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5 UNITED STATES DISTRICT COURT
6 WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

7 UNITED STATES OF AMERICA,

8 Plaintiff,

9 vs.

10 SCHUYLER P. BARBEAU, pro se,

11 Defendant.

CASE NO: CR15-391RAJ

REDACTED
PETITION FOR REDRESS OF
GRIEVANCES

Ex Parte

12
13 COMES NOW, Schuyler Barbeau, Defendant, pro se, to petition
14 this Court for a redress of the following grievances.

15
16 GRIEVANCE # 1 - CONSPIRACY AND DEPRIVATIONS OF RIGHTS UNDER COLOR
17 OF LAW.

18 A) 18 USC §241: CONSPIRACY TO DEPRIVE RIGHTS;

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

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

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

PETITION FOR REDRESS OF GRIEVANCES - 1
REDACTED

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Seattle, WA 98198

1 term of years or for life, or both, or may be sentenced
2 to death."

3 The Federal civil rights statute (18 USC §241), which makes
4 conspiracy to interfere with a citizen's free exercise or
5 enjoyment of any right or privilege secured to him by the
6 Constitution or laws of the United States a criminal offense,
7 embraces all of the rights and privileges secured to citizens
8 by all of the Constitution and all of the laws of the United
9 States, including the Thirteenth, Fourteenth, and Fifteenth
10 Amendments; the sweep of the Statute is not confined to rights
11 that are conferred by or flow from the Federal Government, as
12 distinguished from those secured or confirmed or guaranteed by
13 the Constitution. 18 USC §241 must be accorded a sweep as
14 broad as its language; this language includes rights under the
15 Due Process Clause of the Fifth Amendment.

16 Many members of Federal and local law enforcement and my
17 best friend(the CHS) did conspire to oppress me in the free
18 exercise and enjoyment of my First, Second, Fourth, and Fifth
19 Amendment rights, and they did go in disguise on the highway
20 and on the premises of another with intent to prevent and
21 hinder my free exercise and enjoyment of rights so secured, and
22 for having so exercised the same for a period of time.

23 During the month of November, and many months before, of
24 2015, several members of Federal and local law enforcement -
25 mainly FBI Special Agents [REDACTED] and [REDACTED] -
26 approached my best friend(who was already working as a CHS)
27 secretly and conspired to create a ruse to disarm me or
28 possibly to catch me at a time and place where I would not be

1 armed by my own choice - armed meaning the lawful keeping and
2 bearing arms - so that I could be "safely" arrested and/or
3 detained in order to prevent me from continuing to exercise my
4 right to keep and bears arms and other rights. They thereby
5 did deprive me of my First, Second, Fourth, and Fifth Amendment
6 rights, or as they might say - to prevent me from continuing
7 to alledgedly be a "threat" to the "United States". I made it
8 well known for a long time that I was not out to hurt anyone,
9 as in criminally or immorally, but that I would defend myself
10 against any unlawful actions to deprive me of my rights or the
11 rights of others.

12 The Fifth Amendment mandates that "no person shall... be
13 deprived of life, liberty, or property without due process of
14 law." The 10th Edition Black's Law Dictionary defines Due
15 Process as: The conduct of legal proceedings according to
16 established rules and principles for the protection and
17 enforcement of private rights, including notice and right to
18 a fair hearing before a tribunal with the power to decide the
19 case. I have never received any due process where my liberty
20 to make my own firearm and not have to register it has never
21 taken place.

22 The FBI did not have a legitimate cause for depriving me of
23 my rights and there must be a legal proceeding before the
24 deprivation can take place. In Mullane v. Central Hanover Bank
25 & Trust Co., 339 U.S. 306, 314, 70 S. Ct. 652(1950), the
26 Supreme Court said "An elementary and fundamental requirement
27 in any proceeding which is to be afforded finality is notice
28 reasonably calculated, under all the circumstances, to apprise

1 interested parties of the pendency of the action and afford
2 them an opportunity to present objections....The notice must be
3 of such nature as reasonably to convey the required
4 information." I never received any notice of pendency of an
5 action for deprivation of liberty, nor was I informed that my
6 rights at any time in the past had been deprived, or that any
7 legislation had been enacted would deprive me or that it would
8 apply to me. In the instant case against me, no due process
9 has ever taken place to apprise me that the statutes being
10 applied to me where the due process of deprivation, though
11 deprivation is supposed to be a judicial proceeding on an
12 individual basis.

13 The Government and CHS conspired to deprive me of my rights
14 in order to lock me up in prison so that I could no longer be
15 a "threat" to the Federal Government. I assert that I am an
16 activist against Federal authorities who abuse their power
17 against myself and citizens of the Union, which the First
18 Amendment protects. I exercise my First Amendment rights to
19 protest government actions and to speak out against it, and
20 exercise my Second Amendment right to protect my other rights.
21 The Declaration Of Independence states "That whenever any Form
22 of Government becomes destructive to these ends, it is the Right
23 of the People to alter or abolish it... But when a long train
24 of abuses and usurpations, pursuing invariably the same Object
25 evinces a design to reduce them under an absolute Despotism,
26 it is their right, it is their duty, to throw off such
27 Government, and to provide new Guards for their future security".
28 I was an activist under that premise, exercising my "right and

1 | duty" along with thousands of other Americans, but according to
2 | some Federal law enforcement, that makes us a "threat" of
3 | domestic terrorism. But that is just ridiculous, we Americans
4 | just want to live free and in peace. I was only exercising my
5 | rights and duties to alter the Government's unlawful actions
6 | in various situations in the past using the checks and balances
7 | listed in the Bill Of Rights that We The People Retain, and is
8 | protected by the Ninth and Tenth Amendments. The evidence of
9 | the conspiracy lies in the amount of time spent between the CHS
10 | and SA Bennett, the number of calls made between them, the
11 | number of emails between them; number of meetings, the
12 | reconaissance intel gathering by the CHS and reporting to his
13 | handlers, and also emails back and forth between the ATF
14 | Firearms Specialist and AUSA Thomas Woods.

15 | The CHS was paid to inform on me all my activities starting
16 | back on or about April 13th, 2015. All of my activities were
17 | lawful, therefore the FBI's hiring of the CHS was not necessary
18 | as I only ever talked about self defense. My activism, though,
19 | was probably viewed as a "threat of domestic terrorism" - if
20 | you ask them - to the "United States." The email evidence
21 | under protective order shows that the CHS and SA Bennett met
22 | numerous times, conspiring to figure out under what law they
23 | could find me in violation of so they could have cause to
24 | remove a "domestic terrorist" off the streets. The CHS even
25 | attempted to lure me to obtain explosives or materials to make
26 | the explosives to blow up a stump, but I said I didn't have any
27 | and that it is a Federal Offense to use off-the-shelf products
28 | inconsistant with its labeling - this was recorded in an ITACC

1 session that is in my discovery evidence. In that same
2 recording, the CHS even attempted to lure me into purchasing
3 illegal steriods from someone he met that "worked at a
4 pharmacuetical manufacturer", but I wasn't interested. They
5 tried hard.

6 My friend - the CHS - performed his informant duties for
7 about eight months total and it took over six months to finally
8 find something they could use to charge me with. The Agents.

9 [REDACTED] and [REDACTED], are/were with the Seattle Division's
10 Domestic Terrorism Squad ("The Squad") on the Joint Terrorism
11 Task Force, to lend perspective of what my case is really about.
12 It's like a story right out of the book "THE TERROR FACTORY -
13 INSIDE THE FBI'S MANUFACTURED WAR ON TERRORISM", by Trevor
14 Aaronson. To lend more perspective, I protested at the Bundy
15 Ranch Standoff in Nevada, 2014, and the FBI has been tracking
16 me ever since. There is an ongoing witch-hunt and prosecution
17 for everyone who participated. I am asking this Court for
18 relief from their political targeting.

19 At the suggestion of my informant-friend, I asked him to
20 help me sell my personal firearm. As soon as I did, the FBI,
21 Agents [REDACTED] and [REDACTED], jumped on the oppurtunity, with me
22 being disarmed of that rifle, to be able to safely remove me
23 from being able to exercise my right to protest in Oregon at
24 what eventually turned into the "occupation" of the Malhuer
25 National Wildlife Refuge near Burns, Oregon. I say that
26 because at the same time I asked the CHS-friend to help me sell
27 the rifle, I was feeding him information on my plans to deploy
28 to Oregon. The FBI had already begun investigating and tracking

1 everyone who was talking about it. The FBI had to move quickly
2 on me. They did not want me to get to Oregon to protest what
3 the Federal Government was doing to a ranching family there.
4 They speculated about my intentions for going or what might
5 happen if I was there and law enforcement had to respond based
6 on things I said and whatever the CHS was feeding them which
7 he may have been embellished or exaggerated.

8 My rifle was the best The Squad could come up with since I
9 wasn't breaking any other laws. The FBI should have turned
10 over the investigation to the ATF since it was a firearms case
11 and they would have better been able to handle it. They possibly
12 might have found there was no case because I was not violating
13 any Federal firearms laws, but the FBI was itching - as they
14 always are - for a good terrorism case to flaunt to the public
15 which they did flaunt my arrest. They called me a domestic
16 terrorist with possible terrorist ties and possessing explosives
17 which none of that is true. Patriotism and terrorism is not the
18 same thing.

19 To show you what I mean by the ATF might have found no case
20 against me, after the FBI seized the rifle and delivered it to
21 the ATF Firearms Specialist for examination, she produced a
22 report of her examination and registration records check and
23 found the rifle not to be registered and that it had certain
24 characteristics that might have brought it under the law. In
25 [REDACTED] report, she said the rifle was "therefore likely
26 a National Firearms Act regulated weapon." (emphasis added).
27 Agent [REDACTED] then sent an email to AUSA Thomas Woods, one of
28 my four prosecutors. Why so many on what Mr. Woods has said was

1 such a simple case? This email was sent to Mr. Woods on
2 November 24, 2015, twelve days before I was arrested - meaning
3 they had plenty of time to figure out their conspiracy - and it
4 said: "I have examined the rifle and it appears to be an NFA
5 regulated weapon." (emphasis added). One would think, out of
6 all the people who would know if a firearm was regulated or not,
7 it would be the Firearms Specialist with the ATF. A firearm
8 either is or is not regulated. By my finding, she determined
9 that the rifle is not regulated, but that doesn't get me
10 arrested. Agent [REDACTED] wrote his complaint saying "therefore
11 requiring registration", see AFFIDAVIT OF FBI SA [REDACTED] at 6,
12 but wait, Agent [REDACTED] did not determine that the rifle was
13 regulated, she said so herself in her report and to AUSA Woods.
14 This should be Franks evidence at a Franks hearing. SA [REDACTED]
15 lied or disregarded the truth in his affidavit so he could get
16 his warrant.

17
18 **B) 18 U.S.C. §242: DEPRIVATION OF RIGHTS UNDER COLOR OF LAW.**

19 "Whoever, under color of any law, statute, ordinance,
20 regulation, or custom, willfully subjects any person
21 in any State, Territory, Commonwealth, Possession, or
22 District to the deprivation of any rights, privileges,
23 or immunities secured or protected by the Constitution
24 or laws of the United States, or to different punishments,
25 pains, or penalties, on account of such person being
26 an alien or by reason of his color, or race, than are
27 prescribed for the punishment of citizens, shall be
28 fined under this title or imprisoned not more than
one year, or both; and if bodily injury results from the
acts committed in violation of this section or if such
acts include the use, attempted use, or threatened
use of a dangerous weapon, explosives, of fire, shall
be fined under this title or imprisoned not more than
ten years, or both; and if death results from the acts
committed in violation of this section, or if such acts
include kidnapping or an attempt to kidnap, aggravated
sexual abuse, or an attempt to commit aggravated

1 sexual abuse, or an attempt to kill, shall be fined
2 under this title for any term of years or life, or
both, or may be sentenced to death.

3 The Federal civil rights statute (18 USC §242), which makes it
4 a criminal offense to deprive a citizen's rights under color of
5 law, was violated by all the Federal and local law enforcement,
6 mainly SA's [REDACTED] and [REDACTED], and the CHS in his agent/
7 informant capacity. FBI SA [REDACTED] filed the COMPLAINT FOR
8 VIOLATION(Dkt 1). As the Affiant, SA [REDACTED] made a Probable
9 Cause Statement based on false information that was supplied
10 either deliberately or negligently by the CHS, or that SA
11 [REDACTED] disregarded as truth in fact and failed to verify before
12 filing the Complaint. SA [REDACTED] may have disregarded the
13 truth of the information, or the legality issue of my rifle,
14 because of an ulterior motive as described in the conspiracy
15 part of my claim above. Neither SA's [REDACTED] or [REDACTED] ever
16 attempted to contact me to conduct an interview, either by phone
17 or in person which they could have done, in order to verify
18 anything the CHS was feeding them. Informants can never be
19 trusted to tell the truth, especially when they are incentivised
20 with money. Apparently the FBI was too scared of me to make
21 any kind of contact because of things I said on Facebook and in
22 my recorded calls. However, in one ITACC session, I explicitly
23 told the CHS that if the FBI ever want to talk to me, that they
24 were welcome to, even that I was jealous of some of my friends
25 who have received visits from the FBI. I said "I invite them
26 to come talk to me", that way I could make sure they have all
27 their facts about me straight. But, they should not come to
28 deprive me of my rights because I would defend my self, which I

1 have the right to do. I believe the CHS was leading the FBI to
2 believe that I was about to commit a terrorist act or something.
3 I had told the CHS I was leaving soon to go down to Oregon to
4 help set up the protest, which eventually turned into the
5 "occupation" of Malhuer National Wildlife Refuge that was
6 widely reported on in the media January, 2016.

7 Maybe I was becoming more radical in my free speech against
8 government. Maybe the FBI was seeing "signs" of a "lone wolf"
9 about to commit an act, but I have never said anything about
10 hurting innocent people, ever, only that I will defend myself
11 and others, and our freedom and liberty. I swore an Oath to
12 the Constitution and to the people of America when I joined the
13 Marine Corps and referenced that constantly in my rantings on
14 Facebook and talking with my informant-friend - the only two
15 sources of information the FBI had. I will never go against my
16 Oath or back on my Oath. My politcal views and exercising
17 Freedom of Speech and Press to speak out against government
18 oppression are not a legitimate, lawful excuse to deprive an
19 American citizen of his unalienable rights to liberty and his
20 property - my liberty and property - without due process of law.
21 My views and expressions may have illiceted a distasteful
22 judgement of me in the minds of the FBI Agents, enough for them
23 to stand behind their badges and guns to cause emense undue
24 emotional stress and destruction of my property, and deprivation
25 of my rights.

26 These two Agents, [REDACTED] and [REDACTED] allowed their
27 emotions to cloud their judgement and they became vindictive.

28 The closest they could come to legitimacy of violations of laws

1 | was to accuse me of violating the Gun Control Act and National
2 | Firearms Act. I made it clear on my Facebook(since I knew the
3 | FBI would see it) as a public forum, and in my recorded
4 | conversations with the CHS(who could have informed Agent [REDACTED]
5 | during their many conversations) that I had read the laws and
6 | knew I wasn't violating them. Had the FBI turned over the
7 | investigation to the proper agency - the ATF - they may have
8 | been better able to determine (and an interview would have
9 | really helped to figure things out) that I was not violating
10 | any laws. An interview would really have helped because we
11 | could figure out the legalities of the rifle. If they were to
12 | have proved to me that I was in violation, I would have had no
13 | problem remedying the situation by becoming compliant with the
14 | laws. I have no problem complying with the laws - I purchased
15 | a suppressor out of interstate commerce and got my tax stamp
16 | and registration, as required. My rights and liberties could
17 | have been saved from gross deprivations, and the Government and
18 | Court would have been saved valuable resources.

19 | The ATF Firearms Specialist, Agent [REDACTED] used misleading
20 | language in her reports and emails that Agent [REDACTED] further
21 | twisted in his Probable Cause Statement in his Complaint to
22 | trick first an Eastern District Judge to issue warrants, and
23 | then Western District Judge to sign warrants. Agent [REDACTED]
24 | committed perjury as the Affiant, being overly assured of
25 | himself that I was a "domestic terrorist" and that they were
26 | going to find explosives. I was a demolitions expert for the
27 | eight years I was in the military. Of course I have reference
28 | cards with formulas, tables, and calculations for charges. Of

1 course I have notebooks full of calculations for different kinds
2 of charges, and notes from classes. Of course I still have
3 tools and things I used during my time in the Service. But that
4 doesn't mean I was up to no good and the FBI and Explosives
5 Detection Team found nothing. The CHS lied about me and the
6 FBI wanted me in prison.

7 They decided to move forward with an arrest without any
8 guarantee that I was in fact violating the law when they had
9 ample time to make that determination with the help of the
10 ATF - and she found that my rifle is not regulated. They
11 figured that "we'll let the court and prosecutors(4) figure it
12 out." Thus they violated my Fifth Amendment right to due
13 process. A citizen cannot be arrested because an agent thinks
14 he might commit a crime in the future or because he doesn't want
15 him to be able to exercise his First Amendment rights. This is
16 America, it has a Constitution and its People have rights. I
17 understand the FBI's concern in a world where terrorism is
18 increasingly prevelant. I assert that I am on the FBI's side
19 in certain circumstances. I even helped a Police Officer of
20 Grass Valley, CA investigate a crime and served as his backup
21 when he placed the man under arrest because all other officers
22 were responding to another crime at that moment. We were both
23 Marines and he trusted me to have his back. I support law
24 enforcement, but not oppression and abuse of authority. Again,
25 I swore an Oath. Patriotism is not terrorism.

26
27 **C) RELIEF REQUESTED.**

28 I am respectfully requesting this Court to dismiss the

1. Indictment and to grant me leave to file a Tort Claim.

2
3 GRIEVENCE # 2

4 With all due respect, I must state that I feel it unfair
5 to have denied my request to reopen my detention. The Order
6 states that there was no valid basis and the Government's
7 response said that I provided no new information. When I made
8 the oral motion during my Farretta Hearing to schedule a hearing
9 so that I could be heard, during that hearing is when I planned
10 to provide the "new information". I stated that I wanted an
11 opportunity to be heard. I wanted to speak on my own behalf to
12 try to convince the Court that I would comply with release
13 conditions. I wanted to be asked questions and be able to
14 respond. After the Order denying the Motion I filed, I spoke
15 with my standby counsel and he said that I should have put all
16 my arguments in the Motion. I asked him, well then, if I put
17 all my arguments for why I should be released in the MOTION FOR
18 HEARING, why would I need a hearing - to say all the same things
19 I said in the Motion. Doesn't make sense to me. I don't
20 understand this. When I asked for a hearing, you, Sir, said to
21 file a motion for it. I understood that to mean make the
22 request on paper, not argue it on paper.

23 So far, this Court has only heard the bad things about me
24 from the prosecutors, some Facebook posts and comments, things
25 that I regret saying. I have been wanting to share with the
26 Court good things about me, other things I posted, like how I
27 saved a woman's life on Mt. Rainier, or how I was a first
28 responder to the Oso Mudslide and organized a bunch of my fellow

1 National Guardsmen from my platoon to come and help in the
2 search and rescue operations even though my Unit received stand-
3 down orders, and how I helped an animal rescue organization
4 when I co-drove all the way down to Los Angeles, CA to rescue
5 three German Shepards from a kill shelter, one of them I adopted
6 in the summer before I was arrested. The Government has made
7 me look like a horrible person and a danger to the community
8 which is completely false. I have never hurt anybody. I used
9 to do neighborhood watch on Everett's notorious Casino Road
10 when I lived there, and later on, when I lived with the CHS in
11 my case's house for 4½ months, I routinely patrolled the
12 neighborhood, sometimes twice a night in the middle of the
13 night after several incidents of crime there. How is that a
14 danger to the community, when I was protecting the community
15 from the very criminals I'm currently locked up with. That
16 doesn't make any sense. But the Court doesn't seem to want to
17 hear my side of things. You may say that my attorneys should
18 have taken care of that. Well, I brought it up several times
19 with two of them and they said - there's no way the Judge is
20 going to let you out - among the many other things they refused
21 to help me with.

22 The Government has provided some evidence that I wouldn't
23 meet the Court's scheduling requirements or that I wouldn't
24 even show up. That is not true either. The Government thinks
25 that because of things in the past, but not even the Government
26 knows some of my extenuating circumstances. I would like to
27 have been able to explain those circumstances and present
28 evidence to support my explanations. I would like to have been

1 able to tell the Court again that I knew I was going to be in
2 the situation I am in now facing these accusations and was
3 prepared legally for it. I want to go to trial over my
4 accusations. If I'm convicted, or if I'm acquitted and the
5 Government appeals, I want to go to the 9th Circuit. I want
6 to challenge the precedent. Maybe I can finally turn around
7 the losing fight for American's Second Amendment rights. I
8 have been fighting for Second Amendment rights for years. I am
9 very passionate about that right. I am glad that I am in the
10 courts now. Maybe I can make a difference. Some might say I'm
11 doing it wrong as in facing criminal charges, but I don't have
12 tens or hundreds of thousands of dollars to file a lawsuit
13 against the Government. I just believe in exercising my rights
14 that I believe I have. If I were out on pretrial release and
15 fled, or just didn't show up to Court when I'm supposed to, how
16 would that help me win? How would being a fugative help me win
17 the fight for my rights and everyone else's rights? How would
18 adding more charges help me? I'm not fighting for my own rights
19 but for everyone's rights. If I win, everyone wins. I'm not
20 interested in spending more time in prison, who would be.

21 There is all kinds of violence and drugs and other bad
22 stuff going on in my unit, and in this detention center as a
23 whole that I really don't like being around. I really should
24 not have to be dealing with those things as a pre-trial
25 detainee when there is supposed to be a presumption of innocence
26 in the American justice system. Why I am treated like a convict
27 is something that I and all my family, friends, and supporters
28 really don't understand. Now that I am representing myself, it

1 | has and will continue being very difficult to prepare my defense
2 | and even before going pro se, life in this detention center is
3 | a hardship no person should have to endure unless they have been
4 | convicted of crime. All the prison politics that I have to deal
5 | and the drama between some groups of inmates creates a hostile
6 | environment that I and we are forced to live in. There is
7 | always a hidden danger of assault and even stabbings. I do my
8 | best to maintain good relations with everyone, but all it takes
9 | is looking at someone the wrong way or unintentionally cutting
10 | someone off in a line to offend another inmate and in prison
11 | politics, when you get "disrespected" you are supposed to teach
12 | the offender a lesson. I shouldn't, and no other person who is
13 | just accused of a crime, shouldn't have to deal with this.
14 | Many of the inmates in the pretrial units are there on violation
15 | so they come off the street, or halfway house, still high on
16 | drugs, or some new inmates are new detainees and come in off the
17 | street drugged out and they cause some problems in the unit for
18 | the rest of us. Some of them have mental issues and cause
19 | problems, usually fighting. Some are lifelong hardened
20 | criminals and are violent and aggressive, and they cause
21 | violence problems for those of us who are not violent. In the
22 | last four weeks there have been several fights and lockdowns.
23 | One can not always avoid violence because sometimes the violence
24 | comes to you. There is no difference between the detention
25 | center here and any medium or higher security prison. This is
26 | not a place for or environment for a pretrial detainee to
27 | prepare a defense, especially when I have become pro se. I
28 | have a much more difficult time than someone on pretrial release

1 | one who has attorneys to do everything for them. Because my
2 | attorneys failed to adequately represent me by raising the
3 | questions of law and issues to preserve them on the record for
4 | me. After three attorneys refusing to do any work, I was forced
5 | to do it myself, but the last attorney, now standby counsel,
6 | waited till the last minute to make his final refusal and to
7 | tell me to represent myself, which was too late. Since they
8 | didn't want to work with me on any of my issues besides the
9 | Second Amendment and Commerce Clause arguments, I had to figure
10 | everything out myself, which took a substantial amount of time
11 | and effort. At the last minute, May 7th, I still had some
12 | issues to raise but ran out of time to write out the rough
13 | drafts, then the finals, then to get copies made. I could spend
14 | a more time to make my final motions but they will all be filed
15 | untimely and it will take away from my time to prepare for the
16 | trial. There is still a lot to do between now and June 5th and
17 | not enough time to do it. If my attorneys wouldn't have thrown
18 | me under the bus like they have or if I would have been granted
19 | a continuance as requested in my last Petition for Redress, I
20 | would have faired better.

21 | There are other problems as well that cause me a great deal
22 | of stress. BOP policies and staff do not make things even
23 | remotely easy for the pro se inmate. I have had to kick and
24 | scream(figuratively) every step of the way. Every step I take
25 | forward is only taken after I had to remove a roadblock. This
26 | has wasted substantial amounts of time in preparing my defense.
27 | I had to get a court order to get more time in the law library.
28 | There is no policy or a very weak policy for legal calls, legal

1 mail, and legal visits. At the time of this typing, I am
2 working to get legal visits with my defense team. I have had
3 issues in the past with legal mail coming from my old attorneys
4 that was being opened before I received it in violation of the
5 BOP's policy on legal mail. I raised the issue with several
6 unit counselors and emails to the mail department with no
7 remedy. I have been waiting for three weeks to receive some
8 affidavits from my paralegal and have still not received them.
9 More than one set has been mailed. Mail that I send out is
10 being received cut open and taped back up. I suspect the FBI
11 is intercepting my incoming and outgoing mail and tampering
12 with it because the Agents involved with my case know that I am
13 representing myself now and intend to impede my preparing my
14 defense. Ever since I got my court order for more time in the
15 law library, every week I miss my commissary order because I
16 am in the law library working when our orders are delivered to
17 my unit. The rulebook states that we are to receive it the
18 next day, but I am always in the law library. Lately, because
19 of staffing constraints, commissary staff do the weeks catch-up
20 on fridays, but its always in the morning when I'm in the law
21 library. The money is deducted from my account but then I
22 don't get my order until the next week. I had to send emails
23 to staff and speak with different supervisors about my issue
24 to get my orders. I order envelopes, stamps, typewriter ribbon,
25 and correction tape along with other items every week. I can't
26 mail documents to the Court and the US Attorneys, and my
27 stand-by counsel and paralegal if I can't get my stamps and
28 envelopes. I can't type my documents without the ribbon. I

1 order extra food as well which helps me to be more productive.
2 I have had conversations with staff about the issue and the
3 response has been that staff does not work around inmate's
4 schedules. In other words, because I chose to exercise my
5 rights to represent myself and fight my charges, I have to
6 sacrifice my time preparing my defense just so I can be in the
7 unit when commissary is delivered. The staff are not supposed
8 to show favoritism either. I did not seek a court order for
9 more time in the law library because I wanted, but because I
10 needed it.

11 Everything is treated as a "privilege" in this detention
12 center. How can any accused person have presumption of innocence
13 and a right to prepare a meaningful defense and the actual
14 means to prepare that defense when the environment and entire
15 system is not designed to allow it and actually works against
16 him? The Government responded to my motion to reopen my
17 detention and said "he seeks to prepare his defense in a
18 different environment than the Federal Detention Center. This
19 is not a factor that bears on his release status. See 18 U.S.C.
20 3142(g)(listing factors to be considered)." I ask - has any
21 prosecutor ever attempted to prepare a prosecution from inside
22 a Federal Detention Center as an inmate? They would learn real
23 quick that it is nearly impossible and would complain endlessly,
24 immediately. They would say it is not fair and would ask to
25 prepare their prosecution in a better environment too.

26 America is supposed to have equal justice for all. How is
27 it equal that a U.S. Attorney has unlimited resources and
28 advantage while the pro se defendant has every single handicap

1 possible? Though the environment for preparing a defense is
2 not listed as a factor to be considered in 18 U.S.C. §3142(g),
3 it should be considered by the Court. Especially since I have
4 no criminal record, no history of violence, no propensity for
5 violence, never have used drugs or alcohol, never been a threat
6 to the community but actually protected the communities I've
7 lived in, and because I am pro se. I have already stated to the
8 Court on the record that representing myself, originally, was
9 dependent on whether I was going to be detained or not. My
10 attorneys have forced me to go pro se and now I need to be
11 allowed pretrial release so I can have every advantage to
12 prepare my defense. It is in the interest of equal justice and
13 the public that I have the best environment and adequate time
14 to prepare the best defense possible. My case has generated a
15 lot of attention from the public and they want to see that I
16 have a fair trial and a complimenting environment to work in.
17 So far they have seen an unjust system of oppression that works
18 in every way to prevent the accused from having any advantage.
19 So far, they have only seen my mistreatment. I receive a lot
20 of mail from people I do not know and these are the things they
21 tell me.

22 The environment I am in now is a dark dungeon that breeds
23 depression, hopelessness, and despair. Even the food is a
24 factor because the poor nutrition affects the body which in turn
25 affects the mind - negatively. BOP staff treats us like we are
26 all less than human, when we are supposed to be innocent until
27 proven guilty. We get very poor sleep because of the mattresses
28 and being celled with another person who is usually incompatible

1 as a roommate, and for some people, the snoring. Why would
2 anybody be motivated to fight for their freedom in such
3 inconceivable conditions, especially when self representing?
4 My prosecutors argue that is part of the disadvantages of self
5 representation but how is that "justice for all"?

6
7 **RELIEF REQUESTED.**

8 Title 18 U.S.C. §3142(f) says that at a hearing, "the person
9 shall be afforded an opportunity to testify, to present
10 witnesses, to cross examine witnesses who appear at the hearing,
11 and to present information by proffer or otherwise." I never
12 was afforded the opportunity to do any of those things listed
13 above, nor did I know that I was supposed to be afforded all
14 those opportunities. My public defender did not tell me about
15 them and neither did the Magistrate Judge. §3142(f) also says
16 "the facts the judicial officer uses to support a finding
17 pursuant to subsection (e) that no condition or combination of
18 conditions will reasonably assure the safety of any other person
19 and the community shall be supported by clear and convincing
20 evidence." Clear and convincing evidence has not be presented
21 and the Court has only heard one side because I have not been
22 given any opportunities to present anything on my behalf.

23 The Factors to be considered in 18 U.S.C. §3142(g) which
24 include:

- 25 (1) the nature and circumstances of the offense charged;
26 (2) the weight of the evidence against the person;
27 (3) the history and characteristics of the person;
28 (4) the nature and seriousness of the danger to any person or

1 the community that would be posed by the person's release.
2 None of these Factors from my side - the defense - have been
3 considered by the judicial officer or this Court. This is not
4 fair and I respectfully request this Court to conduct a hearing
5 for me to testify, to present witnesses, cross-examine witnesses
6 and present information regarding the Factors to be considered.
7 §3142(j) says "nothing in this section shall be construed as
8 modifying or limiting the presumption of innocence, but I
9 certainly feel like I only are presumed guilty by the way I
10 have had to suffer the many difficulties as outlined in this
11 Petition.

12 This Court should review this grievance under 18 U.S.C.
13 §3145(b), as a motion for revocation of the order.

14 Dated this 17th day of May, 2017.

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16
17 Respectfully submitted,

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19 _____
20 Schuyler Barbeau
21 Defendant, pro se
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