

How Dave Hinkson Became a Target

SUMMARY BACKGROUND OF THE DAVID HINKSON STORY

by **Roland Hinkson**

My son, David Roland Hinkson, was and is a totally non-violent person. He believes in the sanctity of life, that man will be judged in the hereafter for his own transgressions. Because he was so innovative and able, others would latch onto him because of his generosity. He trusted people and could not understand why they couldn't see things that were so obvious—to him. He was never jealous of anyone, nor was he in any way vindictive. But he was fatally naïve.

He learned to play the clarinet so well in grade school that he played solo before the whole assembly after only two weeks in the school band. His report cards were mostly either “As” or “Fs.” If interested in a subject, he mastered it quickly. For example, he could type at 120 words per minute; he repaired his and his friend's motorbikes before he was age 14 and completely overhauled his VW Bug overnight at age 16. He joined the US Navy at age 17 during the Vietnam War and was sent to helicopter school to be a helicopter mechanic.

Once out of the Navy he literally went from rags to riches. He tried different business ventures including an automobile repair garage, a soap manufacturing enterprise, a dry cleaning business and remodeling a laundry. He became a real estate broker then just fell into the law; a successful and powerful defense attorney in Las Vegas recognized his innate ability and took the time to teach him the ins and outs of legal procedures. David began drafting briefs for various people who were being dishonestly shattered by government agencies.

David created a new business, WaterOZ, moved it to Idaho from Nevada and made a lot of money (annually grossing about four million dollars per year within three years). He started his own construction company, bought heavy machinery at huge discounts and restored everything into top running condition. He spent nearly all his income expanding his manufacturing plant facilities, (built a 67,000 SF factory on a 300 acre site near Stites, Idaho. He built a three story office building in Grangeville, Idaho, on a 140 acre site.

His office manager hired a “supposed” mineral tester by the name of Elven Joe Swisher. Swisher turned out to be a sociopath, blackmailer and fraud who tried to extort over a million dollars from David, including one-half of David's business. This sniveling coward ultimately was convicted of perjury, forgery, theft and stolen valor, but, was able to escape prosecution for many years because of government corruption.

Authority, as such, never intimidated David. Position and status never gave him any concern. His whole world was spinning in his head. He read Albert Einstein's books but announced the flaws in some of Einstein's concepts. His disrespectful attitude of incompetent

persons permeated everything he did. He knew he knew the law or how to find the law. He ran for commissioner in Clark County, Nevada, but lost. He stepped on a lot of toes. The powers that be did not like it one bit when he exposed their corruption, deception and theft of public assets. Once he arrived on the national scene and attacked people like Harry Reid, he finally met his match. Not because of their brilliance but because of their sheer tyrannical power.

His “naïve” flaw was that he set himself up as a target. First, he exposed a local Idaho prosecutor by the name of Dennis Albers as a dishonest man, but Albers was connected and was part of the local “good ole boys” network. We believe Albers intentionally caused a mistrial by speaking to a juror during a trial recess and deliberately ended Swisher’s trial for child molestation (Swisher’s own daughters while under age 10 each were raped over a period of years). When the case was dismissed, Albers did not reset for trial, proving Albers was corrupt by allowing Swisher to “walk” and escape the consequences of his heinous crimes.

In 1999 Albers sued David for a woman who tried to steal WaterOz and, through fraud and deception, obtained a judgment worth over \$100,000. In 2000, David cost Albers his reelection for prosecutor and his retirement fund. Albers was furious and said he would put David away for life. He still had power, so he gathered as many jealous and greedy people from around David and recruited anyone that would help destroy David. Others joined in the game. It became a free-for-all to get David.

FBI Agent Will Long said to David, “I’ll put you away for the rest of your life.” Long also told me at the FBI office in Coeur d’ Alene Idaho, FBI office, “I know that David wouldn’t hurt anyone, but someone could take him up on his offer.” What offer? There was no “offer.” This nonsense came only from Elven Joe Swisher, the one and only so-called witnesses against David whose testimony survived David’s trial. The point is that David was falsely convicted of three counts of “solicitation of the murder of federal officials” and it has now been proven that Swisher was a liar and the trial judge, Richard C. Tallman was enabling Swisher’s lies in order to have David falsely convicted.

David’s house keeper, Marianna Raff, stole \$6,100 from a hiding place she discovered in David’s home. Once David found out and traced it to her he reported it to the local Sheriff. He was then asked to come to the Sheriff’s Office to file a complaint. When he arrived, FBI Agent Will Long placed him under arrest, denying David’s his Miranda Rights. Somewhat fortunately, David had a self activating tape recorder in his shirt pocket. Thus, Agent Long’s lying about the Miranda Rights and a phony confession was revealed. But this violation brought no consequence by the Judge.

The intrigue surrounding David’s case was absolutely unbelievable. A cabal of federal authorities within the Justice Department, mostly out of Washington D.C. and the Ninth Circuit Court of Appeals Judge Richard C. Tallman. Tallman, a former prosecutor was doing his first criminal case outside the realm of white collar crime but not as an Appellate Court Judge—rather by designation he stepped down by acting as a district judge. At first, David was charged with failing to file tax returns then after his arrest, the government and Swisher came up with the murder-for-hire idea.

Thereafter, all appeals from the District Court were processed so that Judge Tallman could influence the decision as a member of the appellate court. Of course, now as an appellate judge, Tallman would see the error of his ways and rule fairly. Yes? For those who believe this possibility, I have a bridge in New York City that I'd like to sell them.

The cost of defense was four million dollars but it couldn't buy any real justice because the fix was in and because the System is broken. And as Chief Justice of the Fifth Circuit Court of Appeals Judge Edith Jones said to a group of grads at Harvard Law School, "Our legal system is broken beyond recognition."

Upon appeal to the Ninth Circuit, the Majority ruled that David was entitled to a fair trial, so his conviction was overturned. But the government appealed the Appeal and was able to reverse the reversal. Now we had to continue spending thousands of dollars to fight something called an "en banc" court of eleven Appellate Court judges. The verdict ultimately was six to five in favor of the false conviction and against reversal. The Ninth Circuit Court was willing to allow David, although innocent, to spend the rest of his life in prison in order to satisfy a new procedural presumption in favor of determinations by trial courts. The seriousness of David's case is that it created a precedent upon which many subsequent cases rested and the practical question was that if David's conviction was overturned, many other convicted Americans would have to be retried. David's case was now a leading precedent for a new concept: The trial judge, Tallman, in this case, was considered to be closer to the events that transpired in the trial court setting than would be the appellate judges who merely had the record to review. Therefore, the logic is that truth would be better served by putting less reliance on the appeal judges than on the original trial judge. If this were true, any trial judge would become the first and last determiner of a man's innocence. The assumption would be that all trial judges are honest and competent and should be above review –tin gods.

In reality, Judge Tallman lied from the bench by making up stories about Swisher's false combat experience. It is in the record of trial court proceedings that Judge Tallman made up a scenario about how Swisher traveled by amphibious craft to the shores of Korea when it was subsequently proven in Swisher's own trial, when he was convicted of perjury, forgery, theft and stolen valor that he never set foot in Korea. No one, not even Swisher, mentioned an amphibious landing. Judge Tallman was simply making it up during trial, where he was not dealing in truth, rather he was brokering lies that set Swisher up to be a combat hero so that the jury would not question his credibility when told the lies about David plotting to murder federal officials. One may rightly ask, 'how can a federal judge get away with lying, especially telling lies in a trial, on the record, that cause an innocent man to spend the rest of his life in prison?' The answer is corruption and the 'crony system' the other judges simply refused to call Judge Tallman on his lies.

Who were these Ninth Court Judges? The leader of one faction was Judge Carlos Bea, a former state trial court judge (who immigrated from Cuba), who used the case to give district court judges more power to cover up their abuse-of-discretion. Judge Fletcher, leader of the faction of Ninth Circuit judges who could see the manifest injustice to David and tried to see that David got a new trial, also one of the en banc judges and a former UC-Berkeley School of Law professor, essentially accused Bea of cherry-picking the facts, saying his version of events was too "truncated."

So the battle ragged and eventually the Ninth Circuit Judge Kozinski agreed with Judge Fletcher and voted in favor of reversal in a follow up Super En Banc Hearing to give David a chance at a fair trial—but the count was yet one vote shy of reversal (six in Bea’s camp as opposed to only five in Fletcher’s). The Supreme Court wouldn’t take on the case, so it went through a series of appeals and motions. The end result is that our system of justice is not about getting to the truth but to gain political expediency. The TRUTH be Damned, all that matters is how many can be convicted to support the American Prison Industrial Complex, which is grinding up the American people at over 3 million inmates, with about 15% who, like David, are actually innocent.

Now let’s hear what David had to say about how they came after him. I recorded the scenario in my book, “A Cesspool of Judicial Corruption—The David Hinkson Story” (the Book can be found for free on [www. ini-world-report.org](http://www.ini-world-report.org) and rolandhinksonfiles.com).

“On the morning of the 21st of November, 2002, I [David Hinkson] was startled out of a sound sleep by screams. I looked over at the door, and I saw approximately eight men storming into my [bed]room dressed in black and holding machineguns. I heard over and over, “Freeze, mother f***er.”

“I heard someone say, as I was being held down, ‘Where’s your gun?’ All of the machineguns were pointed at me. I was still partially asleep when the only agent not in SWAT or military dress dragged me out of bed [at 5:45 a.m.] . . . That man was IRS Criminal Investigation Division (CID) Agent Steven Hines. . . .

“Hines, in an effort to cover-up for the fact that he should not have been in that raiding party, testified [under oath, of course] (on September 26, 2003), that it was his friend, FBI Agent William Long who had held the gun to my head on that November morning.” David was held in solitary confinement until such time as the Justice Department could find some reason to hold him. It was months later before they came up with the “Murder for Hire” theory.

The thief, Marianna Raff, was first used to testify against David, but once David’s attorney proved she was lying about a plot to murder federal officials that never happened and she literally committed too many felonies, the FEDS dropped her, and they then came up with Swisher. Swisher [had decorated himself] with coveted medals as a super war hero and was commandant of the Sergeant Lanahan Marine Corp League Chapter in Idaho County, Idaho. He professed to have been engaged in a dangerous expedition to free POW in Korea; he even wrote a short book about his harrowing exploits: “*A Marine Remembers.*” Who would challenge such a man? Together with the opportunists wanting to grab David’s business; the Swisher-“war-hero”; the prosecutor trial judge, Tallman; the determined FBI agent, Long; the prosecutors, Sullivan and Taxay, from D.C.; and the poisoned newspapers and media coverage complying with the government dictates, they roasted David. As a local newspaper publisher admitted to me, “We publish everything that the government gives us, but we don’t have funds for an independent investigation.” Thus the jury pool was compromised by Swisher’s false testimony, and David was doomed. The US Supreme Court requires that the jury be informed about any false testimony that is material to the case. Judge Tallman knew of this requirement because he

worked on the Hayes case that confirmed the doctrine for the Ninth Circuit requiring jury's to be informed of lies by government witnesses.

He said in a letter:

“Now I would like to tell you about what happened [as they took him away in chains] after I left Oklahoma. On Monday [June 13th] they came at 4:00 o'clock in the morning and said, ‘You are leaving.’ I got ready, and soon they shackled me up and took me to some elevators, and [then] we went down and walked for a quarter-mile. We got strip-searched, naked, and got new clothes. Then I joined a group of about 300 men, and we walked single file to a 747. I'm not sure the exact model of the plane. It had six seats across and held about 300 passengers. We waited about one hour, and we flew to the City with the big arch [St. Louis]. Some prisoners got off, and some got on. Then one hour later we flew to Florence [Colorado]. We were then put into a bus with a built-in cage and drove 45 minutes to the prison.

“In Oklahoma everybody went to where there were phones and regular people, but not me. I got the ‘hole’ treatment. Again, when I got to Florence they took everybody to a regular place with phone access and human contact, commissary etc.—but not me.

“They took three of us (a colored man, named Joe Manning, and Gerald Guerrero and me) and threw us into a very small cell with the same dimensions as what I gave you in Idaho [solitary confinement—a virtual tomb—in Florence, Colorado]. There was a bunk bed; so two could stay there, but they put all three of us in. I ended up on the floor sleeping with the toilet as my companion. There's no room to even get out of bed. The shower had no shower curtain; so the water splashed on my bed if we tried to take a shower. There is a window but it has a steel cover over it so nothing can be seen, [it has] steel bars in front of the windows. . . .

I was told that the PSI or PSR (pre-sentence investigation or report) is what is used to decide how you are to be treated while in prison. They claimed that they did not get my PSI, and that's why I am again in the punishment hole. Here the hole is called the “shoe!” [SHU—Special Holding Unit]. There is no salt [David asked for salt for his wound received at Canyon County Jail, when he was chained and tripped falling backwards onto his head], no phone access, no paper, no stamps nor envelopes. I'd begged for books and got some reading books. I have read two books (400 pages each). The first one is called Left Behind (Tim La Haye and Jerry Jenkins) and the second is Tribulation Force. These books are a series about tribulation of Jesus and God. I found these books to be very interesting and biblical. . . . I was told that there are 1200 inmates here and 200 stabbings a year—a very violent place. . . .

“A counselor just came by, and she told me some very bad news. She said I was sent to the wrong prison. I'm supposed to go to a ADX. ADX is a prison across the street. It is where they sent Timothy McVeigh [before he was executed]. It is the prison where people go that are the worst criminals in the world. No human contact ever. I guess I'm public enemy No. 1. Now I'm still in the SHU, but I guess I will never be allowed visits except through the glass [Yes, it took several years before we could even hug our son]. I was also told the phone would be limited, and I'll have no human contact.

“I do not know if I can keep going with the endless attacks against me. I’m also very worried about the safety of [all of] you in my family. I just cannot believe how corrupt this is against me. I was told I will be forever in a hole like this one. What have I ever done to be treated like this by my Country? I hope you can visit me, but you should call first and make sure that they will let you in to see me.

No matter what happens I love you forever. . . I’m so afraid. I do not know what to do. I do not know if you’ll get this letter. You never got the other letters. . . .

Gerry [a fellow inmate] told me that he plea-bargained and plead guilty to a charge that he did not do. They agreed to give him 24 months. At sentencing they gave him two years plus upward departure of 12 more years. He said you cannot plea-bargain. Even if you want to, they will still do upward departure.

I hope I am not jeopardizing you and your life. Is there a future? I just wanted to be an inventor and help people. I’m not allowed to be “not guilty” or use the law. . . . I will end this letter now. Goodbye, I love you forever.”

(Signed) David

Federal Bribery Sanctioned in U.S. Legal Code

Judicial independence is supposed to be “one of the crown jewels of our system of government.” But under a law unknown to the public, government employees including judges can receive cash bribes from Uncle Sam of up to \$25,000 if they rule you are guilty. Here is the actual wording of the law.

5 U.S.C. § 4502 General Provisions, provides for payments to Federal employees. The payment and incentive provisions with respect to 5 U.S.C. § 4502 is summarized as follows:

5 U.S.C. § 4502 General Provisions

Payment of \$10,000.

Payment of \$25,000.

Acceptance constitutes agreement by employee.

Amounts determined by Sections 4503, & 4504.

Award additional time-off from duty—no loss of compensation.

Other incentives under sub section (b) by Secretary of Defense.

5 U.S.C. § 4503 Agency awards, attached hereto and incorporated herein as Exhibit C-1.

The head of an agency may pay a cash award to, and incur necessary expense for the honorary recognition of, an employee who—

(1) By his suggestion, invention, superior accomplishment, or other personal effort contributes to the efficiency, economy, or other improvement of Government operations or achieves a significant reduction in paperwork; or

(2) Performs a special act or service in the public interest in connection with or related to his official employment.

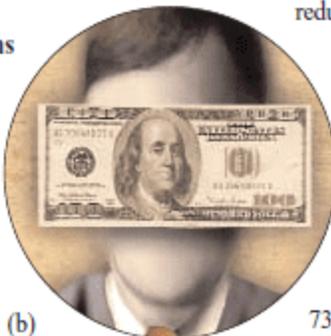
5 U.S.C. §4504 Presidential awards, attached hereto and incorporated herein as Exhibit C-1.

The President may pay a cash award to, and incur necessary expense for the honorary recognition of, an employee who—

(1) By his suggestion, invention, superior accomplishment, or other personal effort contributes to the efficiency, economy, or other improvement of Government operations or achieves a significant reduction in paperwork; or

(2) Performs an exceptionally meritorious special act or service in the public interest in connection with or related to his official employment.

A Presidential award may be given in addition to an agency award under 5 U.S.C. § 4503.



Editorial comment: 5 U.S.C. § 7342(a)(6)(C) reveals that the Administrative Office of the United States Courts is the “employing agency” for “judges and judicial branch employees.” This includes judges of all United States Courts of Appeals; all United States District Courts; The Court of International Trade; The Claims Court; and The District Courts in Guam, the Northern Mariana Islands and the Virgin Islands. So the law states that these specific categories of federal judges can receive “cash awards” of up to \$25,000. [See 28 U.S.C. § 602 and Administrative Office of the United States Courts Personnel Act of 1990, Section 3(a)(1).] ★