreeing to the plea bargain as it saw him being required to plead guilty" [41].

It was only after my transfer to prison on 21st May 2010 that the underlying motive for the false allegations became apparent.

On 10th December 2010, I was excited to receive a message on my pen pal profile by someone named "Mike Sawicki" from Dallas, Texas. The message said:

"Scott, I am looking into what happened at Camp Stewart and would appreciate your input. Can you tell me more about what took place and who was involved? Thanks, Mike" [42]

Finally, I thought, someone was willing to help me expose the truth. I assumed that "Mike" was an investigative reporter or advocate, so I immediately wrote back and explained in detail how I was innocent. I then waited... and waited...

On 15th February 2011, I received the first summons to what became a series of EIGHT multi-million dollar lawsuits against Camp Stewart, Camp America and myself. I was absolutely appalled to discover the name of the attorney representing the Plaintiff (accusor)... Michael Sawicki... He had no intent to help me. Quite the opposite - his message was a sly attempt to trick me into giving him information that would incriminate myself and possibly implement others. This deceptive message set the tone for all the lawsuits that followed.

The first plaintiff was CW's mother - the one who initiated the criminal allegations. She was a Senior Registered Client Associate with Wells Fargo, so it is fair to conclude that she was financially minded and explains why she started preparation for the lawsuits long before my conviction. I was told by my court appointed counsel that my accusers were planning to file a lawsuit back in November 2009. It must be kept in mind that this was 2009-2010 and the Financial Crisis of 2008 which kicked off the Great Recession hit both the financial and real estate industries really hard.

The next to follow suit was MW's mother. She, interestingly, was a real estate agent. Two more plaintiffs joined suit (BD and LM) but neither were involved in my criminal case and neither made an official outcry. BD and LM were both campers in the Short Term (August).

BD was a quiet child who preferred to play alone with his action figures then with other children. In the hysteria after McCoy contacted all the parents of my campers, BD's parents reported that BD had been abused. McCoy organized a forensic interview for BD but he did not accuse me of anything. McCoy still believed he was a victim because of his quiet demeanor. BD's family hired Michael Sawicki to represent them in the multi-million dollar lawsuit.

LM's mother also contacted McCoy and made a report that LM had told her he had been abused. McCoy organized a forensic interview for LM too, but on the 13th October 2009, LM's mother called McCoy back and advised that she was taking the advice of her attorney and would have LM interviewed by someone else. LM's mother had retained Michael Sawicki who was working with the same attorney as MW's mother. It is curious that as far back as October 2009 she was attempting to preserve the record in her favor by having LM interviewed by someone other than the police assigned forensic interviewer. One would assume that had LM's mother believed LM had been abused she would have helped the police with their investigation in every possible way.

All four lawsuits were consolidated into CW's mothers suit [43] - which eventually settled for **\$5.65 MILLION**.

Unbeknown to me at the time, another two lawsuits (CR and CS) were filed against Camp Stewart and Camp America - but did not name me as a defendant. These suits later settled for **\$2.4 MILLION**.

For some reason JB's father was convinced that something had happened to another boy named CR who was in the same cabin as JB - so JB's father called CR's mother [44] but she said that they had already asked CR and he had said nothing inappropriate had happened to him [45]. JB's parents were not satisfied, so they suggested that Kathy Ragsdale talk to CR's parents. As Kathy explains:

"[CR's] parents were talked with. He did not make an outcry. I -- now, his parents were talked with at the suggestion of [JB's mother], and I personally talked to his parents as well.

Q. And what did they tell you had happened?

A. That nothing happened to him. And the deputy asked about interviewing him, and they declined because his father said that he thought that he had already asked him and he said nothing happened, and he felt that doing more than that gave more importance to the situation than was there" [46].

Despite making no allegation, CR's parents hired Michael Sawicki to represent them in their multi-million dollar lawsuit.

CS's situation was similar. CS's mother "said that he consistently said that he was not inappropriately touched, that nothing happened" [47]. She related "that she was still convinced that something might have happened, but that he had not been forthcoming" [48] so she contacted Kathy Ragsdale for help.

Ironically the lawsuits were a blessing because during the process of discovery I uncovered numerous things that support my actual innocence. These include: MW's unsolicited recantation to a clinical psychologist; CW's mothers emails showing she lied to police about what happened after camp; JB falsely accusing Daniel; and McCoy admitting that he violated my rights by illegally interrogating me - and more...

But in America, has the truth alone ever been enough to set anyone free? Damien Echols (one of the West Memphis Three who walked out of prison in August 2011 after having his name cleared for the 1993 triple homicide of three 8-year-old Cub Scouts) explained that:

"you can have all the evidence in the world that you didn't do it, but unless theres outside attention focused on your case, it'll get swept under the rug"

I am realistic in the fact that my personal knowledge that I didn't do it is simply not enough. I must sincerely approach my situation as pragmatically as I can in order to unravel the devils knot that has become my life. Its an overwhelming task, one that transcends anything I have ever experienced. My only hope is to speak out - to voice the truth. But I need help... I can only do so much from the confines of prison. I need people to become advocates and to promote my innocence; I need experts to publically articulate the seemingly incomprehensible phenomenon of how the innocent are wrongfully convicted; and I need an experienced and dedicated attorney willing to fight for me; I need an international movement to speak out against the injustice inflicted upon so many innocent people in American prisons. You can help bring light to the darkest saga of my life because after reading this ebook, you will be empowered with the facts. Remember, YOU are the Grand Jury of the Court of Public Opinion, and you ultimately hold the key to my freedom.

- Chapter Two -

EVIDENCE OF INNOCENCE

"Facts are stubborn things;
and whatever may be our wishes,
our inclinations, or the
dictates of our passions,
they cannot alter the state of
facts and evidence"

- John Adams

"NO-CRIME" CONVICTIONS

A report issued by the National Registry of Exonerations in November 2013 found that 22% of the known exonerations in the U.S. resulted from "no-crime" convictions - that is, cases in which the offender was cleared of wrongdoing because the crime never happened [1]. Child sex abuse topped the list of "no-crime" convictions - 75% of all child sex abuse exonerations involved no crimes (no-crime homicide 7%; no-crime sexual assault 14%; no-crime drug offenses 55%) [2]. According to the Registry, the high rate of exoneration in child sex abuse cases was attributed to the reporting of the supposed crime days, weeks, months or even years after the alleged abuse, with no other witnesses than the complainant [3].

These are "she said, he said" cases that ultimately rely upon the jury's assessment of the relative credibility of opposing witnesses. In such cases, it is virtually impossible for the jury not to make an occasional credibility mistake. Any parent who has ever attempted to resolve a sibling quarrel based upon, "he said, she said" versions of the single event knows that even a parent can, from time to time, make a credibility mistake and believe a child's inaccurate version of the event [4].

The report cited a variety of factors behind exonerations in no-crime cases, most commonly because perjury or false accusations led to the conviction [5]. In at least 37% of no-crime cases, one or more accusers recanted their allegations after conviction [6]. The percentage of no-crime cases among all wrongfully convictions has been steadily increasing. As of December 2015, the Registry listed 1,721 exonerations nationwide. Of those, 511 - almost 30% - were listed as cases in which no crime occurred [7]. That was up from 22% in November 2013, just over 2 years prior.

The NCADRC (falseallegations.org) states: "It is our belief that a sizable number of people in prison on child sex convictions are innocent. Most of the innocent people convicted were poorly

represented at trial. Innocent people who were talked in to plea bargains by their attorneys sometimes are not told the truth about the ramifications of what their sentence actually is" [8].

Proving ones innocence in a "no-crime" situation is inherently very difficult. However I have already been extremely successful in obtaining credible evidence of my actual innocence. The significant thing about this evidence is that it either belies or negates the validity of the allegations, or simply would not exist if I wasn't actually innocent...

THE RECANTATION

MW: "Scott didn't do anything to me"

On the 12th April 2012, MW visited a Clinical Psychologist in Dallas in order to evaluate the level of "abuse" he had allegedly endured during the summer of 2009. This was commissioned by the attorneys of my accusers for the purpose of showing damages for the multi-million dollar lawsuits.

However, instead of accusing me of molesting him, MW openly and clearly stated:

"Scott didn't do anything to me"

This unsolicited recantation is very significant. I believe that since he is older he has the confidence and articulation to assert that I didn't in fact molest him. Back in 2009 he was only 6 years old and easily manipulated by overzealous law enforcement and child advocates bent on getting a material statement to ensure a conviction. As I will later show, all MW did during his so-called "Forensic Interview" was agree with whatever leading questions the interviewer presented.

In more detail, the "Preliminary Psychological Evaluation Summery" of MW states:

MW reported that when he was at Camp Stewart that he cried in his bed, not in the first week, like the other boys, but in the last couple of weeks, because he was worried about something happening to his parents. When asked if this had anything to do with Scott he replied, "Scott didn't do anything to me". He was not challenged on his report. [1]

Why wasn't MW questioned further? Because it would have put a bullet in the allegations. This particular Clinical Psychologist wasn't contracted to conduct a full and impartial evaluation of what actually happened. She was paid to paint as horrendous picture as possible to bolster the level of 'damages'. The more extreme the damages appear, the more leverage the accusers had to force a higher settlement.

CONTRADICTING EMAILS

CW: "Thankyou mommy for sending me to camp"

Through the process of the lawsuits I was able to obtain two very interesting emails sent from CW's mother to Kathy Ragsdale. On Monday, 3rd August 2009 at 8:05pm (two days after the end of the July Term) CW's mother sent an email to Kathy that said:

"I can not even begin to tell you how impressed I was with camp. As a first time mom, I was eager to see if [CW] had enjoyed himself as much as I had imagined he would. He did!!! He has told me no less than 100 times, "Thankyou mommy for sending me to camp. It is the most fun thing I have ever done!". That is what any mom wants to hear, so I couldn't have wished for a better outcome. Thank you to you and all of the wonderful staff. Camp Stewart truly is a special place. [CW] told me this morning, his first day back at home, that he missed me when he was gone, but he was having so much fun that he didn't have time to think about it much, but now he is missing camp, all the people at camp, and all the fun activities. He is eager to return next year" [1].

I was CW's lead cabin leader and division leader, so this glowing report reflects my ability to make camp a positive and enjoyable experience - the very objective of every cabin leader. However, a little over a year later (16th August 2010), after I'd been falsely accused and convicted, the SAME mother authored: "An Open Letter from the Mother of the Camper who First Reported the Abuse". In it she writes:

"When I picked my son up from camp, I knew immediately that something was wrong. He was behaving in a completely inappropriate manner for the situation, always a sign of trouble. The first thing he did when he saw me was cry. He was also talking in baby talk. He had never done that before... He would waffle back and forth between his regular voice and this new baby talk. He was short tempered, he cried at the drop of a feather. He was suddenly afraid of the dark, and he didn't want to let me out of his sight" [2].

Can you see any contradictions? I can't seem to understand why she would write the first email if the second was at all true... Logic dictates that they both can't be correct. This is undeniable proof of some type of lie at the foundation of the allegations.

MW's BEHAVIOUR

At the age of six, few know a child better than his own mother. MW's mother described him as "having difficulty completing tasks, he talks excessively, has trouble waiting his turn at times and often interrupts or is intrusive. He can be argumentative, irritable, stubborn, and procrastinates" [1].

MW's Clinical Psychologist observed that "he exhibits facial reactions that looked somewhat petulant at times, but he was easy to engage and he interacted easily throughout the interview" [2]. - 'petulant' means "insolent or rude in speech or behavior; characterized by temporary or capricious ill humor" [3]. His Clinical Psychologist concluded MW "is at some risk of sexual acting out, particularly because he has little awareness of the inappropriateness of this kind of behavior or his own feelings" [4].

This wasn't the only observation of such inappropriate behaviour. His third grade teacher reported that "she was concerned about the intensity of his anger at peers and noted that a few months ago he stated to girls in his class 'who wants to get me naked?'" [5].

MW's behaviour is further substantiated by the independent testimonial evidence of Dog Patch Co-Cabin Leader Sam to a Private Investigator. He stated that he too had observed MW's "humping behavior" and that he "recalled that [CW] and [MW] were more involved than the others" [6].

Even the Camp Director and Matriarch, Kathy Ragsdale, testified that my fellow camp counselors and I had told her that we "had had a great deal of problems with [MW] being very inappropriate and -- with his genitals and acting out" [7]. Kathy further explained that the other campers also reported to the Senior Camp Director during Sunday Division Groups that MW was misbehaving and had been acting inappropriately [8].

It is abundantly clear that this kind of behaviour was not uncommon for MW and that he was prone to sexualized behaviour - But is that normal? Was it a sign that he was being abused? What is the science behind it?

THE SCIENCE BEHIND MW's BEHAVIOUR

As adults we often find it absolutely shocking to think that a child would willingly act out sexually - in our minds this would be a complete loss of childhood innocence and a big red flag that the child must have been sexually abused.

However, studies on this matter have concluded that "a broad range of sexual behaviors are exhibited by children who there is no reason to believe have been sexually abused" [1]. In other words, acting out sexually is not necessarily a sign of sexual abuse.

Scientific studies have shown that "sexual behavior showed an inverse relationship with age, with overall frequency peaking at year 5 for both boys and girls, and then dropping off over the next 7 years. This is reflective in the relatively large numbers of behaviors endorsed by at least 20% of caregivers for the 2-to-5-year-old group. One could consider these behaviors to be developmentally related and within normal limits" [2].

The study also states that "the information presented... reveals a great deal of consistency across three studies and clearly indicates that there are many sexual behaviors exhibited by children, with some of them quite common, particularly if age is taken into consideration. Given the relationship between sexual behavior and sexual abuse, it is important for a pediatrician to be in a position to inform parents, for example, that simply because a 5-year-old boy touches his genitals occasionally, even after a weekend visit with his noncustodial parent, it does not mean he has been sexually abused. Rather, it is a behavior that is seen in almost two thirds of boys at that age" [3].

The "quite common" normative behaviour for MW's age (6 years old) include:

- * Exhibitionistic behaviour such as deliberately exposing body parts to other children or adults
- * "Playing Doctor"
- * The mutual touching of another child's sex part

* Self-Stimulation

- * Voyeuristic behaviour such as attempting to catch glimpses of nude or partially dressed children or adults

- See, "Normative Sexual Behavior in Children: A Contemporary Sample" by William N. Friedrich, Ph.D. et.al.

So although we may naturally find it disturbing, MW's behaviour fits within the normative sexual behaviour for his age. It is not a sign he has been sexually abused as he was simply acting out in ways that little boys his age are inclined to do.

Regardless of these studies and because this type of behaviour clashes with social norms, the common assumption is drawn that children would not participate in these behaviours without some kind of coercion and encouragement from an adult. This is why the finger was pointed at me when CW told his mother about his involvement in a "humping incident" with MW. It was simply an innocent event taken dramatically out of context.

By highlighting this normative behaviour, I am not advocating a laissez faire approach to teaching socially acceptable behaviour. My fellow cabin leaders and I were constantly chastising MW for this behaviour. It even got to the point that we had to report it to the Camp Management. But in a camp situation, we are limited in how we can correct such behaviour. With MW (and to a lesser extent CW) no reprimand worked and ultimately it set off a series of events that resulted in my wrongful conviction. What I am advocating is that we become aware of the science and understand such behaviour for what it is - part of normative development and not necessarily a sign of abuse. If we can achieve this, we will be less likely to entertain social stigmas, and act upon emotional reactivity with leaps of logic.

Although MW was the main instigator of this behaviour, he wasn't alone. For CW summer camp freed him from the socially acceptable expectations of his mother and his willingness to participate with MW's behaviour was greatly influenced by the fact MW was CW's first and strongest friendship at camp.

By bringing these facts to light, I have no intent to place any type of blame upon MW or CW for my wrongful conviction - or make it appear as if they are "bad" - I simply want to present facts that show I am innocent and that I did not force MW to act inappropriately.- He did it on his own accord. I do not gain anything by degrading the other side because ultimately I need them to realize that we are ALL victims of this phenomenon. It's no ones fault per se. I would like nothing more than for my accusers to step forward and help clear my name by explaining that I didn't do those things - it was just a huge misunderstanding because of emotional reactivity.

WITNESSES TO SCOTT ZIRUS' BEHAVIOUR

Child sexual abuse is not commonly spontaneous. When there is some kind of fiduciary relationship (i.e. a position of trust) there is often a significant 'grooming period' before it graduates into sexual conduct. For a child molester, the purpose of this grooming period is to earn the child's trust so that they feel progressively comfortable with the indecent acts. If the acts were spontaneous, and without such grooming, there is a much larger possibility that the child, shocked by the intrusion on their person, would immediately tell another adult about the event/s.

So logic dictates that if I actually molested any of the boys, there would have been a period of grooming. Had this been the case, and since all counselors at Camp Stewart had completed sexual abuse awareness training, they would have been the first to observe potential grooming or inappropriate touching. The counselors undergo such training because they are the first line of defense against child sexual abuse.

The following is testimony from those counselors who directly observed my interaction with the kids at all four terms of camp:

Jonathan

During the Mini Term I was assigned as the Activity Counselor in Coyote Coven. Our Cabin Leader was Jonathan - He was an extre-

mely good counselor. During the following June Term, I became the Cabin Leader of Coyote Coven and Jonathan moved next door to become the Cabin Leader of Dag Patch - which was the 'brother cabin' of Coyote Coven. This meant that our cabins participated in all the daily activities together. Since I was also assigned the dual responsibility of Division Leader (DL) of the 'Ravens' I was also Jonathan's DL.

When Jonathan spoke with the Private Investigator about the allegations against me, Jonathan "said he never observed Scott Zirus doing anything that appeared inappropriate with any of the boys. He never received a complaint from any of the boys or counselors about Mr. Zirus... [Jonathan] also remembered that several of the boys in Mr. Zirus' cabin would often sit on his lap, but he said it was like they were sitting on their father's lap. [Jonathan] did not think it was inappropriate nor did he think it was against the camp's rules. He said the rule was that the counselors should never do anything with the boys that they would not want an adult to see. He did recall that the boys seemed to really like Mr. Zirus. He never heard Mr. Zirus asking the boys to sit on his lap. He said they seemed to want to be with him" [1].

Loren

Because I was the Division Leader, as well as a Cabin Leader, I was assigned a Co-Cabin Leader. For the June Term, Loren was assigned as my Co-Cabin Leader for Coyote Coven. For the July Term, Loren stayed within my division but became the Activity Counselor in Elk Yard. For the Short Term, the roles were reversed and Loren became my Division Leader.

When he spoke to the Private Investigator, he "said he never observed Scott Zirus do anything with the boys that he thought was inappropriate or questionable. He never received any complaints from any of the campers" [2]. Lorens observations are significant because as my Co-Cabin Leader, he was with me almost 24/7 - we participated in daily activities together (with Jonathan), ate meals and attended to the cabin together.

Sam

During the June Term, Sam was Jonathan's "Leadership Trainee" (LT) and after he graduated, he became my Co-Cabin Leader for Dog Patch in the July Term. When he spoke to the Private Investigator, he too "said he never observed Scott Zirus with the boys in questionable circumstances... He admitted he never observed Mr. Zirus in any suspicious circumstances" [3].

Nobel

In the July Term, Dino Loft was Dog Patch's 'brother cabin'. The Cabin Leader of Dino Loft was Nobel. Again, Nobel told the Private Investigator that "he never observed Scott Zirus do anything that appeared inappropriate to any of the boys. He said none of the boys came to him with any complaints" [4].

Aaron

Aaron was another person interviewed by the Private Investigator. Aaron was the Activity Counselor in Dino Loft with Nobel during the July Term. Aaron "said he never observed Scott Zirus in any suspicious circumstances with the boys. He never saw Mr. Zirus touch any of them inappropriately" [5].

Kathy

Kathy is the Camp Stewart Director. When she was deposed in November 2011, she testified under oath as follows: [6]

Q. Now, you said Jeeper [Camp Director] also talked to counselors. Who were the counselors he spoke with?

A. Well, he spoke with the counselors who were in the cabin with Scott each of the four terms. He spoke with Gordy, who was his direct supervisor.

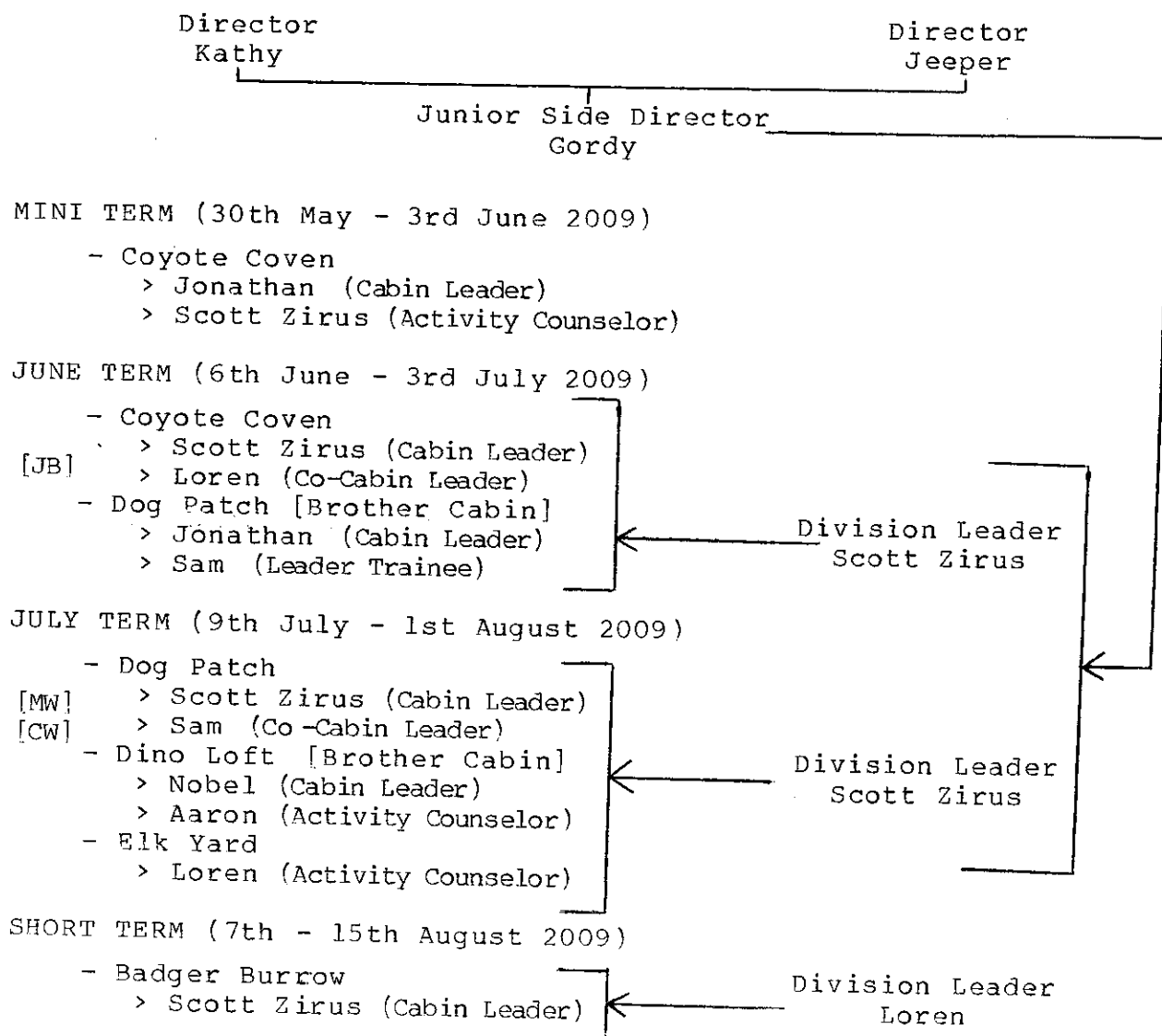
Q. And what was the result of that series of interviews?

A. None of them ever saw Scott do anything inappropriate.

This is significant because not only did the Private Investigator interview the counselors in my cabin/division, but Camp Stewart conducted their own interviews that included counselors not previously questioned by the Private Investigator, as well as Gordy who was the Junior Side Director (as a Division Leader, Gordy was my direct supervisor). Both interviews independently uncovered the same results - no one observed any inappropriate

behaviour on my part. This raises a serious question: IF I actually molested those boys, how did I do it without anyone observing the alleged incidents or any form of grooming behaviour? Realistically, what are the odds that all the counselors who directly observed my daily interactions with the kids would miss any grooming behaviour if it had been going on? I believe it's fair to conclude that no such behaviour occurred. This adds credence to the implausibility of the allegations made against me.

CHART OF RELATIONSHIPS:



IMPLAUSIBILITY OF THE ALLEGATIONS

After my arrest, Camp Stewart arranged for an expert named Norman Friedman to evaluate what they could have done different to make their system stronger to protect youth. Mr. Friedman is highly regarded in the camping world and wrote "Inoculate Your Child Against Sexual Abuse".

Kathy explains:

"Everyone had questions for him on what could we have done different, what did we miss. And he told us that we didn't miss anything, that we had done more than most camps ever do and more than was prudently to be expected" [1].

Although no system is infallible, I agree with what this expert observed as true. Camp Stewart has a very good sexual abuse awareness program which all leaders and counselors MUST participate in as part of orientation. Camp Stewart implemented this program long before it was mandated by law.

They had also informally implemented the 'Safe Person' system where the parents and campers decided on someone who would act as a 'Safe Person' whom they could go at any time if they had any problems or issues. This had been done for years.

Plus, every Sunday, the Camp Directors interviewed each cabin without leaders present to see if there was anything amiss or inappropriate. Camp Stewart clearly did more than is "prudently to be expected".

So, how then did I allegedly fall through the cracks, if there were so few cracks? Isn't that a valid question? Most people subsequently react adversely to the nature of the allegations and assume them to be true without regard to whether or not the allegations defy all practicality. Confirmation bias even sees to it that no evidence is evidence for what they already believe. They say that the absence of evidence proves how clever and cunning I was. That's how they explain how I slipped through the cracks.

When viewed without this lense of bias, this conclusion is absurd.

No matter how clever or cunning someone is, if both the opportunity or motive to commit the crime is non-existent, then logic points in the other direction.

The following are a few points that are often overlooked. They touch on both the lack of opportunity and motive to commit the alleged crimes. I would have had to be more than clever and cunning to breach the camps safety system infront of so many other leaders and without suspicion. They emphasize the overall implausibility of the allegations:

1. In my cabin, there was a near 1:1 ration of campers to leaders. In addition to myself, there was at least 6 youth, a Co-Cabin Leader, an Activity Counselor and two Leadership Trainees (LT's). Furthermore, during day activities my cabin would merge with our brother cabin. This meant that there was an additional cabin leader to help facilitate the group. This is important to note because the high supervision levels would mean someone would have observed the alleged abuse or at very least any grooming bahaviour. As explained before, no leader observed anything suspicious or inappropriate.

2. The cabin itself is an open design. Each of the bunks were visible from the Co-Cabin Leaders bunk. Nightlights were placed between each of the bunks which made them visible during the night. At any time the other leaders could wake and see if there was anyone where they were not meant to be - including myself.

During my interrogation, Officer McCoy accused me of strategically placing my Australian flag at the end of my bunk to obscure the view - besides the fact that none of the actual allegations state that any incident occurred on my bunk, the flag itself was not large enough to hinder the view of the bunk or the bunks of the other campers. Due to the pellucid material the flag was made of, it was semi-transparent when lit from behind (i.e. nightlights).

3. I had discussions with Camp Management about returning in 2010 as the Junior Side Director. This position does not have the contact with campers in the same degree as a camp counselor because Directors live separate from the children. If my intent was to have access to children, then logic dictates I wouldn't be negotiating the possibility of a position that would inherently limit that access.
4. As International Staff, you can NOT apply directly to Camp Stewart for employment. You apply to Camp America - who evaluates an applicants skills, experience and overall persona, and then vets them to countless summer camps. Once a camp bids on you, you essentially become assigned to that camp. There is a wide spectrum of summer camps - children who have disabilities, religious camps, private camps, girl camps, YMCA camps, teen camps, day camps, travel camps, fat camps, athletic camps, themed camps etc. So it is obvious that it is extremely difficult - if not impossible - for someone with a specific malice propensity - be it an orientation toward preteen boys, for arguments sake - to fall into such a desirable position. There are simply too many variables outside the international applicants control. It would be a different story if, like American counselors, they could apply directly to a specific camp. This would allow someone to tailor the situation to their desires. This is simply not possible for international applicants of the Camp America program (no matter how "cunning" they are).
5. Anyone who has been a camp counselor will agree that it is an exhausting and time consuming job. So it is significant to understand that I had the dual responsibilities of both Cabin Leader AND Division Leader. And although I was an experienced leader, being responsible for the coordination of so many young boys is exhausting. At times I needed the afternoon rest period just as much as the children.

So if I was up late at night committing inappropriate acts, I wouldn't be able to function during the days. Furthermore, the other camp counselors always reported that I was asleep when they returned from their off-periods.

JB: THE BED-WETTING INCIDENT

The following is independent testimonial evidence that substantiates the events I described regarding JB's bed-wetting incident in the June Term:-

In the Private Investigator's Report, he wrote:

"I asked Mr. Zirus about JB. Mr. Zirus said JB was a bed-wetter. He recalled that one particular night, JB woke him up after he had wet the bed. Mr. Zirus told him to take a shower. When JB got out of the shower, he came to Mr. Zirus' bunk with only a towel covering him. Mr. Zirus allowed JB to stay with him and talk to about 4am. He then told JB to put on some clothes and go to bed. He denied touching JB".

Loren [Co-Cabin Leader] "also advised that several of the boys were bed wetters. He did not see that as necessarily unusual. He said the boys often got homesick. He recalled that JB certainly had a bed wetting problem. He remembered one night in particular when JB wet the bed. He said he woke up and saw Mr. Zirus taking JB to the shower".

Jonathan [Brother Cabin Leader] said "he did recall one occasion when he was discussing one of the boys who had wet the bed in his cabin. Mr. Zirus told him that JB had wet the bed the night before. Mr. Zirus said he changed the sheets while JB took a shower. He then allowed JB to stay in his bed until he went to sleep. [Jonathan] did not know if Mr. Zirus actually slept in the bed with JB or sat beside him until he went to sleep. Mr. Zirus said he then carried JB back to his own bed".

Admittedly in hindsight, it was foolish to allow JB to hop in my bed. Although I was not in it with him, it created a situation that allowed the allegation to emerge. At the time I felt it was harmless. JB was distressed about wetting the bed after a considerable dry period. He had finally felt confident enough to sleep without pullups, and this accident shattered his newly discovered self-confidence. Climbing into my bed as I finished off my Division Leader reports made him feel better.

JB's mother even told Kathy that she "had been very impressed with Scott and found him to be a very caring and compassionate person... She had been so appreciative of having a counselor that was compassionate of if her six-year-old got scared" [1].

It is not terribly uncommon for 6 year old boys to wet their bed - especially if they are away from home. It would be cruel of me not to "take care of the problem" when they had an accident. It is simply one of the duties taken on when you become a Cabin Leader for that age group. It was common place for me to check if the boys had wet their bed before I went to sleep.

In the Private Investigator's Report, Loren goes on to say that he "also remembered observing Scott Zirus at night checking the boy's beds. He said Mr. Zirus checked to see if they had wet the bed. He never saw Mr. Zirus touch any of them, only using a flashlight to see if the sheet was wet".

Although not the same term, Sam also observed in the July Term that "there were two or three boys who were frequent bed-wetters. He thought the camp had been advised prior to their arrival that they were bed-wetters. He said MW was one of them. However, he said when one of the boys wet the bed, they almost always awakened Mr. Zirus and he took care of the problem. He said Mr. Zirus would usually tell the boy to take a shower while he changed the bed sheets. [Sam] said he never observed Mr. Zirus doing anything inappropriate with any of the boys at that time".

----- Lastly, it needs to be highlighted that Loren's testimony shows that he was awake when the alleged abuse occurred. If anything suspicious had happened, Loren undoubtedly would have been aware of it.

Jonathan's testimony shows that I felt no problem about telling him about the event. Obviously if I had capitalized upon the situation to molest JB, it's more than likely that I wouldn't discuss the bed wetting incident out of fear of slipping up and being discovered. Instead my testimony, and that of Jonathan, independantly corroborate each other - adding credence that I didn't actually molest JB.

JB: FALSELY ACCUSING ANOTHER CAMP COUNSELOR

What are the odds that inappropriate touching could happen TWICE to the SAME child at the SAME camp by FOREIGNERS?

The disturbing fact is that despite the alleged abuse, the majority of my accusers returned to Camp Stewart the following years. If I was a parent who sincerely believed my son had been molested at a specific camp, I could NEVER send him back to the same camp. Not only had the camp violated it's Duty of Care, but I would not force my son to go back to the same place that such traumatic events had occurred. It would be cruel and psychologically damaging to do that to my son.

However, despite the alleged abuse JB suffered, and contrary to all parental instinct, JB continued to attend Camp Stewart for the following four summers. In June 2012, JB falsely accused UK national "Daniel" of inappropriately touching him.

It was alleged that Daniel, JB and another camper had entered their cabin together in search of their baseball gloves. The other camper found his glove instantly and left the cabin, while JB lingered alone with Daniel in search of his own mitt. JB alleged that while alone in the cabin with Daniel, he "caressed" his rear end outside the clothing. JB wrote to his parents using a code phrase that they planned for him to use if he ever again became the victim of touching. The code was "I miss my collie" (meaning his dog).

Having received the code phrase, his parents cut short a vacation in the Cayman Islands and immediately flew to Camp Stewart to investigate [1].

Before they arrived, Camp Stewart organized for Daniel to go to the Kerr County Sheriff's Office to make a statement. The interviewer was (ironically) Officer Jeff McCoy. Since McCoy had absolutely no background on JB's allegation as no police report had been filed, he had no narrative to formulate his line of questioning.

Ultimately McCoy's general impression was that "he exonerated himself" [2] (NOTE: The recording of Daniel's interview has been lost).

Out of an abundance of caution, the following day Daniel was placed on a flight home to the UK before an official complaint was made and an arrest warrant issued. McCoy later testified that in this particular case, JB did not give a forensic interview until 13 months AFTER the fact and there was no evidence that would even arguably justify prosecuting Daniel [3].

In an email from Janet Henniker-Talle, Senior Vice President of Camp America, to Daniel's father on the 16th June 2012, she wrote:

"Once Daniel is safely back home we can discuss his experience and try to see what lessons can be learned to help future Camp America participants protect themselves against false allegations of this kind" [4].

This shows that even the Senior Vice President of Camp America knew JB had falsely accused Daniel. JB's allegations against Daniel show that JB has a propensity to make such claims.

In a 19th January 2014 letter to Kathy Ragsdale, I wrote:

"I know that you have expressed your belief that [JB] falsely accused Dan. I know beyond doubt that Dan is innocent because I know [JB] falsely accused me. I have been saying this since the very beginning but no one would believe me. I took alot of pride in [JB]'s achievements at camp. He was a very respectful and bright young man. However, he has shown that he obviously does not understand the seriousness of the kinds of allegations he makes" [5].

As was the same with the allegations against me, JB essentially took a true event and elaborated upon it to allege sexual misconduct. In Daniel's case it appears he was motivated by the fact he preferred to be in the Cayman Islands with his parents than stuck at camp. In my case, it was likely to appease his parents constant questioning after they heard news of my arrest. I can't help but wonder if the hindsight of my situation saved him the same fate. Lastly, after the first four lawsuits settled for \$5.65 MILLION, JB's parents filed a lawsuit as well - Not only to capitalize on the allegations against me, but also those against Daniel - Interesting?

THE INHERENT FALLIBILITY OF CHILDREN'S TESTIMONY

A child would never lie about being inappropriately touched... Would they? As adults we understand the seriousness of such allegations and tend to believe a child's story about such events. But is such testimony as reliable as we assume? Can a child's testimony or memory be tainted by parental interference or interview techniques? Lets see what science has discovered - Here are the facts:

- * Empirical studies of young children's recollection of experienced events have, with few significant exceptions, demonstrated a general unreliability of child informants in a variety of circumstances [1]. Recent studies have also shown disturbingly high inaccuracy rates by children after long retention intervals, even on open-ended questions [2].
- * In the majority of suggestibility studies, children were misled during an interview with an unfamiliar adult. Degrations in testimony have been produced by embedding erroneous information in questions [3], by explicit suggestion [4], or merely by asking a question about information that could not be known [5] or inquiring about an event that did not occur [6]. Children's suggestibility is also affected by the perceived authority of the source of the suggestion [7].
- * Concerns about misinformation provided by parents are highlighted by recent laboratory studies that found that many children will comply with parental instructions to lie about a witnessed event [8]. Parental coaching increases errors on nonexperienced events beyond what would be obtained by asking leading questions alone [9].

- * Studies have shown that children are susceptible to the implicit demand of leading questions [10] and have a strong tendency to say "yes" to leading questions [11].
- * Young children, under some conditions, readily incorporate overheard fictitious rumors into their own recollections, even in the absence of direct exposure to an adult or to suggestive questioning [12].
- * There is strong evidence that narrative detail is not diagnostic of accuracy as recent studies demonstrate that false accounts can be more elaborate and compelling than true accounts [13].

In other words (and in more detail): Because of their tender years, children are generally unreliable and inaccurate in their testimony. This is because young children are especially prone to 'demand characteristics' and susceptible to genuine memory confusion [14]. "Memory confusion" in this case includes things such as difficulty in source monitoring (i.e., the confusion of memories from different or similar sources or long delays between acquisition of memory and recall) [15]. "Demand characteristics" are often social factors such as parental coaching, leading and suggestive questions, or the child's desire to "be right" when answering a question [16].

Studies have shown a startling willingness in young children to answer questions about events that they neither experienced nor heard described. On these questions, many children simply spin off a noun in the question to produce a related response - e.g., in response to "tell me about the eyedropper", the child responds "the eyedropper was on the balloon" [17].

Studies have also shown a strong tendency in children to say "yes" to leading questions. 94% of children in one study responded "yes" to one or more leading questions about nonexperienced events. Of central interest, children significantly more often responded "yes" to leading questions about heard-only events than to leading questions about events the child neither experienced or heard [18]. Thus parental coaching increases errors on nonexperienced events beyond what would be obtained by asking leading questions alone [19].

It has also been established that children often provide narrative responses to the follow-up questions ("Can you tell me about the...?") with 88% of children providing narrative answers to at least one of the questions about a nonexperienced event [20].

Researchers have shown that when exposed to highly suggestive questioning techniques, children can be led to fabricate accounts of fictitious events that are as spontaneous, elaborate, and coherent as reports of experienced events [21]. Unfortunately, the absence of highly suggestive questioning techniques does not ensure accurate recall. Even when memory is assessed in a neutral manner (eg. free rather than prompted reports), some children will fabricate accounts of fictitious events [22].

The challenge for forensic interviewers in child sexual abuse cases is "that young children typically give very abbreviated answers to open-ended questions", so most forensic interviewers rely on leading-questions of the "suggestive nature of more specific questions" [23] to obtain the testimony necessary to successfully prosecute the perpetrator in a child sexual abuse case.

"Rational solutions to the problem of inherently unreliable children's testimony do not, as some activities contend, turn on simply the commitment to 'believe the children', a shibboleth [24] heard 300 years ago in Salem as well as today. The problem of children's testimony, even in the face of emerging evidence that young children sometimes do deceive [25] is not fundamentally a problem of truth-telling per se, but rather a problem of accuracy and specificity in recall. Few presumptions are safe to hold in this regard other than what common sense and cumulative experience teach, namely, that the reliability of children's statements concerning specific events of the past are inherently questionable" [26].

Why are these studies important in preventing wrongful convictions? Because instead of falling into the 'believe the children' shibboleth, these studies give us a contextual background in

accurately evaluating the potential of children to misreport abuse. Recognizing that the testimony of a child is inherently fallible, especially if it is induced by parental coaching and suggestive questioning, means we can safely stay clear of any leap of logic that assumes that just because a child has made an allegation that it must be true.

It is far better to be grounded in science and logic than to be carried away by the emotional reactivity that clouds our judgment.

ANALYZING THE VALIDITY OF CW's ALLEGATIONS

Now that we understand the potential of children to misreport abuse, we can analyze the validity of CW's allegations and avoid the 'believe the children' bias.

There are a number of significant factors that cast doubt on the reliability of CW's testimony and raise serious questions about whether such testimony is influenced by both demand characteristics and age-related memory confusion.

The first thing that jumps out during analysis is the unusually forthright and impersonal manner in which he makes the allegations. He divulged no discernable details as to the manner of the touching outside "he touched it".

When asked: "When he touched your tinkler - what was he doing exactly?" - to which CW responded: "I don't really know" [1]. It is so void of personal experience that CW did not even know whether the alleged touching was "something nice or not nice" [2].

It is possible that because he is describing an event he did not actually experience, and well above his normative understanding of sexual touching, he does not have the rudiments to elaborate on such details. As far as he knows "touching it" is the extent of what allegedly happened.

CW's forthrightness also has the undeniable fragrance of parental coaching. In answer to the interviewers question: "Tell me how

come your mom brought you in here to talk to me today" - CW replied: "Um, because some people were touching my private parts" [3]. Since he was fully aware of the reason for the interview, its clear his mother discussed it with him and he had a social obligation to 'tell the lady that Scott touched your private parts'. It is also significant that initially he used the adult words "private parts" instead of his usual "tinkler". If CW's allegations were not the direct result of parental coaching, they were most definitely parent-influenced.

Because of the suggestibility of the leading questions presented throughout the forensic interview, CW describes events that could not possibly be known to him - such as what allegedly happened while he was asleep. Consider the following exchange:

Q: Okay - were you asleep when this happened or were you still awake?

CW: Um, I was awake cause it was like we just got in the cabin and everyone was just going to sleep

Q: Okay - so you were...

CW: ... And once he touched it when I was asleep in the middle of the night and I went what is that (chuckles)

Q: What is that - so one time it happened you were asleep and he touched it

CW: Um-hm (affirmative)

Q: Did it wake you up when he did that?

CW: A little bit - it like waked my nerves up or something but I didn't actually wake me up.

Q: Oh, okay - so what happened that time?

CW: Um, he just touched it a few times and I think he probably just went and laid in his bed.

[4]

Note that in one study 94% of children responded "Yes" to one or more leading questions about nonexperienced events [5] - So CW was simply a victim to his desire to give the "correct" answer to the interviewers leading questions. What CW was too young to understand is that it belies human ability to know what happens while one sleeps - even if "it waked my nerves up". The fact that CW obviously could not know what happened while he slept, yet alleged he knew he was touched, diminishes the validity of his other allegations as they are subject to the same suggestibility techniques. They are a clear result of leading questions embedded with adult-influenced information.

Understandably the interviewer tries to create a comfortable environment by building rapport, however it is questionable whether CW understood the seriousness of what he was alleging. Throughout the interview he laughs, chuckles, and makes silly noises. For example:

Q: ... you could also tell a police officer or somebody like me, cause thats my job

CW: (makes silly noises - laughs) [6]

* * * * *

Q: ... and that this happened with Scott maybe just three or four times

CW: Yeah

Q: Okay - so...

CW: ... Weeeeeeeee... (chuckles) [7]

Even taking into account his age and immaturity, if the events he was describing were truly experienced events, it is debatable whether he would be acting so flippantly during such an interview.

At one point in the interview CW states that because I was the Division Leader, I never had days off, while Sam - who was my Co-Cabin Leader - did. This statement reflects a matter of genuine memory confusion. In actuality, Sam and I had the exact same amount of days off. This shows that CW was experiencing normal age-related source monitoring issues. This inaccuracy however is not likely to be isolated to this statement - especially when it is compounded by the suggestive techniques of the interviewer.

Originally it appears CW was accusing me of touching him only once, but then it morphs into "two or three times he touched my tinkler, but once or twice he touched my bottom... But that's pretty much it" [8] - But by the end of the interview, the interviewer supplants that "and that this happened with Scott maybe three or four times" - to which he responds: "Yeah" [9].

In regards to the 'Humping Incident' - the interviewer uses suggestive techniques to plant the idea that I initiated the touching. She states: "did Scott ask you and [MW] to touch any

part of each other or any part of him?" - To which CW alleges:

"He asked me to touch a part of [MW], but I - I was getting ready to, and I might have accidentally laid a finger on it, but my mom told me to not to do it again" [10].

Prior to that suggestion by the interviewer, CW was alleging that MW was the instigator - compare the following:

Q: Okay - and you said [MW] - something happened with [MW] - What happened with [MW]?

CW: Um, like he was um, he was gonna touch my tinkler too.

Q: He was what?

CW: We was gonna touch my tinkler too. ["We" = Freudian Slip?]

Q: He was going to touch your tinkler too, did he touch your tinkler?

CW: A little bit

Q: A little bit

CW: Yeah

Q: And what gave - like how did that happen?

CW: What do you mean?

Q: Was that at the same time that Scott was doing this or different time?

CW: Different time. [11]

See the way suggestive techniques can influence a child's testimony? At first he alleged MW instigated the incident at a different time - but then upon the suggestion that I initiated it, CW's story changes.

It is extremely important to acknowledge that CW does NOT allege that he and MW tried to touch their penises together - which is the Actus Reus (Criminal Act) element of the Aggravated Sexual Assault charge.

The indictment states that I allegedly caused "the sexual organ of Johnny Doe #2... to contact the sexual organ of Johnny Doe #3" [12]. However, neither youth even generally insinuated, yet alone unequivocally testified, that this happened. All CW alleges is that MW tried to touch his penis with his hand - hand to penis contact is NOT aggravated Sexual Assault as defined by Texas Penal Code §22.021 [13]. The allegation of penile contact is COMPLETELY ABSENT from CW's testimony.

Lastly, I would like to make it abundantly clear that I am not outright accusing CW of lying. I do not believe the false allegation

was a malicious act on his part. It is more a matter of inherent fallibility due to age-related memory confusion, parental coaching, and suggestive interview techniques.

Still, as CW comes of age, I sincerely hope he has the opportunity to realize what he inadvertantly has done and come forward to admit that I did not in fact molest him.

ANALYZING THE VALIDITY OF MW's ALLEGATIONS

As was also the case in CW's interview, it is clear MW's mother had discussed the nature of the interview, and told him to tell the lady "the bad scenes" at camp. However in MW's case, he was uncertain if this lady was the one he had to tell. MW asks: "Are you the one where - that - my mom tells you the good scenes what happened and the bad scenes - are you the good or bad?" [1].

It is also evident that his mother told him that CW was going to be interviewed as well:

Q: Okay - do you know the names of their - of the other kids?

MW: All of them?

Q: Yeah

MW: Oh, [CW]...

Q: [CW]...

MW: ... I know you talked to him

Q: I did?

MW: (shakes head yes)

Q: Oh, okay

MW: Did you?

Q: I didn't - somebody else might have, but I didn't

MW: Maybe he will come later.

[2]

According to MW's affidavit (used to get an arrest warrant), she states MW "has repeated this information several times the same way and stated it in the same fashion. The details have never changed" [3]. Although the details of her affidavit and MW's forensic interview are fundamentally different, what this affidavit shows is that since CW's mothers phonecall to her days before, she had discussed the allegations at least "several times". This not only solidifies the alleged narrative of the

abuse but creates the social obligation to continue telling the story. Since MW was describing a nonexperienced event, the details changed because he has no legitimate recall/reference point in his memory. The allegations are shaped by the social pressure of the person he is talking to. In this regard, parental coaching played a significant role in MW's allegations.

The coercive atmosphere is far more apparent in MW's forensic interview than CW's. The interviewer incessantly hounds MW with the same leading questions over and over. MW tells her at least eight times that he doesn't want to talk about "it", and asks when the interview (Read: "interrogation") would be over. MW then appears to grow increasingly frustrated and begins to answer haphazardly just to end the interview. Although I am sure the interviewers intent may have been noble, she did MW an incredible disservice - Consider the following progression:

- After telling the interviewer that he didn't want to talk about "it" eight times, he capitulates and gave a brief allegation. He then asks:

MW: Done?

Q: Almost - almost done.

MW: How much now? [4]

* * * * *

- After some more questioning, the interviewer states:

Q: Okay - we're almost finished okay.

MW: How much stuff now?

Q: Oh, um, a little bit more.

MW: (shakes head yes) [5]

* * * * *

Q: Do you want to get this over with?

MW: I just want to

Q: get finished

MW: yes [6]

* * * * *

Q: Okay - alright - you know what, I think we're almost done, but...

MW: ... I want to be done already...

Q: ... I know you do - I know you do, I do too. [7]

* * * * *

Q: You know what, we are almost finished, but I just have a few more questions and they're easy questions.

MW: (slaps hand on lap - makes frustrated noise)
 Q: I know, I know, I know - easy questions...
 MW: (slaps hand on lap - makes frustrated noise)
 Q: You know how you told me that um, Scot made you...
 MW: ... Yes...
 Q: ... touch [CW], and okay...
 MW: ... Yes, yes, yes, yes, yes...
 Q: ... And [CW] touched you...
 MW: ... Yes
 Q: Where were you - were you at your bed or at [CW]'s bed...
 MW: ... [CW]'s bed...
 Q: ... or Scott's bed...
 MW: ... [CW]'s bed, [CW]'s bed, [CW]'s bed...
 Q: ... [CW]'s bed - okay, do you know...
 MW: ... (makes frustrated noises)

[8]

* * * * *

MW: (makes frustrated noise)
 Q: (chuckles) okay - alright...
 MW: (makes frustrated noise)
 Q: Alright - do you remember now um, what Scott told you when he was waking you up?
 MW: (sighs) I do not
 Q: You do not
 MW: I do not
 Q: Okay
 MW: I do not
 Q: I think we're done - you are tired of talking about this?
 MW: Yes

[9]

Now imagine being in MW's shoes - You're six years old and alone with a lady you have never met before. She keeps asking the same questions over and over, and you are anxious to return to your mother. You feel as though you are being held hostage, and that the interview will go on forever until she gets the "right" answer - What do you do? You try your best to give her what she wants but because she is asking questions about a non-experienced event, you have no tangible information to satisfy her.

Why was the interviewer doing this? As Dr. Carol Tavris and Dr. Elliot Aronson explain:

"Social workers who were called on to interview children believed that molested children won't tell what happened to them until you press them by persistently asking leading questions, because they are scared or ashamed.

In the absence of research, this was a reasonable assumption, and clearly it is sometimes true. But when does pressing slide into coercion?... In all these studies, the most powerful finding is that adults are highly likely to taint an interview when they go into it already convinced that a child has been molested. When that is so, there is only one "truth" they are prepared to accept when they ask the child to tell the truth... they never accept the child's "no"; "no" means the child is denying or repressing or afraid to tell. The child can do nothing to convince the adult she has not been molested" [10]

An example of the interviewer not accepting MW's "no" is the amount of times she pressed the issue of whether I said anything during the alleged incident. It can be assumed that she was intent on getting an answer other than no because MW's denial raised questions about the validity of his allegations as it would be extremely unusual for an abuser to be absolutely silent. Note that when the interviewer offered MW an 'out' through her suggestive questions, he contradicted his prior statements:

Q: When he touched you did he say anything when he touched you?

MW: (shakes head no)

Q: Did he make any noise or did he...

MW: ... No, no, no, no, no. [11]

* * * * *

Q: Okay, so you don't remember what he told you when he woke you up?

MW: No. [12]

* * * * *

Q: ... When he asked you to touch [CW] what did he say - What did Scott say to you?

MW: I forgot that too. [13]

* * * * *

Q: ... did he ever say anything like you better not tell anyone or did he say anything... [NOTE: Suggestive Question]

MW: ... Yes...

Q: ... He did, what did he tell you?

MW: Don't tell anybody about this.

Q: He said don't tell anybody about this - okay - did he say anything else?

MW: No.

Q: No - okay - okay, um, you know what when he um, when

he made you touch him, did he make any noise or
did he tell you anything

MW: No.

[14]

* * * * *

Q: Okay - alright - okay - so when he - when he grabbed
your hand in his hand did he say anything

MW: No - no he did not

[15]

* * * * *

Q: Alright - do you remember now um, what Scott told
you when he was waking you up?

MW: (sighs) I do not

Q: You do not

MW: I do not

Q: Okay

MW: I do not

[16]

[NOTE the prompt - "do you remember now"]

Because of the suggestive interview technique, there are several things that are clearly influenced by the interviewers predisposed bias. At first MW alleged "it" happened once or twice [17], then it changed to "ten to nine times" [18]. Similarly, MW alleges that I did NOT wake him up during the alleged incident [19], however upon further questioning he states that I DID wake him up [20]. When the interviewer asked how he was touched, then offers demonstrations, MW simply agrees to all of them [21]. Lastly, although MW alleges that I told him to touch CW, it is significant that (as in CW's forensic interview) the Actus Reus of the Aggravated Sexual Assault (penile contact) is completely absent [22].

When analyzing the validity of MW's allegations, not only should parental coaching and the coercive and suggestive interrogation techniques be considered, but also the fact that MW later gave an unsolicited recantation to a clinical psychologist. Some people tend to discount this recantation but the truth of the matter is that this recantation was made in the absence of the coercive conditions of his forensic interview. He was under no pressure to preform or give any specific answers. He was free to state: "Scott didn't do anything to me"

I understand that by his nature, MW may be a difficult child to conduct a forensic interview of - but the manner in which it was conducted makes my heart bleed for him. It seemed to have been a fairly traumatic experience and he got through it as best he could. I do not blame him for throwing me under the bus. I hope though that since he has given at least one recantation, that he has the courage to stand by the truth until I am exonerated. It may be difficult, but it is the right thing for him to do.

ANALYZING THE VALIDITY OF JB's ALLEGATIONS

JB's allegations need to be viewed in light of the fact they only came AFTER the police notified all parents of my arrest, and the fact he falsely accused another foreign camp counselor a few years after he falsely accused me.

Firstly, I feel I need to highlight that although it is clear JB had a propensity towards making false allegations, he was a really good kid - So I do not believe it was done out of malice. He obviously did not understand the seriousness of the kind of allegations he made.

JB was one of the younger campers in the June Term, turning six in the March before camp - while the majority of the other boys were already six turning seven at the end of the year. So the most unusual aspect of JB's forensic interview was his consistent use of the word "penis" which seems contrary to a six year olds vocabulary - suggesting some form of adult/parental influence. The extent of JB's allegation is as follows:

Q: Okay - well tell me what happened?

JB: When um - I um - was um - at camp - I was sleeping and I got scared and I went to go into Scott's bed, but then um - I wet my diaper and I took a shower, but then I came back with a towel on and I got back in Scott's bed, but then he um - I didn't tell him to do it, he just did it, he um - touched my penis.

Q: He touched your penis?

JB: (shakes head yes)

[1]

The questions continued:

Q: ... what was his hand doing - you said he touched you with his hand - what was his hand doing?
JB: Rubbing it.
Q: Rubbing it - okay - like how?
JB: Like - between hard and soft
Q: Okay, so he was rubbing it hard and soft?
JB: (shakes head yes)
Q: Okay
JB: ... sometimes...
Q: Sometimes - okay - did anything happen to your penis when he rubbed it hard and soft?
JB: (shakes head no)

[2]

It's significant to note the interjection "... sometimes...", and that the sensation of having your penis rubbed would presumably cause an erection - even if unwanted (Yes, children as young as six can get erections [3]). However, a six year old often doesn't know this - and since JB was describing an event he didn't actually experience, when asked if anything happened to his penis when it was allegedly rubbed, his natural answer would be "no". If he had stated that it tickled, felt funny, or got stiff, then that would be a different issue. This suggests JB was giving a description of events that he had not actually experienced, interwoven with events he had experienced. The fact he was describing a nonexperienced event is supported by the following exchange:

Q: ... okay - has anyone ever tried to uh, look at your penis or something
JB: (shakes head no)
Q: No - okay - I can't hear your words.
JB: No, sir.
Q: Okay - has anyone ever tried to make you look at their penis or anything?
JB: No
Q: No - okay - uh, has anyone ever tried to rub your penis...
JB: ... No sir...
Q: ... Besides Scott - okay - okay - um, and you said he never said anything to you?
JB: No

[4]

What is interesting about this exchange is the interviewer is fishing for other allegations, but what he gets instead is JB stating that no one has ever rubbed his penis - even though

he had just accused me of such. The interviewer feels the need to then interject "... Besides Scott" - but JB doesn't respond to the interjection.

JB also alleges that he climbed into my bed in only a towel "but it unwrapped" and that he was completely exposed [5]. This raises a red flag as to the validity of his allegations because Loren, my Co-Cabin Leader, testified that he woke up when JB went to have a shower [6]. It is a little problematic (or unrealistic) that a six year old would be laying completely exposed on the bed having his penis rubbed only feet away from another adult counselor - and for that adult to not be aware to the incident. If it was under the covers, then - again - it would be a different issue.

Now, since JB never knew CW and MW (they were at different camp terms) how was JB to point the finger at me? JB explains:

JB: Well the Sheriff's Department said that someone at camp - someone else was rubbing someone else's penis and the Sheriff - and they got arrested - and um, the Sheriff said to our Mom, I think, ask your kids if - if that happened to you.

Q: Okay - so the Sheriff told the moms to ask - and your mom asked you?

JB: (shakes head yes)

Q: And what did you say?

JB: I said that someone rubbed my penis

[7]

Although the argument is often made that since my identity was allegedly withheld when the Sheriff contacted the parents, the fact that JB pointed his finger at me is independant proof that I did it. However, this argument is weak at best. Despite what they hope you assume, the allegation was not made in a vacuum. My nationality was not withheld from the media, and my arrest caused hysteria and a large flurry of emails and phonecalls from concerned parents. JB's parents even testified that they called other parents themselves [8]. Plus the pool of possible arrestees was very small. I was the only common denominator between Coyote Coven in the June Term and Dog Patch in the July Term.

Furthermore, a rumor of this magnitude - especially fueled by hysteria - can travel a long way in a few days [9].

To emphasize how ripe my case was for rumor contamination, I will briefly describe the set of conditions that foster rumor transmission:

1. General Uncertainty - rumors emerge to explain events in which the true facts are unknown by the general population;
2. Outcome-Relevant Information - rumors thrive in situations that people care about or find important;
3. Personal Anxiety - rumors travel quickly when they can give expression to or legitimize feelings of personal anxiety regarding the situation; and,
4. Credulity - the degree of a rumor's circulation depends on the extent to which it is perceived as plausible or trustworthy.

[10]

There is no doubt that my case embodies all four conditions that foster rumor transmission. Under such conditions it is naive to believe that the situation could remain uncontaminated by rumors.

So, does JB's allegations add validity to the overall accusations? No - I aver that it does the opposite. It adds a piece to the puzzle that allows you to see the big picture of my actual innocence!

CS + WL?

SEEING IT FROM THE ACCUSORS POINT OF VIEW

Imagine for a moment that you are responsible for sending an innocent man to prison - How would you feel?

Gabby Stone was one of the children who falsely accused her parents and five others of running the most depraved child sex rings in Texas history. She is now a young adult and has since come forth to admit that none of it happened. Explaining what it was like to be manipulated into making a false allegation, Gabby says:

"I was a normal kid... When an adult tells you something happened, you're going to believe it, especially if

they tell you over and over. It must have happened, because an adult told you it happened. That was how they did it". [1]

Gabby is now determined to right a wrong...

False allegations happen - and there are two sets of victims: Those falsely accused; and the children (like Gabby, CW, MW, and JB) who were manipulated into making the false allegation. There is undeniably considerable healing when the truth is finally brought to light. For me, researching the phenomenon of how the innocent are wrongfully convicted has been a cathartic experience. For a long time I was confused and angry. I constantly wondered why they would do this to me? Once I was able to see beyond my own emotional reactivity, I realized everyone involved was suffering. I sincerely care about the welfare of those three boys, so vengeance has no place in justice - we need more compassion and understanding.

The ultimate evidence needed to prove my innocence would be for MW, CW, and JB to take Gabby's lead and come forth to tell the truth. Not only would it help correct a terrible wrong, but I am sure it would relieve them of the internalized guilt they must have been carrying throughout their childhood. If they are completely honest with themselves, they will realize that no matter how deep they search their memories, they can not legitimately recall anything that even remotely resembles abuse in the summer of 2009.

Gabby and the other children in her case experienced the same inability to remember the abuse they suffered - Did they forget? No, it never happened.

I have no doubt that its a strong possibility that MW, CW, and JB may have created false memories pieced together like a patchwork from what they have been TOLD happened - that's a common phenomenon. However, the written word does not ebb away, or reinvent itself, like memories. The evidence I've presented of MW's recantation, CW's mothers emails, JB falsely accusing Daniel etc. are all based in written fact. They are not tainted by the changing tides of memory.

All I hope is for those involved in my wrongful conviction to be endowed with enough integrity to put their preconceived notions of guilt aside, and take a moment to honestly consider the facts and evidence presented in this thesis.

"Facts are stubborn things;
and whatever may be our wishes,
our inclinations, or the
dictates of our passions,
they cannot alter the state of
facts and evidence".

- John Adams

- Chapter Three -

THE SCIENCE BEHIND FALSE CONFESSIONS

"[S]tudies of unequivocally exonerated prisoners have found that between 15 to 25 percent of them had confessed to a crime they had not committed"

- Carol Tavris and Elliot Aronson
Mistakes Were Made (but not by me)

LETTER FROM M

Once upon a time I had a camper in Australia named M* who was an intelligent and very talented young lady. She grew up to be the Educational Manager for 'Teach Learn Grow' - a not-for-profit organization that is trying to bridge inequality and disparity in education for children in rural Australia (something for which I am very proud of her for).

After my arrest and conviction, her and her family were extremely supportive, and endeavoured to arouse media attention for my innocence. But after the media said they were not interested in the story, she began to question and lose faith in me.

Eventually, after I continued to insist on my innocence, they cut correspondence. In the last letter M wrote to me, she said:

"I am now in a position of power over children when I work with them. The same power you had. Scott, you pled guilty. I don't care that you say you are innocent. You pled guilty, shocking everyone. From someone who is in a very similar position of power at a similar age to you when you were accused, I WOULD NEVER, ever, say I hurt a child when I didn't. EVER. It's hard to sit here when I have never been in the same situation that you were in, but as of right now - I would rather go to jail than say I did something to deliberately hurt a child if I didn't. The Scott I thought I knew had moral principles. He was a role model to me because he would stand up for what he believed in no matter how outspoken he was. So I really do not understand even a little how you could plead guilty - if you weren't. Considering you have been consistently yelling your innocence to all who can hear it, it seems strange to me that you didn't yell it at the only time it could have been heard. So you can write all the innocence primers you like, but I do not think it will make a shred of difference, and it certainly won't to how I feel"

[1]

I was extremely disheartened by this letter - but I present it because it is illustrative of how most people view my situation. To be completely honest, when I was free I would have agreed - Why would someone "confess" to a crime they didn't commit? Why would they plead guilty if they were actually innocent? It makes no sense... But I gave a false confession and entered

* I am using the pseudonym "M" for this young lady because the last letter she wrote me was in the flurry of emotion, and I feel that she may later regret her harsh judgment of me. I would like nothing more than to have her support my innocence, so I do not want to create any form of animosity by associating her real name with the letter.

a cold plea* of guilty - Why?

DO INNOCENT PEOPLE FALSELY CONFESS?

Decades ago, commentators and courts doubted whether false confessions existed. Postconviction DNA testing has definitively proved that suspects do falsely confess, with tragic wrongful convictions as a result [1].

Unfortunately, there are a disturbing number of known cases in which defendants confessed - only later to be exonerated [2]. 15% to 25% of DNA-exonerated defendants had confessed prior to their trials [3]. That means that potentially one-in-four innocent people unequivocally proven innocent actually confessed to a crime they didn't commit. The problem of false confessions is complex and multifaceted, and it indicates that there are holes in various "safety nets" built into the criminal justice system in America [4]. A surprising signal that has emerged in several recent empirical studies: that innocence may put innocent people at risk during a criminal investigation, often to their own detriment [5].

THREE TYPES OF FALSE CONFESSIONS

- * Voluntary False Confessions - are self-incriminating statements offered without external pressure.
- >> * Coerced-Complaint False Confessions - are those in which a suspect confesses to escape an aversive interrogation, avoid an explicit or implied threat, or gain a promised or implied reward. This type of confession is a mere act of public compliance by a suspect who knows that he or she is truly innocent.
- * Coerced-Internalized False Confession - are those in which an innocent person - tired, confused, and subjected to highly suggestive procedures - comes to believe that he or she may have committed the crime, sometimes forming a false memory in the process.

[1]

* A "Cold Plea" is a plea that is insincere and not done out of actual guilt.

THE INVESTIGATORS PRESUMPTION OF GUILT

Interrogation is a guilt-presumptive process, a theory-driven social interaction led by an authority figure who holds a strong a priori* belief about the target and who measures success by his or her ability to extract a confession [1]. Investigators who were led to expect guilt rather than innocence asked more guilt-presumptive questions, used more techniques, exerted more pressure to get a confession, and made innocent suspects sound more anxious and defensive to observers. They are also more likely to see suspects in incriminating terms, exhibiting a 23% increase in postinterrogation judgments of guilt [2]. A warehouse of psychology research suggests that once people form an impression, they unwittingly seek, interpret, and create behavioral data that verify it [3]. This is "Confirmation Bias" - The tendency to look for information that supports our beliefs and ignore information that doesn't. This is a well-documented human tendency. We all have it. It's why police develop tunnel vision, lock in on one explanation, and discount other possibilities [4].

As explained in an interview by one of the leading experts in false confessions, Professor Richard A. Leo:

"You have to look at the sequence of errors that often precede the confession. First the police mistakenly come to view an innocent person as guilty... Once the police come to the conclusion that someone committed the crime, they are trained to interrogate. At that point their goal isn't to gather information; it's to build a case against the person they've decided is guilty. They want to get a confession.

To do this, they use methods academics like me call accusatory, manipulative, and coercive. If the police interrogate you, and you deny the charges, they will not honor your denials. Their goal is to break you down".

[5]

* "a priori" = formed or conceived beforehand; relating to or derived by reasoning from self-evident propositions; being without examination or analysis.

THE MIRANDA WARNING

The Miranda Warning is one of those "safety nets" that, over the years, has so many holes in it that it is rendered ineffective in protecting innocent people.

As explained by Professor Richard Leo:

The [Miranda] Warning is "You have the right to remain silent. Anything you say can and will be used against you in a court of law. You have the right to an attorney. If you cannot afford an attorney, one will be provided for you". Then you are asked if you understand these rights and later to acknowledge this in writing. The police might then say, "Having these rights in mind, do you wish to speak to me?"

The warning originated from the 1966 Supreme Court case *Miranda v. Arizona* [1]. The Court decided that the Fifth Amendment provision against self-incrimination - which says you may not be compelled to be a witness against yourself - applies not just in court but also in police custody... The Warren Court saw interrogations as intrinsically coercive and it tried to discourage the coercion by ensuring suspects would be aware of their right to refuse interrogation... The Miranda Warnings have been watered down by the courts and gamed by police officers until they are almost completely ineffective in preventing false or unreliable confessions. It's like the health warning on a pack of cigarettes: it protects the tobacco company, but it doesn't really affect consumers' behavior. It just means they've given "informed consent"... The police have realized that almost everyone waives his or her rights, and after the police have read the Miranda card, anything else they do is ok, because they followed procedure. [2]

THE INCREASED SUSCEPTIBILITY OF INNOCENT PEOPLE TO WAIVE RIGHTS

Given the inherently coercive nature of a police interrogation, one would surmise that a vast majority of suspects would exercise their constitutional rights to silence and to counsel and avoid the perils of interrogation. However, research suggests the opposite tendency. From naturalistic observations of live and videotaped interrogations, Richard Leo [1] found that roughly four out of five suspects waived their rights and submit to questioning [2]. Archival studies in Great Britain reveal a similar, if not higher, waiver rate [3].

The hypothesis that innocent people are at risk to waive their rights was tested in a controlled laboratory setting. Participants who were innocent were substantially more likely to sign a waiver than those who were guilty - by a margin of 81% to 30%. This decision-making tendency emerged in all conditions and was so strong that 67% of innocents signed the waiver even when paired with a hostile, closed-minded detective who barked, "I know you did this and I do not want to hear any lies!" [4].

To understand these waiver rates, participants were asked afterwards to explain the reasons for their decisions. Overall, 92% of the guilty suspects who waived the rights stated strategic self-presentation reasons for that decision (e.g., "If I didn't, he'd think I was guilty"; "I would've looked suspicious if I chose not to talk"). Although some innocent suspects gave similar strategic explanations, 72% also or solely explained that they waived their rights precisely because they were innocent (e.g., "I did nothing wrong"; "I did not have anything to hide"). It appeared from the study that people have a naive faith in the power of their own innocence to set them free. The phenomenology of innocence may be rooted in a generalized and perhaps motivated belief in a just world in which human beings get what they deserve and deserve what they get [5]. It may also stem from an "illusion of transparency" - a tendency for people to overestimate the extent to which their true thoughts, emotions, and other inner states can be seen by others [6].

Police may also offer sympathy and an apparent ally and refer to the Miranda process as a mere formality, thus increasing perceived benefits relative to cost [7]. Furthermore, Professor Leo found that individuals who have no prior felony record are more likely to waive their rights than are those with a history of criminal justice "experience" [8].

DECEPTION, TRICKERY, AND FALSE EVIDENCE

An interrogator's liberal use of trickery, deceit, and fictitious evidence to convince the innocent suspect that he is certain to be convicted is a highly insidious problem that can lead a suspect to confess even when he knows he is actually innocent.

It is contrary to our innate sense of right and wrong for police to lie to a suspect during an interrogation. But in America this is "totally legal. The courts have given it their blessing year in and year out. In 99.9 percent of cases the police suffer no consequences for lying. Judges look the other way except in the most blatant violations" (Richard Leo [1]). The U.S. Supreme Court has held that police misrepresentations (Read: "lies"), such as that forensic evidence connected them to the crime or that an eye witness identified them, do not necessarily render a confession involuntary [2].

Research shows that people capitulate when they believe that the police have strong evidence against them [3]. So techniques such as the "false evidence ploy" - when an interrogator confronts the suspect with compelling but false evidence - have been shown to increase the risk of a false confession [4]. When a suspect is confronted with such seemingly incontrovertible evidence of guilt, he is likely to conclude that he is certain to be convicted even though he is innocent [5]. The suspect may believe that he has been framed somehow, that there was a mistake in the analysis of the evidence, or that he is just very unlucky in that all the evidence points to him, an innocent person [6]. Regardless of what the suspect believes the source of the error to be, he is likely to believe that any reasonable jury, viewing the evidence, will be convinced of his guilt beyond a reasonable doubt. When faced with overwhelming evidence against him, the innocent suspect may rationally conclude that the costs of his confession are relatively low because he is likely to be convicted regardless of whether he confesses. [7].

BELIEVABLE FALSE CONFESSIONS

False confessions at times can be so persuasive, detailed and believable [1] - How?

Richard Leo:

"The next big error is leaking nonpublic details about the case to the suspect, which he or she then parrots back to the interrogator, making the false confession look more convincing: How did he know the victim was in bed, or wearing a particular article of clothing, or assaulted in a certain way? Because he was repeating back information that had been revealed to him, often inadvertently, during the course of the interrogation" [2].

This is why a suspect's false confession may have an accurate sounding narrative [3]. Social scientists have long documented how pressure combined with repetition of a crime narrative may cause the suspects to internalize that narrative and repeat it, possibly becoming convinced of his own guilt [4].

Richard Leo explains how this can happen:

"The psychology of interrogation is one of capture and negotiate - "I've got you, Mark", the interrogator will say. "I've got a videotape that shows you were at the crime scene. Your buddy told me you did it, and we've got your blood at the scene, too". But none of these things is true. When you say you were never there and didn't know the victim, the response is "Mark, we know you knew her. She was hit on the head three times with a gun that matches the one you own". Twelve hours later you're admitting you hit her three times with the butt of the gun. The police are blind to the fact that they fed you those details" [5].

COERCIVE INTERROGATION TECHNIQUES

Richard Leo:

"This is the second error: Coercing the suspect to confess. When I talk to people who've been proven innocent after giving false confessions, they often say they just couldn't take it anymore. They stopped thinking about long-term consequences and only wanted to get out of the room where they'd been held for hours. They said what the police wanted to hear just to go home, thinking they could prove their innocence later... I know of hundreds of people who were proven innocent after they'd confessed... Most innocent people who confess are quite normal. Few of us can withstand such interrogation techniques... Of the 350 postconviction DNA exonerations documented by the Innocence Project, around 30 percent involved police-extracted confessions" [1].

He goes on to explain:

"Interrogations almost always begin with suspects saying they didn't do it and showing a desire to help the police find out who did. People who are innocent believe their innocence is transparent and that the police will eventually see this and let them go. They believe they are protected and have nothing to hide, but they don't realize the many ways that facts and memories and statements can be manipulated and massaged" [2].

There are a number of tactics that police use to do this - such as exploiting a suspect's sense of guilt over unrelated or collateral matters; appealing to God and religion; suggesting to the suspect that he or she lacks a memory of the crime because of a blackout, dissociation, or repression; and urging the suspect to "imagine" how the crime was committed. Along with presenting false evidence, these tactics can trick innocent people into believing in their culpability [3].

Police also use tactics such as the "error-insertion trick" - which is when police deliberately put small mistakes into a written confession before asking the accused to read and sign it. When the accused corrects the error, it becomes evidence of voluntariness and deliberation [4].

Lastly, pretending to be the suspect's friend - a common, well documented interrogation technique - is fundamentally deceptive, because the interrogator is the opposite of the suspect's friend. The detective's goal is to get the suspect to incriminate himself [5]. It is indisputable that police have a number of coercive interrogation techniques that can manipulate an innocent person into a false confession.

THE REID TECHNIQUE

There are a myriad of tools police can use to get a confession - but the technique that has been proven to cause the most false confessions, and as such has been outlawed by a number of developed nations (but not America) is the infamous Reid Technique.

In the Reid Technique, interrogators are advised to dress in civilian clothing and isolate the suspect in a small, bare, soundproof room [1]. Once the suspect is isolated, interrogators confront them with bold assertions of guilt - a process that encompasses methods of overcoming denials and may even involve the presentation of allegedly incontrovertible evidence (e.g., a fingerprint, blood or hair sample, eyewitness, or failed polygraph) - regardless of whether such evidence exists [2]. For suspects thrust into a state of despair by the tactics of confrontation, the next step is to minimize the crime by providing moral justification or face-saving excuses, making confession seem like an expedient means of escape. Interrogators thus suggest that the crime was spontaneous, accidental, provoked, drug-induced or otherwise justified by extenuating circumstances [3].

The Reid Technique involves a Nine-Step Process that begins when an interrogator confronts the suspect with assertions of guilt (Step 1), then develops "themes" that psychologically justify or excuse the crime (Step 2), interrupts all efforts at denial (Step 3), overcomes the suspect's factual, moral, and emotional objections (Step 4), ensures that the passive suspect does not withdraw (Step 5), shows sympathy and understanding and urges the suspect to cooperate (Step 6), offers a face-saving alternative construal of the alleged guilty act (Step 7), gets the suspect to recount the detail of his or her crime (Step 8), and converts latter statement into a full written confession (Step 9) - [4].

Conceptually, this procedure is designed to get suspects to incriminate themselves by increasing the anxiety associated with denial and minimizing the perceived consequences of confession [5].

THE REID 9 STEPS OF INTERROGATION

STEP ONE: Direct Positive Confrontation

Objective: Lead the suspect to understand that the evidence has led the police to the individual as a suspect. Offer the person an early opportunity to explain why the offense took place.

Process:

- A. Presentation of fact synopsis to suspect
- B. Reference to evidence (real or fictional)
- C. Suspect is told that he is involved in the crime
- D. Behavioral observation of suspect
- E. Restatement of confrontation, stronger or weaker

STEP TWO: Theme Development

Objective: Try to shift the blame away from the suspect to some other person or set of circumstances that prompted the suspect to commit the crime. That is, develop themes containing reasons that will justify or excuse the crime. Themes may be developed or changed to find one to which the accused is most responsive.

Process:

- A. Transition phases from confrontation
- B. Propose reason that will justify or excuse the commission of the crime
- C. Behavioral assessment of suspect to choose proper theme
- D. Longest portion of 9 Steps

STEP THREE: Stopping Denials

Objective: Try to discourage the suspect from denying his or her guilt. Reid Training Video: "If you've let him say the words 'I didn't do it' the more difficult it is to get a confession".

Process:

- A. Both guilty and innocent deny the crime at issue
- B. Starts during direct positive confirmation
- C. Absence of denials in Step Two indicates probable guilt
- D. Interrogator recognizes and stops denial before it is complete
- E. Process is indicated by cessation or weakening of denials

STEP FOUR: Overcoming Objections

Objective: At this point, the accused will often give a reason why he or she did not or could not commit the crime. Try to use this to move towards the confession.

Process:

- A. Suspect proposes a reason why he allegedly did not commit the crime
- B. Normally offered by only the guilty
- C. Indicates progress in the interrogation if given after denials
- D. Handled differently than denials by first listening and accepting
- E. Proper handling of objections helps overcome the suspect's defenses

STEP FIVE: Getting the Suspects Attention

Objective: Reinforce sincerity to ensure that the suspect is receptive.

- Process:
- A. Suspect is on defensive and is tense and confused
 - B. The themes will work only if suspect is listening
 - C. Interrogator reaches peak of sincerity in his speech
 - D. Physical closeness and use of verbal techniques to command attention
 - E. Physical gestures of sincerity are used to establish attitude of understanding and concern

STEP SIX: The Suspect Quiets and Listens

Objective: The suspect will become quieter and listen. Move the theme discussion towards offering alternatives. If the suspects cries at this point, infer guilt.

- Process:
- A. The physical signs of surrender begin to appear
 - B. The themes are shortened and lead toward alternatives
 - C. Establishment of eye contact is most important at this point by verbal and physical techniques
 - D. Tears at this stage positively indicate the suspect's guilt

STEP SEVEN: Alternatives

Objective: Pose the "alternative question", giving two choices for what happened; one more socially acceptable than the other. The suspect is expected to choose the easier option but whichever alternative the suspect chooses, guilt is admitted. There is always a third option which is to maintain that they did not commit the crime.

- Process:
- A. Non-threatening to suspect they concern some minor aspect of the crime
 - B. Gives choice between acceptable reason and unacceptable reason for committing the crime
 - C. One alternative is stressed to lead subject to choose the positive alternative
 - D. Either choice is an admission of guilt

STEP EIGHT: Bringing the Suspect into the Conversation

Objective: Lead the subject to repeat the admission of guilt in front of witness and develop corroborating information to establish the validity of the confession.

- Process:
- A. The acceptance of one alternative is reinforced by the interrogator
 - B. The suspect is encouraged to talk about aspects of the crime
 - C. The use of realistic words is introduced by the interrogator
 - D. Initial corroboration of the confession is begun
 - E. Oral witnessing of admissions by two persons

STEP NINE: The Confession

Objective: Document the suspect's admission or confession and have him or her prepare a recorded statement (audio, video or written).

Process: A. Reduction of oral statement into written , or electronically recorded form
B. Voluntariness of statement is established along with corroboration of details
C. Suspect's signing of statement is witnessed by two or more persons

SOURCE: Practical Aspects of Interview and Interrogation, David E. Zulawski, and Douglas E. Wicklander, CRC Press, Ann Arbor, 1998.

HOW TO PROVE A CONFESSION IS FALSE

1. Show the crime didn't occur;
2. Physical impossibility;
3. DNA or other scientific evidence that definitively rules out the accused;
4. When the true perpetrator is identified.

[1]

In my case there is absolutely no DNA or scientific evidence, and there is no "true perpetrator" because it was a "no-crime" situation. This makes it that much more difficult to prove my so-called "confession" is false. Despite the fact that I have presented credible evidence of my innocence in Chapter Two, there is still considerable cognitive bias that must be overcome. Now that you understand the science behind false confessions, I can explain in detail how my statements during my interrogation were the product of coercive interrogation techniques and not an account of true events.

THE FALSE CONFESSION

"Scott, I have a case on you
that is iron clad shut -
I've got a very good case on you,
better than most"

- Officer Jeff McCoy

"It is sad that his habeas was denied
on purely technical/timing grounds,
but there was a clear legal violation..."

his only hope is to find a good post-conviction lawyer,
which is easier said than done,
especially without financial resources.
There is nothing I can do, but my heart goes out to him"

- Prof. Richard Leo

(email to Mark Leviton after reading
"Guilty Until Proven Innocent")

THE CONTEXT

For a long time I did not understand why I gave a false confession. I had stopped thinking about any long-term consequences and eventually told Officer McCoy what he wanted to hear so I could go. Naively I was under the impression that I could catch a later flight home where I knew I could resolve this misunderstanding. My actions proved self-defeating even though at the time I felt it was the path of least resistance. Afterwards I felt betrayed, tricked, ashamed, and weak. When I began researching the science behind false confessions it wasn't initially to prove my innocence. It was to reconcile the internalized conflict that arose from being manipulated to admit something happened when it did not. What I discovered blew me away. A bittersweet sense of relief washed over me - I wasn't alone! It was more common than the general public knew. Unfortunately my false confession still stands as one of the greatest obstacles to gain support for my innocence. This is why I have dedicated so much to explaining how and why innocent people confess.

Although my recorded interrogation lasted a total of 1 hour, 6 minutes, the reader should remain mindful that the process to break me down began the moment I was arrested - not just in the interrogation room itself. In the hours before the interrogation I was thrust into a state of despair. The security of my familiar world came to a sudden and dramatic halt. I had been forced to experience things I thought could never happen to me - The initial shock of the allegations and arrest; being handcuffed and placed in feet chains; being locked in a cell that reeked of urine with 'unsavory' characters; that feeling of imminent danger upon my life; the numerous strip searches; the magistration; and the 2 hour drive to Kerrville (handcuffed the entire time) - plus I had a hangover and I hadn't eaten since the night before. These are all the elements that compounded McCoy's interrogation techniques.

FALSE EVIDENCE

Although it is not technically against the law in the United States, McCoy is consistently deceptive throughout the interrogation. McCoy states that HE personally talked to CW and MW in two different locations [1]. This is physically impossible as both forensic interviews were conducted at the same time. McCoy then contradicts his prior statement when he states: "the person who did the interview with these boys is a highly trained forensic interviewer with children - okay - they are not like me, I'm not qualified to conduct that kind of interview with those children - I'm not" [2].

To bolster his false evidence, McCoy also lied about the interviewer being "highly trained" - they were nothing other than the run-of-the-mill Child Advocacy Center interviewer - nothing particularly special.

Most significantly, McCoy lies about MW and CW both accusing me of exposing myself [3] - as seen from the prior analysis of their interviews, they never made such an allegation. Their stories also did NOT match as McCoy continuously alleged - it was simply part of the false evidence ploy designed to force me to confess.

McCOY'S MONOLOGUES

It is self-evident that Officer McCoy used the Reid Technique to break me down and capitulate to his narrative. The overall intensity of the interrogation is lost in its written format. Although my interrogation is not necessarily argumentative it was without doubt highly confrontational. The vast majority of the interrogation is dominated by McCoy's monologue. Through this monologue McCoy cuts off any opportunity to deny the allegations (remember the Reid Training Video states: "If you've let him talk and say the words 'I didn't do it' the more difficult it is to get a confession") and issues bold assertions of guilt to bolster that he reportedly had incontrovertible evidence against me.

He alleges: "Scott, I have a case on you that is iron clad shut

- I've got a very good case on you, better than most" [1]. He makes an argument that is guilt-presumptive and can not honestly or logically be denied - Why would he pick me out of 50 other counselors at camp? CW and MW lived 300 miles apart - How could they provide the exact same story (even though they didn't)? How could they come up with a lie that matched?

I could not explain these questions away - because I simply didn't know. McCoy's paradox caused me to question whether I had actually done something wrong. I asked: "... what was the - what was I - what did I do to them?" [2]. I was clearly confused. McCoy later stated: "Think about it for a minute. If you were a jury and I gave you this information would your decision be guilty or not guilty". My response was "It would be guilty" [3]. This was not an admission that I did it, just an acknowledgment that the so-called "evidence" was stacked against me. Interestingly, I still did not know what I was actually accused of - I asked: "What am I accused of doing to them" [4].

As the studies have shown, people capitulate when they believe that the police have strong evidence against them [5], so this triggered the internalized cognition that the risk of confession was relatively low and that my best option would be to give him what he wanted. But what did he want? Well, his monologue is ripe with repetition of his crime narrative. McCoy fed me the details of the allegations - "You woke them up at night - and told them that they could play in your bed and some other things took place after that - and you know exactly what I'm talking about" [6]; "... during that event, these boys exposed themselves, and you touched them, and you exposed yourself and things like that took place" [7]; "It didn't happen during the day, it didn't happen at 12:00 o'clock with everyone watching, it didn't happen in the morning, it didn't happen in the evening, it happened at night time" [8]; "- You did not penetrate either boy - you didn't do it - didn't put your penis into their anus or their mouth or anything like that - you didn't put your mouth on them or anything like that - I know that, but what you did do, you touched them - you touched both of them... These boys

say that you woke them up - the one boy said that you woke him up more than the other one did - [MW] - [MW] said that you woke him up more than the other one did - he did say that - Scott this occurred" [9].

MINIMIZATION

McCoy then attempts to minimize the situation and present himself as an ally - "the only reason I'm here with you today is I just want to talk to you about this event... My main object right now - is not to see you incarcerated for the rest of your life in a jail in Texas and never go back to Australia" [1]; "Now things may be different in your country then they are here, people may be able to act a little bit different than they are here - they may be able to - I don't know the laws of Australia, people may be - they may be more liberal, people may - are more relaxed or something" [2]; "Now Scott I'm not making you out to be the worst bad guy I've ever interviewed or I've ever dealt with" [3]; "Tell me if you got close to the boys - if you wanted to - you know - get closer to these two boys and somebody else you met that reminded you of somebody - if they reminded you of somebody back home or - you know - or are they - some reason you got affection with these two boys for some reason, I don't know - but I'd like to hear about it, you know" [4].

At the same time McCoy threatens that if he is forced to he would take me to trial - inadvertently implying that if I confessed I would escape prosecution. What was beyond my understanding at that time is that an investigator has no authority in the realm of prosecution and there was nothing McCoy could do to guarantee any level of leniency. In fact his goal was to break me down to get a confession. His duty as an investigator was directly contrary to my liberty interests.

McCoy threatens: "... what I'm gonna do - if I'm forced to - is take you to trial..." [5]; "Scott I've only got a couple of re-course in this case too - I can talk to you and get your side of the story about what took place - the truth, or I take this case to trial" [6]; "I've got a hard case against you Scott,

and I'd rather not take you all the way - I'd rather not" [7].
By my nature, I was once trusting and submissive to people in authority, especially law enforcement - who I believed could not (and would not) lie. So as an authority figure, why wouldn't I believe McCoy? Confessing was in my own best interest - right? No...

THE TEATHERING PATTERN

Because of the coercive nature of the Reid Technique, McCoy essentially had me on a teather of social compliance. By page 18 of the interrogation transcript, McCoy finally overcame my factual, moral, and emotional objections - he broke me. There is a distinct pattern of teathering in McCoy's manipulation of my false confession:

- <A> McCoy asks a leading question;
- I respond in the negative;
- <C> McCoy tells me that the boys said I did it;
- <D> To conform with McCoy's desired answer, I change my response.

Consider the following transactions:

M: Okay - Did you touch him on his penis? <A>
S: (shakes head no)
M: Okay, [MW] told me you did <C>
S: Yes I did - yes <D> [1]
* * * * *
M: but you did put your hand on his buttocks that's what he told us - that occurred? <A>
S: (shakes head no) No.
M: Well he told us that it happened <C>
S: (shakes head yes) <D> (shakes head no) I didn't do that.

[2]

NOTE: In the above exchange, although I stayed solid in my denial, the conflict and confusion I was suffering is obvious.

After I committed myself to the false confession, I had no real choice but to follow McCoy's lead. It is clear that I attempted to describe the humping incident but it was twisted in such

.....a way as to shift culpability from MW's behaviour to myself.

It became a slippery slope. At one point McCoy asks:

M: Did you put your hands in his pants and touch him on his penis

S: No.

M: That's what he said took place.

S: No.

M: Well you told me you did it twice. You touched him on his penis twice.

S: Um-hm (affirmative) [3]

There was absolutely no way that McCoy would honor my denials.
The noose was skillfully around my neck.

* * * * *

THE FOLLOWING IS AN EXTENSIVE EXTRACT OF THE INTERROGATION THAT
RESULTED IN MY FALSE CONFESSION:

* * * * *

SCOTT: Um, yeah.

MCCOY: But not any of the rest of them - you wouldn't favor any of the rest of them - or got close to any of the rest of them.

SCOTT: Not really - I was close to all of them, but um - it always changed cause when the kids first arrived they were different to when they leave, like C█ when he first came he was like really quiet and stuff, and then he came out of his shell, and M█ when he got there, he didn't want to walk, he used to throw temper tantrums and that sort of thing, and then towards the end he wouldn't complain so much and that sort of thing, so.

MCCOY: Nothing else with any of the rest of the boys?

SCOTT: No.

MCCOY: Okay. I talked to - talked to C█ and I talked to M█, and I talked to them in two different locations, and uh, they both told me a story that occurred with you, and the story was different then the story I got from anybody else.

SCOTT: You've spoken to all of them.

MCCOY: Sorry.

SCOTT: You've spoken to all of them.

MCCOY: I've spoken to a lot of the kids and uh, C█ and M█ they gave me a series of events that occurred with you, you know, some exposure and things like that and some things that occurred at night time with you. Do you know what I'm talking about?

SCOTT: No.

MCCOY: Okay. C█ and M█ have told me that you exposed yourself to them, exposed your penis to them...

SCOTT: ...Um-hm (affirmative)

MCCOY: And that you asked them to expose themselves - and you touched them on the buttocks and you touched them on the penis.

SCOTT: That didn't happen.

MCCOY: Okay. Why would two little boys tell me that, and nobody else tell me that.

SCOTT: I don't know.

MCCOY: The case I got against you Scott - how many counselors do you think are in this entire camp ground - how many counselors?

SCOTT: Fifty.

MCCOY: Fifty - why would I pick you out of all the fifty that are there to go all the way to the airport to have the airport police to arrest you take you to that jail and haul you all the way over here - okay - out of all fifty people that were there, you are the only one that I contacted. I didn't contact anybody else - and out of all the boys at this cabin, this boy C [REDACTED] and this boy M [REDACTED] - you know how far apart they live. The boy M [REDACTED] he lives in [REDACTED] over here and C [REDACTED] he lives in [REDACTED]. I've got one boy there in [REDACTED] and one boy there in [REDACTED], and there's about five hours of travel time between the two boys.

SCOTT: Um-hm (affirmative)

MCCOY: Probably three hundred miles, or so - these boys live in different places, they don't know each other, they've never met each other before they went to camp, they don't know - and after they left camp that boy told his mother, and that boy told his mother what happened at that camp, and this boy had an interview and this boy had an interview and those two interviews - both these boys give the same information about what occurred at that camp, and they are both adamant about what happened, they are embarrassed about what happened, okay...

SCOTT: Um-hm (affirmative)

MCCOY: They are not proud about what happened - they are embarrassed about it and they are ashamed about what happened - okay - now if this boy right here - that boy is seven and that boy is six - M [REDACTED] is six - now if that six year old boy and that seven year old boy, if they come up with a lie - if they were to try and tell an untruth, right - if they were questioned about some kind of lie, they would not have their stories together the way they do - okay - like if I - like if me and you was to try and come up with a lie...

SCOTT: ... What was the - what was I - what did I do to them?

MCCOY: Okay, there - each boy gives a series of events - each boy tells what happened okay and they tell me that you woke them up at night - and told them that they could play in your bed and some other things took place after that - and you know exactly what I'm talking about - okay - now these interviews that took place with these boys - the person who did the interview with these boys is a highly trained forensic interviewer with children - okay - they are not like me. I'm not qualified to conduct that kind of interview with those children - I'm not...

SCOTT: ... Um-hm (affirmative)...

MCCOY: I can interview people, adults, but I cannot interview children - it takes a lot of training to come to that level of being able to interview a child about sexual assault or sexual conduct or sexual - or somebody touching them and things of that nature, you know, if you put your hand on a child's penis or anus or vagina, it's an offense. And both of these interviews - these interviews took place three hundred miles apart, but on the same day, at the same time - yesterday at one o'clock is what time both interviews took place, and both boys told the same story about what took place, okay - and both these boys are telling me that you woke them up at night - they were in these bunks - both of them were in the lower bunk and both of them were side by side and you woke them up and told them that they could play in your bunk, and during that event, these boys exposed themselves, and you touched them, and you exposed yourself and things like that took place - I'm not gonna tell you exactly word for word what these boys said - but the event occurred Scott - I assure you - because if - if one boy made up a story and the other boy did not have the same story, it would be in your favor, you see what I'm saying - but right now we have that boy and that boy's story and they match perfect - they match about what took place. Now I'm not making you out to be a bad guy, Scott I'm not - I got you out of that Bexar County jail - do you remember what those jailers told you when you were there?

SCOTT: Yes.

MCCOY: What did they tell you?

SCOTT: Don't tell anyone what you've been accused of.

MCCOY: Yeah, I knew that before - you know - I knew that yesterday when I heard about this case. I didn't want you to go to that Bexar County jail - I don't want anything to happen to you, okay.

SCOTT: Um-hm (affirmative)

MCCOY: And now - what would be the likelihood - how many boys do you think are in this entire camp ground.

SCOTT: 150.

MCCOY: 150 boys - so you've got 150 boys and you've got 50 counselors - of all those people why would I pick out two boys and one guy - I can't make this up - you know what I mean - I didn't just fabricate this event - you see what I'm saying - that one boy told his mother, that boy told his mother and the mother's contacted me, and then I set up an interview with both the boys with a forensic interviewer, and it was recorded, I got a CD of the interview and what I'm gonna do - if I'm forced to - is take you to trial and I'm gonna show the jury - a panel of twelve people - I'm gonna show them the interview with one boy and then I'm gonna show them the interview of the other boy - and these interviews took place at the same time three hundred miles apart - I mean

it's not like one kid did an interview and then he called the other kid okay you say this - you know, I mean six and seven year olds won't do that any how - but with the interviews happening at the same time they didn't have a chance - you know - these boys didn't communicate - they went to camp - spent three and a half weeks with each other in that little dorm with you and these other guys and they left, they never met each other before ever, they don't know each other and then they come up with these stories that match like a glove - okay. Now Scott what I'm gonna do - the only reason I'm here with you today is I just want to talk to you about this event.

SCOTT: Um-hm (affirmative)

MCCOY: My main objective right now - is not to just see you incarcerated for the rest of your life in a jail in Texas and never go back to Australia, that's not my main objective in this case - okay. My main objective in this case is to find out what happened - to find out the truth - I haven't lied to you yet - that hadn't occurred okay - I'm not going to, now these two little boys told me that you woke them up at night - that occurred correct.

SCOTT: (inaudible) No I didn't.

MCCOY: Scott why would these boys lie.

SCOTT: I don't know.

MCCOY: Why? I mean, it wasn't this kid, it wasn't that kid, it wasn't that kid and it wasn't that kid, it was that one and that one.

SCOTT: The reason that the camp is set up like this is so that we can all see each other.

MCCOY: Yeah, but if there is a flag draped right there and there is a top bunk the only way that can be seen is somebody standing right here looking that way - that's the only way that can be viewed and it happened at night when everybody was asleep - it didn't happen during the day - it happened at night time.

SCOTT: Um-hm (affirmative)

MCCOY: Scott, I have a case on you that is iron clad shut - I've got a very good case on you, better than most.

SCOTT: Um-hm (affirmative)

MCCOY: I work a lot of cases here, okay - this is not my first day to appear here and go to work, I've been doing this a long time - okay, I've been doing this since you were a small child in school - okay - there was a reason that the flag was there - there was a reason you were in this particular bunk with the wall right there - to kind of hide

a little bit of the view - okay, either self-consciously or consciously you landed right here, in this particular spot that would help with the event taking place, because the view is obstructed. It didn't happen during the day, it didn't happen at 12:00 o'clock with everyone watching, it didn't happen in the morning, it didn't happen in the evening, it happened at night time - and these two guys were asleep and even if they were awake they couldn't completely see what was happening because of that flag and that wall, with the way these beds are positioned, would you agree?

SCOTT: (Shakes head yes)

MCCOY: If I was either one of those two guys, I would have to almost get up walk all the way over here and stare over there to see what was happening - okay - you have a great vantage point Scott - you had a great one, I mean you place yourself in a strategic spot to commit this event, you see what I'm saying - now Scott do I look like the kind of guy who would go through all this trouble if this case was untrue?

SCOTT: (Shakes head no)

MCCOY: Now I went through a lot of trouble - okay, I drove all the way to San Antonio, I contacted the airport police - we waited on you - we tracked your flight and we made sure that you didn't reschedule - there's been a hold put on your passport where you cannot leave this country - even if you were to travel to another state - if you would have traveled to California you could not have left the border of the United States - okay. This is a serious case - it's a second degree felony.

SCOTT: What is that?

MCCOY: Prison time.

SCOTT: (Shakes head yes)

MCCOY: Now Scott I'm not making you out to be the worst bad guy I've ever interviewed or I've ever dealt with - because you don't seem to be - you never been in trouble before?

SCOTT: (Shakes head no)

MCCOY: Ever?

SCOTT: No.

MCCOY: Okay.

SCOTT: Speeding twice.

MCCOY: What?

SCOTT: Speeding twice.

MCCOY: Okay. Now things may be different in your country then they are here, people may be able to act a little bit different than they are here - they may be able to - I don't know the laws of Australia, people may be - they may be more liberal, people may - are more relaxed or something - I don't know - but over here what occurred is a second degree felony and there is only two felonies above that - first and capital - so the offense that occurred is pretty serious.

SCOTT: Um-hm (affirmative)

MCCOY: Okay. It's - you went from zero to nothing to a very high offense when this occurred okay - Scott I've only got a couple of re-courses in this case too - I can talk to you and get your side of the story about what took place - the truth, or I take this case to trial - if I take this case to trial Scott and I put those two boys on the witness stand with those videos and the jury sees those videos - if you were a juror - if you were a person - do you know what a jury is?

SCOTT: Yeah.

MCCOY: If you were a person sitting in the jury - and I laid this out the prosecutor explain all this - the prosecutor explain 50 counselors 150 kids and of all those people there were only three players - you and two little boys, if they laid this out the way this is strategically placed - if they viewed both the videos of both the boys - and both the boys their story is the same - they are the same. Boys can't retain lies like that - they may be able to retain - you know, a small portion, but they could not come up with an hour interview, with a forensic interviewer and they match great. The evidence is stacked against you big time Scott.

SCOTT: Um-hm (affirmative)

MCCOY: It's huge - it's very huge. What I would like for you to do is to help me help you, but right now I can't - if you continue to tell me nothing took place - then all I have to do is take this to a prosecutor - but what I would like to get from you Scott is just kind of explain to me what happened - just kind of talk to me about it, you know, tell me how it happened - tell me if you got close to the boys - if you wanted to - you know - get closer to those two boys and somebody else you met that reminded you of somebody - if they reminded you of somebody back home or - you know - or are they - some reason you got affection with these two boys for some reason, I don't know - but I'd like to hear about it, you know.

SCOTT: Um-hm (affirmative)

MCCOY: Think about it for a minute. If you were a juror and I gave you this information would your decision be guilty or not guilty.

SCOTT: It would be guilty.

MCCOY: I've got a hard case against you Scott, and I'd rather not take you all the way - I'd rather not - I'd rather not just take you and get you as many years as I possibly can on you - I'd rather not - I'm not using that as a threat - you yourself said that if you were a jury and you'd heard all this evidence you would vote guilty - you would - what if somebody from America went over to Australia and did this - you think the jury may be a little more upset because it was somebody from another country.

SCOTT: (Shakes head yes) Yes.

MCCOY: They may, I don't know if the jury would be like here, I don't know, but Scott I've got a case against you that is great. I really do. Was there something about these two guys that -

SCOTT: Um...

MCCOY: ... Was there some reason you wanted to contact them more than anybody else.

SCOTT: Contact them?

MCCOY: Contact them the way you did.

SCOTT: What am I accused of doing to them.

MCCOY: Touching them - touching their penis. (Pause) Now what you did do and what you didn't do is important.

SCOTT: Um-hm (affirmative)

MCCOY: But what you did not do - you did not penetrate either boy - you didn't do it - you didn't put your penis into their anus or their mouth or anything like that - you didn't put your mouth on them or anything like that - I know that, but what you did do, you touched them - you touched both of them. I understand that - that's what occurred, because both boys stated what happened and what didn't happen - it's remarkable that they are both the same - because we asked both boys if Scott put his finger in their anus or if he put his mouth on them or anything like that and they said no - they said it didn't happen - but they did say Scott touched them - and I believe that took place - I have no doubt that took place. These boys say that you woke them up - the one boy said that you woke him up more than the other one did - M■ - M■ said that you woke him up more than the other one did - he did say that - Scott this occurred.

SCOTT: Um (shakes head yes)

MCCOY: I understand this occurred. I've got enough evidence to believe that it occurred and watching you, watching your body movements - you know when I arrested you at that airport, I could tell it occurred, just by - just by - if I was to arrest you for murder. If I was to come up to that airport and say Scott you are under arrest for murder of five people - your eyes would pop out like that - and wonder what I was talking about. When I arrested you for this you weren't that surprised. Can you tell me how it went that night...

SCOTT: ... I was in shock...

MCCOY: ... Can you tell me about how...

SCOTT: ... I don't know - okay M■■ - M■■ would never go to sleep on his own (inaudible)

MCCOY: Okay.

SCOTT: Um - so...

MCCOY: Did you talk to them a lot at night, did you talk to M■■ a lot at night.

SCOTT: I would tell him a story to get him to sleep.

MCCOY: Okay - okay.

SCOTT: I would go to my bed, he would get up and come over to my bed wake me up or whatever - "I can't sleep" So I would tuck him in and read him stories, it happened all the time.

MCCOY: Okay - Did you touch him on his penis?

SCOTT: (shakes head no)

MCCOY: Okay, M■■ told me you did.

SCOTT: Yes I did - yes.

MCCOY: You did?

SCOTT: Um-hm (affirmative)

MCCOY: How many times?

SCOTT: I can't recall - twice.

MCCOY: Twice?

SCOTT: (shakes head yes)

MCCOY: Okay - how many times did you touch him on his buttocks?

SCOTT: Um - (shakes head no) None.

MCCOY: Okay.

SCOTT: I used to kick him on the bottom, and that sort of thing, but then George, the activity director said it was inappropriate so I stopped that.

MCCOY: Okay. Did you put your hands in his pants and touch him on his penis.

SCOTT: No.

MCCOY: That's what he said took place.

SCOTT: No.

MCCOY: Well you told me you did it twice. You touched him on his penis twice.

SCOTT: Um-hm (affirmative)

MCCOY: Okay, was it underneath his clothes or...

SCOTT: It was on top of his pants.

MCCOY: Okay. You said that happened twice.

SCOTT: (shakes head yes)

MCCOY: Okay - He said that - when we described to M■■ about his buttocks, and we kind of described to him about how his buttocks cheeks are and he said that you didn't put your finger in there, but you did touch him on it - but you did put your hand on his buttocks that's what he told us - that occurred?

SCOTT: (shakes head no) No.

MCCOY: Well he told us that it happened.

SCOTT: (shakes head yes)(shakes head no) I didn't do that.

MCCOY: Okay, the night that you had both boys go to your bunk - that night that you had both of them go to your bunk - that occurred.

SCOTT: (shakes head no) No.

MCCOY: Okay, why would both boys say that?

SCOTT: So your saying that they both came to my bunk and I showed them my penis or something.

MCCOY: Well both boys told me that you woke them up and that they went to your bunk and you had them expose themselves to each other - you had both boys expose themselves and then touch their two penis' together - that occurred. Do you remember that night?

SCOTT: Yes (shakes head yes)

MCCOY: Okay - did you have both boys pull their pants down to expose their penis and you had them touch penis - like that.

SCOTT: (shakes head no)

MCCOY: That's what they told me happened.

SCOTT: No, they just pulled it out.

MCCOY: They just pulled it out?

SCOTT: Yeah.

MCCOY: Okay, did you ask them to do that?

SCOTT: No.

MCCOY: Well they told me...

SCOTT: ... M■■ was a little (inaudible)

MCCOY: Huh?

SCOTT: He wasn't in my bunk - I was sitting on C■■'s bed...

MCCOY: ... Okay...

SCOTT: ... Talking to C■■ because he was feeling sick...

MCCOY: ... Okay...

SCOTT: ... Because he hadn't eaten for ages - and I was talking to C■, and M■ came up and sat in my lap.

MCCOY: ... Okay...

SCOTT: ... And that's what happened.

MCCOY: Okay, did you - I mean, can you tell me how it went? Can you tell me what you asked them to do, or what they did, or how did it go.

SCOTT: Well C■ was feeling sad so, um, I said to M■ why don't you give C■ a hug, and you know...

MCCOY: ... Okay - But the boys are telling me that you asked them to expose their penis and they didn't, and then you exposed yourself.

SCOTT: (shakes head no)

MCCOY: Okay.

SCOTT: No.

MCCOY: And then the boys are saying that you had them touch penis to penis like that - did that occur? (Pause) Both the boys tell me that.

SCOTT: Um-hm (shakes head yes)

MCCOY: Okay, so it happened.

SCOTT: Yeah.

MCCOY: Okay - with their pants down.

SCOTT: No - M■ had his penis pulled out - C■ had his underwear on still.

MCCOY: C■ still had his underwear on?

SCOTT: Yeah.

MCCOY: Okay - so M■ had his penis out - and C■ had his underwear on - and you had them touch penis to penis.

SCOTT: I made them hug - yeah.

- Chapter Five -

**THE ILLEGAL INTERROGATION:
THE VIOLATION OF MY RIGHT TO COUNSEL**

"In all criminal prosecutions,
the accused shall enjoy the right...
to have the Assistance of Counsel
for his defense"

- 6th Amendment to the
U.S. Constitution

THE RIGHT TO AN ATTORNEY

THE MIRANDA RULE

In the Miranda Opinion [1], the U.S. Supreme Court said:

Once warnings have been given, the subsequent procedure is clear. If the individual indicates in any manner, at any time prior to or during questioning, that he wishes to remain silent, the interrogation must cease. At this point he has shown that he intends to exercise his Fifth Amendment privileges; **any statement taken after the person invokes his privilege cannot be other than the product of compulsion, subtle or otherwise.**

Without the right to cut off questioning, the setting of in-custody interrogation operates on the individual to **overcome free choice** in producing a statement after the privilege has been once invoked. **If the individual states that he wants an attorney, the interrogation must cease until an attorney is present.** At that time the individual must have an opportunity to confer with the attorney and to have him present during any subsequent questioning. If the individual cannot obtain an attorney and he indicates that he wants one before speaking to police, they must respect his decision to remain silent. [2].

The quoted language commands that, once a suspect indicates either a desire to remain silent or a desire for an attorney, all questioning must stop, at least until the suspect confers with an attorney.

Miranda created a rigid rule that an accused's request for an attorney is per se an invocation of Fifth Amendment rights, requiring that all interrogation cease. This rigid rule is based on an attorneys unique ability to protect the Fifth Amendment rights of a client undergoing custodial interrogation. Once an accused person indicates that he or she is not competent to deal with the authorities without legal advice, Courts will closely examine any later choice to make a decision without counsel's presence.

Therefore, although an accused may waive Miranda Rights and submit to interrogation, the U.S. Supreme Court has recognized that additional safeguards are necessary after an accused has exercised the right to counsel/attorney.

THE EDWARDS RULE

The U.S. Supreme Court established these safeguards in the case of *Edwards v. Arizona* [3]. EDWARDS RULE is 'designed to prevent police from badgering a defendant into waiving his previously asserted Miranda rights' [4]. The rule ensures that any statement made in subsequent interrogation is not the result of coercive pressures [5]. The Court held:

[W]hen an accused has invoked his right to have counsel [attorney] present during custodial interrogation, a valid waiver of that right cannot be established by showing only that he responded to further police-initiated custodial interrogation even if he has been advised of his rights. We further hold that an accused... having expressed his desire to deal with police only through counsel, is not subject to further interrogation by the authorities until counsel has been made available to him, unless the accused himself initiates further communication, exchanges, or conversations with the police [6].

THE MINNICK RULE

The requirement that counsel be "made available" refers to more than an opportunity to consult with an attorney outside the interrogation room. In *Minnick v. Mississippi* [7], the Supreme Court held that:

... a fair reading of EDWARDS and subsequent cases demonstrates that we have interpreted the rule to bar police-initiated interrogation unless the accused has counsel with him at the time of questioning... [W]hen counsel is requested, interrogation must cease, and officials may not reinitiate interrogation without counsel present, whether or not the accused has consulted with his attorney. [8]

The Minnick Rule has no time limitation and is effective as long as the suspect remains in custody. Therefore, once a defendant invokes the right to counsel, the police are forever barred from initiating further custodial interrogation of the defendant unless defense counsel is present at the interview. Moreover, the Minnick Rule bars further police-initiated interrogations about unrelated charges unless counsel is present [9].

In summary, unless counsel/attorney is present, or unless the accused initiates further conversations, a waiver of Miranda Rights after invocation of the Right To Counsel is presumed INVOLUNTARY and are inadmissible at trial [10].

THE VIOLATION OF MY
RIGHT TO AN ATTORNEY

After my arrest at the San Antonio Airport, I was taken to the San Antonio Police Department by Officer Jeff McCoy. McCoy then took me before a Bexar County Magistrate Judge where I affirmatively requested an attorney. This unequivocal request was documented on the Magistration Paperwork, which states:

THE MAGISTRATE ASKED WHETHER THE PERSON WANTS TO REQUEST APPOINTED COUNSEL. THE ACCUSED DOES DOES NOT WANT TO REQUEST COURT APPOINTED COUNSEL.

This request for an attorney before a State Magistrate Judge was a clear indication that I did not feel competent dealing with the authorities without legal advice, and thus, I intended to exercise my Fifth Amendment privileges.

Regardless, McCoy proceeded to transport me directly to Kerrville where he initiated an interrogation WITHOUT an attorney. He did absolutely nothing about getting me the attorney I requested. Under undue influence, and the inherent coercive environment of the interrogation, I subsequently gave a false confession and signed a statement that McCoy wrote.

As a matter of United States law, my interrogation was illegal and Constitutionally prohibited by EDWARDS RULE.

* * * * *

THE FOLLOWING IS A COPY OF MY MAGISTRATION PAPERWORK.
THIS IS REFERRED TO AS "EXHIBIT 13" DURING MCCOY'S DEPOSITION.

* * * * *

INTAKE #: 1354438

MAG NO. _____

CITY: _____

COURT NO: _____

THE STATE OF TEXAS
COUNTY OF BEXAR

COUNTY/STATE: KERR
WARRANT NO: 09-6047W
ASSIGN/CASE NO: _____
ARREST DATE: 20090820
ARREST TIME: 1116

TX

MAGISTRATE WARNING

BEFORE ME, ~~THE~~ **AUG 20 2009** UNDERSIGNED, MAGISTRATE OF BEXAR COUNTY, TEXAS, ON THE ____ DAY
OF _____, AT **1240** O'CLOCK A.M./P.M. AT THE MAGISTRATE COURT APPEARED
ZIRUS, SCOTT AT WHICH TIME I INFORMED THE ACCUSED OF THE CHARGE
INDECENCY W/CHILD SEXUAL CON, FILED AGAINST HIM/HER
AND OF ANY AFFIDAVIT, COMPLAINT, OR VERIFICATION OF A WARRANT FILED THEREWITH.

THE DEFENDANT WAS INFORMED:

1. OF HIS/HER RIGHT TO REMAIN SILENT;
2. OF HIS/HER RIGHT TO RETAIN COUNSEL;
3. OF HIS/HER RIGHT TO REQUEST THE APPOINTMENT OF COUNSEL IF HE/SHE IS INDIGENT AND CAN NOT AFFORD COUNSEL;
4. THAT HE/SHE WILL BE ALLOWED A REASONABLE TIME AND OPPORTUNITY FOR COUNSEL;
5. OF HIS/HER RIGHT TO HAVE AN ATTORNEY PRESENT DURING AN INTERVIEW WITH PEACE OFFICERS;
6. OF HIS/HER RIGHT TO TERMINATE AN INTERVIEW AT ANY TIME;
7. THAT HE/SHE IS NOT REQUIRED TO MAKE ANY STATEMENT;
8. THAT ANY STATEMENT MADE BY HIM/HER MAY BE USED AGAINST HIM/HER AT TRIAL AND IN COURT;
9. OF HIS/HER RIGHT TO HAVE AN EXAMINING TRIAL;
10. IF FROM A FOREIGN NATION, THE RIGHT TO ACCESS HIS/HER CONSULATE;
11. OF THE PROCEDURES FOR REQUESTING A COURT APPOINTED ATTORNEY
 - A. THAT AN APPLICATION NEEDS TO BE COMPLETED TO DETERMINE IF HE/SHE QUALIFIES FOR COURT APPOINTED COUNSEL;
 - B. THAT A CLERK WILL ASSIST HIM/HER IN FILLING OUT THE APPLICATION
 - C. THAT AN AFFIDAVIT NEEDS TO BE SIGNED;
 - D. THAT AN AFFIDAVIT IS A WRITTEN OR PRINTED DECLARATION OR STATEMENT OF FACTS MADE VOLUNTARILY AND CONFIRMED BY OATH BEFORE A PERSON HAVING AUTHORITY TO ADMINISTER SUCH OATH;
 - E. THAT HE/SHE MUST QUALIFY FOR COURT APPOINTED COUNSEL;
 - F. THAT IF HE/SHE MEETS INDIGENCE STANDARDS HE/SHE WILL QUALIFY FOR COURT APPOINTED COUNSEL;
 - G. UPON QUALIFICATION PRETRIAL SERVICES WILL PROVIDE THE NAME AND PHONE NUMBER OF THE ATTORNEY; AND
 - H. THAT COURT APPOINTED COUNSEL SHOULD CONTACT HIM/HER BY THE END OF THE FIRST WORKING DAY AFTER APPOINTMENT.

THE MAGISTRATE ASKED WHETHER THE PERSON WANTS TO REQUEST APPOINTED COUNSEL.
THE ACCUSED **DOES** DOES NOT WANT TO REQUEST COURT APPOINTED COUNSEL.

YOU ARE REMANDED WITHOUT BOND.

BOND SET: \$ 100000.00

WARNING RECEIVED, (THIS IS NOT AN ADMISSION OF GUILT)

AUG 20 2009
MAGISTRATE / DATE

AUG 20 2009
X **Scott Zirus**
ACCUSED / DATE

Scott Zirus

McCOY ADMITS TO EDWARDS RULE VIOLATION

On 10th July 2012, as part of Discovery for the Multi-Million Dollar Lawsuits, my Pro Bono Civil Attorney deposed Officer Jeff McCoy. In significant part, McCoy testified to the following:

1. After my arrest, I was taken before a Bexar County State Magistrate Judge.
2. During the Magistration Hearing, I invoked my Right to an Attorney.
3. McCoy was given a copy of the Magistrate Paperwork which he placed in his "stack of papers".
4. Officer McCoy initiated the interrogation, and I did NOT request to be interviewed.
5. That I was NOT provided the requested attorney during interrogation.
6. That I was under arrest (a prisoner) during the entire interrogation.
7. Although knowing about the Magistrate Paperwork, Officer McCoy made absolutely no attempt to get me the attorney I legally requested.

DEPOSITION OF OFFICER JEFF McCOY

10th July 2012
Pages 69-75

BY MR. GIBSON:

Q. Officer, I'm Jerry Gibson. I represent Scott Zirus in this case. I just have a few questions of you. First I'd like to call -- go back in time to the time when you arrested Mr. Zirus at the airport, correct?

A. True.

Q. Okay. Now, at that time -- what time of the day was that when you arrested him, sir?

A. 10:45.

Q. And at that time, did you have him sign a Miranda statement?

A. Yeah. He signed a -- yeah. He signed a Miranda statement there shortly after he was arrested. We walked him from -- where he was arrested he was standing in line for -- to board and I've got a copy of the Miranda that he signed.

Q. Could you pull that, please?

A. Sure.

Q. I'd like to make that as an exhibit. I've got a Bates number on mine. I'm not sure that would help you.

A. 10:45 a.m. is when he signed it.

Q. Could you hand that to the court reporter? I'd like for her to mark that as the next exhibit, please, sir.

(Exhibit No. 12 marked.)

Q. (BY MR. GIBSON) As I understand it, after he was arrested in the airport he was taken to see a magistrate in San Antonio?

A. Yes.

Q. And what happened at the magistrate's?

A. He was told of his -- why he was arrested and the magistrate read him a document.

MR. GIBSON: All right. Let's ask the reporter to mark this as an exhibit, please. Just for the record, it's Bates 605.

(Exhibit No. 13 marked.)

Q. (BY MR. GIBSON) What number do we have there?

A. 13.

Q. Can you identify No. 13, please, sir?

A. Yes, sir.

Q. What is that?

A. It's the magistrate's warning, Bexar County.

Q. This is a record of the appearance before the magistrate in San Antonio. Can you tell the court what time of day it was?

A. 12:40.

Q. P.m.?

A. P.m.

Q. Okay. And does it bear Scott Zirus's signature?

A. Yes.

Q. And the date is what?

A. August 20, 2009.

Q. And then after they - after that appearance before the magistrate Mr. Zirus then was brought to Kerrville for interrogation, correct?

A. He was brought to Kerrville for an interview, yes, sir.

Q. Okay. I didn't -- I didn't want to use a -- if I use a term like that wrong, correct me. He was brought here specifically for the purpose of you interviewing him, right?

A. True.

Q. All right. Did he request to be interviewed?

A. No.

Q. Did he have any choice in going to the interview room?

A. Did he have a choice?

Q. To go to the interview room?

A. Yes.

Q. Okay. What choice did he have?

A. He could have said no.

Q. Who took him to the interview room?

A. I did.

Q. Anybody with you?

A. No.

Q. Okay. And at that point he was a prisoner, correct?

A. True.

Q. And he remained a prisoner during the entire interview process?

A. True.

Q. Did you have with you at that time a copy of the magistrate warning, which we've marked as an exhibit?

A. Yes.

Q. Okay. What did you do with it prior to interviewing Mr. Zirus?

- A. Prior to?
- Q. Yes, sir.
- A. Kept it in my stack of papers I'm sure.
- Q. Did you notify anybody at the district attorney's office that he had been taken before a magistrate and had signed a form?
- A. Can you repeat that question?
- Q. Did you notify anybody at the district attorney's office in Kerrville about -- of the existence of this form concerning his appearance before the magistrate?
- A. Yes.
- Q. When?
- A. After the interview.
- Q. Well, before the interview you did nothing with the form, correct?
- A. No.
- Q. What did you do before the interview to notify the district attorney's office that Mr. Zirus had requested counsel be appointed for him?
- A. Nothing.
- Q. Did you notify the district judge or the district judge's clerk?
- A. No.
- Q. Did you notify anybody?
- A. No.
- Q. But you knew that Mr. Zirus had, in fact, requested counsel at the appearance before the magistrate at 12:40 p.m., correct?
- A. I did not know that.
- Q. Well, take a look at the -- at the form that you've identified again. What exhibit is that?
- A. 12 -- 13.
- Q. All right, sir. Have you actually -- have you ever read this form before this moment?

A. Yes.

Q. When?

A. I can't give you the exact date and time I read it.

Q. Okay. well, take a look down there at the last -- you'll see down at the bottom there it says, you're remanded without bond or bond is set. You see that part?

A. Yes.

Q. Take a look at the sentences before that. Could you read that to the -- to the court?

A. The magistrate asked whether the person wants to request appointed counsel. The accused does want to request appointed counsel.

Q. So he did request appointed counsel at that interview with the magistrate, correct?

A. With the magistrate, yes.

Q. Okay. Did the authorities take any action to obtain appointed counsel for Mr. Zirus before you began the interview process that day?

A. No.

Q. So basically Mr. Zirus at the hearing before the magistrate had requested counsel, but essentially nothing was done to obtain counsel before the interview began, correct?

A. He did not request counsel with me.

Q. He did request counsel to the magistrate, right?

A. True.

Q. And nothing was done to obtain counsel for Mr. Zirus before the interview process began, correct?

A. True.

* * * * *

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Q. Did you understand at the time you began the interview process with Mr. Zirus that the sixth amendment of the United States Constitution guarantees the defendant the right to have counsel present at all credible stages of the criminal proceeding against him including interrogation?

A. Requires?

Q. Yes, sir.

A. I'm unknown to that.

Q. Is it fair to say that you -- in your interview of Mr. Zirus that you basically ignored the request for appointed counsel as shown in the magistrate report?

A. No.

Q. What did you do then?

A. I read him the form, which is the standard operating procedure of our department.

Q. But since you had just -- you just kept the form in your file, really there was nothing anybody was ever going to do at that point to get him appointed counsel because the people that needed to know didn't know he requested it, correct?

MR. SAWICKI: Objection, form.

A. I can't answer that question.

Q. How are appointed counsel appointed in Kerrville?

A. I don't know.

Q. Who appoints them?

A. I don't know who appoints them.

Q. Just for the record, it is true he did not have counsel at the time of the interview, correct?

A. True.

* * * * *

Although it is beyond all doubt that I invoked my Right to an Attorney prior to being illegally interrogated by McCoy, none of this was raised during the suppression hearing held on 5th February 2010 to determine whether my false confession would be admissible against me at trial. My court-appointed counsel failed to present the Magistration Paperwork or question McCoy along the same lines as in his deposition. Consequently, the court ruled that my Right to an Attorney was NOT violated, my so-called confession could be used to convict me if I decided go to trial.

THE COLD PLEA OF GUILTY

A "**Cold Plea**" is when an innocent person enters a plea of guilty that is without genuineness or sincerity.

It is often done out of coercion or for strategic reasons - not actual guilt.

A "Cold Plea" is technically a perjurious plea because it is taken under oath and is untrue.

"Only free men can negotiate;
Prisoners cannot enter into contracts"

- **Nelson Mandela**, 10th February 1985
(Statement from Prison)

THE COLD PLEA OF GUILTY

I have been harshly judged for accepting a plea bargain for a crime I did not commit. The common stream of logic is - "if he wasn't actually guilty, he wouldn't accept a plea bargain admitting such" - But that logic ignores the inherently coercive reality of incarceration.

When you are deprived of your liberty, you don't have the capacity to enforce your will. You are denied your natural power to decide what you eat, what to wear, whom you associate, even when you defecate. Any attempt to impose your will upon the State is met with threat or physical force. Yes, in principle you may have "Rights", but you're often incapable to enforce them.

A plea bargain is a negotiated contract - But to negotiate without coercion, the two parties must be on near equal playing fields. This is not possible when a person is physically, mentally, and spiritually restrained by the State.

How do you negotiate with your captors? Prisoners cannot enter into contracts because they have not the ability to negotiate. They are inherently denied the ability to confer with the State in a meaningful manner as to arrive at a mutually agreed settlement. It is pure coercion.

Most people who judge me so harshly have never felt the chafe of handcuffs, or the anxiety of being locked in a cell - void of stimulation for months on end - Yet alone experienced the demoralization of being stigmatized by the allegation of some socially unacceptable act. They are quick to declare what they would do from a freeworld perspective - "I would say no, I would refuse" - and I did. But it was for naught. They fail to realize that the free-will they enjoy ends at those gates. In essence, I was a slave long before I was convicted. It was simply a process of breaking me down to accept it on their terms. Was I weak, or was I simply human? Either way, I was eventually broken by the State.

I didn't adjust well with the transition from my life in rural Western Australia to a foreign jail cell. It was a massive shock to say the least. Even Kathy Ragsdale recognized this: "Scott was in a strange land. It's my understanding he was an atheist. He was somebody that had lived outside in nature a great deal, and from what I had seen of him at camp, I felt that being incarcerated without fresh air would be mentally devastating to him" [1].

I was scared and lonely, choked by a sense of powerlessness. Describing how I felt after being convicted, I wrote: "I could feel a hollowness in my head. A numb pain ached my heart. This can't be real. What have I done to deserve this? The shadow cast by the bars cut across my legs as I sat against the cell wall. The cement felt cold against the back of my legs. I felt like shaking the bars and screaming - but I knew it would be in vain. No one wanted to listen. No one cared... But how could I let everyone know the truth when I'm locked up in here? Not even all my letters home were making it. I wish it would all just go away. Out of frustration I felt that if I killed myself then they would realize how serious I was. But I didn't want to die, I just felt so powerless and wanted to get their full attention. But Charles [Cell Mate] was right, they would think I killed myself because I was guilty. I was just so frustrated that I didn't know how to express it. Everything seemed futile. I couldn't even get my lawyers to listen to me. Its hopeless. I feel like giving up - but I can't. This can't be the end. I lifted my knees up and cradled them in my arms. What am I going to do? Is it all pointless? Should I give up? I wish I'd never came to this blasted country. I just want to go home. I let my questions torment me for a while longer before deciding to get up and walk off the tension. I paced back and forth in my cage that had been my only realm for months, until my legs started aching" [2].

It's from within this realm that my so-called "decision" to enter a Cold Plea of guilty had been made.

THE SCIENCE BEHIND COLD PLEAS

On rare occasions the Court experiences a moment of realism and honestly recognizes that "the decision to plead guilty ... may be influenced by factors that have nothing to do with the defendant's guilt [1]... Innocent people may plead guilty, for various reasons. An innocent person may want to take advantage of a discounted sentence in a plea bargain, rather than gamble on a far greater sentence if a mistaken verdict is returned. Or a person may not know what he is admitting and accept his attorney's advice that a guilty plea is prudent [2]... Surely we are not so naive as to believe that each and every one of these defendants is pleading guilty simply because he knows in his heart that he is guilty as sin and he wants to throw himself on the Court's mercy, divinely oblivious to any punishment that he might receive. We long ago recognized that the single most important reason that a defendant pleads guilty is because he has an advantageous plea bargain with the State which he believes minimizes his risks" [3].

Some of the principle objections that have been levelled against plea bargaining by critics include that inducements offered to plead guilty pressure innocent defendants into entering pleas of guilty [4]. Critics have also noted that some prosecutors are much more willing to plea bargain when their cases are weak, thereby enhancing the risk of innocent persons being convicted [5]. Defense attorneys have been criticized for their role in the plea bargaining as well. 'Quickly cop a plea and take the fee' seems to be the mantra of at least some defense attorneys. In addition, public defenders labouring under the demands of very heavy caseloads may be more likely to enter into plea bargains when it is not in the clients best interest to do so [6].

Trials are rare. In reality only about 3% of cases go to trial. "More than 2 million Americans are incarcerated following a plea agreement. Although the issue has not been widely studied, criminologists estimate that between 2 and 8 percent of convicted felons - from 40,000 to 160,000 people - are innocent of the

crimes to which they pleaded guilty, according to federal judge Jed S. Rakoff" [7].

Between 1st September 2009 and 31st August 2010 (the period in which I was convicted) there were 2503 convictions in Texas for sexual assaults - Plus a further 1179 placed on deferred adjudication probation. Out of the 2503 convictions, 2149 were guilty pleas. How many other people like myself entered cold pleas of guilty for crimes they did not commit?

FALSE CONFESSIONS OFTEN LEAD TO COLD PLEAS OF GUILTY

Confessions, whether or not they are true, carry significant weight in the minds of a jury. Professor Leo explains that "once a confession has been entered into the stream of evidence, even if it's contradicted by the facts, it's very hard for the defense to undo the damage. In a sense, the real trial has taken place in the interrogation room" [1].

Mock jury studies have shown that confessions have more impact than eyewitness and character testimony, other potent forms of human evidence [2], and that people do not fully discount confessions even when it is logically and legally appropriate to do so [3]. Confessions also tend to overwhelm alibis and other forms of exculpatory evidence, resulting in a chain of adverse legal consequences - from arrest through prosecution, conviction, and incarceration [4]. Often prosecutors refuse to concede innocence even after DNA tests unequivocally absolve the wrongfully convicted confessor [5].

So to avoid the inevitability of a harsh sentence, one might expect people who confess, even falsely, to plead guilty [6].

WAS MY PLEA DONE SINCERELY?

To emphasize the insincerity behind my guilty plea, and that it was entered due to coercive pressure and on a purely strategic basis, consider the following excerpts and specific timeline of events:

NEWS ARTICLE:

"US: ACCUSED AUSSIE PEDOPHILE BACKS OUT OF PLEA DEAL IN US"
by Peter Mitchell, AAP-International News
Tuesday, 13th April 2010

Accused Australian child molester Scott Zirus will risk being sentenced to life in the Texas jail system after backing out of a plea deal with US prosecutors.

Zirus, charged with assaulting three boys while working as a camp counsellor in Hunt, Texas, decided the jail term offered by prosecutors as part of the deal was too long.

The 26-year-old from Pinjarra, Western Australia, who has been locked up in a Texas jail since his arrest last August [2009], instructed his American lawyer James Patterson to fight the child sexual assault charges at a trial scheduled to begin in Kerr County on April 27 [2010]. "He's not going to plead", Mr. Patterson told AAP. "We thought we had it resolved and then he backed out. It was a lot of time and he just didn't want to accept that".

Then the following day, Wednesday 14th April 2010, I wrote a letter about my innocence to the West Australian Newspaper which resulted in the following article:

NEWS ARTICLE:

"ZIRUS CLAIMS HE WAS TRICKED"
by Ronan O'Connell, The West Australian
Wednesday, 29th April 2010, 2:35am

Scott Zirus has pleaded his innocence in a letter sent from prison to the West Australian, claiming that he was manipulated into pleading guilty by corrupt Texas authorities.

In the letter, written on April 14, [2010], just days before he shocked his lawyers by accepting a plea bargain, Zirus claims US authorities bullied and tricked him into pleading guilty in return for a reduced sentence... He claims in the letter that the District Attorney prosecuting his case wanted him imprisoned to "build his reputation in an election year".

He writes that "something as innocent as allowing two boys to hug each other can be turned into aggravated sexual assault".

"This country is corrupt," Zirus wrote. "The investigator on my case lied to me... he made me sign a statement that he wrote and that I

didn't agree with by telling me that if I didn't I would be getting the max sentence under the law. I felt forced into signing it".

On Friday 16th April 2010, I finally broke and agreed to accept a 40 year plea deal. That Sunday 18th April 2010, I wrote the following letter to the Australian Embassy:

I'm writing to let you know that last Friday (16th April 2010) I decided my best option for my situation was to take a plea offer of 40 years. I had to plea guilty to all charges to take the deal - not out of actual guilt but for self preservation which means I technically had to lie under oath but I felt I had no choice. I know there isn't much the Embassy can do but I feel I need to be 100% honest about what is happening - at least for my own mental health. There were many factors that contributed to the decision but the main one was that the DA was going to trial each case separate which would make them stacked and I couldn't possibly live long enough to ever find freedom. The forces against me were too influential in the community and a stacked 99 year conviction was almost inevitable. Taking all factors... I think I made the right choice for the long run and even though I would have liked to go to trial to have my side of the story finally heard, I didn't want to jeopardize my chance of ever returning to Australia. I still feel like I was discriminated against and manipulated but there wasn't much I could do about it. [1]

This letter shows that although the plea of guilty was entered "under oath" in a Court of Law, it meant absolutely nothing. It was done "not out of actual guilt but for self preservation". Realistically there was only one so-called "decision" that Texas was willing to accept, and it wasn't easy to make - And I have deeply regretted it ever since. After the above letter was sent, I wrote my attorneys asking whether I could withdraw my plea before the Court officially accepted it on the 27th April 2010 - but they never responded and the die had been cast.

Consider the timeline established by these documents:

* TUESDAY, 13th April 2010

> AAP reports that I backed out of plea deal.

* WEDNESDAY, 14th April 2010

> I write letter to the West Australian newspaper stating that I was manipulated into pleading guilty by corrupt Texas authorities.

* FRIDAY, 16th April 2010

> I am finally broken, and I agree to accept 40 year plea deal.

* SUNDAY, 18th April 2010

> I write letter to Australian Embassy stating that I accepted plea deal "not out of actual guilt but for self preservation".

- BETWEEN MONDAY 19th - MONDAY 26th April 2010

> I attempt to get my attorneys to withdraw my cold plea of guilty.

* TUESDAY 27th April 2010

> I am officially sentenced by Court.

Does this support the assertion that I willingly entered a guilty plea because I was actually guilty, and for no other reason? If not, should the fact I pled guilty have any bearing on whether or not I am innocent?

THE APPELLATE SAGA

"There is no true justice
in a court system where the
judge, the prosecutor, and the police
form a triad against the accused"

- John W. Whitehead
"A Government of Wolves"

THE APPELLATE SAGA

My appeal is a saga unto itself - and it is beyond the scope of this thesis to fully explore the entire labyrinth of laws that construct the US Judicial System. However, I believe it is important to expose the indifference the courts exhibited towards my appeal, and that it wasn't simply a matter of presenting evidence of my innocence. It was a seemingly insurmountable battle from the beginning.

Because I had accepted a "plea bargain" I unwittingly waived my right to Direct Appeal, and thus the right to an appellate attorney as guaranteed by the US Constitution. Therefore, the only option available to overturn my wrongful conviction was to represent myself (Pro Se) and somehow figure out how to file an appeal called an "Application for Writ of Habeas Corpus".

Historically, the Writ of Habeas Corpus has been enshrined as essential to the protection of Constitutional Rights. Contrary to public perception, when a prisoner in the United States files an application/petition for Writ of Habeas Corpus, the issue before the Court is NOT whether the prisoner is innocent, but whether there is a Constitutional violation of such a degree that it resulted in their conviction.

There are few instances when assertions of actual innocence is made on Habeas Corpus - they are limited to either a "procedural gateway" to raise a Constitutional violation in a subsequent/second application (but the claim of innocence does not alone provide a basis for relief) [1]; or a substantive claim based solely on "newly discovered evidence" where no reasonable juror would convict in light of the new evidence [2]. This last instance is often referred to as the "Herculean" standard because of the extraordinary difficulty of meeting the necessary burden of proof. Both of these instances would not apply to my original Habeas application.

On 21st May 2010 I was transferred from Kerr County Jail into the custody of the Texas Department of Criminal Justice (To wit, Prison). Nothing could have prepared me for prison life - Not only did I have to immediately adjust to the inherent day-to-day struggles, but I was forced to overcome the incredibly daunting task of becoming sufficient in a foreign law. To compound the difficulty of such a task, I had absolutely no background in the science of the law, nor any type of help or resources to achieve what takes law students three years. I went to the Unit Law Library as often as I could and tried to make sense of what seemed to be a law that was completely void of logic and reason. At first it felt futile - but this was a matter of survival and quitting was not an option.

On top of trying to learn Texas appellate law, I was thrust into the realm of Federal civil law as I attempted to defend myself against the Multi-Million Dollar Lawsuits. Fortunately after about a year I secured the help of Pro Bono Civil Attorneys, and could focus more on my Habeas application.

On 20th August 2012, not knowing about McCoy's Deposition, I submitted my original and first "Application for Writ of Habeas Corpus" [3]. I raised a number of violations of my Constitutional rights - such as how my trial counsel misled me to believe that a unanimous jury verdict was not required nor was there a presumption of innocence for sex offenses [4]; and how trial counsel was only interested in obtaining a plea agreement for the offenses and how an expression of dissatisfaction with the plea agreement or an attempt to withdraw the guilty plea at sentencing would be viewed by the judge as contempt of court [5].

The violation raised in my Habeas Corpus which had the most potential of rendering my guilty plea involuntary, and overturning my conviction, was my trial counsels failure to raise the EDWARDS RULE at the pre-trial suppression hearing.

On 10th October 2012, the Texas Court of Criminal Appeals held that I had "alleged facts that, if true, might entitle him to relief", and issued a Remand Order to the Trial Court to conduct a hearing on the claims merits [6]. The Trial Court decided to hold a "Paper Hearing" (opposed to a Live Evidentiary Hearing) and ordered my court-appointed trial counsel to respond to my claims by affidavit.

"AFFIDAVUID" OF JAMES W. PATTERSON

James W. Patterson was my lead court-appointed trial counsel. In his 1 page "Affidavuid" (sic) he states:

Regarding Scott Ash James Zirus's claim that there was no attempt to suppress the oral and written statements of Defendant, the Court can look at the record that shows that a Motion was timely filed, hearing held and overruled on the motion filed in behalf of the Defendant, Motion to Suppress Written/Oral Statements of the Defendant. The Court heard the evidence that was presented by the State and overruled the motion. [1]

It is clear that Patterson did not read my actual application or Memorandum because he mischaracterized my claim to be that there was no attempt to suppress my statements.

This mischaracterization could be because of the wording on the Remand Order or because Patterson relied on the affidavit of the District Attorney (Amos L. Barton) filed the day before Patterson composed his affidavit. In his affidavit, DA Barton states:

I can state that the allegation that Applicant's counsel "did not attempt to suppress statements" is patently false. [2]

It is a good possibility that Patterson used DA Barton's affidavit as a template. It is common practice for DA's and court-appointed trial counsel to collaborate on such matters when a prisoner attacks his conviction on State Habeas Corpus. This helps ensure that there are no inconsistencies between the affidavits that can be used by the prisoner to discredit the State's version of events.

Although it appears DA Barton cites the Remand Order, I tend to believe his mischaracterization was deliberate because the month prior in his reply to my Habeas Corpus applications he correctly construes the claim I raised. DA Barton states that I allege:

He was denied the effective assistance of counsel because his attorney failed to attack the confession he had given, based on the State's re-initiation of interrogation following Applicant's request for counsel, without consultation with counsel. [3]

So what happened? Obviously I adequately presented the EDWARDS RULE claim in my application. It is curious how his description of the claim changed so significantly.

Whatever may have been the cause of Patterson's mischaracterization, his affidavit did not provide the Court with any information outside a blanket denial and the fact there was a hearing held concerning the Motion To Suppress - a fact that was never actually contested.

The only affidavit that addressed the EDWARDS RULE claim was Patterson's co-counsel, Clay Steadman.

AFFIDAVIT OF CLAY B. STEADMAN

Attorney Clay B. Steadman most definately read my actual petition. In his 5 page response, Steadman states:

Applicant has alleged that court appointed counsel failed to raise the "Edwards Rule" in his pending cases. Court appointed counsel would state that a Motion To Suppress the Applicant's Statement(s) was filed on December 22, 2009, and was set for hearing, and heard on February 5, 2010. The Court denied Applicant's Motion To Suppress on February 10, 2010...

[1]

So far, so good - He continues:

However, during the Motion To Suppress hearing, to the best of my knowledge, it was argued that Applicant was an Australian citizen, and that he had requested and invoked counselory privileges. However, based on the information received by the Court, during said

hearing, the State argued and established, that while detained in Bexar County, Texas, Applicant waived his counselory privileges, and his right to have legal counsel present, prior to speaking with law enforcement. I disagree, that under the "Edwards Rule" that evidence extracted by law enforcement is always inadmissible at trial. The State successfully argued to the Court, that Applicant waived any right to legal counsel prior to speaking to law enforcement, and that Applicant's waiver was freely and voluntarily given. [2]

Although Steadman qualifies his statements by alleging that it was "to the best of my knowledge", his version of events are NOT supported by the Motion To Suppress, nor the Trial Court's "Findings of Fact" from the actual Suppression Hearing.

In the Motion To Suppress it mentions absolutely nothing about the invocation of my "counselory privileges". The motion states two basic arguments:

- 1) "Defendant shows that he was told, off the record, that he must waive his rights and give his statements in writing, or the State of Texas would not let him go for seventy five (75) years. If he gave a statement and it was what the officials wanted, that he would not be prosecuted"; and,
- 2) "Defendant shows that his rights given to him by the Vienna Convention were violated, because he was denied his right to have his consulate present. A foreign national who is arrested in the United States has rights under the Vienna Convention to have his consulate present, before giving up any right. Article 36(1)(b). This article shows that the law enforcement officials may not obtain a statement from Defendant unless he is advised of his right to see his consulate, before giving his statement". [3]

Nowhere in this 2 page Motion does it allege that I invoked my right to counsel during the Magistration Hearing.

The Trial Court's "Findings of Fact and Conclusions of Law" from the 5th February 2010 Suppression Hearing also show Steadman's version of events that day are incorrect.

The relevant Findings state:

- * On or about August 20, 2009, the Defendant, Scott Zirus was arrested for indecency with a child/sexual contact in Bexar County and was promptly magistrates.
- * Before each statement the Defendant signed and waived his Miranda rights.
- * Investigator Jeff McCoy used no threats, coercion, promises, or intimidation before or during his interviews with the Defendant.
- * The Defendant was never told, off the record, that "he must waive his rights and give his statement in writing, or the State of Texas would let him go (to prison) for seventy five (75) years".
- * The Defendant was never told that if he gave a statement and it was what officials wanted, that he would not be prosecuted.
- * The Defendant was advised on August 20, 2009 in Bexar County and August 21, 2009 in Kerr County, following his arrest, that he had the "right to access his consulate". Defendant signed both admonishments.
- * The Defendant failed to demonstrate a violation of the Vienna Convention.
- * The attorney for the Defendant agreed with the attorney for the State that if a violation of the Vienna Convention did occur, a suppression of the Defendant's statements would not be required under either State or Federal law. [4]

So if Steadman's version of events that day were at all accurate, why wouldn't it state in the Court's Findings that I "invoked counselory privileges" or "that while detained in Bexar County, Texas, Applicant waived his counselory privileges, and his right to have legal counsel present, prior to speaking with law enforcement"? It states that I allegedly waived my Miranda Rights prior to my statements, but that is fundamentally different because EDWARDS RULE prevented such a waiver after I invoked my right to counsel during the magistrate hearing. It is obvious that the only argument raised by counsel during the Suppression Hearing was those presented in the Motion To Suppress.

That being established, what then was Steadman basing his version of events? A false memory? A constructed defense to shield himself from misconduct. It is difficult to discern.

Neither the Trial Court or the Texas Court of Criminal Appeals bothered to order that the Suppression Hearing transcript be transcribed to writing - and instead took Steadman at "the best of my knowledge".

Mr. Steadman has a reputation as a talented trial attorney with a prosperous career, so it is not my intent to destroy or damage his reputation. However, no matter how well respected he may be within his profession, he is still human, and as a human he is not immune from mistake. Steadman made a grave mistake in my case which deprived me of my liberty. He then compounded this mistake by swearing to an affidavit which he was not certain was based in fact, and thus injured my ability to correct his mistake through the appellate system.

Why didn't Steadman bother to check the Court's records before attesting to the facts he claims in his affidavit? If he had, he would have realized his version of events was wrong.

TRANSCRIPT OF MCCOY'S DEPOSITION

On the 18th December 2012, I received a newly transcribed copy of McCoy's Deposition. I immediately realized that this evidence was critical to my original habeas submission in terms of proving that my statement was unlawfully obtained in violation of my invoked right to counsel.

On 3rd January 2013 (5 days before the Trial Court's Findings were due), I sent a Supplemental Writ Application adding McCoy's Deposition to support my claim. In the Supplemental Memorandum, I specifically requested the Court take "Judicial Notice" of McCoy's Deposition pursuant to Texas Rules of Evidence 201(d). I averred that this deposition was not available at the time I submitted my original application because it had yet to be transcribed to writing.

KANGAROO COURT

As irony may have it, on the same day that I sent the Supplemental Application and Memorandum (3rd January 2013), the Trial Court filed it's 'Findings of Fact and Conclusions of Law' without considering McCoy's Deposition or allowing me an opportunity to respond to trial counsel's affidavits (which I recieved AFTER Findings were made).

On the 11th January 2013 I received a copy of the Trial Court's Findings and realized that McCoy's Deposition had NOT been considered. So on the 15th and 16th January 2013 I re-sent a certified copy of the Supplemental Application to the Trial Court and the Texas Court of Criminal Appeals respectively [1].

In letters to both the CCA Chief Staff Counsel Ed Wetzel and Chief Justice Sharon Keller, I explained that I had sent a Supplemental Application with "new evidence" to the Trial Court but it was not considered in the recent Findings. In both letters I specifically state:

I would truly appreciate it if you could ensure that this new evidence and Supplemental 11.07 Application are considered and, if necessary, that it be remanded back to the trial court so that it may be reviewed with the critical evidence.

[2]

I waited... - no response or second Remand Order. So on 8th April 2013 I wrote a letter addressed openly to the entire Texas Court of Criminal Appeals raising once again the issue that the Supplemental Application with McCoy's Deposition were sent to the Trial court, but the Trial Court "did not address the evidence and issues raised in that Supplemental Writ. This needs to be done so that the Court of Criminal Appeals has all relevant and necessary facts at hand" [3].

In light of my specific request for the Court to take "Judicial Notice" of McCoy's Deposition, it was necessary for adequate review for the Court of Criminal Appeals to issue a second remand order for the Trial Court to reconsider it's Findings in relation to McCoy's Deposition.

However, this did NOT happen. On 17th April 2013, the Texas Court of Criminal Appeals DENIED my Habeas Application, stating that I failed "to controvert counsel's statements with any credible evidence showing both deficient performance and resulting harm... This Court agrees with the trial court that both counsel were not deficient as Applicant alleges. Applicant also fails to show that his confession to police was unlawfully obtained and it would have been suppressed if counsel had argued the suppression issue differently" [4].

APPEAL TO THE FEDERAL COURTS

Having no appellate options left at the State level, and believing that McCoy's Deposition may constitute "newly discovered evidence", I filed my Federal Petition for Writ of Habeas Corpus [1] on 23rd January 2014. The US District Court in San Antonio acknowledged that I did "in fact" invoke my right to counsel before I was interrogated.

In the US District Court's 14 page 'Memorandum Opinion and Order', they state:

- * Petitioner's request for legal representation was documented in State Court records and clearly known to Petitioner at the time Petitioner made the request. [2]
- * The record now before this Court clearly establishes Petitioner was actually aware he invoked his right to counsel on August 20, 2009 [3].
- * His arresting officer would subsequently confirm in a civil deposition that Petitioner did, in fact, invoke Petitioner's right to counsel at Petitioner's initial appearance [4].
- * Petitioner herein had actual, personal, knowledge of the factual predicate for his claim in this federal habeas corpus proceeding (i.e., that petitioner properly invoked his right to counsel prior to being questioned by law enforcement officials) [5].
- * While Petitioner may not have fully understood the legal implications of his actions when he invoked his right to counsel on August 20, 2009 in an appearance before the State Magistrate, Petitioner was most assuredly aware he had requested appointment of counsel [6].

And upon the premise that I did in fact invoke my right to counsel and that I was subsequently aware of such, the Federal Court DISMISSED my Habeas Corpus Petition because I should have filed my claim within the one-year AEDPA statute of limitations.

What is the AEDPA statute of limitations? "AEDPA" stands for the "Anti-Terrorism and Effective Death Penalty Act" which governs the Federal Habeas Corpus .

The AEDPA provides for a one-year limitations period during which a state prisoner may seek Federal Habeas Corpus review of his judgment of conviction, running from the date on which the judgment became final by the conclusion of direct appeal or the expiration of the time for seeking such review [7].

In other words, a state prisoner must file his Federal Habeas petition within one-year after their conviction becomes "final". If they do not, the Federal Court is prohibited from reviewing the claim. But there is a catch - the state prisoner must first file and exhaust their claims in State Court. Although the federal statute of limitations is tolled (paused) while it is pending in state court, the prisoner must contend with a de facto limitations period in state court of less-than-one-year in order to leave a window open to file in federal court. The AEDPA was deliberately designed to curb the number of petitions filed in federal courts.

My conviction became "final" no later than 27th May 2010 - the day after the 30-day period to file a Direct Appeal (NOTE: I waived my right to Direct Appeal because I accepted a plea). This means I had until 27th May 2011 before my AEDPA one-year window closed. Unfortunately, I didn't file my State Habeas Application until August 2012.

The significant thing to understand is that the ruling of the State and Federal Courts directly conflict in their justification of why they denied me relief. Essentially the State Court said:

"No, your rights were not violated"; and the Federal Courts said: "Yes, your rights were violated - BUT, we can't help you because you filed too late".

Had the State Court adequately and fairly reviewed my Habeas Application, there is no doubt the EDWARDS RULE violation would have reversed my conviction - The fact I missed the AEDPA window would have been irrelevant.

In the US Judicial System, the Courts self-interest in the finality of their imposed convictions undoubtedly trumps the societal interest in accuracy. What is right should always win out over what is merely prescribed - That is the very essence of Justice. When the Courts show indifference to the fact there is no reliable avenue to correct such a fundamental miscarriage of Justice, it not only divorces the Court from reality, but works an intolerable perversion of justice - one that insults all intuitive notions of logic and fairness.

I have no doubt that this indifference is responsible for ensuring that thousands - if not tens of thousands - of innocent people will never prove their innocence in a court of law.

QUORUM OF ONE

HOW THE TEXAS COURT OF CRIMINAL APPEALS' REVIEW OF HABEAS CORPUS IS UNCONSTITUTIONAL

The Texas Constitution governs the manner in which the Texas Court of Criminal Appeals must convene to decide it's cases. It mandates that a quorum of judges decide whether Habeas relief should be denied - either a panel of three judges or by the en banc (entire) court. TEX. CONST. art. V, §4.

HOWEVER, as exposed in Ex parte Dawson, 2016 Tex. Crim. App. LEXIS 1440, the Texas Court of Criminal Appeals' internal administrative procedure effectively act as a standing order permitting an individual judge to act as a proxy for a quorum of the judges on the basis of a pre-vote on a category of cases that are never actually individually seen by any judge other than the proxy judge.

In other words, rather than an actual panel of judges, the votes of all other judges are given to a single judge who votes on their behalf. It is a quorum of one! Habeas applicants in Texas are being denied appellate relief in a manner that is unauthorized by the Texas Constitution.

There is no doubt this violates the plain text of the Texas Constitution, but there is a greater question as to whether it also violates the US Constitution's guarantee of Due Process and Equal Protection.

Although a State has the right to decide how it reviews it's Habeas Corpus applications, when the manner in which the review must be conducted is expressly prescribed by statute (in this case the Texas Constitution), then the clauses of the Fourteenth Amendment demand that review be meaningful, fair and adequate in accord with the prescribed statute.

Since the Texas Constitution expressly states that Habeas review must be done by a panel of three judges or by the entire court, the Texas Court of Criminal Appeals can not legally get around this requirement by appointing a proxy judge to act as a quorum of one.

THE RIGHT TO HABEAS COUNSEL IN TEXAS

The Writ of Habeas Corpus is essential to the protection of Constitutional Rights - but in Texas, Habeas Corpus has been rendered a meaningless ritual for those unable to afford appellate counsel.

The structure, design, and operation of the Texas procedural system dictates that no indigent prisoner in Texas will have the benefit of counsel in raising a claim of "Ineffective Assistance of Trial Counsel" (IATC). This is because Texas procedures make it "virtually impossible" to present an adequate claim of IATC on Direct Appeal. The Texas Court of Criminal Appeals has explicitly stated that as a general rule a prisoner should NOT raise an issue of IATC on Direct Appeal, but rather on Habeas Corpus.

However, by deliberately choosing to move IATC claims outside the Direct Appeal process - where counsel is constitutionally guaranteed - Texas has significantly diminished a prisoners ability to file such claims.

The prisoner, unlearned in the science of the law, can not be expected to possess the legal knowledge necessary to prepare thoughtful and meritorious Habeas Applications. A prisoner may not only misapprehend the substantive details of Federal Constitutional law, or fail to comply with the States procedural rules, but while confined in prison, the prisoner is in no position to develop the evidentiary basis for a claim of IATC, which often turns on evidence outside the trial record. This is significant because in Habeas Corpus the burden is on the prisoner to allege and prove facts which, if true, entitle them to Habeas relief. Not only does a Texas prisoner have to contend with the inherent restrictions of their confinement, but Texas has a number of statutes that erect an insurmountable barrier to obtaining the evidence necessary to carry their burden of proof.

For example, Texas Government Code, section 552.028 allows all government bodies to simply ignore requests for information from a prisoner - even if they offer to pay for it.

Another example is Texas Code of Criminal Procedures, article 39.14(f) which prohibits an attorney from providing a prisoner with a copy of their Case File or Client-Attorney File (other than the prisoners own statement).

How then is an unrepresented prisoner meant to prove their allegations of IATC if they are prevented by both statute and their physical confinement from obtaining the necessary evidence? The system is designed as a closed loop, which only those wealthy enough to afford appellate counsel can escape.

If a State did not appoint appellate counsel on a Direct Appeal, it would be deemed unconstitutional. When an "initial-review collateral proceeding" (Habeas Corpus) is the equivalent of a prisoners direct appeal as to IATC, then logic dictates that if a State fails to appoint appellate counsel for this appeal it would also be unconstitutional. They are fundamentally the same in all but name.

Without the Right to Habeas Counsel, prisoners in Texas will NEVER have adequate or meaningful Habeas review.

- Chapter Eight -

THE BURDEN OF TRUTH

"To quote one of our clients,
who broke down in tears
upon his final release after
a proven miscarriage of justice:
'Not so much because I got out of prison,
but because I was finally believed'"

- Knoops' Innocence Project
Netherlands

"We fail ourselves if the wrong person
is in jail... One wrongful conviction
would be too many if YOU were the one;
imagine for a moment that it's you locked
behind bars, innocent"

- Bill Rowlings

CHARACTER ASSASSINATION

I never understood the logic of vilifying your opponent simply to win an argument. But it is a common technique because it can be very effective. For most people it is easy to make the leap of inference that "bad people" would do "bad things". But there is a significant level of cognitive dissonance when "good people" are accused of "bad things".

Therefore to overcome this cognitive dissonance and make it easier to convince people that a good person did a bad thing, it is common for people to assassinate their character to create enough doubt as to whether the "good person" is actually good.

This is what I have been forced to endure in both my criminal and civil cases. I was branded all kinds of things that arouse prejudice and emotional reactivity to assassinate my good character. Anyone who personally knew me would agree that I am incapable of doing what they alleged, but this character assassination is the only weapon that my prosecutors have in their artillery.

Although something may sound true or create a convincing narrative, when someone relies on hyperbole or bold allegations with no basis in fact, then a huge red flag should be heeded.

For example, I was accused of lying about working at Fairbridge; that I was homeless and unemployed; that I was raised in foster homes; that I received medical treatment for pedophilia; that I had child porn on my computer; and that I was a pedophilic cult leader.

These allegations may sound rather damning - but none of them are actually true. To prove this, consider the following facts:

FAIRBRIDGE

During the multi-million dollar lawsuits, the accusers claimed that I lied on my application to Camp America about working at Fairbridge as the Senior Activities Instructor. They claimed that "Records show Zirus was unemployed and homeless while living in Australia" [1]

There is no doubt that it is an extremely bold lie to assert that I never worked for Fairbridge. The ultimate flaw in this lie is the fact that when someone is legally employed they inevitably pay taxes.

So in order to unequivocally prove I actually worked for Fairbridge, I simply filed a Freedom of Information Request to the Australian Tax Office [2]. The documents that I received from the ATO showed that between 2006 and 2008 I was employed by Fairbridge Western Australia, Inc [3] and that during that period I declared a total of \$74,846 in taxable income [4] - See Appendix B.

I came so highly recommended and vetted by numerous authorities that in order to force the hand of Camp America and Camp Stewart to settle they needed to give the impression that they were negligent for not properly vetting me by showing they missed significant "red flags" or indicators which would have disqualified me from working at a summer camp.

To do this it appears evident that Sawicki fed their expert witness, Danielle Shaw, false information to formulate her expert opinion on the alleged missed red flags.

During the deposition of Danielle Shaw, the attorney representing Camp America, Ms. Slay, asked Danielle Shaw if the Camp America Interviewer had picked up the phone and called Fairbridge, would that have uncovered evidence that would have excluded me from being accepted into Camp America [5].

Shaw responded:

"Yes, if he would have picked up the phone and verified employment, he would have learned that he lied on the application or gave incorrect information. That would have been a red flag that he would have had to have followed up on" [6].

What happened next is extremely interesting. In response, Ms Slay stated:

"Miss Shaw, I e-mailed the director of Fairbridge village and asked him about basically what would have happened if someone would have contacted Fairbridge village back during that time frame that Mr. Zirus was being hired, what they would have been told, and he indicated to me that they would have been told that Mr. Zirus worked there. Would that change your opinion?" [7].

SAWICKI INTERJECTS: "Hold on. Let me object. Are you providing the testimony on this subject?"

SLAY: "Mike, I'm asking my questions and I'm not going to argue with you"

SAWICKI: "Are you providing the testimony on this subject? Then I'm not going to allow her to answer that question" [8].

Slay and Sawicki then argue about Danielle Shaw answering the question for 8 pages of the deposition [9].

Finally Ms. Slay states:

SLAY: "I tried to go off [the record] a minute ago and you're holding me hostage so I'm not going to agree to go off record. This is highly inappropriate"

SAWICKI: "Feel free"

SLAY: "Mr. Sawicki has now jumped up out of the deposition and left with his witness and taken her with him in an attempt to likely woodshed the witness as he's clearly uncomfortable with the series of questions that I'm asking his witness about Fairbridge village. I'm going to object to this deposition. I want to come back and redepose this witness clearly with court intervention, and I want to move for sanctions and have Mr. Sawicki pay me to be able to take the expert witness deposition that I'm here today to take which he has interrupted on multiple occasions. Now we can go off the record" [10].

When attorney Slay pointed out that in an email the director of Fairbridge had confirmed that I had in fact worked for them, Sawicki objected and repeatedly ordered the expert not to answer. Sawicki and Slay then get in an argument on the record that continues for 8 pages of the deposition. Sawicki knew Ms. Slay had caught him in fabricating evidence, so he jumped up and left the deposition with his expert witness.

This is an interesting exchange between Slay and Sawicki, and shows the extent to which Sawicki was willing to go - after all, millions of dollars were on the line. But this is not the first time that Ms. Slay called out Sawicki on manipulating the facts. In the Deposition of the Camp America Interviewer, Mark "Mac" McNaughton, she states:

SLAY: "You just completely mischaracterized his testimony"

SAWICKI: "You can have a standing objection to form to everything and it'll save you guys time"

SLAY: "That's fine. You completely mischaracterized what he said"

SAWICKI: "All right, that's what I do. That's why we have it on the record" [11].

HOMELESS AND UNEMPLOYED

Not only did they allege that I lied about working at Fairbridge, they also claim that at the time I applied to Camp America I was actually homeless and unemployed while living below the poverty line, surviving on government assistance checks and living in a tent or with acquaintances with no permanent address" [12].

Again the Australian Tax Office documents unequivocally prove that I wasn't unemployed. They also show that in 2007-2008 I was living on-site at Fairbridge in Lawley 1 cottage, after which I moved into the townsite of Pinjarra [13]. I also requested a Freedom of Information from the Department of Human Services, which is the Australian department responsible for welfare services. According to the "Away From Home Details" from the DHS, the only record of me being homeless was prior to November 2000 when I was still a minor under 16 [14] - See, Appendix C.

My brief experience with youth homelessness is nothing I have ever disputed. In fact I take pride in my ability to overcome the obstacles and misfortunes of youth homelessness, finish school and become a well-rounded and successful individual. The DHS documents also show that I was not homeless from the age of 17 onwards (2001-2009) [15]. It is absolutely ridiculous for my accusers to suggest that youth homelessness is a "red flag" for someone having a propensity to abuse children. It is pure psuedo-science.

The DHS documents show that I had received no government assistance checks in the two years prior to my application to Camp America. The records do however show that I received Youth Allowance between 2000-2005 (age 15-21) while I was studying, and then I was self-employed under the NEIS program in March 2005 while I was attempting to keep Mandurah media afloat. All government assistance ceased in September 2006 when I reported full time employment with Fairbridge [16].

So it is another untrue claim that at the time I applied to Camp America I was homeless, unemployed and surviving on government assistance checks. I was in fact employed full time by Fairbridge, and thus was receiving no government assistance.

FOSTER HOMES AND MEDICAL TREATMENT FOR PEDOPHILIA

Other "red flags" that they claim should have disqualified me include being raised in foster homes and my mother (allegedly) using drugs; as well as (wait for it)... that at the age of 20 (2004) I received medical treatment for my alleged attraction to young boys during a two-year period in Australia, and that I was prescribed medication to control my sexual urges.

None of that is true - but you must admire the creativity. Once again I am able to disprove it with indisputable documentary evidence.

The Senior FOI Officer for the Australian Department of Human Services states in his FOI Decision that:

"The Social Work Services business areas of the department conducted searches of [Scott Zirus'] record on their Social Work Information System, Online Document Records and [his] paper file. This Branch did not identify any documents related to [Zirus'] being placed in foster care... On the basis of these searches, I am satisfied that all reasonable steps have been taken to find the documents and the documents do not exist" [17]

I also made a FOI request to the Government of Western Australia, Department of Communities, and asked for all documents held on the Department's Child Protection and Family Support files that show:

1. Documents regarding my (alleged) placement in foster care between 1984-2002 (age 0-18);
2. Applications by myself for homelessness services or crisis accommodation between 2002-2009 (age 18-25); and,
3. Applications for counselling and outreach programs, specifically treatment for alleged sexual attraction to children between 2002-2009 (age 18-25).

The Manager for the Department responded:

"Despite extensive searches, no document could be found that fall within the ambit of the request. Records indicate Mr. Scott Ash James Zirus (nee Scott Brian Herwig) was never placed in foster care by the Department nor has the Department received applications for homelessness services, crisis accommodation, counselling and/or outreach programs for the applicant in the requested time periods. All reasonable steps have been taken to locate documents, but none were found relevant to the ambit of the request. Consequently, it is not possible to give access to any documents regarding this. I am satisfied the documents do not exist in the records of the agency" [18 - Appendix D]

When I made these FOI requests, I knew exactly what the results would be. But my personal knowledge is insufficient to prove those facts. However, common sense dictates that had I been placed in foster care as a child, there would be some kind of record of it. Once again, it is absolutely ridiculous to suggest that being placed in foster care (if it were true) is a "red flag" that someone has a propensity to abuse children. Still, my accusers asserted that argument.

In regards to the absence of documents, the same is true of the outrageous claim that I received medical treatment for an alleged attraction to young boys (and subsequently received medication to suppress sexual urges). If that was at all true there would be some kind of record of it. But there are absolutely none. I wonder how my accusers would explain how I was able to pass a 'Working With Children' clearance [19] if I had been diagnosed with, and treated for, pedophilia? One would assume such a thing would be recorded in a database somewhere.

CHILD PORNOGRAPHY

Throughout the civil lawsuits, Sawicki loved to accuse me of being a "child pornographer". On his blog he wrote:

"Police confiscated a lap top computer from the man [Zirus] when he was arrested and discovered it contained hundreds of child pornography pictures" [20]

Even the media (most by the same reporter) got hold of this allegation and repeatedly regurgitated it:

"After Zirus's computer was examined by US authorities Kerr County Sheriff Rusty Hierholzer labelled Zirus a child predator and said Zirus may have Australian victims" [21]

"After Texas shefiffs charged him last August and videos and photos were found on his laptop computer, an investigation by West Australian authorities discovered four young Australian sex abuse victims" [22]

Again, it sounds very damning - but when logic is applied, the allegations lose it strength and it becomes evident that it was used as propaganda to dissuade people from supporting my innocence - and it worked. After this allegation was made in the news, I lost the vast majority of my support before my conviction. Presumably this is because possession of child pornography is indisputable, tangible evidence of a sexual propensity towards children.

Firstly, it is true that during my illegal interrogation I signed a statement written by Officer Jeff McCoy that stated I downloaded child pornography at the Red Roof Inn. This statement was signed under the coercive pressures of an illegal interrogation without the assistance of counsel. So I assume that this statement was the origin of the allegation in the media. As will be shown, this statement is not credible.

Even though my laptop was investigated by both Texas and Federal authorities, I was never charged, indicted or prosecuted for any alleged content on my laptop. Why? If there was actual illegal and incriminating material on it, wouldn't that be indisputable evidence to guarantee a conviction? Texas is the kind of State that would not let this kind of thing slide and pass up a slam dunk conviction that could stack sentence upon sentence to equal hundreds of years. Isn't this exactly what the Texas authorities wanted? Yet both the Texas and Federal authorities did not pursue the issue. When asked why I was never charged, Officer McCoy states:

"a lot of the information that was on the computer did not really look like -- there were pictures of nude children, but in other countries children run up and down the beach nude and that's not necessarily a staged picture or anything like that, so they dismissed a lot of those

pictures as not being actual child porn, but then there were some that were -- **appear to be children** that were staged or, you know, engaged in some kind of child pornography" [23]

Appear to be children? Were they children or not? If so, why wasn't I charged? It is clear McCoy is trying to minimize the fact nothing came of the allegation. A little over a year after the above answer was given, McCoy was again asked why I was never charged with child pornography. This time he did not attempt to minimize as much. He states:

"Some of the pictures are from other countries, and they're not -- even though its a nude child, it's not necessarily categorized as child pornography, because its like children walking around on the beach. And that's common in other countries" [24].

So my laptop did NOT have "hundreds of child pornography pictures" - But the damage had already been done to my support base.

If a proper investigation was conducted it would have discovered that in 2009 that specific Red Roof Inn where I allegedly downloaded the pictures did not have free wi-fi. You had to have a credit card to access the internet at the motel - and I have never owned a credit card. So despite the eventual outcome of no charges, this overlooked fact supports the assertion that the statement I signed was not credible. It was not credible because it was a coerced statement.

Lastly, because my laptop was allegedly sent to the Federal authorities to investigate, I submitted a Freedom of Information request to the FBI but they responded that they "conducted a search of the places reasonably expected to have records. However, we were unable to identify records responsive to your request" [25 - Appendix E].

If my laptop was investigated for child pornography and if such was found, why don't the FBI have a file on it? Could it be because I didn't actually have any illegal material on my laptop? See how easy it is to manipulate the narrative when the accuser has a monopoly on the access to the media?

ALLEGED AUSTRALIAN VICTIMS

It is true that after my arrest the Australian authorities interviewed 370 children who attended Australian camps that I ran in Australia. To my absolute surprise, four alleged victims came forward. Again, this turn of events dissuaded people from supporting my innocence. But there is one undeniable (yet overlooked) fact that debunks these four allegations.

Initially Western Australian law enforcement was having difficulty finding anything to suggest I abused any children. But as Kathy Ragsdale explains, this changed after Texas authorities got involved:

- Q. Are you aware that Mr. Zirus is apparently facing indictment in Australia?
- A. [KATHY] I am, yes, sir, but my understanding from the sheriff of Kerr County is that, when they contacted the officials in Australia, he [Zirus] had a totally clean record and they could find no -- they had no complaints at the former camp employment or anywhere, and that Sheriff Hierholzer asked the newspaper -- or asked the authorities to ask the newspaper to run some notices saying what had happened in the United States and did anyone in Australia have any knowledge of any prior improper conduct. But the -- there -- they could find nothing until they ran those notices in the newspaper. [26]

Similar to what happened in Texas, I surmise that these so-called "notices" in the newspaper caused hysteria and it is from this hysteria the false allegations came forth. I surmise this because of the following:

Western Australian police allege that between 2006 and 2008 I allegedly committed 10 offenses against four children at my privately run Grassroot Ventures camp. Contrary to my alleged modus operandi, one of the four children is female. The police also publically announced that the 370 interviews revealed no evidence or allegation involving any type of misconduct at Fairbridge, Scouting, or any other youth organization I was ever employed with, other than Grassroot Ventures [27].

But... I did NOT run Grassroot Ventures between 2006 and 2008. According to the 'Australian Securities and Investment Commission', I registered Grassroot Ventures on 14th November 2008 [28 - Appendix A].

Grassroot Ventures was the ONLY private camp I ran and it only operated for 3 weeks in January 2009. My ONLY other involvement with children between 2006 and 2008 was Fairbridge and Scouts - and for which the Western Australian police subsequently cleared my name.

An investigation with a predisposed assumption of guilt can never be conducted in an unbiased way as to discover verifiable facts. Instead the investigation merely becomes a witch hunt in search of allegations in favor of their desired narrative. The investigation inherently precludes objective judgment of anything counter to it.

370 interviews is a lot - so the Western Australian police must have been absolutely certain that the so-called "allegations" only involved Grassroot Ventures to go on the public record and declare it did not involve Fairbridge or Scouting.

But with a little bit of old fashion investigation (and maybe a simple Google search) the police and media would have easily discovered that the time frame given by the Australian accusers does not match the facts, and thus the allegations could not possibly be true.

Could the accusers simply have gotten the years wrong? Not likely - these interviews were conducted in late 2009 and early 2010, between 9 - 14 months after the only Grassroot Ventures camp. It is not probable that a person (even a child or their parent) would confuse 9 - 14 months ago with an event 2 - 4 years ago.

I know beyond a doubt that these allegations are not true and I am confident that I will clear my name once I am allowed to return to Australia - but I am interested to see that now I have pointed out the ultimate flaw in the allegations, whether the Western Australian police attempt to change the allegations to avoid the inconvenient facts that dispute their claims.

CULT LEADER

So apparently I am a pedophilic cult leader. Again, an outrageous allegation, so let me disprove this one too.

It is true that I was involved in the creation and promotion of the Shadoran Movement - a social and environmental movement based on the philosophy and ideals of simple living, local economies, and self-sufficiency. [29 - Appendix F]

Kathy Ragsdale stated that her adult son, Jeepers Ragsdale (a Camp Director), explained to her that when he read my Shadoran writings it sounded like something a freshman psychology major would write:

Q. What did Jeepers tell you about the new religion he [Zirus] created?

A. [KATHY] He said, you know, it sounds like a -- I don't want to put words in his mouth, but something a freshman psychology major had read -- had written, and if he had read it before the alleged incidents rather than after the alleged incidences, he was not sure if it had -- would have made any difference, that it took new connotation because of the alleged incidents. [30]

Decide for yourself - I have included a copy of the primary text of the Shadoran Movement called "Dair Shoron" at Appendix G. Does the philosophy promote child abuse? or is that an ultra-conservative reaction to a non-Christian belief system?

According to a news article entitled: "The Secret Life of Scott Zirus and How He Preyed Upon Texas Children" by Peter Mitchell, it states:

What Zirus didn't reveal to camp administration were his bizarre views on life, including his self-proclaimed role as leader of the Shadoran Movement.

"I am a Shadoran and we have a special 'sexuality' called "Neltia" this 'sexuality' is unique because it has no boundries [sic]" Zirus wrote on the MySpace blog. "You are open to love from ANY age, race or gender... I will love whom ever I love".

Mr. [Amos] Barton used Zirus's internet rants as a key part of the case and with Zirus refused bail and held in the sex offenders unit at Kerr County jail ahead of his trial, authorities monitored his communications. They discovered Zirus continued to reach out to others in the Shadoran Movement.

"It is a philosophy that espouses a love for children that can include sexual love" Mr. Barton said.

The district attorney [Barton]... believed Zirus created the Shadoran Movement as a way to hide the fact he was a pedophile.

"If he puts it within a framework and gives it a title, then that somehow authorizes him or justifies him in being miswired and offending small children" Mr. Barton explained. [31]

When you read Appendix G you will see that Amos Barton's interpretation of the Shadoran belief system is complete hyperbole and conforms with the propensity of some southern conservatives to equate anything that resembles the counter-culture or the "left" with lax morals and illicit sexual behaviour. Interestingly, my alleged MySpace blog has been removed since the article was published.

In response to an Interrogatory for the last multi-million dollar lawsuit, I explain (under oath) the following about the Shadoran concept of "neltia":

Shadoran was created in an attempt to express my desire to live a lifestyle that was both simple and in accord with nature. I do not recall writing the quotation in Interrogatory No. 8 ["... open to love from ANY age, race or gender"].

In no degree does the Shadoran "belief system" condone sexual acts between adults and children. The concept of neltia only encompasses mutually consensual relationships. So although "age" is no barrier, a child has no natural desire to engage in sexual acts with an adult without a significant level of manipulation and coercion on the part of the adult. The child is also not in a position to understand what is involved in a sexual or romantic relationship. Therefore, under the Law of Nature, the child is incapable of consenting. To misconstrue neltia as endorsing such acts is a perversion of the concept and a stretch of the definition of "love" into the realm of perverted sexuality. It must also be noted that although neltia may have "no boundaries" it is not pansexuality (i.e. sexual attraction to everything and everyone). It would be better described as merely being open to the possibility of loving without discrimination. [32]

Unless the factual basis of a claim needs bolstering to lend a perception of credibility, there is no need to assassinate a persons character to prove they did a bad thing. It is abundantly clear that these false allegations are designed to undermine my integrity and insert false facts into the narrative. But I propose this question: When the hyperbole and bold allegations are proven to be verifiably false, can you have any faith in the credibility of the other offered facts like the alleged abuse? I do not understand why they would need to present false facts if I was the person they paint me to be. I believe that they know the allegations of abuse are false and because of my incarceration they felt they had license to say whatever would arouse the emotions to convince people I am guilty. They did not expect me to be resourceful enough to prove their claims to be a lie.

A COMPLEX UNIVERSE

We live in a complex universe where there is a constant flow of cause and effect that is responsible for every possible event and moment in life. As such, nothing occurs in a vacuum. For any event to come to fruition, there is a series of events that cause the conditions necessary for a particular event to arise. Sometimes these conditions are obvious, but other times they are subtle. The same is true for the phenomenon of wrongful convictions. There is no way to know the full extent of independent conditions that helped cause my wrongful conviction, but here are a few that I have identified that will help give you a fuller picture of what events were going on.

CORRUPTION IN KERRVILLE, TEXAS

A lot of people have a misguided belief that elected officials are beyond reproach and are never inclined to abuse their positions of authority for self-serving interests. The criminals are the "bad guys" and the police, prosecution and the judge are the "good guys" who work diligently to keep us all safe... Right? This romantic notion of the inner workings of the U.S. Justice System is a falsity. The residue of corruption has seeped deep into the very foundation of the judicial system. To fully grasp the nature of the Kerr County justice system it is essential to get a panoramic view of the cast of characters playing upon the theatre of justice in the 198th Judicial District, Kerr County, Texas.

Former District Attorney **Ron Sutton** was the lead prosecutor in the 198th Judicial District for 32 years - from 1976 until 31st December 2008 when he "retired" [1]. Although Sutton's retirement proceeded my arrest in August 2009, he is still a central character in understanding the less than honourable reputation of Kerr County justice.

During the election campaign of 2008 to succeed Sutton, Democrat **Richard Ellison** decried what he called improper spending from the County "Slush Fund" (Forfeiture Funds) that once topped \$1.5 MILLION.

In a 13th June 2008 letter of complaint to the Texas Rangers, Ellison wrote:

"I believe there is evidence of misappropriation of public money, illegal gifts to public officials, failure to declare income on tax filings and financial disclosure statements required of public officials, and money laundering" [2].

Ellison had obtained financial records from Sutton by filing an Open Records request (equivalent to a Freedom of Information request). According to Ellison (and later substantiated) the records showed thousands of dollars had been illegally spent on trips to Hawaii for Sutton, former Judge Prohl and their staff and spouses. The justification used for these trips was to attend "Texas Independent Bar Association" conferences [3]. Sutton had previously defended the trips as "legitimate expenses", adding that he "went there four times in the last five years" [4]. However, as was reported on CNN, the week-long conference (which combined "law and luaus" [5]) only contained 10 hours of actual class time [6].

The question should also be asked why a conference of the TEXAS Independent Bar Association would be held in Hawaii. Either way, Ellison's letter kicked off an investigation that resulted in Sutton's indictment on two charges of misappropriation of fiduciary property, a third-degree felony [7]. The indictment, issued 16th December 2009 (4 months after my arrest) alleged that Sutton "intentionally, knowingly, and recklessly" misapplied forfeiture funds for travel and staff bonuses, in a "continuing course of conduct", from January 2002 until his retirement in December 2008 [8]. The records obtained by Ellison also indicated that Sutton had written checks totaling \$14,500 directly to **Judge Karl Prohl** [9].

My case was initially assigned to Judge Prohl, but on 15th September 2009 (nearly a month after my arrest) everyone in Kerrville was surprised when the District Judge for the 198th Judicial District, Judge Karl Prohl, suddenly resigned after 18 years on the bench, and with more than a year left in his term. The Kerrville Daily Times reported on how Judge Prohl's letter of resignation (effective immediately) shocked the Courthouse [10].

By filing the Open Records request, Ellison had discovered checks written by Sutton to Prohl totaling \$14,500 [11]. Ellison submitted copies of the cancelled checks and banking records to the State Commission of Judicial Conduct [12]. The investigation that ensued resulted in Prohl's sudden resignation [13]. It was later revealed that his resignation was strategic because it resolved three complaints filed with the State Commission on Judicial Conduct that accused Prohl of bias due to receiving money from Sutton [14]. However, the Attorney General's investigation revealed that Prohl had also received money from different sources [15].

On 11th February 2010, Judge Prohl was indicted on a felony charge of theft by a public servant. If convicted, Prohl faced 20 years in prison on the second degree felony [16]. Prohl's charges involved \$34,706 purportedly received from public monies tagged for travel-related expenses [17]. Within the indictment is a tally of seventeen different payments made to Prohl through four different sources.

On 23rd October 2009, Texas Governor Rick Perry appointed Kerr County Attorney Melvin "Rex" Emerson Jr to fill Prohl's unexpired term on the bench [18]. Judge Emerson subsequently proceeded over my case.

On 12th April 2010, Ron Sutton pleaded GUILTY to two counts of misapplication of fiduciary property. The deal struck required Sutton to serve two years deferred adjudication probation and was ordered to pay a \$20,000 fine [19].

On 21st May 2010, only minutes after being officially sentenced, a "defiant Sutton" made the claim that officials eager to tighten statutory controls over forfeited funds orchestrated his prosecution to cast him as evidence of a problem. Sutton alleged that prosecutors "had to twist the statutes" to create an offense despite the fact the Texas Constitution prohibits staff bonuses like those Sutton paid of \$500 and \$1,000 to 11 subordinates between 2002 and 2008 [20]. Special prosecutor Jerry Strickland of the Texas Attorney General's staff said Sutton's remarks "reflect a regrettable lack of remorse for his own illegal conduct" [21]. Sutton's remarks likely stem from the sense of impunity he enjoyed after 32 years as the prosecutor in Kerr County. Sutton even publically complained that he didn't fight the charges because he couldn't afford a trial, which could have cost as much as \$50,000 - nor risk being convicted [22]. Yet Sutton satirically had no qualms forcing hundreds of other people into pleading guilty who were less financially secure as he was. As they say, it is not much fun when the rabbit has the gun!

Because the plea deal called for Sutton to get "deferred adjudication", no conviction would result if he successfully completed the two year probation [23]. I always wondered what kind of punishment he would have received if he was a normal person who stole the amount he did, and not a district attorney (and thus part of the "Good Ol' Boys" club).

It is fair to say that a tree that bares bad fruit at the top of the tree is often rotten to its roots. Simply removing the bad fruit does not cure it - especially considering how entrenched Prohl and Sutton were and how long they both served in those positions of authority.

For example, prior to my arrest, Amos L. Barton was Suttons Assistant District Attorney. Barton was reportedly one of the 11 subordinates who accepted the illegal staff bonuses and trips to Hawaii from Sutton. When Sutton "retired", Barton inherited the throne as the District Attorney of the 198th Judicial District, and he subsequently became the prosecutor over my case.

Ellison noted that on a required financial report Barton filed with the Texas Attorney General, Barton listed paying \$33,000 on Suttons credit card [24]. There is no explanation for this so-called expenditure - "Maybe some reporter should ask Amos about that", Ellison said [25].

Even after pruning the branches that bore the bad fruit, the new growth still resembled the old. Barton hired Mississippi native **Brad McCullough** as his assistant. But McCullough already had a history of misconduct. The Mississippi Supreme Court held that McCullough committed "serial misconduct" during a 2004 trial of a man accused of aggravated assault [26]. This forced him to move to Texas where in 2010, as Bartons Assistant District Attorney, a judge declared a mistrial in a sexual assault case due to McCulloughs "tainted declaratory statements". In 2012 he caused yet another mistrial by improperly mentioning extraneous offenses [27]. McCullough says those incidents, while regrettable, reflect his drive to see criminals convicted. Even if it requires breaking the law? This kind of "drive" gets innocent people convicted.

For whatever reason, Barton decided that he would not re-run for District Attorney in the 2012 election. Instead Barton endorsed McCullough to secede him - but this was contested by local attorney **Scott Monroe**.

Backers of Monroe alerted Barton to allegations that McCullough had been having sex with a co-worker. After the allegation became public, McCullough resigned as Bartons assistant, saying he wanted to devote himself full-time to his campaign [28]. Barton publically stated that the claims of adultery and inappropriate sexual conduct couldn't be substantiated - but withdrew his endorsement of McCullough and said that he wouldn't rehire him [29]. Ultimately McCullough lost the election to Scott Monroe. Barton disappeared into private practice. What is interesting to note that Barton was more than willing to publically declare that the sexual allegations against his homeboy (McCullough) couldn't be substantiated, yet he zealously prosecuted my case. I guess it must have been his "drive" to convict criminals that gave him license to break the law in order to convict an innocent foreign national.

These are the cast of characters from Kerrville. The very ones who assassinated my good standing and reputation. They contaminated the media with misinformation and deliberately violated my rights to force me into a conviction. That conviction was then used to legally blackmail Camp Stewart and Camp America into a settlement worth well over \$9.2 MILLION. To say that I could ever get a fair trial in such a place and under such conditions is beyond ignorant. Money is the language of corruption in Kerrville, Texas - and my case was worth millions.

OBSTRUCTION OF JUSTICE BY SCOUT ASSOCIATION

After the news of my arrest became public, numerous people I knew through the Scout Association of Australia expressed outrage at the false allegations made against me. Unfortunately, out of fear of association with me and subsequent bad media coverage, the Western Australian Branch Commissioners threatened anyone who supported my innocence with expulsion from Scouting. This silenced numerous people who had directly experienced the way I worked with youth from coming forth to set the record straight. The Scout Association essentially threatened people who were able to help prove my innocence.

The following is a large extract from a 17th November 2010 letter sent to my Scout Group Leader, Norma Curtis, from Deputy Chief Commissioner Neil MacPherson:

"... it has come to my attention that you are actively involved in supportive activities for Scott Zirus. I have spoken to you in the past about this and wrote to you on May 5, 2010 and obtained your agreement on this matter. I recognize that as you are no longer a member of the Scout Association [Norma resigned in protest after 50 years of service] we have no direct authority

over your involvement in these activities outside of Scouting. Please consider the lack of consistency between your former role as Group Leader at the time the alleged offenses occurred in Texas and WA, and the support activities you now seem to be involved in, and how any attention from the media and others may serve to undo much of the image of Scouting that you spent a lot of your life time building. Please also consider how youth, and their families, who are victims of Mr. Zirus (whether they have come forward or not) might feel about their past Group Leader being involved in a campaign to exonerate the perpetrator of these offenses against their children, them and their community. There is also the international indignation that may occur as a result of the community in Texas becoming aware that the former leader of Mr. Zirus's Scout Group is supporting him and working towards his pardon and release...

In consideration of the above, I hereby inform you that you are not to have any involvement in Scouting in any role whatsoever. Please also consider the consequences of your actions with regard to including other Scout Members in supporting Mr. Zirus. Any adult member we become aware of who is involved in supporting activities for Mr. Zirus will have their membership referred to the Board with a recommendation for it to be terminated".

[see Appendix H]

This threat of termination still stands today - although I have had a few Scout members (leaders and youth) secretly contact me to offer moral support. I understand Mr. MacPherson's desire to protect "the image of Scouting", however that should NOT be at the expense of my innocence and freedom. If someone involved in Scouting had information that could shed light on the truth and potentially result in helping "towards [my] pardon and release", then that should be encouraged - not reprimanded.

I did a lot of camping with Scouts and those who attended camps with me experienced first hand my behaviour in how I acted towards youth. If I was inclined to any type of grooming they would have witnessed it. No one in Scouting has come forth against me. This says a lot. You would think that my exoneration would be in the Scout Associations best interest because it would prove there was never a child molester among their ranks. Instead they chose to actively hinder my innocence campaign and threaten my supporters. Norma Curtis has since passed away, and I vow that her dedication to standing up to bullies on my behalf will not be in vain. I am innocent, and the Scout Association will inevitably face much deeper criticism once my innocence is publically established and their obstruction of justice exposed.

CAMP AMERICA WASHED THEIR HANDS OF ME

Camp America, an international exchange program by the American Institute for Foreign Study, was my sole Visa Sponsor and were responsible for my placement in a Texas summer camp.

I believe that they had an ethical and legal responsibility to help provide me with competent legal representation in my defense rather than relying upon court-appointed counsel. Instead, they essentially washed their hand of me and left me to the wolves. If I had dedicated legal counsel who was willing to listen to me and fight for my rights, I would not be in a foreign prison for a crime I did not commit.

Richard D. Atkins is an assistant attorney employed through Europe Assistance, which is the AIFS assistance umbrella for crisis situation. In the works of Dennis Regan, the Senior Vice President of the Camp America Program:

"Mr. Atkins is an ombudsman. He assists us in helping participants who encounter legal issues to understand the American judicial process"
[30]

Mr. Atkins assisted Daniel with the false allegations against him. As a result Daniel was swiftly sent back to the UK after the allegations were made.

Mr. Atkins also helped represent two participants of Camp America in 2002 who were involved in a hazing incident at Camp South Hampton. The two young men, Philip Nicklin and Alexander Grant, were accused of ritual genital flicking of a disabled youth. The case was disposed of by Mr. Atkins dealing with public defenders, the prosecutor and the judge. The young men were given probation to be served in their home country pursuant to which all charges would be expunged. Both Philip and Alexander were British like Daniel.

Mr. Dennis Regan further explains Richard Atkins role:

"The way it works in our program is that we have an assistance company that helps with emergency matters. Among many other resources, they offer legal -- legal advice for internationals that may be afoul of the law. We have an attorney by the name of Dick [Richard] Atkins who likes to refer to himself as an ombudsman. To clarify that, he has no direct retainer, if you will, with any of our participants, but he is a resource to give them legal advice if they got into trouble" [31].

In the days leading up to my trial date, I reached out by letter to Mr. Atkins and explained that I desperately needed alternative legal representation because I felt that my court-appointed counsel were refusing to adequately prepare for trial and were railroading me into a plea deal. But I did not get a response.

On the day that I broke and agreed to enter a 'Cold Plea' of guilty, one of my attorneys, Clay Steadman, was furious that I wrote Mr. Atkins. He told me that if I had a problem, I was to talk to him and only him. This added to my sense of fatalism and compounded the powerlessness that eventually broke me that day.

After my conviction, I sent Mr. Atkins another letter. I was hoping he could help me with my appeals. This time I got a response:

"The last time I responded to one of your letters, I sent it through Mr. Steadman since it was faster and the only way you would be sure to get it prior to your decision to plead guilty or go to trial" [32].

Obviously it wasn't the most prudent way to correspond with me as I never saw the letter Mr. Atkins sent via Mr. Steadman. I was perplexed to understand why Mr. Atkins would send my correspondence through the very people I felt were railroading me.

Mr. Atkins letter continued:

"By that time I had spoken to several Texas lawyers familiar with Kerr County justice and had no reasonable choice but to cringe at the likely results of a Texas jury trial with its attendant prejudices and conservative outlook, 50 years or life with consecutive sentences to be served, all too probable... Your horrible sentence most likely would not have occurred in other States, but Texas is a tough, severe jurisdiction for criminal charges, as you unfortunately have found out. I am sorry I cannot be of more help. I wish you good luck in bettering your terrible situation" [33].

And with that, I have not had any further response from correspondence sent to Mr. Atkins or Camp America. I can't help but wonder why I did not receive the same degree of help as Daniel, Philip or Alexander. Mr. Atkins assistance provided to them seems abundantly more fruitful than what was provided to me. I believe that they still have an ethical obligation to help me, but that is rather difficult to obtain when my correspondence is ignored.

CULTURE OF FALSE ALLEGATIONS

Summer camps naturally evolve unique cultures amongst its campers. This is inevitable because of the socialization process. Sometimes these cultures are positive, and other times they are not. I believe that Camp Stewart has a lot of positive aspects to its culture - but after my experience of being falsely accused and certain events that have since come to light, there is a serious issue amongst at least a select group of campers of making false allegations. It is not systemic, but it is there.

In the summer of 2010, Kathy Ragsdale wrote an Open Letter to the parents of the campers that year. In that letter she explained:

"This summer we had a few campers tell staff such things as "if you do not let me have a coke whenever I want it, I'll write home that you touched me improperly'. Protecting staff from false allegations and threats has been part of our constant challenge, too. Campers have lots of power - just as campers must be protected - Staff has to be protected from campers' improper use of that power" [34].

Lets give this a bit of perspective - In 2009 I was falsely accused; In 2012 Daniel was falsely accused; and then in 2013 a Scottish counselor named Graeme was falsely accused...

It is evident that at Camp Stewart there is a culture amongst at least a select group of campers to make false allegations of sexual abuse. Daniel, Graeme and myself were all accused by the same group of campers - but in different years. Kathy states that this is a "constant challenge", suggesting that it has been occuring for some time. The problem however appears to have been identified AFTER my wrongful conviction. When the allegations against me arose, they weren't scrutinized enough to determine their validity.

Daniel and Graeme may have been spared the trauma of criminal convictions because I was sacrificed to the Texas justice system and brought light on the culture. If their allegations had arisen prior to mine, I am confident they would be in a Texas prison cell for the rest of their lives.

I do not believe that the initial allegations against me were made to get coke or anything like that - but rather CW and MW made the allegations to get out of trouble. The remainder of the allegations were the result of social pressures by concerned parents and overzealous authorities. Its possible that my experience sowed the seeds to enflame the culture of false allegations because the campers in that select group realized they could get anything they wanted by accusing someone of touching them improperly.

THE INTERNET AND MY BEARD

WL stated in his forensic interview (aged 14) "that in third grade he felt kind of an obligation to tell his father something so he said that Zirus slapped him on his bare butt" [35]. WL went on to say that "he felt good about it because he at least told his father something happened **even if it wasn't the truth**" [36].

So WL felt so obligated to tell his father that he had been abused that he made up a story (to wit: lied) about being slapped on his bare butt. The allegation eventually manifested itself as the allegations that became the basis of his multi-million dollar lawsuit.

The forensic interviewer asked WL how he knew there were other children making allegations and WL said that he heard about it after camp when his dad found out and repeatedly asked him about it [37]. A few years later he looked me up on the internet and read about the allegations made by the other kids and the lawsuits they had filed [38].

When asked about what I looked like back then, WL stated that I "was chubby, spoken with an Australian accent, **and had a blackish color beard**" [39].

This is a very interesting description because I did NOT have a beard at Camp. Camp Stewart has a strict dress code that requires that all counselors be clean shaven. In the Camp Stewart Handbook, it states in their "arbitrary standards of dress and personal appearance" that they require all counselors be CLEAN-SHAVEN at all times "on and off camp premises" [40]. Camp Stewart is a camp of very high caliber and they were extremely strict about their dress code.

Their Handbook even states that "violations of this dress code may result in disciplinary action" [41]. There was nothing that exempted me from these self-described "arbitrary standards", and I was under extra scrutiny because of my position as a Division Leader.

So how did WL get the idea that I had a "blackish color beard" when I was prohibited from having any type of facial hair at camp? The answer is simple. The statement is a lie.

I surmise that during his internet search, WL came across either a picture of my mugshot or my TDCJ ID photo (post-2015). In both of these pictures I sport a short black beard.

It is also possible that he came across an article by Peter Mitchell from the Australian Associated Press, which states:

Some of the victim's parents told AAP Zirus would sleep in a bunk in a cabin with boys.

"Our son said, 'He'd snuggle me in bed and **rub his beard against me** even though I didn't want him to and he told me he loved me'", the mother of a seven-year-old told AAP after Zirus' 2010 sentencing.

Peter Mitchell wrote a lot of horrible and inaccurate things about me. But it is clear that he made that quote up to sensationalize his story, or the mother who gave him the quote was lying about what her son said (if he said anything).

In 2018 I wrote Peter Mitchell a letter and I wrote:

"I understand the desire to include such statements in your articles because it may arouse your readers attention, but I want your articles to be accurate - so I encourage you to contact me directly. You may be surprised to learn that a lot of what has been said about me is not true" [42].

That article quoted Amos Barton labelling me a "talented manipulator", so I wrote the following in the letter to Peter Mitchell:

"I am not a 'talented manipulator' - I am just very good at pointing out facts and highlighting the flaws and inconsistencies in their attempts to demonize me for a crime I never committed. Barton wants to brand me a 'talented manipulator' to try to discredit me. I don't need to affix a label to Barton to discredit him, the facts do it for me" [43].

I never received a response.

It is clear that WL used his internet search to form the underlying narrative for his allegations and multi-million dollar lawsuits.

Another point to highlight about mysterious ways my accusers gathered information to form their narratives is found in LM's Preliminary Psychological Evaluation Summary, which states:

"LM also reported that [MW], another boy in his cabin who Scott also sexually abused, had bad stomach aches. On one occasion when he saw Scott in the bathroom with [MW] 'I had a bad feeling that something was going to go wrong'" [44].

The ultimate flaw in LM's story is the fact that MW was not in the same cabin as LM. Where did he get MW's name or the fact MW experienced stomach aches? I can not answer that question. I can speculate that he heard it from the adults or his attorney, Michael Sawicki - but beyond speculation, it is a mystery why LM said such a thing.

- Chapter Nine -

HOW TO HELP

"You can have all the evidence in the world
that you didn't do it, but unless theres
outside attention focused on your case,
it'll get swept under the rug"

- Damien Echols (2011)
Exonerated Prisoner

"It does not take a majority to prevail...
but rather an irate, tireless minority,
keen on setting brushfires of freedom
in the minds of men"

- Samuel Adams

BEYOND A SHADOW OF DOUBT

There is no need to live amongst the shadows. A lot of people privately express a strong confidence in my actual innocence, but there is still considerable fear and reservation in publically supporting it because they are afraid it will be seen as supporting a pedophile. They have reputations to uphold, children to raise, and are terrified of social lynch mobs - so they stay silent.

These may be legitimate concerns, but if you believe I am innocent then you know that I, in fact, did not do what I have been accused. Your support of my actual innocence is NOT support for a pedophile. It is support of a man who has been FALSELY ACCUSED of such. If you allow the decision of whether to support my innocence to be dictated by the uninformed opinions of others, then you are directly feeding into the social phenomenon that caused my wrongful conviction - and subsequently keeps me in prison.

Especially in todays social climate, people tend to think that "Truth" is subjective in that truth is somehow determined by their personal feelings - that such feelings are the ultimate standard on which to judge what is right and wrong. But just because someone makes an allegation that arouses strong emotions does not mean it is true. We should always face such allegations with deliberate impartiality (but not indifference) to avoid the trap of emotional reactivity. We should draw conclusions only after we have weighed the facts against logic and reason. This is called critical thinking, and emotion should play no part in our evaluation of what constitutes "Truth". Only then can any stand that you take be firmly founded upon the Truth.

If others react emotionally to your reasoned stance - let them. There is no reason to entertain their inability or unwillingness for objective truth seeking. There is definately no reason to let them dictate what you stand for.

When you overcome the initial reservation to publically support my innocence, other people will see this and they will feel empowered by your example to step forward too. When you speak with confidence about the facts, the uninformed haters all melt into insignificance. They have shallow minds. Hate, fear and confusion is all they have. If you dispel that with the truth, they have nothing. Yes, it may be unpleasant at times, but we are on the right side of justice. Feed the fire of justice, and it will illuminate the Truth beyond a shadow of doubt.

TAKING ACTION

Here are some examples of how you can directly help by bringing 'outside attention' to my innocence:

- * Explain to all your friends and family how I am actually innocent; and dispel any myths they may have about how innocent people get convicted (e.g. false confessions and cold pleas of guilty). Never underestimate the power of word-of-mouth, so encourage them to read about my innocence and help advocate my innocence as well.
- * Promote my innocence on social media by promoting my website. Contact the press and encourage them to truthfully cover our story. Help make lots of noise online about my innocence.
If necessary, correct the media and any "haters" when they incorrectly state the facts about my case (especially in a public forum). You have read and evaluated the facts, they have not - so do not be afraid to stand up for the truth. If not you, then who?
- * Put significant pressure on Texas Officials to recognize my innocence and do the right things by overturning my wrongful conviction. Write letters and emails to the Texas Court of Criminal Appeals and the District Attorney (Prosecutor) and Judge of the 198th Judicial District Court, Kerr County, Texas, and DEMAND that they do everything in their power to correct this injustice. If they refuse or fail to meaningfully act, then support the candidate who runs against them in the next local election. Remember, in Texas these public officials are elected. When the people demand justice, the public officials eventually give in to them and do the right thing.
- * I need to find a dedicated and experienced attorney to help me reopen my appeal or litigate my actual innocence. If you are a Pro Bono attorney who is interested in my case, please contact me.
Alternatively, supporters can get together and organize a campaign to raise the money necessary to hire an attorney.
- * CONTACT ME - I am willing to answer any questions you may have about my case and if you are interested in helping my innocence campaign with specific things that I can not do for myself, I would be more than happy to hear from you. Plus, prison can get lonely and it is sometimes nice to write to people

- Thank You...

CONTACT SCOTT ZIRUS

Postal Address: (letters/cards/photos)

Texas Department of Criminal Justice
Scott Zirus #01640002 - Robertson Unit
P.O. Box 660400
Dallas, Texas 75266-0400
UNITED STATES OF AMERICA

eMessage: www.SecurusTech.net [TDCJ ID: 01640002]

NOTE: This is only available if you select a location in the
United States (i.e. Texas, California, Washington State)

* Please also provide a "Prepaid Reply" to help me respond.

Legal Mail / Books:

Scott Zirus #01640002
Robertson Unit
12071 F.M. 3522
Abilene, Texas 79601
UNITED STATES OF AMERICA

Pen Pal Profile:

<https://prisoninmates.com/profile/ScottZirus01640002>

* I have a lifetime membership with this Pen Pal website. If I am
ever transferred to a different facility, my new address will be
listed on this profile.

R E F E R E N C E S

R E F E R E N C E S

THE UNTOLD STORY

- [1] - Reference to Camp America Interview Summary (25th October 2008)
2009 Counselor Application #49245-44363
- [2] - http://dailytimes.com/news/article_4ae6b6f2-899c-11e9-b232-832957831192.html
- [3] - Defendant Zirus' Answers To First Set of Interrogatories, No. 6
(16th January 2020) - Civil No. 5:19-CV-00607
- [4] - Id.
- [5] - Id.
- [6] - Id.
- [7] - Id.
- [8] - Id.
- [9] - NEIS is a small business start-up program through the Australian Department
of Employment and Work Relations (ABN: 40 376 417 416)
- [10] - Mandurah Media - ABN: 79 394 074 068
- [11] - Fairbridge Western Australia, Inc. - ABN: 160 284 34077
- [12] - Defendant Zirus' Answers To First Set of Interrogatories, No. 10
(16th January 2020) - Civil No. 5:19-CV-00607
- [13] - Id.
- [14] - Id.
- [15] - WWC No. 83591
- [16] - www.workingwithchildren.wa.gov.au
- [17] - Id.
- [18] - Id.
- [19] - Defendant Zirus' Answers To First Set of Interrogatories, No. 11
(16th January 2020) - Civil No. 5:19-CV-00607
- [20] - Id.
- [21] - Id.
- [22] - Id.
- [23] - Id.
- [24] - Camp America Interview Summary (25th October 2008)
2009 Counselor Application #49245-44363
- [25] - Deposition of Mark McNaughton - 21st July 2013, pg. 59
- [26] - Id at 128-129.
- [27] - Id at 233.
- [28] - Deposition of Kathy Ragsdale - 14th August 2013, pg. 25
- [29] - www.campstewart.com
- [30] - Deposition of Kathy Ragsdale - 15th November 2011, pg. 88-89
- [31] - Deposition of Kathy Ragsdale - 14th August 2013, pg 34
- [32] - Deposition of Kathy Ragsdale - 15th November 2011, pg. 110
- [33] - ASIC Registration Number: BN11195691; See, APPENDIX A
- [34] - Deposition of Kathy Ragsdale - 15th November 2011, pg. 112, 15
- [35] - Id.
- [36] - Minnick v. Mississippi, 498 U.S. 146, 151 (1990)
- [37] - Carol Tavris and Elliot Aronson, "Mistakes Were Made (but not by me): Why
We Justify Foolish Beliefs, Bad Decisions, and Hurtful Acts", pg. 141
- [38] - Deposition of Kathy Ragsdale - 15th November 2011, pg 20-21
- [39] - Id at 64; Deposition of Mike Busby, pg. 38
- [40] - Letter to Australian Embassy, 18th April 2010 - DFAT DECLASSIFIED
Case: 1111-F247, pg 37 (Copy Issued under FOI Act 1982)

- [41] - Case: 1111-F247 - WH639822L
- [42] - <http://www.writeaprisoner.com> - Scott Zirus-z-1640002
(profile expired: 1st September 2011)
- [43] - 2012 U.S. Dist. LEXIS 194977
- [44] - Deposition of B.B. - 7th August 2013, pg. 108
- [45] - Id-at 109.
- [46] - Deposition of Kathy Ragsdale - 15th November 2011, pg. 171
- [47] - Deposition of Kathy Ragsdale - 15th November 2011, pg. 28
- [48] - Deposition of Kathy Ragsdale - 14th August 2013, pg. 80
- [49] - Deposition of Kathy Ragsdale - 15th November 2011, pg. 37
- [50] - 5:10-CV-1044, Doc. 317, pg. 3

CHAPTER TWO

"No-Crime" Convictions:-

- [1] "Report: Nearly One in Four Exonerated Involve Crimes That Never Occurred" by Christopher Zoukis, Prison Legal News, January 2016, page 49; See also, <http://gritsforbreakfast.blogspot.com>; www.law.umich.edu
- [2] Id.
- [3] Id.
- [4] Ex parte Thompson, 153 S.W.3d 416, 422 (Tex. Crim. App. 2005)
- [5] "Report: Nearly One in Four Exonerated Involve Crimes That Never Occurred" Id.
- [6] Id.
- [7] Id.
- [8] www.falseallegations.org

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- [1] Preliminary Psychological Evaluation Report Summary - pg. 4 [BATES: CW001627]

Contradicting Emails:-

- [1] BATES NUMBER CSB:000662
- [2] BATES NUMBER CSB:000568

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- [2] Id, page 1 [CW001625]
- [3] Merriam-Webster's Collegiate Dictionary, Eleventh Edition
- [4] Preliminary Psychological Evaluation Summary - page 5 [CW001628]
- [5] Id, page 3 [CW001626]
- [6] Private Investigator's Report, Hanna Security & Investigation, LLC [2010]
- [7] Deposition of Kathy Ragsdale - 15th November 2011
- [8] Id.

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<http://pediatrics.aappublications.org/content/101/4/e9.full.html>
- [2] Id.
- [3] Id.

Witnesses To Scott Zirus' Behaviour:-

- [1] Private Investigator's Report, Hanna Security & Investigations LLC [2010]
Page 5-6
- [2] Id, Page 2-3
- [3] Id, Page 3-4
- [4] Id, Page 5
- [5] Id, Page 4-5
- [6] Deposition of Kathy Ragsdale, 15th November 2011

Impracticality Of The Allegations:-

- [1] Deposition of Kathy Ragsdale, 15th November 2011, page 30

JB: The Bed-Wetting Incident

- [1] Deposition of Kathy Ragsdale, 15th November 2011, page 20-21

JB: Falsely Accusing Another Camp Counselor

- [1] Camp America 'Situation Log Details', page 1 (15th June 2012) [Bates No. AIFS00529]
- [2] Deposition of Jeff McCoy, 12th December 2013, page 73-74
- [3] Deposition of Jeff McCoy, 12th December 2013, page 80
- [4] Camp America 'Situation Log Details', page 3 (16th June 2012) [Bates No. AIFS00531]
- [5] Letter from Scott Zirus to Kathy Ragsdale, 19th January 2014

The Inherent Fallibility of Children's Testimony:-

- [1] Horner, T.M., Guyer, M.J., and Kalter, N.M., (1993), "The Biases of Child Sexual Abuse Experts: Believing is Seeing", Bull. Am. Accad. Psychiatry Law, Vol. 21, No. 3 - page 282;
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- [6] Poole, et. al., "Interviewing Preschoolers", Id at 132;
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- [7] Poole, et. al., "Interviewing Preschoolers", Id at 132;
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- [9] Poole, et. al., "Interviewing Preschoolers", Id at 144.
- [10] Poole, et. al., "Interviewing Preschoolers", Id at 133-134.
- [11] Poole, et. al., "Interviewing Preschoolers", Id at 142.
- [12] Principe, G.F., Kanaya, T., Ceci, S.J., & Singh, M., "Believing is Seeing: How Rumors can Engender False Memories in Preschoolers" Psychological Science, 17: 247
- [13] Principe, et. al., "Believing is Seeing", Id at 247;
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- [14] Poole, et. al., "Interviewing Preschoolers", Id at 132-133.
- [15] Poole, et. al., "Interviewing Preschoolers", Id at 133.

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The Inherent Fallibility of Children's Testimony (CONTINUED):-

- [16] Poole, et. al., "Interviewing Preschoolers", Id at 132-133.
- [17] Poole, et. al., "Interviewing Preschoolers", Id at 144.
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- [19] Poole, et. al., "Interviewing Preschoolers", Id at 144.
- [20] Poole, et. al., "Interviewing Preschoolers", Id at 143.
- [21] Principe, et. al., "Believing is Seeing", Id at 243;
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- [23] Poole, et. al., "Interviewing Preschoolers", Id at 130;
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Analyzing The Validity of CW's Allegations:-

- [1] Forensic Interview of CW, pg 11 (19th August 2009 - 1.03pm-1:40pm)
- [2] Id at 25: Q: Did you think he was doing something nice or not nice or.
CW: Um, I don't know (chuckles)
- [3] Id at 8
- [4] Id at 16
- [5] Poole, D.A., and Lindsay, D.S., "Interviewing Preschoolers: Effects of Nonsuggestive Techniques, Parental Coaching, and Leading Questions on Reports of Nonexperienced Events", Journal of Experimental Child Psychology, 60:143
- [6] Forensic Interview of CW, pg 21
- [7] Id at 24
- [8] Id at 13: Q: Okay - and when this happened with Scott um, was it one time or was it more than one time?
CW: Um, two or three times he touched my tinkler, but once or twice he touched my bottom
Q: Okay
CW: But that's pretty much it
Q: Okay
CW: I think.

CHAPTER TWO (continued)

Analyzing The Validity of CW's Allegations (CONTINUED):-

- [9] Id at 24
- [10] Id at 14
- [11] Id at 12
- [12] INDICTMENT: State of Texas vs. Scott Ash James Zirus, October 5th, 2009, Cause No. B09552, 198th District Court, Kerr County, Texas - Case No. 200909257:

"THE GRAND JURORS FOR THE COUNTY OF KERR, STATE OF TEXAS, ... UPON THEIR OATHS PRESENT IN AND TO THE COURT, THAT SCOTT ASH JAMES ZIRUS, ON OR ABOUT THE 19TH DAY OF JULY, 2009, AND BEFORE THE PRESENTMENT OF THIS INDICTMENT, IN SAID COUNTY AND STATE, DID THEN AND THERE: INTENTIONALLY AND KNOWINGLY CAUSE THE SEXUAL ORGAN OF JOHNNY DOE #2 (PSEUDONYM), A CHILD WHO WAS THEN AND THERE YOUNGER THAN 14 YEARS OF AGE AND NOT THE SPOUSE OF THE DEFENDANT, TO CONTACT THE SEXUAL ORGAN OF JOHNNY DOE #3 (PSEUDONYM)"

- [13] Texas Penal Code §22.021(a)(1)(B)(iii) states: "A person commits an offense [of Aggravated Sexual Assault] if the person intentionally or knowingly causes the sexual organ of a child to contact or penetrate the mouth, anus, or sexual organ of another person, including the actor"

Analyzing The Validity of MW's Allegations:-

- [1] Forensic Interview of MW, pg 6 (19th August 2009 - 1:05pm-1:45pm)
- [2] Id at 8-9
- [3] Kerr County Sheriff's Office Witness Voluntary Statement by MW's Mother 19th August 2009, pg 2
- [4] Forensic Interview of MW, pg 27
- [5] Id at 29-30
- [6] Id at 33-34
- [7] Id at 38
- [8] Id at 38-39
- [9] Id at 39-40
- [10] Carol Tavris and Elliot Aronson (2007), "Good Intentions, Bad Science: The Closed Loop of Clinical Judgement", Mistakes Were Made (but not me), pg 118, 119-120.
- [11] Forensic Interview of MW, pg 23-24
- [12] Id at 28
- [13] Id at 32
- [14] Id at 33
- [15] Id at 34
- [16] Id at 39-40
- [17] Id at 22
- [18] Id at 23
- [19] Id at 11
- [20] Id at 27
- [21] Id at 20
- [22] Id at 31-32

CHAPTER TWO (continued)

Analyzing The Validity of JB's Allegations:-

- [1] Forensic Interview of JB, 2nd September 2009 (3:52pm) - pg 13
- [2] Id at 15
- [3] "Normative sexual Behavior in Children: A Contemporary Sample" by William N. Friedrich, Ph. D., et. al., Pediatrics, 1998; 101: e9.
<http://pediatrics.aappublications.org/content/101/4/e9.full.html>
- [4] Forensic Interview of JB, pg 19-20
- [5] Id at 17
- [6] Private Investigator's Report, Hanna Security & Investigations LLC [2010] pg 2-3
- [7] Forensic Interview of JB, pg 18
- [8] Deposition of [JB's Father], 7th August 2013;
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- [9] Principe, G.F., Kanaya, T., Ceci, S.J., & Singh, M., "Believing Is Seeing: How Rumors Can Engender False Memories in Preschoolers" Psychological Science 17: 243
- [10] Principe, et. al., "Believing Is Seeing", Id at 244;
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Seeing It From The Accusors Point Of View:-

- [1] "The Girl Who Told The Truth", by Michael Hall, Texas Monthly, March 2018, page 122.

CHAPTER THREE

Letter From M:-

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- [2] Kassin, S.M., (2005), "On the Psychology of Confessions: Does Innocence Put Innocence at Risk", American Psychologist, 60:215;
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- [3] www.innocenceproject.org;
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- [4] Kassin, "On the Psychology of Confessions", Id at 216
- [5] Kassin, "On the Psychology of Confessions", Id at 216

Three Types of False Confessions:-

- [1] Kassin, "On the Psychology of Confessions", Id at 221

Five Ways In Which Innocence Can Put Innocents At Risk:-

- [1] Kassin, "On the Psychology of Confessions", Id at 224
- [2] Kassin, "On the Psychology of Confessions", Id at 224

The Investigators Presumption Of Guilt:-

- [1] Kassin, "On the Psychology of Confessions", Id at 219
- [2] Kassin, "On the psychology of Confessions", Id at 219;
- Kassin, S.M., Goldstein, C.J., & Savitsky, K. (2003), "Behavioral Confirmation in the Interrogation Room: On the Dangers of Presuming Guilt", Law and Human Behavior, 27:187-203
- [3] Kassin, "On the Psychology of Confessions", Id at 219
- [4] Leviton, M (2017) "The Whole Truth: Richard A. Leo on Why Innocent People Confess To Crimes", The Sun, July 2017 (pp. 8)
- [5] Leviton, "The Whole Truth", Id at 7

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- [2] Leviton, "The Whole Truth", Id at 12

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- [1] Kassin, "On the Psychology of Confessions", Id at 218;
- Leo, R.A. (1996), "Inside the Interrogation Room", The Journal of Criminal Law and Criminology, 86: 266-303
- [2] Kassin, "On the Psychology of Confessions", Id at 218;
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- [5] Kassin, "On the Psychology of Confessions", Id at 218;
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- [6] Kassin, "On the Psychology of Confessions" Id at 218;
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- [7] Kassin, "On the Psychology of Confessions", Id at 218;
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- [8] Kassin, "On the Psychology of Confessions", Id at 218;
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Deception, Trickery, and False Evidence:-

- [1] Leviton, "The Whole Truth", Id at 8
- [2] Garrett, "The Substance of False Confessions", Id at 1097;
Frazier v. Cupp, 394 U.S. 731, 739 (1969);
Fred E. Inbau et. al., "Criminal Interrogation and Confessions", at 486-87 (noting the Court has approved deceptive techniques, but counsels against their use when they could be "apt to make an innocent person confess");
Laurie Magid (2001), "Deceptive Police Interrogation Practices: How Far is Too Far?" Mich. L. Rev., 99: 1168, 1169.
- [3] Kassin, "On the Psychology of Confessions", Id at 221;
Moston, S., Stephenson, G.M., & Williamson, T.M. (1992), "The Effects of Case Characteristics on Suspect Behavior During Questioning", British Journal of Criminology, 32: 23-40.
- [4] Garrett (2010), "The Substance of False Confessions", Stan. L. Rev. 62: 1051, 1097-1098;
Kassin, S.M. (2010), "Police-Induced Confessions: Risk Factors and Recommendations", Law & Hum. Behav. 34: 3, 15 (surveying studies and concluding, "over the years, across a range of subdisciplines, basic research has revealed that misinformation renders people vulnerable to manipulation").

CHAPTER THREE (continued)

Deception, Trickery, and False Evidence (CONTINUED):-

- [5] White (2001), "Miranda's Failure", Mich. L. Rev., 99:1211, 1242-43; Fordham Urb. L. J., 33:791, 817-818.
- [6] Ofshe, R.J. & Leo, R.A. (1997), "The Decision to Confess Falsely: Rational Choice and Irrational Action", Denv. U. L. Rev., 74:979, 1009 ("For an Innocent suspect who naively trusts the police and believes that they would not lie, the cumulative effect of an endless stream of false evidence can be devastating"); Fordham Urb. L. J., 33:791, 818.
- [7] Ofshe & Leo, "The Decision to Confess Falsely", Id at 985-86 ("Police elicit the decision to confess from the guilty by leading them to believe that the evidence against them is overwhelming, that their fate is certain (whether or not they confess), and that there are advantages that follow if they confess").

Believable False Confessions:-

- [1] Garrett (2010), "The Substance of False Confessions", Stan. L. Rev., 62: 1051, 1058.
- [2] Leviton (2017), "The Whole Truth", Id at 8
- [3] Garrett (2010), "The Substance of False Confessions", Id at 1052.
- [4] Garrett (2010), "The Substance of False Confessions", Id at 1064.
- [5] Leviton (2017), "The Whole Truth", Id at 8

Coersive Interrogation Techniques:-

- [1] Leviton (2017), "The Whole Truth", Id at 8
- [2] Leviton (2017), "The Whole Truth", Id at 12
- [3] Kassin (2005), "On the Psychology of Confessions", Id at 221, FN 2.
- [4] Leviton (2017), "The Whole Truth", Id at 10
- [5] Leviton (2017), "The Whole Truth", Id at 13

The Reid Technique:-

- [1] Kassin (2005), "On the Psychology of Confessions", Id at 220
- [2] Kassin (2005), "On the Psychology of Confessions", Id at 221
- [3] Kassin (2005), "On the Psychology of Confessions", Id at 222
- [4] Kassin (2005), "On the Psychology of Confessions", Id at 220
- [5] Kassin (2005), "On the Psychology of Confessions", Id at 220

How To Prove A Confession Is False:-

- [1] Leviton (2017), "The Whole Truth", Id at 10

CHAPTER FOUR

False Evidence:-

- [1] Interrogation of Scott Zirus, 20th August 2009 - page 11
- [2] Id at 12
- [3] Id at 11

McCoy's Monologues:-

- [1] Interrogation of Scott Zirus, 20th August 2009 - page 14
- [2] Id at 12
- [3] Id at 17
- [4] Id at 17
- [5] Kassin, S.M. (2005), "On the Psychology of Confessions: Does Innocence Put Innocents at Risk?" American Psychologist, 60: 215, 221; Moston, S., Stephenson, G.M., & Williamson, T.M. (1992), "The Effects of Case Characteristics on Suspect Behavior During Questioning", British Journal of Criminology, 32: 23-40.
- [6] Interrogation of Scott Zirus, 20th August 2009 - page 12
- [7] Id at 13
- [8] Id at 15
- [9] Id at 17

Minimization:-

- [1] Interrogation of Scott Zirus, 20th August 2009 - page 14
- [2] Id at 16
- [3] Id at 15
- [4] Id at 16
- [5] Id at 13
- [6] Id at 16
- [7] Id at 17

The Teathering Pattern:-

- [1] Interrogation of Scott Zirus, 20th August 2009 - page 18
- [2] Id at 19
- [3] Id at 19

CHAPTER FIVE

The Right To An Attorney:-

- [1] *Miranda v. Arizona*, 86 S.Ct. 1627
- [2] *Miranda*, Ia at 1627-28
- [3] *Edwards v. Arizona*, 101 S.Ct. 1880 (1981)
- [4] *Michigan v. Harvey*, 110 S.Ct. 1176, 1180; *Smith v. Illinois*, 105 S.Ct. 490, 494.
- [5] *Minnick v. Mississippi*, 111 S.Ct. 486, 489 (1990)
- [6] *Edwards*, Id at 1884-85
- [7] *Minnick v. Mississippi*, 111 S.Ct. 486 (1990)
- [8] *Minnick*, Id at 491
- [9] *Arizona v. Robertson*, 108 S.Ct. 2093 (1988)
- [10] *Martinez v. State*, 127 S.W.3d 792 (Tex. Crim. App. 2004)

CHAPTER SIX

The Cold Plea of Guilty:-

- [1] Deposition of Kathy Ragsdale, 15th November 2011, pg 227
- [2] Scott Zirus, 29th April 2010, 3:30am - Kerr County Jail, Tank 5

The Science Behind Cold Pleas:-

- [1] Ex Parte Tuley, 109 S.W.3d 388, 393 (Tex. Crim. App. 2002)
- [2] Ex Parte Tuley, Id at FN. 2
- [3] Ex Parte Tuley, Id at 405
- [4] Lynn S. Branham, "The Law and Policy of Sentencing and Corrections"
- [5] Id
- [6] Id
- [7] "Why Did This Innocent Man Plead Guilty?" by Antoine Goldet, Reveal - The Center For Investigative Reporting (Aug 28, 2016) - www.revealnews.org

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- [1] Mark Leviton (2017), "The Whole Truth: Richard A. Leo on Why Innocent People Confess to Crimes", The Sun, July 2017, pg 10.
- [2] Saul M. Kassin (2005), "On the Psychology of Confessions: Does Innocence Put Innocents at Risk", American Psychologist, 60: 212 - 222;
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- [3] Kassin (2005), "On The Psychology of Confessions", Id at 222;
Kassin, S.M. & Sukel, H. (1997), "Coerced Confessions and the Jury: An Experimental Test of the 'Harmless Error' Rule", Law and Human Behavior, 21: 27-46;
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- [5] Kassin (2005), "On the Psychology of Confessions", Id at 222
- [6] Garrett, B.L. (2010), "The Substance of False Confessions", Stan. L. Rev., 62: 1051, 1060.

Was My Plea Done Sincerely?:-

- [1] Letter to Australian Embassy, 18th April 2010 - DFAT DECLASSIFIED
Case: 1111-F247, pg 37 (Copy issued under FOI Act 1982)

CHAPTER SEVEN

APPELLATE SAGE:-

- [1] Schlup v. Delo, 115 S.Ct. 851 (1995); "Freeing The Innocent: Actual Innocence and The Writ of Habeas Corpus", Paper and Presentation by Gary A. Udashen, Chapter 16.6 -State Bar of Texas, Annual Criminal Law Course (July 26-29, 2010)
- [2] Herrera v. Collins, 113 S.Ct. 853 (1993); Ex parte Elizondo, 947 S.W.2d at 209; Ex parte Franklin, 72 S.W.3d at 678.
- [3] Texas Code of Criminal Procedures, article 11.07
- [4] Texas Court of Criminal Appeals, Remand Order - 10th October 2012
Ex Parte Zirus, WR-78,395-01; -02; -03.
- [5] Id.
- [6] Id.

"AFFIDAVUID" OF JAMES W. PATTERSON:-

- [1] Affidavuid of James. W. Patterson, 25th October 2012
- [2] Affidavid of Amos L. Barton, 24th October 2012
- [3] State's Reply to Habeas Corpus Applications, 5th September 2012

AFFIDAVIT OF CLAY B. STEADMAN:-

- [1] Affidavit of Clay B. Steadman, 21st December 2012
- [2] Id.
- [3] Motion To Suppress Written/Oral Statements of the Defendant
Filed 3:11pm, 22nd December 2009 - 198th District Court, Kerr County
- [4] Findings of Fact and Conclusions of Law [on pre-trial suppression hearing]
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KANGAROO COURT:-

- [1] Cert No. 7001 2510 0003 1040 4066 [Trial Court - 15th January 2013]
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- [2] Letter to Chief Staff Counsel Ed Wetzel and Chief Justice Sharon Keller,
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- [3] Letter to entire Texas Court of Criminal Appeals, 8th April 2013
- [4] 2013 WL 1655672 (Tex. Crim. App. April 17, 2013)

APPEAL TO THE FEDERAL COURTS:-

- [1] 28 U.S.C. § 2254
- [2] Zirus v. Stephens, 5:14-CV-00154 - Doc 10, 28th April 2014
"Memorandum Opinion and Order", page 6
- [3] Id at 8.
- [4] Id at 10.
- [5] Id at 7.
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CHAPTER EIGHT

Character Assassination:-

- [1] 5:19-CV-00607, Doc. 3 - point 15
- [2] See, Appendix B - Australian Tax Office
- [3] Appendix B - pages 22, 25, 27, 36, 37, 39
- [4] Id at 39
- [5] Deposition of Danielle Shaw - 3rd September 2013, page 97
- [6] Id at 98
- [7] Id at 100
- [8] Id at 100
- [9] Id at 100-107
- [10] Id at 107
- [11] Deposition of Mark McNaughton - 21st July 2012, pg 150
- [12] 5:19-CV-00607, Doc. 3 - point 15 and 41
- [13] Appendix B - page 37
- [14] Appendix C - page 4
- [15] Id at 2
- [16] Id at 1
- [17] Id at Decision, pg 5
- [18] Appendix D - FOI Application 754-2019, 28th May 2020
- [19] WWC No. 83591
- [20] childsaftylaw.com - "Scott Zirus: Abuser Claims he is Innocent despite confessions", 28th July 2014
- [21] "Australian abused boys at US Summer Camp" by Peter Mitchell, 18th April 2010
- [22] "US: US Court Sentences Aust Pedophile to 40 Years" by Peter Mitchell, 28th April 2010
- [23] Deposition of Jeff McCoy - 10th July 2012, pg 39
- [24] Deposition of Jeff McCoy - 13th August 2013, pg 52
- [25] Appendix E - FBI FOI Request No. 1525695-000
- [26] Deposition of Kathy Ragsdale - 15th November 2011, pg 160
- [27] "Appeal For Clemency" by Catherine Botman, 16th April 2011; "Scout Now Faces WA Sex Charges", The West Australian, pg 3 - 27th March 2010; "Zirus Claims He Was Tricked" by Ronan O'Connell, The West Australian - 29th April 2010
- [28] Appendix A - Registration No. BN11195691
- [29] Appendix F - <http://en.wikipedia.org/wiki/shadoran>
- [30] Deposition of Kathy Ragsdale - 15th November 2011, pg 158
- [31] "The Secret Life of Scott Zirus and How He Preyed Upon Texas Children" by Peter Mitchell, 30th April 2010
- [32] Defendant Zirus' Answers To First Set of Interrogatories, No. 8
16th January 2020

A Complex Universe:-

- [1] "Former Hill Country DA Indicted" by Zeke MacCormack, San Antonio Express News
18th December 2009
<https://www.chron.com/news/houston-texas/article/former-hill-country-DA-indicted-1723410.php>
- [2] Id.

- [3] "Indictments Continue in 198th Judicial District" by Judith Pennebaker
Bendera County Courier, 25th February 2010
https://www.bccourier.com/archives/news_detail.php?contentId=5518
- [4] "Former Hill Country DA Indicted"
- [5] "Luau" is a Hawaiian feast
- [6] "Indictments Continue in 198th Judicial District"
- [7] "Former Hill Country DA Indicted"
- [8] Id; "Former District Attorney Ron Sutton Pleads Guilty to Two Counts"
by Mary Alice Bobbins, 19th April 2010
<https://www.law.com/texaslawyer/almID/1202448174100/?SIreturn=20180226114816>
- [9] "Indictments Continue in 198th Judicial District"
- [10] "Another Texas District Judge Indicted on Felony Charges and Jailed on Friday"
by Michael Lowe, Judge Watch, 15th February 2010
<https://www.dallasjustice.com/another-texas-district-judge-indicted-on-felony-charges-and-jailed-on-friday>
- [11] "Indictments Continue in 198th Judicial District"
- [12] Id.
- [13] Id.
- [14] "Former Hill Country Judge Admits Theft" by Zeke MacCormack, San Antonio
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- [15] "Indictments Continue in 198th Judicial District"
- [16] Id; "Former Hill Country Judge Admits Theft"
- [17] "Another Texas District Judge Indicted on Felony Charges"
- [18] "Indictments Continue in 198th Judicial District"
- [19] "Former Hill Country Judge Admits Theft"
- [20] "Former District Attorney Sentenced in Kerrville" by Zeke MacCormack, San Antonio
Express-News, 22nd May 2010
https://www.mysanantonio.com/news/local_news/article/former-district-attorney-sentenced-in-kerrville-793542.php
- [21] Id.
- [22] Id.
- [23] "Former Hill Country Judge Admits Theft"
- [24] "Indictments Continue in 198th Judicial District"
- [25] Id.
- [26] "District Attorney Race Gets Ugly in Hill Country" by Zeke MacCormack, San Antonio
Express-News, 12th May 2012
https://www.mysanantonio.com/news/local_news/article/district-attorney-race-gets-ugly-in-hill-country-3535829.php
- [27] Id.
- [28] Id.
- [29] Id.
- [30] Deposition of Dennis Regan - 28th August 2013, pg 37
- [31] Deposition of Dennis Regan - 9th May 2012
- [32] Letter from Richard D. Atkins, 7th July 2010
- [33] Id.
- [34] Kathy's Open Letter - CSB:000565
- [35] KCSO - Case Number 2017-09798 - Incident/Offense Report, page 16 - WL000895

- [36] Id.
- [37] KSCO, page 21 - WL000895
- [38] KSCO, page 25 - WL000896
- [39] KSCO, page 28 - WL000896
- [40] Camp Stewart Handbook - Arbitrary Standards of Dress and Personal Appearance
- [41] Id.
- [42] Letter to Peter Mitchell c/o Sunday Times, 18th June 2018
- [43] Id.
- [44] CW001619

A P P E N D I X

A



ASIC

Australian Securities & Investments Commission

Business Name

GRASSROOT VENTURES
Registration number BN11195691

Extracted from ASIC's database at AEST 09:24:55 on 29/01/2019

Business Name Summary

Name: GRASSROOT VENTURES

Registration Number: BN11195691

Registered State: Western Australia

Registration Date: 14/11/2008

Status: Cancelled

Type: Business Names

Regulator: Australian Securities & Investments Commission

A P P E N D I X
B

GPO Box 2934 Adelaide, SA 5001



Australian Government
Australian Taxation Office

Mr Scott Zirus #1640002
12071 F.M. 3522
Abilene TEXAS 79601
United States of America

Reply to: GPO Box 2934 Adelaide,
SA 5001
Contact officer: Rebecca Sprigg
Email: foi@ato.gov.au
Reference: 1-JO65T9A

20 November 2019

Decision regarding your Freedom of Information request

Dear Mr Zirus,

I refer to your application requesting copies of documents under the *Freedom of Information Act 1982* (FOI Act), dated 16 October 2019, and received by our office on 24 October 2019.

I am an officer authorised under section 23(1) of the FOI Act to make decisions in relation to FOI requests.

Your request

By application dated 16 October 2019 you requested “... *all documents pertaining to my employment history between 2002 and 2009 – including (but not limited to) income tax returns, payment summaries, superannuation, business registrations etc.*” for the time period 1 January 2002 to 20 August 2009.

Decision

I have identified 12 documents (totalling 41 pages) which fall within the scope of your request. Of these 12 documents, I have decided to release 7 documents in full and 5 documents to you in part. I have referred to these documents as bundles of documents and numbered them bundles 1 – 12.

Please see enclosed:

- Attachment A: Reasons for Decision
- Attachment B: Schedule of Documents

Material taken into account

I have taken the following material into account in making my decision:

- the FOI Act;
- the *Taxation Administration Act 1953* (TAA);
- the terms of your request;
- the content of any document that falls within the scope of your request; and
- the Guidelines issued by the Australian Information Commissioner under section 93A of the FOI Act.

Your review rights

If you are dissatisfied with my decision, you may apply for internal review or Information Commissioner review of the decision. We encourage you to seek internal review as a first step as it may provide a more rapid resolution of your concerns.

Internal review

Under section 54 of the FOI Act, you may apply in writing to the ATO for an internal review of my decision. The internal review application must be made within 30 days of the date of this letter, quoting our reference number at the top of this letter, and be lodged in one of the following ways:

email: **FOI@ato.gov.au**
post: Australian Taxation Office,
General Counsel,
GPO Box 4889, Sydney NSW 2001.

Where possible please attach reasons why you believe review of the decision is necessary. The internal review will be carried out by another officer within 30 days. If you have not been informed of the outcome of the review within that time, you may apply to the Australian Information Commissioner under section 54L of the FOI Act.

Information Commissioner review

Under section 54L of the FOI Act, you may apply to the Australian Information Commissioner to review my decision. An application for review by the Information Commissioner must be made in writing within 60 days of the date of this letter, and be lodged in one of the following ways:

online: **<https://forms.business.gov.au/aba/oaic/foi-review/>**
email: **enquiries@oaic.gov.au**
post: GPO Box 5218, Sydney NSW 2001
in person: Level 3, 175 Pitt Street, Sydney NSW

Visit the Australian Information Commissioner website, **www.oaic.gov.au/freedom-of-information/foi-reviews**, for more information about Information Commissioner review.

Complaints

Any complaint about the processing of your FOI request can be forwarded to the Information Commissioner. The complaint needs to be in writing and identify the agency against which the complaint is made. There is no particular form required to make a complaint, however using the online form is preferable.

online: **https://forms.business.gov.au/aba/landing.htm?formCode=ICCA_1**
email: **enquiries@oaic.gov.au**
post: GPO Box 5218, Sydney NSW 2001
in person: Level 3, 175 Pitt Street, Sydney NSW

The Information Commissioner can be contacted on 1300 363 992.

Questions about this decision

If you wish to discuss this decision, you can contact me by email at foi@ato.gov.au or by mail to GPO Box 2934 Adelaide, SA 5001.

Yours sincerely,



Rebecca Sprigg
Lawyer
General Counsel
Australian Taxation Office

ATTACHMENT A: REASONS FOR DECISION

Reasons for my decision

I am an officer authorised under section 23(1) of the FOI Act to make decisions in relation to FOI requests.

Section 11 of the FOI Act provides that you have a legally enforceable right to obtain access to a document held by the ATO. Under section 11A of the FOI Act, the ATO must give you access to a document upon your request, unless it is an exempt document.

Section 22 of the FOI Act allows for an edited version of a document to be provided where exempt and irrelevant information has been deleted. I have made deletions to five documents pursuant to sections 38 and 47E of the FOI Act.

Exception under section 38 of the FOI Act

For a document to be exempt under section 38, disclosure of the document, or information contained in the document, must be prohibited under a secrecy provision set out in Schedule 3 to the FOI Act. Section 8WB(1)(c) of the TAA is specified in Schedule 3 of the FOI Act.

Under section 8WB(1)(c) of the TAA, it is an offence for a person to divulge or communicate another person's tax file number (TFN) to a third person, unless an exception applies.

In your case, I have identified documents which contain the TFN of an entity other than yourself, being the TFN of the superannuation fund of which you are a member. There are no exceptions that would allow this TFN to be disclosed to you.

As such, I have made deletions to these documents under section 38 of the FOI Act, so as to remove information that is exempt from disclosure under section 8WB(1)(c) of the TAA.

Conditional exemption under section 47E of the FOI Act

Section 47E of the FOI Act permits a decision-maker to exempt or partially exempt documents containing information which could have an adverse effect on the operations of an agency. Subsection 47E(d) states:

47E Public interest conditional exemptions – certain operations of agencies

A document is conditionally exempt if its disclosure under this Act would, or could reasonably be expected to, do any of the following:

- (d) have a substantial adverse effect on the proper and efficient conduct of the operations of an agency.

...

I have decided to exempt staff user identifications (User IDs) from production pursuant to subsection 47E(d) of the FOI Act.

User IDs constitute part of the authentication requirement for ATO system accesses. As such, their release could reasonably be expected to increase the risk of unauthorised access to ATO information technology (IT) systems.

The ATO's IT systems are critical to the proper and efficient delivery of ATO functions. A successful attack on these systems would have a substantial adverse effect on the ATO's operations, through compromise of system availability and integrity, and through possible compromise of taxpayer information.

I consider that disclosure of the User IDs represents a potential security risk to the ATO.

I consider that the factors favouring disclosure in section 11B(3) of the FOI Act are not applicable to the disclosure of User IDs. There is no public interest in the information being known, as the User IDs convey minimal informational value in themselves.

The Australian Information Commissioner confirmed in the case of *'AW' and Australian Taxation Office [2014] AICmr 1* (10 January 2014) that the removal of User IDs is an allowable course of action under section 11A(5) of the FOI Act.

I have decided that providing you with access to the parts of the documents that are conditionally exempt under s.47E(d) would, on balance, be contrary to the public interest and as such, I have decided to partially exempt documents containing User IDs under subsection 47E(d) of the FOI Act.

FREEDOM OF INFORMATION ACT 1982

Attachment B: INDEX AND SCHEDULE OF EXEMPTIONS, DELETIONS & DOCUMENTS

Applicant: ZIRUS, Scott Ash James 1-J065T9A

Document Number	Folios	Document Name	Decision	Section	Comments
1	1-7	Bundle of Income Tax Returns	Release in part	S 38	Part of the document includes information of a kind which is prohibited from disclosure by the secrecy provisions of s 8WB(1)(c) of the <i>Taxation Administration Act 1953</i> (TAA) as specified in Schedule 3 of the FOI Act
2	8-18	Bundle of ICP System Documents	Release in full		
3	19-20	Bundle of System notes	Release in part	Subs 47E(d)	Part of the document contains information which, if disclosed, would, or could reasonably be expected to, have a substantial adverse effect on the proper and efficient conduct of the operations of an agency.
4	21-22	Bundle of Corporate Applications system Information	Release in part	Subs 47E(d)	Part of the document contains information which, if disclosed, would, or could reasonably be expected to, have a substantial adverse effect on the proper and efficient conduct of the operations of an agency.
5	23-24	Bundle of ICP System Documents	Release in full		
6	25-28	Bundle of Superannuation Documents	Release in full		
7	29-30	Bundle of Corporate Applications system Information	Release in part	S 38; Subs 47E(d)	Part of the document includes information of a kind which is prohibited from disclosure by the secrecy provisions of 8WB(1)(c) of the <i>Taxation Administration Act 1953</i> (TAA) as specified in Schedule 3 of the FOI Act; Part of the document contains information which, if disclosed, would, or could reasonably be expected to,

					have a substantial adverse effect on the proper and efficient conduct of the operations of an agency.
8	31-32	Statement of Account	Release in full		
9	33	Superannuation Document	Release in full		
10	34-37	Bundle of Corporate Applications system Information	Release in part	Subs 47E(d)	Part of the document contains information which, if disclosed, would, or could reasonably be expected to, have a substantial adverse effect on the proper and efficient conduct of the operations of an agency.
11	38-40	Bundle of Income Data	Release in full		
12	41	ABN Bank Details Information	Release in full		

TFN: 372569112
Name: ZIRUS,SCOTT A

ICP CAPTURE
Year: 01/07/2006 - 30/06/2007

Form summary			
Form status:		Processed	
Form transaction Id:		1063825765	
Form Id:		21392	
Form group:		Income Tax return forms	
Form type:		Tax return Individuals	
NAT number:		3799-11.2007	
Received date:		07/08/2007	
Period start date:		01/07/2006	
Period end date:		30/06/2007	
Transaction type:		Client form	
Completion date:		23/01/2010	
Input reason:		Conversion	
Input date:		07/08/2007	
Input by:		P1ICZ	
Input source:		CONVERSION	
Tax Payer Identification			
Tax File Number (TFN)		372569112	
Are you an Australian resident?		Y	
Your sex		Male	
Birth Day		06	
Birth Month		04	
Birth Year		1984	
Final tax return		N	
Income			
Tax withheld from salary and wages		6580.00	
Gross payment		C-G	24441
Total Tax withheld from salary and wages		6580.00	
Total Gross payment		24441	
Total Tax Withheld		\$	6580.00
10	Gross Interest	L	0
Total Income or Loss		24441	
Deductions			
Subtotal - Total Income or Loss less Total Deductions		24441	
Losses			
Taxable income or loss		\$	24441
Tax Offsets			
Private Health Insurance			
Medicare Levy			
M2	For the whole year were you and all of your dependents covered by private patient HOSPITAL cover?	E	N
	Number of days you do NOT have to pay the surcharge	A	365
Adjustments			
	Months eligible for threshold	N	0
Spouse Details			

TFN: 372569112
Name: ZIRUS,SCOTT A

ICP CAPTURE
Year: 01/07/2006 - 30/06/2007

	Consent to use spouse FTB overpayment		
	Your signature for FTB purposes only		Y
	Tax Payer's Declaration		
	Signature		Y
	Tax Agent's Details		
	ETP Payment Summary		
	Supplement Income		
	Supplement Deductions		
	Supplement Tax Offsets		
	Supplement Adjustments		
	Supplement Credit for interest on tax paid		
	Additional Information Schedule		
	BPI Simplified Tax System		
	BPI Personal Services Income		
P1	Did you receive any personal services income?		N
	BPI Taxpayer Information		
	Industry Code	A	0
P3	Number of business activities	B	0
	BPI Income		
	Total Gross payments where ABN not quoted		0
	Total Gross payments subject to foreign resident withholding		0
	Total Gross Payment Voluntary agreement		0
	Total Gross Payments Labour hire or other specified payments		0
	Total Assessable government industry payments		0
	Total Other business income		0
	BPI Expense		
	BPI Reconciliation		
	Net Income or Loss from Business this year		0
	Total Deferred non-commercial losses from a prior year		0
	Net Income or Loss from business		0
	BPI Loss		
	BPI STS Depreciating Assets		
	BPI Other Business and Professional Items		
	BPI Taxpayer signature		
	FTB Centrelink Fields		
	Calculations		
	Tax on Taxable Income		2766.15
	Tax assessed balance		2166.15
	Total PAYG withholding credit		6580.00
	Credit for tax paid by trustee		0.00
	Total Medicare levy liability		366.61
	Balance of this assessment		-4047.24

TFN: 372569112
Name: ZIRUS,SCOTT A

ICP CAPTURE
Year: 01/07/2007 - 30/06/2008

Form summary		
Form status:		Processed
Form transaction Id:		1078412353
Form Id:		21475
Form group:		Income Tax return forms
Form type:		Tax return Individuals
NAT number:		3799-11.2008
Received date:		09/09/2008
Period start date:		01/07/2007
Period end date:		30/06/2008
Transaction type:		Client form
Completion date:		23/01/2010
Input reason:		Conversion
Input date:		09/09/2008
Input by:		P1ICZ
Input source:		CONVERSION
Tax Payer Identification		
Tax File Number (TFN)		372569112
Are you an Australian resident?		Y
Your sex		Male
Birth Day		06
Birth Month		04
Birth Year		1984
Final tax return		N
Income		
Tax withheld from salary and wages		5858.00
Gross payment	C-G	35830
Total Tax withheld from salary and wages		5858.00
Total Gross payment		35830
Total Tax Withheld	\$	5858.00
11 Gross Interest	L	0
Total Income or Loss		35830
Deductions		
D3 Work related clothing expenses	C	140
Work related clothing expenses claim type		S: Occupation-specific clothing
Total Deductions		140
Subtotal - Total Income or Loss less Total Deductions		35690
Losses		
Taxable income or loss	\$	35690
Tax Offsets		
Private Health Insurance		
Medicare Levy		
M2 For the whole year were you and all of your dependents covered by private patient HOSPITAL cover?	E	N
Number of days you do NOT have to pay the surcharge	A	366

	Number of dependent children	D	0
	Adjustments		
	Months eligible for threshold	N	0
	Spouse Details		
	Consent to use spouse FTB overpayment		
	Your signature for FTB purposes only		Y
	Tax Payer's Declaration		
	Signature		Y
	Tax Agent's Details		
	Employment Termination Payment Schedule		
	Superannuation Lump Sum Payment Schedule		
	Supplement Income		
	Supplement Deductions		
	Supplement Tax Offsets		
	Supplement Adjustments		
	Supplement Credit for interest on tax paid		
	Additional Information Schedule		
	BPI Personal Services Income		
P1	Did you receive any personal services income?		N
	BPI Taxpayer Information		
	Industry Code	A	0
P3	Number of business activities	B	0
	BPI Income		
	Total Gross payments where ABN not quoted		0
	Total Gross payments subject to foreign resident withholding		0
	Total Gross Payment Voluntary agreement		0
	Total Gross Payments Labour hire or other specified payments		0
	Total Assessable government industry payments		0
	Total Other business income		0
	BPI Expense		
	BPI Reconciliation		
	Net Income or Loss from Business this year		0
	Total Deferred non-commercial losses from a prior year		0
	Net Income or Loss from business		0
	BPI Loss		
	BPI Small Business Depreciating Assets		
	BPI Other Business and Professional Items		
	BPI Taxpayer signature		
	FTB Centrelink Fields		
	Calculations		
	Tax on Taxable Income		5307.00
	Tax assessed balance		4784.60
	Total PAYG withholding credit		5858.00
	Credit for tax paid by trustee		0.00

ICP CAPTURE
TFN: 372569112 Year: 01/07/2007 - 30/06/2008
Name: ZIRUS,SCOTT A

	Total Medicare levy liability		535.35
	Balance of this assessment		-538.05

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ICP CAPTURE

TFN: 372569112

Year: 01/07/2007 - 30/06/2008

Name: ZIRUS,SCOTT A

Form summary	
Form status:	Processed
Form transaction Id:	921008648
Form Id:	60004
Form group:	Superannuation forms
Form type:	MCS - Member
NAT number:	71334
Parent transaction Id:	871008727
Received date:	14/10/2008
Period start date:	01/07/2007
Period end date:	30/06/2008
Transaction type:	Informational form
Completion date:	14/10/2008
Input reason:	Conversion
Input date:	14/10/2008
Input by:	P1ICP
Input source:	CONVERSION
Member Details	
Fund Name	THE TRUSTEE FOR AMP SUPERANNUATION SAVINGS TRUST
Provider TFN	538
System Code	SAHUMY
Legacy System Membership Identifier	10330296476
Legacy System Period Start Date	01/07/2007
Member TFN	0
Member Current Family Name	ZIRUS
Member Current First given name	SCOTT
Sex	Male
Date of birth day	06
Date of birth month	04
Date of birth year	1984
Member Deceased Indicator	N
Member Account Details	
Provider Member Account Number	038473442
Does the provider accept government co-contributions on behalf of the member?	Y
Account Opened Date	01/07/2006
Account status	005
Member Contribution Amounts	
Financial Year	2008
Employer contributed amount	3037.72
Personal contributed amount	0.00
Capital Gains Tax Cap Election Amount for small business retirement exemption amount	0.00
Capital Gains Tax Cap Election Amount for small business 15 year exemption amount	0.00
Personal Injury Election Amount	0.00
Spouse and Child Contributions Amount	0.00

TFN: 372569112
Name: ZIRUS,SCOTT A

ICP CAPTURE
Year: 01/07/2007 - 30/06/2008

Other Family and Friends Contributions Amount	0.00
Directed Termination Payments (taxable component) amount	0.00
Assessable Foreign Fund Amount	0.00
Non-assessable Foreign Fund Amount	0.00
Transferred from reserves amount - assessable	0.00
Transferred from reserves amount - non assessable	0.00
Contributions made to a previously non-complying fund	0.00
All contributions received for the current year	3037.72
Contributions for Co contributions purposes	0.00
Contributed Amounts - Other	0.00
Member Account Balance	
Account Balance	1978.81
Employer Details	
MCID Results	
Derived TFN	372569112

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SENSITIVE

Client name: ZIRUS, SCOTT A
ABN: 68917608107

You are here: [ABR home](#) * [ABN summary](#)

ABN summary

[< ABN search](#) [Add note >](#)

ABN:

68917608107

ABN status:

Cancelled from 6/01/2009

Reason for cancellation:

Registrar initiated not operating an enterprise (entry 1)

Name:

Mr SCOTT ZIRUS

Entity type:

Individual/Sole Trader

CANCELLED ABN

- ② [ABN record](#) >
- ② [ANZSIC and business details](#) >
- ② [Main business addresses](#) >
- ② [Other locations](#) >
- ② [Business names](#) >
- ② [Trading names](#) >
- ② [Contacts](#) >
- ② [Notes](#) >
- ② [Transaction history](#) >

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SENSITIVE

SENSITIVE

Client name: ZIRUS, SCOTT A
ABN: 689176D8107

CANCELLED ABN

You are here: [ABR home](#) » [ABN summary](#) » [ANZSIC and business details](#)

ANZSIC and business details

[< ABN summary](#)

Main business activity:	MEDIA	2
Main business activity category:	MEDIA	2
Business industry code:	69629	2
Business industry code description:	Management Advice and Related Consulting Services n.e.c.	
ANZSIC code:	6962	
ANZSIC code description:	Management Advice and Related Consulting Services	
Main industry code:	Professional, Scientific and Technical Services	2
ANZSIC additional information:	Manually Coded copy of ANZSIC 2006	2
Business locations:		2
Expected activity end date:		2
Type of POI used:		2

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SENSITIVE

SENSITIVE

Client name: ZIRUS SCOTT A
ABN: 68917608107

CANCELLED ABN

You are here: [ABR home](#) » [ABN summary](#) » [Addresses](#)

Addresses

[← ABN summary](#)

Address type	Address details	Effective from	Effective to
Business address	26A LYNDIA ST FALCON WA 6210	8/09/2014	
Business address	26A LYNDIA ST FALCON WA 6210	14/09/2008	8/09/2014
Business address	16 AIDGEE ST MANDURAH WA 6210	18/12/2003	14/09/2008
Postal address	26A LYNDIA ST FALCON WA 6210	14/09/2008	
Postal address	16 AIDGEE ST MANDURAH WA 6210	18/12/2003	14/09/2008
Email address	scott@zirusmedia.zzn.com	18/12/2003	

Displaying 1 to 8 of 8 records found

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SENSITIVE

You are here: [ABR home](#) » [ABN summary](#) » [Contacts](#)

Contacts

< [ABN summary](#)

Name	Position held	Business telephone
Scott Zirus		08 95813498
Displaying 1 to 1 of 1 records found		
		Previous 1 Next

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SENSITIVE

You are here: [ABR home](#) » [ABN summary](#) » **Notes**

Notes

[< ABN summary](#) [Add note >](#)

Note type	Note summary	Date
ABN	ABN Cancellation image supplied	28/01/2009
WIP	Work item actioned by Pamela Vail	06/1/2004
WIOH	Work item put on hold by Pamela Vail until 07/01/2004.	06/01/2004
WIP	Work item actioned by Pamela Vail	06/01/2004
WIP	Work item actioned by Pamela Vail	06/01/2004
MISC	MIR Scott Ash James Zirus failed the EOJ AIS check.	18/12/2003
MISC	MIR Scott Ash James Zirus failed the EOJ AIS check.	18/12/2003

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SENSITIVE

SENSITIVE

Client name: ZIRUS, SCOTT A
ABN: 68917608107

CANCELLED ABN

You are here: [ABR home](#) » [ABN summary](#) » [Transaction history](#)

Transaction history

[← ABN summary](#)

Event type	Event id	Date of event	Note count	Note summary
ABN Cancellation	37780221	29/01/2009	1	View details
Change of Details	22871450	14/06/2006	0	
Change of Details	22871449	14/06/2006	0	
Change of Details	7782259	30/01/2004	0	
PAYG Registration	7394227	18/12/2003	0	
ABN Registration	7394226	18/12/2003	0	

Displaying 1 to 6 of 6 records found

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SENSITIVE

GNRL	Not required to lodge	09/02/2009	RMS	s47E(d	Inbound call from Mr Zirius. Poi confirmed. Explained the reason for the call was in relation to o/standing ITRs. Mr Zirius advised that she wasn't required to lodge for those periods. I have updated this information to reflect this. Joanna Ricketson APS 3 TPALS Lodgement
GNRL	Message left am	09/02/2009	RMS	s47E(Rang SCOTT ZIRUS (account owner) on 0895317916 at 12:03pm. Left message on am to call 1300 661 508 from 8am-6pm VIC time by close of business on 11/02/09 regarding to SCOTT ZIRUS. Advised to provide ABN/TFN as reference when call is returned. Client has outstanding tax returns that need to be lodged. Roberta Roberts APS3 TPALS Southern Lodgment, Team B, BxH
GNRL	Bulk Case Update	27/01/2009	RMS	BATCH	Case selected for UPL Lodgment dialler campaign. (BA 787.0240)
AISABN	RIC cancellation pending Nov08	07/01/2009	AIS	BATCH	Intent to Cancel letter issued November 2008 advising ABN will be cancelled if no response received within 28 days. No response received to date. ABN included in bulk cancellation request. ABN cannot be removed from cancellation process. No further escalations will be accepted. Clients responding to mailout should be advised as per Ref Mgr scripting. Reason for cancellation or reactivation of an ABN.
AISABN	ABN Intent letter - correction	20/11/2008	AIS	BATCH	Client has been selected as part of RIC mailout, issued November 2008 (including questionnaire). Parameters for selection: ABN registration on or before 1/1/07 and no business income reported on 2007 and 2008 income tax returns. Client has been given 28 days to respond or their ABN will be cancelled. Refer to Reference Manager for mailout scripting.
AISABN	Intent to Cancel ABN letter	13/11/2008	AIS	BATCH	Client has been selected as part of RIC mailout, issued November 2008 (including questionnaire). Parameters for selection: ABN registration on or before 1/1/07 and no business income reported on 2007 income tax returns. Client has been given 28 days to respond or their ABN will be cancelled. Refer to Reference Manager for mailout scripting.
NTS	CENTRELINK GARNISHIEE ON FILE	30/06/2007	AIS NTS	ACTNG	REFERENCE NO. : 602468859T AREA CODE : RRN *** NOTATION DELETED ON 27-06-2008 ***
AISCRM	CRM Note	20/07/2006	AIS	SACLA	ACTIVITY STATEMENTS Unclassified ZIRUS, SCOTT poi completed with managers discretion for in frequent lodgers

NTS	Lodgment Compliance RNN projec	28/06/2006	AIS NTS	P1NTS	Client has had the lodgment status of the years prior to their registration changed from 'NOTLOD' to 'NOTNEC'. This is due to the Lodgment Tail Cleanse Project. Contact is LC Director Risk & Intelligence.
AISCRM	CRM Note	14/06/2006	AIS	SACLA	REGISTRATIONS Registration TFN ZIRUS, SCOTT Updated bus and it addresses.
AISCRM	CRM Note	14/06/2006	AIS	SACLA	PTAX ADVICE Unclassified
AISMISC	LINK	03/11/2005	AIS	s47E(d)	THIS CLT IS A PARTNER OF ABN 79 394 074 068 TFN 814 900 330.
AISMISC	CHANGE OF LEGAL NAME	06/01/2004	AIS	s47E(d)	CHANGE OF NAME CERTIFICATE RECEIVED FROM MR ZIRUS, SHOWING CHANGE OF NAME COMPLETED ON 20/02/2002 FROM SCOTT BRIAN HERWIG TO SCOTT ASH JAMES ZIRUS.

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File Help



TFN: 372 569 112 ABN: 68 917 608 107 CLIENT TYPE: IND SENSITIVITY: IND DOB: 06/04/1984 MR SCOTT A ZIRUS

Correspondence Data

NUMBER REQUIRED TO INSTITUTE SUPERANNUATION

Key value

CONTRERNUM 716496353174217
FTRID 062276353174217

Issued: 24/05/2007

Receiving

Phone number

State

Credit

ID

TFN

4908 8992 1034 417

ISSUED

24/05/2007

Client address

New address

PARER

Residing

MR SCOTT A ZIRUS

126A LYNDIA ST

City

FABCON

6210 WARR

Resend

View Client

GEW6CC

s47E(d)
USER

29/10/2019

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File Edit Actions Help

ATB Client Data
TEN: 372558112 ABN: 68 917 608 107 CLIENT TYPE: IND SENSITIVITY: INC DOB: 05/04/1984 MR SCOTTEMPLOYEE
TEN: 338
ABN Name: 16028434077 FAIRBRIDGE WESTERN AUSTRALIA INCEMPLOYEE
ASSESSMENT PERIOD: ASCENDING

Assessment Period	Entered Share	Allocated Shortfall	Entered Nominal Interest	Allocated Nominal Interest	Allocated GIE	Allocated LPP	Allocated Total
2007/01	*****	757.44	*****	56.02	0.00	0.00	813.46
Totals		757.44		56.02			813.46

Allocation Details

29/10/2019

29/10/2019

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Client name: ZIRUS.SCOTT A

TFN: 372569112

Account: Integrated Client Account 1

11:20:01 AEDST
ABN End Dated

You are here: ICP home » Client home » Accounts » Roles

List Roles

< View account Add role >

- This screen displays the list of roles for this client or account. Select a Role type to view a list of periods for the role. [Click Periods hyperlink to view a list of periods for the role.](#)

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Client name: ZIRUS,SCOTLA
TFN: 372569112

Account: Income Tax Account 551
Role type: Income Tax - Individual

09:29:47 AEDST
ABN End Dated

You are here: [ICP home](#) » [Client home](#) » [Accounts](#) » [Roles](#) » [Periods](#)

Periods - Income Tax - Individual

< [Roles](#)

● This screen displays the list of periods for this client, account, or role. Select a **Period start date** to view period details. Click **Assessment** hyperlink to view a list of assessments for the period. Click **Transactions** hyperlink to view a list of transactions for the period.

Period start date	Period end date	Current balance \$	Lodgment status	View assessments	View transactions
01/07/2020	30/06/2021	0.00	Not Received	Assessments	Transactions
01/07/2019	30/06/2020	0.00	Not Received	Assessments	Transactions
01/07/2018	30/06/2019	0.00	Not Received	Assessments	Transactions
01/07/2017	30/06/2018	0.00	Not Received	Assessments	Transactions
01/07/2016	30/06/2017	0.00	Not Received	Assessments	Transactions
01/07/2015	30/06/2016	0.00	Not Received	Assessments	Transactions
01/07/2014	30/06/2015	0.00	Not Received	Assessments	Transactions
01/07/2013	30/06/2014	0.00	Not Received	Assessments	Transactions
01/07/2012	30/06/2013	0.00	Not Received	Assessments	Transactions
01/07/2011	30/06/2012	0.00	Not Received	Assessments	Transactions
01/07/2010	30/06/2011	0.00	Not Received	Assessments	Transactions
01/07/2009	30/06/2010	0.00	Not Received	Assessments	Transactions
01/07/2008	30/06/2009	0.00	Not Received	Assessments	Transactions
01/07/2007	30/06/2008	0.00	Received	Assessments	Transactions
01/07/2006	30/06/2007	0.00	Received	Assessments	Transactions
01/07/2005	30/06/2006	0.00	Return not Necessary	Assessments	Transactions
01/07/2004	30/06/2005	0.00	Return not Necessary	Assessments	Transactions
01/07/2003	30/06/2004	0.00	Return not Necessary	Assessments	Transactions
01/07/2002	30/06/2003	0.00	Return not Necessary	Assessments	Transactions
01/07/2001	30/06/2002	0.00	Return not Necessary	Assessments	Transactions

Displaying 1 to 20 of 21 records found

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ICP CAPTURE

TFN: 372569112

Year: 01/01/2008 - 30/06/2008

Name: ZIRUS,SCOTT A

Form summary	
Suspense Reason:	200: Suspended by Transfer
Form status:	Cancelled
Form transaction Id:	4413069976613
Form Id:	60009
Form group:	Superannuation forms
Form type:	LMR Report - Member
NAT number:	3797-12.2006
Parent transaction Id:	4413069534344
Received date:	23/12/2008
Period start date:	01/01/2008
Period end date:	30/06/2008
Transaction type:	Informational form
External batch Id:	ECILMRN0819532.N02
Input reason:	File received
Input date:	23/12/2008
Input by:	P1ICP
Input source:	ELECTRONIC COMMERCE INTERFACE
Member Details	
Member Family Name	ZIRUS
Member First Name	SCOTT
Member Other Name	ASH JAMES
Member Postcode	0000
Member Previous Postcode	0000
Member Gender	Male
Member DOB Day	06
Member DOB Month	04
Member DOB Year	1984
Date of Birth Deemed	No
Member Account Details	
Member Status	Lost
Member Account number	38473442
SPIN/Superannuation Product Identification Number	AMP0278AU
Date Account Opened	01/07/2006
Member Account Balance	3308.38
Member Money Status	Still held by reporting provider or paid to member
Other Member Reference Code	Not supplied
Employer Details	
Employer 1 Business Name	FAIRBRIDGE
Employer 1 Address Line 1	PO BOX 173
Employer 1 Suburb/Town/City	PINJARRA
Employer 1 State/Territory	WA
Employer 1 Postcode	6208
Employer 1 Employment Start Date	01/07/2006
MCID Results	
Derived TFN	372569112

TFN: 372569112
Name: ZIRUS,SCOTT A

ICP CAPTURE
Year: 01/01/2008 - 30/06/2008

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ICP CAPTURE

TFN: 372569112

Year: 01/07/2008 - 31/12/2008

Name: ZIRUS,SCOTT A

Form summary	
Suspense Reason:	200: Suspended by Transfer
Form status:	Cancelled
Form transaction Id:	4413142798102
Form Id:	60009
Form group:	Superannuation forms
Form type:	LMR Report - Member
NAT number:	3797-12.2006
Parent transaction Id:	4413142418061
Received date:	04/05/2009
Period start date:	01/07/2008
Period end date:	31/12/2008
Transaction type:	Informational form
External batch Id:	ECILMRN0863456.N45
Input reason:	File received
Input date:	04/05/2009
Input by:	P1ICP
Input source:	ELECTRONIC COMMERCE INTERFACE
Member Details	
Member Family Name	ZIRUS
Member First Name	SCOTT
Member Other Name	ASH JAMES
Member Address Line 1	1 /JENNER COTTAGE FAIRBRIDGE
Member Suburb/Town	PINJARRA
Member State/Territory	WA
Member Postcode	6208
Member Gender	Male
Member DOB Day	06
Member DOB Month	04
Member DOB Year	1984
Date of Birth Deemed	No
Member Account Details	
Member Status	Found
Member Account number	38473442
SPIN/Superannuation Product Identification Number	AMP0278AU
Date Account Opened	01/07/2006
Member Account Balance	4104.61
Member Money Status	Still held by reporting provider or paid to member
Other Member Reference Code	Not supplied
Employer Details	
Employer 1 Business Name	FAIRBRIDGE
Employer 1 Address Line 1	PO BOX 173
Employer 1 Suburb/Town/City	PINJARRA
Employer 1 State/Territory	WA
Employer 1 Postcode	6208
Employer 1 Employment Start Date	01/07/2006

ICP CAPTURE

TFN: 372569112

Year: 01/07/2008 - 31/12/2008

Name: ZIRUS,SCOTT A

Employer 1 Employment End Date	05/12/2008
MCID Results	
Derived TFN	372569112

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File Actions Help



TFN: 372 569 112 ABN: 51 512 618 107 CLIENT TYPE: IND SENSITIVITY: INC DOB: 06/04/1994 MR SLOTTA, ZIRUS

Member Details

Member ID: 10330296476

Provider TFN: 568

Provider Name: CAMP SINSINNIAH TRUST

Account Number: 568

Plan Name:

System Code: 568

☒ Personal

Account Opened: 11/07/2012

Benefit Structure:

Membership Status: 10330296476

Product: IND

☐ Deferred

TFN Data

Quoted Member TFN:

Quoted Member TFN: 372569112

Benefit Code:

Benefit Code:

Benefit Code:

Payment Details

Group Payments:

Group Payments:

Member Payments:

Member Payments:

Recovery Paid by Provider:

Personal Details

Contributions

General Transaction

GTCL: KY

SIZE: 8

28/10/2019

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File Help



TBN: 72668112 ABN: 68317606107 CLIENT TYPE: IND. SENSITIVE: INC. DOB: 06/04/1984 MR SCOTT A ZIEGLER

Note Type: GENERAL

Subject: SG CREDIT BALANCE PROJECT

Created by:

Name: TANYA REFALO

When: 25/10/2007

Updated by:

Name: TANYA REFALO

When: 25/10/2007

Note Text:

SGEE Account checked as part of 2007 SG Credit Balance Project.

Attempted to call Client on 25/10/2007 on 0406910844 located on 07 Stac return, phone contact unsuccessful.

Covering letter and Super nomination form sent to PO BOX 5062 FALCON WA 6210 as per address in 2007 stac return.

NEWCWC

94/EDY

25/10/2015

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ICP Statement of Account - Extract

Extract date: 29/10/2019

Sorted by: Ascending Processed Date

Period: 1/01/2002 to 20/08/2009

TFN: 372569112

Name: ZIRUS, SCOTT A

Account: Income Tax Account 551

Closing Balance: 0.00

Processed Date	Effective Date	Role	Transaction Description	Debit \$	Credit \$	Running Balance \$
01/01/2002	01/01/2002		OPENING BALANCE	0.00	0.00	0.00
07/08/2007	10/08/2007	Income Tax - Individual	Original Tax return for Individual - Income Tax for the period from 01/07/2006 to 30/06/2007	0.00	4,047.24	4,047.24 CR
07/08/2007	10/08/2007	Income Tax - Individual	Refund for Income Tax for the period from 01/07/2006 to 30/06/2007	3,855.24	0.00	192.00 CR
13/08/2007	10/08/2007	Income Tax from former account	Credit transferred out to Centrelink	192.00	0.00	0.00
01/10/2008	06/10/2008	Income Tax - Individual	Original Tax return for Individual - Income Tax for the period from 01/07/2007 to 30/06/2008	0.00	538.05	538.05 CR
01/10/2008	06/10/2008	Income Tax - Individual	Refund for Income Tax for the period from 01/07/2007 to 30/06/2008	538.05	0.00	0.00
20/08/2009	20/08/2009		CLOSING BALANCE	0.00	0.00	0.00

ICP Statement of Account - Extract

Period: 1/01/2002 to 20/08/2009
 TFN: 372569112
 Name: ZIRUS, SCOTT A
 Account: SHA special account 553

Extract date: 29/10/2019

Balance of selected transactions: 813.46 CR
 Closing Balance: 0.00

Processed Date	Effective Date	Role	Transaction Description	Debit \$	Credit \$	Running Balance \$
13/12/2008	13/12/2008	Taxable SHA	Transfer In of Super Guarantee employer contribution	0.00	813.46	

Released under FOI Act 1982
 Australian Taxation Office

ICP CAPTURE

TFN: 372569112

Year: 01/06/1995 - 31/12/9999

Name: ZIRUS,SCOTT A

Form summary	
Form status:	Processed
Form transaction Id:	4460000337282
Form Id:	60017
Form group:	Superannuation forms
Form type:	PVA - Member
NAT number:	8451-04.2005
Parent transaction Id:	4460000336929
Received date:	18/01/2010
Period start date:	01/06/1995
Period end date:	31/12/9999
Transaction type:	PVA Form
External batch Id:	ECIN0984621.N89.4460000336929
Completion date:	18/01/2010
Input reason:	File received
Input date:	18/01/2010
Input by:	service
Input source:	ELECTRONIC COMMERCE INTERFACE
Type of PVA	
Type of PVA statement	SHAsa - remittance advice
Member Variation Information	
Member TFN	372569112
Tax Office contribution Reference Number	007020030969055
Reason code	P - Member contributions have been paid/transferred out
Rejected Amount	813.46
PVA prevents the provider being identified as a destination for the member	Y
Effective Date	19/12/2009
Linking Transaction ID	4460000336929
Child Transaction ID	4460000337282
Lodgment Date	18/01/2010
Transfer-out Information	
Destination Type	R:Roll-over to another provider acct (incl deferred annuity product)
Destination provider ABN	76514770399
Destination provider member account number	38473442

File Edit Go Help



Lodgment Details

Lodgment Method: MIPS Creation Date: 29/03/2005 Process Num: 820002 Electronic Edition No. Location:
Payer Seq 1 Payee Seq: 125 ATO Rec'd Date: 29/03/2005 Edition: Notice ID:

Payer Details

Payer Identifier: 40376417416 001 (A) Status: CAN Status Date: 03/12/2007 Signed Date: 29/03/2005
Name: DEPARTMENT OF EMPLOYMENT AND WORKPLACE RELATIONS
Address: GAREMA COURT 148 180 CITY WALK

CANBERRA

ACT 2601

Payee Details

Reported TFN: 372569112 Found TFN: 372569112 Basis of Employment: FT Date of Birth: 08/01/1984
Payroll ID: 00077833 Document Location: Signed Date: 17/02/2005
Surname: ZIRUS Terminated: N Resident: Y
First Name: SCOTT ASH JAMES Deemed No Dec: N Use TFN for Super: N
Other Name: Declaration Signed: Y General Exemption: N
Address: HECS: N Student Loan: N
25 LYELTA ST

MANDURAH

6210

Rebates

Claimed: N FTA: N Super/Annuity: N

EDWCXPED

s47E(d)

29/10/2019

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Australian Taxation Office

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Lodgment Details

Lodgment Method: IMAG Creation Date: 31/07/2006 Process Num: Electronic Edition No. 218 Location: ALB
Payer Seq 9334 Payee Seq: 1 ATO Rec'd Date: 25/07/2006 Edition: Notice ID:

Payer Details

Payer Identifier: 99863968377 001 (A) Status: ACT Status Date: 01/11/1999 Signed Date: 20/07/2006
Name: NATIONAL HEART FOUNDATION OF AUSTRALIA WA DIVISION
Address: 334 ROKEBY RD

SUBIACO

WA 6008

Payee Details

Reported TFN: 372569112 Found TFN: 372569112 Basis of Employment: CAS Date of Birth: 08/10/1984
Payroll ID: Document Location: 15032006072500448036 Signed Date: 14/06/2006
Surname: ZIRUS Terminated: N Resident: Y
First Name: SCOTT Deemed No Dec: N Use TFN for Super: N
Other Name: ASH JAMES Declaration Signed: Y General Exemption: N
Address: HECS: N Student Loan: N
26A LYNDIA ST

MANDURAH

WA 6210

Rebates

Claimed: N FTA: N Super/Annuity: N

EDWCXPED

s47E(d)
USER

29/10/2019

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Australian Taxation Office

File Edit Go Help



Lodgment Details

Lodgment Method: IMAG Creation Date: 05/10/2006 Process Num: Electronic Edition No. 266 Location: ALB
Payer Seq 583 Payee Seq: 1 ATO Rec'd Date: 03/10/2006 Edition: Notice ID: ol

Payer Details

Payer Identifier: 16028434077 001 (A) Status: ACT Status Date: 18/05/2000 Signed Date: 26/09/2006
Name: FAIRBRIDGE WESTERN AUSTRALIA INCORPORATED
Address: SOUTH WEST HWY

PINJARRA

WA 6208

Payee Details

Reported TFN: 372569112 Found TFN: 372569112 Basis of Employment: FT Date of Birth: 08/04/1984
Payroll ID: Document Location: 15032006100307816032 Signed Date: 18/09/2006
Surname: ZIRUS Terminated: N Resident: Y
First Name: SCOTT Deemed No Dec: N Use TFN for Super: Y
Other Name: ASH JAMES Declaration Signed: Y General Exemption: N
Address: HECS: N Student Loan: N
35 HUNGERFORD AVE

HALLSHEAD

WA 6210

Rebates

Claimed: N FTA: N Super/Annuity: N

EDWCXPED

s47E(d)

29/10/2019

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Australian Taxation Office

File Edit Go Help



Lodgment Details

Lodgment Method: IMAG Creation Date: 16/07/2007 Process Num: Electronic Edition No. 458 Location: ALB
Payer Seq 633 Payee Seq: 1 ATO Rec'd Date: 09/07/2007 Edition: Notice ID:

Payer Details

Payer Identifier: 16028434077 001 (A) Status: ACT Status Date: 18/05/2000 Signed Date: 04/07/2007
Name: FAIRBRIDGE WESTERN AUSTRALIA INCORPORATED
Address: SOUTH WEST HWY

PINJARRA

WA 6208

Payee Details

Reported TFN: 372569112 Found TFN: 372569112 Basis of Employment: FT Date of Birth: 03/10/1984
Payroll ID: Document Location: 15032007071116530026 Signed Date: 03/07/2007
Surname: ZIRUS Terminated: N Resident: Y
First Name: SCOTT Deemed No Dec: N Use TFN for Super: Y
Other Name: ASH JAMES Declaration Signed: Y General Exemption: Y
Address: HECS: N Student Loan: N
LAWLEY 1 FAIRBRIDGE
VILLAGE
PINJARRA

WA 6208

Rebates

Claimed: N FTA: N Super/Annuity: N

EDWCXPED

s47E(d)
USER

29/10/2019

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Australian Taxation Office

TFN 372569112

INTEREST RECEIVED

Investment Type	Financial year ended	Financial institution	ABN	Tax file number amounts withheld from gross interest	Gross interest	TFN tax refunded	Withheld non resident tax	Refunded non resident tax
INT	30/06/2008	ANZ BANKING GROUP	11005357522	\$0.00	\$88.39	\$0.00	\$0.00	\$0.00

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Australian Taxation Office

TFN 372569112

PAYMENT SUMMARY DATA

Period start date	Period end date	Financial year ended	Payer name and ABN	Tax withheld	Income	Type	Reportable fringe benefits
1/07/2008	30/06/2009	30/06/2009	FAIRBRIDGE WESTERN AUSTRALIA INC ABN: 16028434077	\$2,128.00	\$14,575.00	S	\$11,178.00
1/07/2007	30/06/2008	30/06/2008	FAIRBRIDGE WESTERN AUSTRALIA INC ABN: 16028434077	\$5,858.00	\$35,830.00	S	\$0.00
19/09/2006	30/06/2007	30/06/2007	FAIRBRIDGE WESTERN AUSTRALIA INC ABN: 16028434077	\$6,580.00	\$24,441.00	S	\$0.00
1/07/2006	30/06/2007	30/06/2007	NATIONAL HEART FOUNDATION OF AUSTRALIA WA DIVISION ABN: 99863968377	\$17.00	\$120.00	S	\$0.00
1/07/2005	8/03/2006	30/06/2006	DEPARTMENT OF EMPLOYMENT AND WORKPLACE RELATIONS ABN: 40376417416	\$0.00	\$7,250.00	S	\$0.00
10/03/2005	30/06/2005	30/06/2005	DEPARTMENT OF EMPLOYMENT AND WORKPLACE RELATIONS ABN: 40376417416	\$0.00	\$3,191.00	S	\$0.00

Released under FOI
Australian Taxation

TFN

372569112

WELFARE
PAYMENTS

Financial year ended	Payment type	Tax withheld	Income	Total allowance	Benefit start date	Benefit end date	Benefit taxable	Tax return label
30/06/2009	NSA	\$0.00	\$1,090.00	\$0.00	9/07/2009	30/06/2009	Y	
30/06/2007	NSA	\$0.00	\$2,222.00	\$0.00	1/07/2006	18/09/2006	Y	
30/06/2006	NSA	\$0.00	\$3,684.00	\$0.00	7/03/2006	26/06/2006	Y	
30/06/2005	YAL	\$0.00	\$5,775.00	\$0.00	1/07/2004	9/03/2005	Y	
30/06/2004	YAL	\$0.00	\$8,552.00	\$0.00	1/07/2003	23/06/2004	Y	
30/06/2002	YAL	\$0.00	\$7,689.00	\$0.00	1/07/2001	26/06/2002	Y	

Financial institution account details
(Please complete all sections)**Privacy**

The collection of information on this form is authorised under the *Taxation Administration Act 1953* (TAA). The information will be used to help to administer taxation laws. Under the TAA, the information collected on this form is not normally made available to other persons or agencies.

Print clearly using BLOCK LETTERS and a black pen.

Australian business number

79 394 074 068

Legal name (the name that appears on all legal documents)

MANDURAH MEDIA

Nominated account

Note: this must be an account located in Australia and held by:

- you (the person or business/organisation whose ABN appears above)
- you and some other people or business/organisations (a joint account)
- your registered tax agent, or
- a legal practitioner acting as trustee or executor for you.

BSB number (must be six digits)

036 157

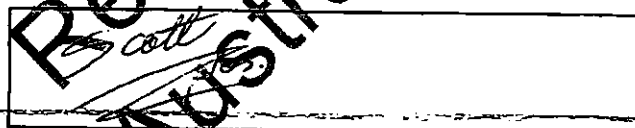
Account number (maximum nine characters)

304971

Account name

MANDURAH MEDIA

I declare that the information given above is true and correct.

Signature of authorised person**Date**

22/10/2005

Notes: Examples of authorised person include a company director or public officer, trustee of a trust, partner of a partnership or any other contact person you nominated to the Tax Office. If supplying this information by email, please quote your electronic signature.

Name of authorised person

SCOTT ZIRUS

Position held

MANAGING DIRECTOR

Contact telephone number (including area code)

08 95343314

A P P E N D I X

C



26 November 2019

Our reference: LEX 48660

Mr Scott Ash James ZIRUS
#1640002
French Robertson Unit
12071 FM 3522
Abilene, TX 79601
USA

Dear Mr Zirus

Decision on your Freedom of Information Request

I refer to your request dated 15 October 2019 and received by the Department of Human Services (the **department**) on 24 October 2019 for access under the *Freedom of Information Act 1982* (the **FOI Act**) to the following documents:

1. Any and all documents pertaining to any medical or psychological treatment I received for paedophilia or sexual attraction to children. If I did not receive any such treatment, please state so. If no such treatment exists in Australia, please also state this.
2. Any and all documents pertaining to my prescription of medication to control or suppress paedophilic sexual urges. If I did not receive any such prescription, please state so. If no such prescription exists in Australia please also state this.
3. Any documents pertaining to whether I received government assistance or benefits through Centrelink between 2002 and 2009, including what type of benefit and the period that I received the benefit.
4. Any and all documents pertaining to whether I was homeless between 2002 and 2009.
5. Any and all documents pertaining to whether I was ever employed by Fairbridge Western Australia, Inc.
6. Any and all documents pertaining to whether I was ever placed in foster care as a child.

Points 1 and 2 of your request

The first two points of your request refer to documents and information related to Medicare Claims Information and Pharmaceutical Benefits Scheme Claim information. This information is not readily available from the department as it is stored in de-identified form by another agency.

This information can be requested without the need for a formal FOI request through the Personal information releases section on the department's website at <https://www.humanservices.gov.au/organisations/about-us/access-information/personal-information-releases>

These two points of your request also appear to be for information rather than documents. The FOI Act provides a right of access to documents which are in the possession of the department. The guidelines issued by the Australian Information Commissioner under section 93A of the FOI Act (the **Guidelines**) state that '...a right of access is to existing documents rather than the information' (guidelines 2.29). This means that the department is not required to create a new document in response to a request for access, except in limited circumstances.

Accordingly I have been unable to meet the first two points of your request and have responded to points 3-6 of your request only.

My decision

The department holds five documents (totalling 12 pages) that relate to your request.

I have decided to grant you **full access** to these five documents (documents 1-5).

I have decided to refuse access to point 6 of your request, 'Any and all documents pertaining to whether I was ever placed in foster care as a child', under section 24A of the FOI Act on the basis that all reasonable steps have been taken to locate the documents you have requested and I am satisfied that they do not exist.

Please see **Attachment B** for a schedule of the documents being released.

On 31 October 2019 the department acknowledged your request and advised you that we would not include personal details about our staff (such as their names). You did not contact the department again about this. Staff details have therefore been redacted in accordance with section 22(1) of the FOI Act.

How we will send your documents to you

The documents are enclosed.

You can ask for a review of our decision

If you disagree with any part of my decision you can ask for a review. There are two ways you can do this. You can ask for an internal review from within the department or an Australian Information Commissioner review. You do not have to pay for reviews of decisions. See **Attachment B** for more information about how to arrange a review.

Further assistance

If you have any questions please email freedomofinformation@humanservices.gov.au

Yours sincerely

Chris
Senior FOI Officer
Freedom of Information Team
Employment Law and Freedom of Information Branch | Legal Services Division
Department of Human Services

Attachment A

SCHEDULE OF DOCUMENTS FOR RELEASE
ZIRUS, SCOTT ASH JAMES MR - LEX 48660

Doc No.	Pages	Date	Description	Comments
1.	1	Printed 5/11/2019	Allowance/Benefit History screen	n/a
2.	2-3	Printed 5/11/2019	Address History screens	n/a
3.	4-7	Printed 5/11/2019	Homeless coding from 21 st November 2000	n/a
4.	8-9	Printed 5/11/2019	Earnings From Employment screen & Online Document Record	Staff details deleted as out of scope under section 22 of the FOI Act
5.	10-12	20/03/2006	Living Arrangements claim form and supporting statement	Staff details deleted as out of scope under section 22 of the FOI Act



REASONS FOR DECISION

What you requested

1. Any and all documents pertaining to any medical or psychological treatment I received for paedophilia or sexual attraction to children. If I did not receive any such treatment, please state so. If no such treatment exists in Australia, please also state this.
2. Any and all documents pertaining to my prescription of medication to control or suppress paedophilic sexual urges. If I did not receive any such prescription, please state so. If no such prescription exists in Australia please also state this.
3. Any documents pertaining to whether I received government assistance or benefits through Centrelink between 2002 and 2009, including what type of benefit and the period that I received the benefit.
4. Any and all documents pertaining to whether I was homeless between 2002 and 2009.
5. Any and all documents pertaining to whether I was ever employed by Fairbridge Western Australia, Inc.
6. Any and all documents pertaining to whether I was ever placed in foster care as a child.

What I took into account

In reaching my decision I took into account:

- your request dated 15 October 2019;
- documents that fall within the scope of your request;
- consultations with departmental officers about:
 - the nature of the documents;
 - the department's operating environment and functions;
- guidelines issued by the Australian Information Commissioner under section 93A of the FOI Act (the **Guidelines**); and
- the FOI Act.

Reasons for my decisions

I am authorised to make decisions under section 23(1) of the FOI Act.

Section 24A of the FOI Act

Section 24A of the FOI Act provides that:

- (1) An agency or Minister may refuse a request for access to a document if:
- (a) all reasonable steps have been taken to find the document; and

(b) the agency or Minister is satisfied that the document:

(i) is in the agency's or Minister's possession but cannot be found; or

(ii) does not exist.

The Social Work Services business areas of the department conducted searches of your record on their Social Work Information System, Online Document Records and your paper file. This Branch did not identify any documents related to you being placed in foster care. Further consultation with this line area advised that child welfare programs in Australia are managed by state governments and that you should direct your enquiries to the relevant state government authority.

On the basis of these searches, I am satisfied that in accordance with section 24A of the FOI Act:

1. all reasonable steps have been taken to find the documents in point six of your request; and
2. the documents do not exist.

INFORMATION ON RIGHTS OF REVIEW

FREEDOM OF INFORMATION ACT 1982

Asking for a full explanation of a freedom of information (FOI) decision

Before you ask for a formal review of a FOI decision, you can contact us to discuss your request. We will explain the decision to you. This gives you a chance to correct misunderstandings.

Asking for a formal review of an FOI decision

If you still believe a decision is incorrect, the *Freedom of Information Act 1982* (FOI Act) gives you the right to apply for a review of the decision. Under sections 54 and 54L of the FOI Act, you can apply for a review of an FOI decision by:

1. an Internal Review Officer in the Department of Human Services (the **department**); and/or
2. the Australian Information Commissioner.

Note 1: There are no fees for these reviews.

Applying for an internal review by an Internal Review Officer

If you apply for internal review, a different decision maker to the departmental delegate who made the original decision will carry out the review. The Internal Review Officer will consider all aspects of the original decision and decide whether it should change. An application for internal review must be:

- made in writing
- made within 30 days of receiving this letter
- sent to the address at the top of the first page of this letter.

Note 2: You do not need to fill in a form. However, it is a good idea to set out any relevant submissions you would like the Internal Review Officer to further consider, and your reasons for disagreeing with the decision.

Applying for external review by the Australian Information Commissioner

If you do not agree with the original decision or the internal review decision, you can ask the Australian Information Commissioner to review the decision.

If you do not receive a decision from an Internal Review Officer in the department within 30 days of applying, you can ask the Australian Information Commissioner for a review of the original FOI decision.

You will have 60 days to apply in writing for a review by the Australian Information Commissioner.

You can lodge your application:

Online: www.oaic.gov.au
Post: Australian Information Commissioner
GPO Box 5218
SYDNEY NSW 2001
Email: enquiries@oaic.gov.au

Note 3: The Office of the Australian Information Commissioner generally prefers FOI applicants to seek internal review before applying for external review by the Australian Information Commissioner.

Important:

- If you are applying online, the application form the 'Merits Review Form' is available at www.oaic.gov.au.
- If you have one, you should include with your application a copy of the Department of Human Services' decision on your FOI request
- Include your contact details
- Set out your reasons for objecting to the department's decision.

Complaints to the Australian Information Commissioner and Commonwealth Ombudsman

Australian Information Commissioner

You may complain to the Australian Information Commissioner concerning action taken by an agency in the exercise of powers or the performance of functions under the FOI Act. There is no fee for making a complaint. A complaint to the Australian Information Commissioner must be made in writing. The Australian Information Commissioner's contact details are:

Telephone: 1300 363 992
Website: www.oaic.gov.au

Commonwealth Ombudsman

You may also complain to the Commonwealth Ombudsman concerning action taken by an agency in the exercise of powers or the performance of functions under the FOI Act. There is no fee for making a complaint. A complaint to the Commonwealth Ombudsman may be made in person, by telephone or in writing. The Commonwealth Ombudsman's contact details are:

Phone: 1300 362 072
Website: www.ombudsman.gov.au

The Commonwealth Ombudsman generally prefers applicants to seek review before complaining about a decision.

I008ZZ - Bottom of scrolling lines

Nxt: Lock Sys: NSS Env: P WA US1 12B6 XSJ181 5 NOV 2019

CRN: 602 468 859T (M) MR SCOTT, ASH JAMES, ZIRUS Rct:

XRN: IES1010999209 13 QUONDON PL, PINJARRA 6208 Ptr: N

Act: Rgn: MANDURAH (MDA) DOB: 06 APR 1984 Eng: N

Bst: NSA/CAN-DOT JSR/INA LIC/CAN-CPP DMN DIS/CLS PBI

----->>> Allowance/Benefit History (ABH) <<<----- Page 1 of 1

Type Reason	Status	DOE	AMR
NSA DEPARTURE/ABSENCE OVERSEAS TEMPORARY	CAN	16 MAY 2009	1043
NSA	CUR	9 APR 2009	965
NSA	ASS	2 APR 2009	965
NSA FAIL TO SUPPLY DOCUMENTS	REJ	2 FEB 2009	951
NSA FT EMPLOYMENT, EARNED INC NOT ADVISED	CAN	5 SEP 2006	885
NSA	CUR	7 MAR 2006	746
NSA OTHER	REJ	6 APR 2005	681
YAL CUSTOMER IS SELF-EMPLOYED UNDER NEIS	CAN	10 MAR 2005	681
YAL	CUR	6 APR 2000	2
YAL	ASS	31 MAR 2000	2

0169 OVR 002/018

Nxt: Lock Sys: NSS Env: P WA US1 12AQ XSJ181 5 NOV 2019

CRN: 602 468 859T (M) MR SCOTT, ASH JAMES, ZIRUS Rct:

XRN: IES1010999209 13 QUONDON PL, PINJARRA 6208 Ptr: N

Act: Rgn: MANDURAH (MDA) DOB: 06 APR 1984 Eng: N

Bst: NSA/CAN-DOT JSR/INA LIC/CAN-CPP DMN DIS/CLS PBI

----->>> Address History (ADH) <<<----- Page 1 of 2
Display Addresses of Type:

Type	Address	RAA	Start Date	AMR
HOM	13 QUONDON PL	PINJARRA	6208	N 2 APR 2009 957
HOM	26A LYNDA ST	MANDURAH	6210	N 7 MAR 2006 1081
HOM	26A LYNDA ST	MANDURAH	6210	N 7 MAR 2006 729D1081
HOM	25 LYELTA ST	MANDURAH	6210	N 29 APR 2004 541
HOM	25 LYELTA ST	MANDURAH	6210	N 28 APR 2004 545
HOM	22 SANDRA ST	MANDURAH	6210	N 20 FEB 2004 493
HOM	16 ALDGATE ST	MANDURAH	6210	N 18 FEB 2003 325
HOM	13/98 MANDURAH TCE	MANDURAH	6210	N 20 APR 2002 189
HOM	20 STANTON ST	EATON	6232	N 1 FEB 2002 161
HOM	3 B MILLARD ST	EATON	6232	N 2 JAN 2002 134
HOM	72 HAMILTON RD	EATON	6232	N 19 OCT 2001 113
HOM	30 BALGORE WAY	BUNBURY	6230	N 6 APR 2001 65

Source: DOR:

Nxt: ☐ Lock Sys: ☐ NSS Env: ☐ P WA US1 12AQ XSJ181 5 NOV 2019CRN: ☐ 602 468 859T (M) MR SCOTT, ASH JAMES, ZIRUS Rct:

XRN: IES1010999209 13 QUONDON PL, PINJARRA 6208 Ptr: N

Act: Rgn: MANDURAH (MDA) DOB: 06 APR 1984 Eng: N

Bst: NSA/CAN-DOT JSR/INA LIC/CAN-CPP DMN DIS/CLS PBI

----->>> Address History (ADH) <<<----- Page ☐ 2 of 2Display Addresses of Type: ☐

Type Address

RAA Start Date AMR

☐ HOM 3 A BUSWELL ST BUNBURY 6230 N 21 NOV 2000 30☐ HOM 9 SOUTH WEST HWY DONNYBROOK 6239 N 31 MAR 2000 1☐ POS ADDRESS TYPE ENDED N 1 FEB 2002 161☐ POS 3B MILLARD ST EATON 6232 N 12 DEC 2001 127Source: ☐ DOR: ☐

Nxt: ☐ Lock Sys: ☐ NSS ☐ Env: ☐ P WA US1 12AY XSJ181 5 NOV 2019
CRN: ☐ 602 468 859T (M) MR SCOTT, ASH JAMES, ZIRUS Rct: ☐
XRN: IES1010999209 13 QUONDON PL, PINJARRA 6208 Ptr: N
Act: Rgn: MANDURAH (MDA) DOB: 06 APR 1984 Eng: N
Bst: NSA/CAN-DOT JSR/INA LIC/CAN-CPP DMN DIS/CLS PBI
--->>> Independent/Homeless/Away From Home Details (NIH) <<<- Page ☐ 1 of 1

Action: HOM
Start/Reject Reason: ☐ HDH Start Date: 21 NOV 2000
End Reason: ☐ End Date: ☐
Consent To Contact: ☐ MHR

Parental Income Financial Year: ☐
Parental Income Estimate Ind: ☐ Review Date: ☐

Regional Classification:
Regional Classification Override:

To update regional classification details, go to RLD: ☐

Source: ☐ DOR: ☐ Action: ☐ AMR: 36

0202 OVR 002/019

HDH = Serious family breakdown - long term domestic
disharmony

MHR - Mother only to be contacted

Nxt: ☐ Lock Sys: ☐ NSS Env: ☐ P WA US1 116W XSJ181 5 NOV 2019CRN: ☐ 602 468 859T (M) MR SCOTT, ASH JAMES, ZIRUS Rct: ☐

XRN: IES1010999209 13 QUONDON PL, PINJARRA 6208 Ptr: N

Act: Rgn: MANDURAH (MDA) DOB: 06 APR 1984 Eng: N

Bst: NSA/CAN-DOT JSR/INA LIC/CAN-CPP DMN DIS/CLS PBI

----->>> Employment Income Details (EAN) <<<----- Page ☐ 1 of 1

Type of Employment Income: EARNINGS FROM EMPLOYMENT

Employer Name/Description: FAIRBRIDGE ABN: ☐Employer Phone Number: ☐ 95317916 Apprentice Employer: ☐Employee Reference: ☐ EER Reporter: ☐

Financial Year Total Earnings: Previous \$ 0.00 Current \$ 0.00

Event	Amount	Freq	Empl	Chng	Hrs	Avg	Veri	\$Per	Chnl	AMR
Date	\$.cc		Sts	Rsn	f/n	Typ	fied	f/n	Type	
<input type="checkbox"/> 15 APR 2009	<input type="checkbox"/> 450.00	<input type="checkbox"/> IOP	<input type="checkbox"/> PTC	<input type="checkbox"/>	<input type="checkbox"/> 18	<input type="checkbox"/>	<input type="checkbox"/> NVE	<input type="checkbox"/>	<input type="checkbox"/> 0.00 CSO	<input type="checkbox"/> 996

Source: ☐ DOR: ☐ Action: ☐

0232 OVR 002/018

Online Document Recording (ODR/DOC) Archive

CRN: 602468859T

Documents

Click this to open or close all folders

Collapse all

Receipt Date	Rgn	Chnl	Src	Summary	More txt
29 APR 2009	MDA	PER	PER	CUS EAN NSA - Late report accepted+	F

Screen Help		Archived from environment P on 25 JUL 2012 for CRN 602468859T	
		Name: SCOTT ASH JAMES ZIRUS	
ServRsn:	NSA	AdlServ:	Enquiry Type: EAN
Who:	CUS	Source:	PER
Channel Type:	PER	DOA DOC:	-
		Storage:	OFF
		Office:	MDA
		Auth:	s22
Sum:	CUS EAN NSA	Ext Detail:	Late report accepted+
<p>Txt: Customer contacted MANDURAH on 29 APR 2009 regarding Change in Earnings Details for Newstart Allowance. Information was obtained via Personal - In Office. Document created by s22 on 29 APR 2009.</p> <p>**WAP First Time Earner**</p> <p>Impacts on payment and Participation Requirements discussed as started working.</p> <p>**Customer is reporting more than 3 days late**</p> <p>cus was working</p> <p>**Earnings Commenced for Customer**</p> <p>Employer : Fairbridge, Hrs Worked: 18</p> <p>Earnings Type: Earnings from employment</p> <p>Earnings Commenced: 03 Apr 2009, Event Date: 15 Apr 2009</p> <p>Frequency: Income For One Period, Gross Amount: \$450</p> <p>Employment Status: Part time or casual</p>			



Top

MODLA

Name

Scott Zirus

Date of birth

6 / 4 / 84

CRN

602 468859 T

Contact telephone number

() 0400 956 338

Please return this form to your local Centrelink office by

/ /



Living Arrangements

- To work out your correct payment, Centrelink needs some details about your living arrangements and household finance. The questions on this form will assist us to decide whether we need to ask more.
- If you are unable to give any of the information asked for, please say so on the form.

About the information you give

Your personal information is protected by law. This is an information notice given under the social security law.

- Centrelink is collecting the information on this form and will use it to decide correct payments and perform its functions under the social security law. Where relevant, Centrelink may also use this information to assess third parties entitlements to payments and services.
- Centrelink gives your information to the Department of Family and Community Services (FaCS), Department of Employment, Workplace Relations and Small Business (DEWRSB) and Department of Education, Training and Youth Affairs (DETYA) for their use and purposes which include the evaluation and monitoring of payments and services provided by Centrelink.
- Centrelink can give your information to someone else only in special circumstances, where Commonwealth legislation allows or requires, or where you give permission. Centrelink usually gives some or all of your information about income and taxation matters to the Australian Taxation Office and about child support to the Child Support Agency. Information is also data matched with other government agencies to ensure you are receiving your correct entitlement. You can get more information from the pamphlet called "Your right to privacy".

1 List those persons of the opposite sex who regularly stay at your current address.

Include:

- People who regularly stay at your address two or more nights per week.
- People who work away from home (e.g. truck drivers, miners, riggers, fishermen, members of the armed forces).

Do not include details of your close relatives (i.e. children, parents, grandparents, brothers or sisters).

1 Full name

[Redacted]

Age

27

Male ☐Female ☒

What is your relationship to this person (e.g. cousin, friend)

Friend

When did he/she first stay?

Please see note

Does he/she ever stay away? No ☒ Yes ☐

How often?

Where does he/she stay?

2 Full name

[Redacted]

Age

Male ☐Female ☐

What is your relationship to this person (e.g. cousin, friend)

When did he/she first stay?

/ /

Does he/she ever stay away? No ☐ Yes ☐

How often?

Where does he/she stay?

3 Full name

[Redacted]

Age

Male ☐Female ☐

What is your relationship to this person (e.g. cousin, friend)

When did he/she first stay?

/ /

Does he/she ever stay away? No ☐ Yes ☐

How often?

Where does he/she stay?

* In staying with my friend [Redacted] because I have no money to get a place of my own at this stage

2 Have you ever lived at another address with any of the above people?

No ☒Yes ☐ Please give details below

Full name

Previous address (suburb, town)

From (month/year) To (month/year)

3 Do you intend to continue sharing accommodation with anyone listed in Question 1?

No ☒ What are the future living arrangements?

Once I get payments I will be trying to find a place of my own.

Yes ☐ With which person?

For how long?

4 Have you at any time been legally married or lived as married (de facto) with anyone you listed in Question 1?

No ☒

Yes ☐ With which person?

5 Is anyone you listed in Question 1 the parent of any of your children?

No ☒

Yes ☐ With which person?

6 Do you own, or are you paying off your own home with anyone you listed in Question 1?

No ☒

Yes ☐ With which person?

7 Do you and any of the people you listed in Question 1 have any bank accounts, building society accounts, credit union accounts or investments together?

No ☒

Yes ☐ Give details including current \$ amount

1		\$
2		\$

8 Have you and any of the people you listed in Question 1 purchased, or are you paying off, any of the following items together?

No ☒

Yes ☐ Please give details below

Item	With whom?	Value of asset (i.e. what you would get if you sold it)
<input type="checkbox"/> real estate (other than your home)		\$
<input type="checkbox"/> land		\$
<input type="checkbox"/> boat		\$
<input type="checkbox"/> car		\$
<input type="checkbox"/> caravan		\$
<input type="checkbox"/> trailer		\$
<input type="checkbox"/> television		\$
<input type="checkbox"/> stereo-radio		\$

Item	With whom?	Value of asset (i.e. what you would get if you sold it)
<input type="checkbox"/> video		\$
<input type="checkbox"/> furniture		\$
<input type="checkbox"/> refrigerator		\$
<input type="checkbox"/> microwave oven		\$
<input type="checkbox"/> dishwasher		\$
<input type="checkbox"/> freezer		\$
<input type="checkbox"/> washing mach.		\$
<input type="checkbox"/> clothes dryer		\$
<input type="checkbox"/> other		\$

9 Do you owe money on any of the things listed in Question 8 with any of the people listed in Question 1?

Item	With whom?	Your estimate of what you still owe
<input type="checkbox"/> credit accounts/cards		\$
<input type="checkbox"/> store accounts		\$
<input type="checkbox"/> personal loans		\$

Item	With whom?	Your estimate of what you still owe
<input type="checkbox"/> rental purchase plans		\$
<input type="checkbox"/> other		\$

10 Your statement

I declare that the information given on this form is correct.

I understand that:

- This is an information notice given under the social security law.
- Centrelink can make any enquiries necessary to help work out how much I should be paid.
- The information must be provided within 14 days after the day on which this notice is given to me.
- There are penalties for deliberately giving false or misleading information.

Your signature

[Signature]

20 / 3 / 06



Australian Government
Family Assistance Office

Centrelink

Statement

Page of

My name is Scott Zirus
I live at 264 Lynda St
Mandurah WA 6210
I am claiming getting Newstart Allowance

Office use

Pen NS/YA

FTB Rev

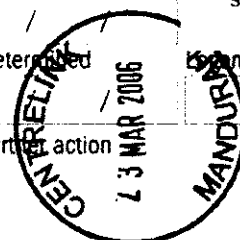
CRN

602 468 8597

Assessed Logon ID s22

Determined Logon ID

Further action



I have been told that I can write this statement myself, but I would prefer that an officer from Centrelink/Family Assistance Office write it for me.

I am aware that giving false or misleading information is a serious offence.

I have been told that personal information provided to Centrelink or the Family Assistance Office is confidential and can be given to someone else only in very special circumstances, where Commonwealth legislation requires or where I give permission.

Im writing this statement on why I have ceased business. I ceased working with my business partner on the 23rd Dec 2005. I found out that my business partner was abusing drugs and had threatened some of our ~~stet~~ clients which gave our business a bad name. He then went and go another job and left it on me to run the business solely. He then became physically abusive towards me when I confronted him about some issues. I decided that it wouldn't be in my best interest to continue being a business partner with him. My mentor from NEIS supported my decision. I attempted to make my own media business over the following months but it was futile because of the tainted reputation. I ended up ending my lease because I feared for my safety because my business partner was mad coz he had trouble continue with the original business. Because I had no steady income and I was paying of some debt I got from the business I needed to stay with my friend [redacted] until I get on my feet to get a place of my own. Im eagerly looking for work so I dont have to rely of payments to survive.

The information in this statement has been read to me/aloud by me, and to the best of my knowledge it is complete and correct.

Scott Zirus
Signature

2013106
Date

s22

Name of officer from Centrelink
or Family Assistance Office

Signature of officer from Centrelink
or Family Assistance Office

A P P E N D I X

D



Government of **Western Australia**
Department of **Communities**

Our Ref: FOI 754-2019

Mr Scott Zirus
C/O Ms Norma Curtis
6 Gowan Way
RAVENSWOOD WA 6208

Dear Mr Zirus

FREEDOM OF INFORMATION DECISION

Further to your application seeking documents pursuant to the Freedom of Information Act 1992, a decision regarding access to the information you seek was made on 28 May 2020 by Louise Simpson – Manager Information Release.

If you are not satisfied with Ms Simpson's decision, you have the right to apply for an internal review. The internal review process is also set out in the Notice of Decision. If you seek a review please be specific and detail what aspect or aspects of the decision you wish reviewed.

Should you have any queries regarding this decision please contact our office on 9222 4629 or email to foi@communities.wa.gov.au.

Yours faithfully

Ian McCavanagh
Coordinator Freedom of Information

28 May 2020

Attachments:
[Notice of Decision]



NOTICE OF DECISION UNDER SECTION 30 - FREEDOM OF INFORMATION ACT 1992

FOI Application 754 - 2019

Applicant ZIRUS Scott Ash James
Decision Maker Louise Simpson
Manager, Information Release
Date of Decision 28 May 2020

Decision

It is not possible to give access to documents relevant to this request, pursuant to the provisions of Section 26 of the Freedom of Information Act 1992 (the Act).

Scope of request

Documents held on the Department's Child Protection files that show:

1. *Placements regarding yourself in foster care between the years 1984 – 2002*
2. *Applications by yourself for homelessness services or crisis accommodation between 2002 – 2009*
3. *Applications for counselling and outreach programs, specifically treatment for alleged sexual attraction to children, between 2002 – 2009.*

Facts

The application was received for personal information only.

A search was made for documents via the agency's electronic document and records management system *Objective* and client relationship manager *Assist*. Twenty-five (25) files were identified.

Despite extensive searches, no documents could be found that fall within the ambit of the request. Records indicate Mr Scott Ash James Zirus (nee Scott Brian Herwig) was never placed in foster care by the Department nor has the Department received applications for homelessness services, crisis accommodation, counselling and/or outreach programs from the applicant in the requested time periods.

All reasonable steps have been taken to locate documents, but none were found relevant to the ambit of the request. Consequently, it is not possible to give access to any documents regarding this. I am satisfied the documents do not exist in the records of the agency.

Section 26 Documents that cannot be found or do not exist

- (1) *The agency may advise the applicant, by written notice, that it is not possible to give access to a document if –*
 - (a) *all reasonable steps have been taken to find the document; and*
 - (b) *the agency is satisfied that the document –*

- (i) *is in the agency's possession but cannot be found; or*
- (ii) *does not exist.*

Charges

Not applicable.

Right of internal review

If you are not satisfied with this decision, you have the right to apply for an internal review. An application for internal review must be lodged with this agency within 30 days after being given this written Notice of Decision, and must be -

- in writing;
- provide particulars of the decision to be reviewed; and
- give an address in Australia.

There is no fee for an application for internal review and there are no charges for dealing with an internal review request.

If an application for internal review is received, it will not be dealt with by the person who made the initial decision, or by a person who is subordinate to the original decision maker. The outcome of an application for internal review may result in a confirmation, variation or reversal of the initial decision under review. You will be advised of the outcome within 15 days. The address for lodgement of an internal review request is:

Freedom of Information Unit
Department of Communities (Child Protection and Family Support)
PO Box 6334
EAST PERTH WA 6892



Louise Simpson
Manager, Information Release



U.S. Department of Justice

Federal Bureau of Investigation
Washington, D.C. 20535

April 14, 2022

MR. SCOTT ZIRUS
**01640002
ROBERTSON UNIT
12071 FM 3522
ABILENE, TX 79601

Request No.: 1525695-000
Subject: ZIRUS, SCOTT ASH
(On or after January 1, 2008)

Dear Mr. Zirus:

This is in response to your Freedom of Information/Privacy Acts (FOIPA) request. Based on the information you provided, we conducted a search of the places reasonably expected to have records. However, we were unable to identify records responsive to your request. Therefore, your request is being closed. If you have additional information pertaining to the subject of your request, please submit a new request providing the details, and we will conduct an additional search.

Please see the paragraphs below for relevant information that may be specific to your request. Only checked boxes contain corresponding paragraphs relevant to your request. If no boxes are checked, the corresponding information does not apply.

- ☐ Please be advised that your request was reopened based on the additional information you provided. A new search was conducted, and we were unable to identify responsive records.
- ☐ Records potentially responsive to your request were destroyed. Since this material could not be reviewed, it is not known if it was responsive to your request. Record retention and disposal is carried out under supervision of the National Archives and Records Administration (NARA) according to Title 44 United States Code Section 3301, Title 36 Code of Federal Regulations (CFR) Chapter 12 Sub-chapter B Part 1228, and 36 CFR 1229.10. Please be advised that the General Records Schedule (GRS) disposition authority for FOIPA records is DAA-GRS-2016-0002-0001 (GRS 4.2, Item 020).
- ☐ Records potentially responsive to your request were transferred to the National Archives and Records Administration (NARA). If you wish to review these records, file a FOIPA request with NARA at the following address:

National Archives and Records Administration
Special Access and FOIA
8601 Adelphi Road, Room 5500
College Park, MD 20740-6001
- ☐ Potentially responsive records were identified during the search. However, we were advised that they were not in their expected locations. An additional search for the missing records also met with unsuccessful results. Since we were unable to review the records, we were unable to determine if they were responsive to your request.
- ☐ The identification records requested are maintained by the FBI's Criminal Justice Information Services (CJIS) Division; therefore, we have forwarded a portion of your request to CJIS for processing. To check the status of this request, please contact CJIS directly at (304) 625-5590. For additional information, see the enclosed FBI FOIPA Addendum General Information Section.
- ☐ Requests for expedited processing are not applicable when a final response is issued within ten calendar days.

Police departments should be aware that the search conducted was limited to FBI records. Requests for criminal history records or rap sheets should be directed to Criminal Justice Information Services (CJIS). Information regarding CJIS is listed in the enclosed FBI FOIPA Addendum General Information Section.

Records potentially responsive to your request were transferred to the National Personnel Records Center - Civilian Personnel Records (NPRC-CPR). In order to obtain information on a file located at the NPRC, your request must be mailed to the following address:

National Archives and Records Administration
ATTN: Archival Programs
P.O. Box 38757
St. Louis, MO 63138

Please refer to the enclosed FBI FOIPA Addendum for additional standard responses applicable to your request. "Part 1" of the Addendum includes standard responses that apply to all requests. "Part 2" includes additional standard responses that apply to all requests for records about yourself or any third party individuals. "Part 3" includes general information about FBI records that you may find useful. Also enclosed is our Explanation of Exemptions.

For questions regarding our determinations, visit the www.fbi.gov/foia website under "Contact Us." The FOIPA Request Number listed above has been assigned to your request. Please use this number in all correspondence concerning your request.

If you are not satisfied with the Federal Bureau of Investigation's determination in response to this request, you may administratively appeal by writing to the Director, Office of Information Policy (OIP), United States Department of Justice, 441 G Street, NW, 6th Floor, Washington, D.C. 20530, or you may submit an appeal through OIP's FOIA STAR portal by creating an account following the instructions on OIP's website: <https://www.justice.gov/oip/submit-and-track-request-or-appeal>. Your appeal must be postmarked or electronically transmitted within ninety (90) days of the date of my response to your request. If you submit your appeal by mail, both the letter and the envelope should be clearly marked "Freedom of Information Act Appeal." Please cite the FOIPA Request Number assigned to your request so it may be easily identified.

You may seek dispute resolution services by contacting the Office of Government Information Services (OGIS). The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-6001, e-mail at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769. Alternatively, you may contact the FBI's FOIA Public Liaison by emailing foipaquestions@fbi.gov. If you submit your dispute resolution correspondence by email, the subject heading should clearly state "Dispute Resolution Services." Please also cite the FOIPA Request Number assigned to your request so it may be easily identified.

Sincerely,



Michael G. Seidel
Section Chief
Record/Information
Dissemination Section
Information Management Division

Enclosures

FBI FOIPA Addendum

As referenced in our letter responding to your Freedom of Information/Privacy Acts (FOIPA) request, the FBI FOIPA Addendum provides information applicable to your request. Part 1 of the Addendum includes standard responses that apply to all requests. Part 2 includes standard responses that apply to requests for records about individuals to the extent your request seeks the listed information. Part 3 includes general information about FBI records, searches, and programs.

Part 1: The standard responses below apply to all requests:

- (i) **5 U.S.C. § 552(c).** Congress excluded three categories of law enforcement and national security records from the requirements of the FOIPA [5 U.S.C. § 552(c)]. FBI responses are limited to those records subject to the requirements of the FOIPA. Additional information about the FBI and the FOIPA can be found on the www.fbi.gov/foia website.
- (ii) **Intelligence Records.** To the extent your request seeks records of intelligence sources, methods, or activities, the FBI can neither confirm nor deny the existence of records pursuant to FOIA exemptions (b)(1), (b)(3), and as applicable to requests for records about individuals, PA exemption (j)(2) [5 U.S.C. §§ 552/552a (b)(1), (b)(3), and (j)(2)]. The mere acknowledgment of the existence or nonexistence of such records is itself a classified fact protected by FOIA exemption (b)(1) and/or would reveal intelligence sources, methods, or activities protected by exemption (b)(3) [50 USC § 3024(i)(1)]. This is a standard response and should not be read to indicate that any such records do or do not exist.

Part 2: The standard responses below apply to all requests for records on individuals:

- (i) **Requests for Records about any Individual—Watch Lists.** The FBI can neither confirm nor deny the existence of any individual's name on a watch list pursuant to FOIA exemption (b)(7)(E) and PA exemption (j)(2) [5 U.S.C. §§ 552/552a (b)(7)(E), (j)(2)]. This is a standard response and should not be read to indicate that watch list records do or do not exist.
- (ii) **Requests for Records about any Individual—Witness Security Program Records.** The FBI can neither confirm nor deny the existence of records which could identify any participant in the Witness Security Program pursuant to FOIA exemption (b)(3) and PA exemption (j)(2) [5 U.S.C. §§ 552/552a (b)(3), 18 U.S.C. 3521, and (j)(2)]. This is a standard response and should not be read to indicate that such records do or do not exist.
- (iii) **Requests for Records for Incarcerated Individuals.** The FBI can neither confirm nor deny the existence of records which could reasonably be expected to endanger the life or physical safety of any incarcerated individual pursuant to FOIA exemptions (b)(7)(E), (b)(7)(F), and PA exemption (j)(2) [5 U.S.C. §§ 552/552a (b)(7)(E), (b)(7)(F), and (j)(2)]. This is a standard response and should not be read to indicate that such records do or do not exist.

Part 3: General Information:

- (i) **Record Searches.** The Record/Information Dissemination Section (RIDS) searches for reasonably described records by searching systems or locations where responsive records would reasonably be found. A standard search normally consists of a search for main files in the Central Records System (CRS), an extensive system of records consisting of applicant, investigative, intelligence, personnel, administrative, and general files compiled by the FBI per its law enforcement, intelligence, and administrative functions. The CRS spans the entire FBI organization, comprising records of FBI Headquarters, FBI Field Offices, and FBI Legal Attaché Offices (Legats) worldwide; Electronic Surveillance (ELSUR) records are included in the CRS. Unless specifically requested, a standard search does not include references, administrative records of previous FOIPA requests, or civil litigation files. For additional information about our record searches, visit www.fbi.gov/services/information-management/foipa/requesting-fbi-records.
- (ii) **FBI Records.** Founded in 1908, the FBI carries out a dual law enforcement and national security mission. As part of this dual mission, the FBI creates and maintains records on various subjects; however, the FBI does not maintain records on every person, subject, or entity.
- (iii) **Requests for Criminal History Records or Rap Sheets.** The Criminal Justice Information Services (CJIS) Division provides Identity History Summary Checks – often referred to as a criminal history record or rap sheet. These criminal history records are not the same as material in an investigative "FBI file." An Identity History Summary Check is a listing of information taken from fingerprint cards and documents submitted to the FBI in connection with arrests, federal employment, naturalization, or military service. For a fee, individuals can request a copy of their Identity History Summary Check. Forms and directions can be accessed at www.fbi.gov/about-us/cjis/identity-history-summary-checks. Additionally, requests can be submitted electronically at www.edo.cjis.gov. For additional information, please contact CJIS directly at (304) 625-5590.
- (iv) **National Name Check Program (NNCP).** The mission of NNCP is to analyze and report information in response to name check requests received from federal agencies, for the purpose of protecting the United States from foreign and domestic threats to national security. Please be advised that this is a service provided to other federal agencies. Private Citizens cannot request a name check.

EXPLANATION OF EXEMPTIONS

SUBSECTIONS OF TITLE 5, UNITED STATES CODE, SECTION 552

- (b)(1) (A) specifically authorized under criteria established by an Executive order to be kept secret in the interest of national defense or foreign policy and (B) are in fact properly classified to such Executive order;
- (b)(2) related solely to the internal personnel rules and practices of an agency;
- (b)(3) specifically exempted from disclosure by statute (other than section 552b of this title), provided that such statute (A) requires that the matters be withheld from the public in such a manner as to leave no discretion on issue, or (B) establishes particular criteria for withholding or refers to particular types of matters to be withheld;
- (b)(4) trade secrets and commercial or financial information obtained from a person and privileged or confidential;
- (b)(5) inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency;
- (b)(6) personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;
- (b)(7) records or information compiled for law enforcement purposes, but only to the extent that the production of such law enforcement records or information (A) could reasonably be expected to interfere with enforcement proceedings, (B) would deprive a person of a right to a fair trial or an impartial adjudication, (C) could reasonably be expected to constitute an unwarranted invasion of personal privacy, (D) could reasonably be expected to disclose the identity of confidential source, including a State, local, or foreign agency or authority or any private institution which furnished information on a confidential basis, and, in the case of record or information compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, information furnished by a confidential source, (E) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law, or (F) could reasonably be expected to endanger the life or physical safety of any individual;
- (b)(8) contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions; or
- (b)(9) geological and geophysical information and data, including maps, concerning wells.

SUBSECTIONS OF TITLE 5, UNITED STATES CODE, SECTION 552a

- (d)(5) information compiled in reasonable anticipation of a civil action proceeding;
- (j)(2) material reporting investigative efforts pertaining to the enforcement of criminal law including efforts to prevent, control, or reduce crime or apprehend criminals;
- (k)(1) information which is currently and properly classified pursuant to an Executive order in the interest of the national defense or foreign policy, for example, information involving intelligence sources or methods;
- (k)(2) investigatory material compiled for law enforcement purposes, other than criminal, which did not result in loss of a right, benefit or privilege under Federal programs, or which would identify a source who furnished information pursuant to a promise that his/her identity would be held in confidence;
- (k)(3) material maintained in connection with providing protective services to the President of the United States or any other individual pursuant to the authority of Title 18, United States Code, Section 3056;
- (k)(4) required by statute to be maintained and used solely as statistical records;
- (k)(5) investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment or for access to classified information, the disclosure of which would reveal the identity of the person who furnished information pursuant to a promise that his/her identity would be held in confidence;
- (k)(6) testing or examination material used to determine individual qualifications for appointment or promotion in Federal Government service the release of which would compromise the testing or examination process;
- (k)(7) material used to determine potential for promotion in the armed services, the disclosure of which would reveal the identity of the person who furnished the material pursuant to a promise that his/her identity would be held in confidence.

A P P E N D I X
F

Shadoran

From Wikipedia, the free encyclopedia

The **Shadoran** Movement is a social and environmental movement based on the philosophy and ideals of simple living, local economies, and self-sufficiency (often associated with the ideologies of socialism, communalism, and sustainability).

Overview

Those involved would usually refer to themselves as Eco-warriors. The principle or slogan which is regularly used during debates is 'I'm not only a tree hugger but an air breather just like you'. (Azhuric Zirus - 2007, Australia Day/ Invasion Day March, Perth)

It incorporates numerous different ideals which thread through most cultures and religions especially native or tribal based societies. Most members of the Shadoran Movement believe that the shift from hunter-gatherer to agricultural subsistence gave rise to social stratification, coercion, and alienation. The process of reversing this socialization is referred to in Shavox (the Shadoran conlang) as Rein Tavin (to re-introduce). This is a very personal journey which is aimed at eventually living a lifestyle which is closer to the original hunter-gatherer lifestyle.

Shadoran endeavor to create social change through non-violent terms and setting example as they believe the only person whom you have any control over is yourself. They try to avoid genetically modified produce or those which contain artificial additives, colors or flavorings. They believe that because these elements don't belong to nature they shouldn't enter their bodies. They live by the slogan 'the wilderness is our future' They abide by the rule that simpler is better, quality not quantity. They have no cultural concept of the value of money and believe that the ability to give is more important than the need to receive. They draw their inspiration not only by tribal lifestyle but a booklet which is entitled Dair Shoron (The Introduction) (<http://www.dairshoron.20m.com/>)

Shadoran at times is referred to as 'a way of life' or 'way of thinking' and has very little, if any, religious element. It's classed as a sub-culture because a member of the movement can remain belonging to a religion or culture.

Shadoran has a small but steady following with masses of 'like minded people' who share the same values. Their aim is to create a network of people who can support each other in their journeys of self discovery and development to live a life more in balance with nature.

In the media

On October 23 2009 the movement leader, Scott Zirus, was arrested by the F.B.I. on accusations, from multiple parties, of molesting children in the United States.^[1]

References

- ¹ ^ PerthNow (<http://www.news.com.au/perthnow/story/0,21598,26249546-948,00.html>)

Retrieved from "<http://en.wikipedia.org/wiki/Shadoran>"

Categories: [Climate change organizations](#) | [Environmental organizations](#) | [Radical environmentalism](#)

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The Shadoran Movement

Wednesday, August 20, 2008

Dair Shoron - the intriduction to Shadoran

Dair Shoron - the introduction to Shadoran

To walk bare foot through a wilderness of untouched beauty is not just an experience but an honour where you are connected to the earth upon where you stand and true freedom is realised. Think of the Earth as our mother, we drink from her rivers and eat the fruits of her splendor, and then some people turn their backs to her - poisoning and disowning her with their neglect and disrespect. They spit on the ground upon where they where born but they are too blind to realise they are infecting themselves with hatred and helping society head towards its own demise.

From the moment you where born you have never taken in a fresh breath of air, tasted a clean glass of water or seen the true colour of the sky - Never lived the way life is meant to be lived. Most are fooled into believing they have a high standard of living yet they have no idea what has been stolen from them by capitalist society. The toxicity of our society seeps deep down into our souls eroding the pure essence of our existence. However it can be easy to release yourself from the shackles of society with knowledge and an open mind.

We are all blessed with the ability to make a decision about how we wish to live our lives, be it under the phantom dictatorship of our current society or as free souls who are daring enough to look outside the confinements we are forced to live in, willing to seek out a more fulfilling and balanced lifestyle with rewards far more valuable then gold or silver.

At times you may find yourself feeling as though the possibility of resolving some of the issues we are faced with as a society may be futile. Just remind yourself that one day we will be able to put our differences aside and unite for the greater good and honestly say that all of humanity is something to be proud of.

"Shadoran was something that resonated with me as a small child but now it has flourished into something bigger then myself, something that is remarkably pure and enlightening. I like to think of it as a seedling that I planted when I was young that grew into a luscious tree with its branches reaching up to the sky, roots deep into the earth. I may be the hand that planted the seedling but now that it is matured, we all can eat from its fruit, shelter under

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ShadowSaj

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its towering branches and marvel at its beauty and eternal presence. This was the birth of Shadoran." Scott Zirus - founder of Shadoran.

Shadoran is a unique opportunity to return our Earth to its original balance and eradicate social and environmental issues. Most resonate with Shadoran and feel its ability to bring unity and balance to their lives. It is derived from a non-religious culturally based community who wish to advance a new social 'revolution' by eradicating social and environmental issues while re-introducing the world to the benefits of native living in hope to forge a major shift in the way people live their day-to-day lives. Shadoran is a collaboration of concepts and cultural elements, it is a social and environmental movement but more importantly it is a way of life. Most of the concepts of Shadoran are either based on nature or the unique bonds that humans share with one another. To be a real Shadoran means you live the concepts, culture and have an active role in the Shadoran movement. It has a tribal and primitivist orientation with values that promote unity and balance between all people and nature.

Imagine a place where you are able to live free and in harmony with nature, where you live off the land and you're not forced to work in order to earn money to survive, where there is no need for bills nor mortgage, a stateless society where everyone is equal - A utopian lifestyle.

It's a nice dream but will it ever happen? Is a stateless society, free and in harmony with nature a real possibility? The fact is that for a good 90% of human history people have lived like this, quite happily and better then we do today.

The 'Shadoran way of life' corroborates many different aspects and aims to find harmony and balance within the natural world and we look towards primitive lifestyles as a guide and for inspiration. Among the abnormal conditions present in modern industrial society are excessive density of population, isolation of man from nature, excessive rapidity of social change and the break-down of natural small-scale communities such as the extended family, the village or the tribe. The industrial revolution warped the dreams and views of the people because before it, when people envisaged a better world, it was an Eden-like utopia, now people envisage this as unobtainable. The Shadoran lifestyle has been striped back to the original roots of society where people were already equal, had all they wanted for life and not controlled by the state. The Shadoran lifestyle encourages the practice of the usufruct system, when something is someone's while their using it and everyone else's to use when not, provided that the property is not destroyed or waived - An un-orthodox concept that doesn't involve money or reward system. Shadoran aim to become self sustainable and self

sufficient, which frees up more leisure time for family and recreational activities. We aim to have a healthier body and mind by growing and eating organic produce, working for the good of the community with huge emphasis on preserving the environment and respecting the land we live on. Shadoran experience a greater sense of community and self worth while having the freedom to express oneself creatively and proudly sharing the person they truly are inside.

Many primitive peoples, when they don't have work to do, are quite content to sit for hours at a time doing nothing at all, because they are at peace with themselves and their world. It isn't natural for an adolescent to spend the bulk of their time sitting at a desk absorbed in study. A normal adolescent wants to spend his time in active contact with the real world. Among primitive peoples the things that children are trained to do are in natural harmony with natural human impulses. The Shadoran lifestyle strives to uphold these natural impulses in a way that is constructive and builds community and individual freedoms.

Technically there is nothing to prevent us from going to live in the wild like this but in practice there is very little wild country left, and we need to work towards restoring the natural balance that once existed when this way of life was the only way of life. We look towards the future with hope and salvation because we know that one day we can say that we are content.

Not many people in our 'advanced' modern society can say that they are truly content with their current lives. Here is the common scenario of the average working class person – you are awakening early in the morning by the sound of your alarm. You get ready for work, hurrying so not to be late. You hop into your car and battle traffic until you arrive at your workplace. You work for hours then have a short lunch break then back to work. After work you battle traffic again and return home where your family is waiting for you. You watch TV, eat dinner, and spend a short amount of time with the kids until they go to bed. Then you have a few short hours with your partner before you go to bed yourself. Then do it all again in the morning.

We repeat this pattern until we can afford to retire. But why do we do this? The common answer is to simply - earn money to live. However we really don't get the chance to enjoy our lives because we spend the majority of it working. It's a vicious and boringly repetitive cycle and we become victims of the capitalist system. Even our childhood is spent preparing us for the workforce – it's called 'school'. Rarely things like life skills and morals (the real things needed to live a fulfilled life) are part of the education curriculum, it's particularly focused on providing you with the skills to get and maintain a job. A good job may provide you with the finance to buy yourself a nice house, a fast car and large boat but

that will not necessarily bring you happiness and realistically the average person does not ever obtain these luxuries and their primary focus is on earning enough money to feed and cloth their family. This system benefits the few and hinders the majority. This is the basic essence of a capitalist society. As a community we are increasingly becoming less satisfied with what we have and waste our lives trying to get what we don't. Our family structures suffer and our children are given unobtainable goals for life. Life is there to be lived not to simply exist. You should live a life that is worthy of being called 'yours.'

An ideal world is one that had once existed for thousands upon thousands of years underserved until modern era. It was simple, peaceful and most importantly it was in harmony. People were content with their lives and even enjoyed work. Imagine this scenario – you find yourself in this ideal world. The entire earth is green again, the air is clean and the water is pure. You live nestled among the towering trees, bathed in their lush cool shade. You're accepted unconditionally by your extended family and your tribe and you have a huge sense of contentment and self worth. You have the freedom to walk barefoot and life is void of shame about the human body. Birds chirp and sing all around you without fear as you gather berries and fruit for lunch then help the other tribe members collect firewood and food for the festivities that night. You then reside to a nice sunny spot for a midday siesta. You are awoken by the sounds of laughter as the children play safely down by the river, you join them for a nice relaxing bathe then take the children on a short walk through the undergrowth teaching them about the unique balances that exist omnisciently in nature. You pass on the knowledge that was passed onto to you in a casual and inspiring way. That night you enjoy the food and festivities around a bonfire, you dance, laugh and sing with everyone in your small community. You then retire into your nice warm hut for a sound night's sleep.

This ideal lifestyle was one that was shared by many different native and primitive cultures throughout history. Unfortunately it tends to be difficult to return to this way of life because of the degradation and destruction of the natural environment and the ecosystem through humanity's selfish and foolish endeavors. However the Earth can eventually heal itself with a little help from us through stopping further degradation and rewilding the planet.

Rewilding is the process of returning the earth to its original state by regenerating land that humans have interfered with. Vast amounts of land lay cleared and useless and the best way to utilize this land is to return it to nature and allow it to regain the beauty and balance that it once held before humans selfishly claimed it.

How? Replant it and nature will do the rest. People need to also disperse themselves from cities and begin to dwell among the newly rewilded lands, becoming self-sustainable and prospering in harmony with nature. The value and need for money will become invalid, as the land will provide for all our needs. Each homestead will be self-maintained and a balance between nature and green technological advances will make life even more comfortable. We will have the best of both worlds with no negative impacts on the environment in which we depend on for survival.

Eventually we will have the ability, opportunity and wisdom to return to the wilderness. When we do return it may not be the same way as in the past because we may take some positive technologies with us. For example we may have solar power in our huts but then again we may find we have no need for electricity – historically we have survived a lot longer without it then we have been with it.

The Shadoran way of life is ideally so different from the current 'westernised' culture that it naturally forms its own customs and values - Things such as celebrating the seasonal changes, our unity with nature and our community, the family structure and the importance of life. The Shadoran culture is closely related to tribal customs and values because of its primitivist orientation however every culture throughout the world will continue to grow and develop throughout time. The Shadoran culture is no different because the more wider variety of people that contribute to the Shadoran community, the more diverse and unique the cultural aspects will become as we begin to adapt and adopt other customs and values from various other cultures.

But how do you define culture?

Culture is basically the development or improvement by education or training through skills, art and customs of a people from generation to generation by word of mouth or by practice. It's also through culture that we take in the values and understanding of the world around us.

Shadoran is not a religion - it is a culture that you can choose to adopt and because this is the case there are two main types of Shadoran. A Shatein (sha.tE.in) is a Shadoran that decides that they want to follow the customs and culture to better understand the Shadoran way of life. The other type is referred to as Avarleis (ar.var.lee.iss). These people don't follow the culture but still believe in the values of Shadoran and its teachings. Most people when they decide to join Shadoran usually class themselves as Avarleis until such time as they build up enough knowledge and see the true benefits of being Shatein. There are also two subtypes particularly associated with children. The first one being an Anascein (ar.nas.cE.in). An Anascein is someone who is born into Shadoran

from Shatein parents. These people are truly fortunate because they are able to learn the Shadoran way of life from a very young age, which avoids being tainted by negative influences from the outside westernised capitalist society. The second subtype is called Nevilein (nee.vil.E.in). If a parent with young children becomes a Shatein Shadoran then their children are seen as Nevilein until they themselves decide to become Shatein when they become of age. A distinct style is developing and our way of life is becoming more clearly defined and recognized. A good and honourable culture is more important to making the world a better place than most people realize. It's a teaching tool, a guide and a step forward to uniting us as a community.

Contemporary society is obsessed with pushing forward and excelling. But where are we headed? An advanced society isn't necessarily a society that is economically strong or technologically advanced. It's obvious that during the next few decades the industrial-technological system will be undergoing severe stresses due to economic and environmental problems, and especially due to problems of human behavior (alienation, rebellion, hostility, a variety of social and psychological difficulties). We hope that the stresses through which the system is likely to pass will cause it to break down, or at least weaken it sufficiently so that a revolution occurs and is successful, then at that particular moment the aspiration for freedom will have proved more powerful than technology.

One of the goals of Shadoran is to advance a new social 'revolution' of the new age - to eradicate social and environmental issues and forge a major shift in the way people live their day-to-day life creating a new utopian society. But how is this done? By what Shadoran dubs Voltz Cambir (Social Reform). One of the major peaceful tools used to bring about Voltz Cambir is Rein-Shoron (re-introducing). People tend to try and over complicate the situation of Voltz Cambir because they see the issue as being too hard and complex to resolve, when in fact by going to the roots it can be relatively simple. We need to counter react via Rein-Shoron through the three main influences in a child's life - Parents, Teachers and Role Models. If we get them on side then you can limit the amount of negative influences that children are exposed to and prevent other social problems from arising. If we are able to stop the negative seeds of society before they germinate and consume our kid's childhood then we have a good chance of beating it. As adults the real revolution happens from inside - undoing the programming that we experienced ourselves and clearing our minds to the possibilities of living a life that differs from the one society currently presents to us. Things will not change over night; there will be a lot of work to this process of

change and it's very likely that there will be a lot of people who reject the change because they fear it. One thing is certain – that the sun will set and rise again and it will be a new day, fresh and filled with possibilities.

Originally humans were hunters and gathers. They lived in balance with nature and relied on the produce of the land to survive. Then they discovered agriculture and they learned how to manipulate nature so they didn't need to rely on the land to directly provide for them. This was the first step in humans controlling their environment and dissociating themselves from nature. The next major advance was the invention of technologies as we entered the industrial and information era. Humanity has now got to the point where it has almost dissociated itself from nature altogether. But being so 'advanced' has its high cost. Humans now neglect their original needs to be connected with nature and to be part of it as a whole. The current state of humanity is not sustainable as it has a very heavy burden on our environment and it has forever mounting social issues. However as a race we are at the point where we can either go one of two ways. We can continue on the current path where the problems and issues that plague our society will continue to mount and hope that humanity has the knowledge and desire to resolve these issues without greed and hate tainting the result (this is what the people who benefit from capitalism prefer). Our other option is that we could take the other path and begin to return our original balance with nature. For that to happen we will need to pass through a transition era where we will eradicate the programming that society has placed upon us and resolve issues that taint our new way of life (Programming such as racism, consumerism, commercialism, sexism, self hate, love of money etc). Once that is achieved we would start entering into an Original Balance Era. The likeliness of humanity going back to the very first hunters and gathers state is possible but not probable. To find balance in the Original Balance Era we would need to decipher what aspects we could take from our previous three major developmental stages (Hunter and Gathers, Agriculture and Information Era) and use them to make a balance for this new era. As a human race we have a choice to what road we go down. Humanity needs to realize that this new era is a realistic possibility and we could even reach the new era within our lifetimes.

A lot of people have the perception that the world and its current situation cannot change when in fact it will. Human history has shown is that great civilizations have risen and fallen and that indicates that the United States of America will not be the super power forever like it is perceived. Our society has reached the point where our consumable life styles and our reliance of oil is having a very large impact on our environment and will most likely be the

modern societies down fall. Yet people have a naive attitude and blind sightedness to still think that things will not course our current life style to end. Will we only realise when it's already too late?

The idea that the next generation will fix the problems in the future that are course by today is very wrong - the future is today and we ARE the next generation. Our forefathers have left us with the burden of complex social and environmental issues that if left unresolved will have devastating consequences. As individuals in our society we need to open our eyes to the things that lie ahead and take it in our stride even by breaking away from mainstream society and living an alternative lifestyle that ironically will hopefully save mainstream society from itself. All the great empires have fallen but why did the society of native people like the Australian aboriginals last for centuries and centuries in perfect harmony and untainted? Those societies where able to stand the test of time.

Shadoran is an invitation of peace and unity for all who are willing to except that fact that we all need to play a roll in creating a better world. Only when we are able to open our eyes and take our first deep breath of clean air will we know how right we were to take Shadoran into our hearts and fight for what we truly believe.

Our hope is that our efforts have inspired and fuelled the passion to live a life worthy of being called 'yours' - because every journey is a journey worth living, for every moment of life is worth experiencing.

Today is a new day – make the most of what few days you may have left on this wonderful Earth.

Posted by ShadowSaj at 4:13 AM 2 comments

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17/11/2010

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Dear Norma,

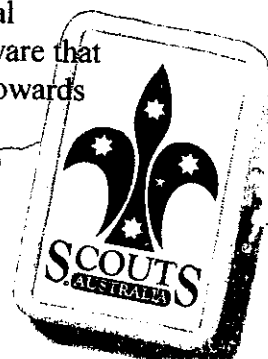
I hope that you are enjoying your retirement from Scouting and are in good health.

Some time has passed since your resignation and now it is a good time to finalise the handover of any remaining assets, records and keys of Pinjarra Group and Peel District. Should you be uncomfortable with dealing with the local Scouting people, please advise me and I will be pleased to meet with you, otherwise please contact the a/g DC Peel Craig Ackerly or a/g GL Pinjarra Terry Larter.

On another matter, it has come to my attention that you are actively involved in supportive activities for Scott Zirus. I have spoken to you in the past about this and wrote to you on May 5 2010 and obtained your agreement on this matter. I recognize that as you are no longer a member of the Scout Association we have no direct authority over your involvement in these activities outside of Scouting.

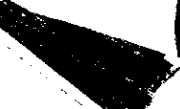
However, I have also become aware that you may have been seeking to include other adult members of Scouting in support activities for Mr Zirus.


Please consider the lack of consistency between your former role as Group Leader at the time the alleged offences occurred in Texas and WA, and the support activities you now seem to be involved in, and how any attention from the media and others may serve to undo much of the image of Scouting that you spent a lot of your life time building. Please also consider how youth, and their families, who are victims of Mr Zirus (whether they have come forward or not) might feel about their past Group Leader being involved in a campaign to exonerate the perpetrator of these offences against their children, them and their community. There is also the international indignation that may occur as a result of the community in Texas becoming aware that the former Leader of Mr Zirus's Scout Group is supporting him and working towards his pardon and release.





SCOTT SWAN





Mr Zirus accepted a guilty plea deal in Texas resulting in a 40 year jail term. When he is released, he will be arrested by WA Police to face similar charges related to the abuse of 4 children in WA. Although it is believed that none of the charges laid in WA were from activities conducted within Scouting, you will no doubt be aware that the media takes every opportunity to associate Scouting and Mr Zirus.

In consideration of the above, I hereby inform you that you are not to have any involvement in Scouting in any role whatsoever. Please also consider the consequences of your actions with regard to including other Scout members in supporting Mr Zirus. Any adult member we become aware of who is involved in support activities for Mr Zirus will have their membership referred to the Board with a recommendation for it to be terminated.

Yours sincerely,



Neil Macpherson
Deputy Chief Commissioner, Field Operations
Scouts WA.

