

Schaeffer Cox Papers #1

SUPPRESS THEN LIE. The government, by motions and hearsay objections suppressed their own secret recordings of Cox saying he was leaving the country and that he would not participate in violence. The government then turned around and argued to the jury that Cox's testimony of the same was false because he could offer no recordings to corroborate his claims.

Schaeffer Cox Papers #2

PRE AND POST TRIAL ARE OUR BEST RECORD. The record during trial is quite poor compared to what is contained in pretrial motions and sentencing documents. Cox's innocence was pretty well proved before and after trial but not at trial.

Schaeffer Cox Papers #3

EX-PARTE REPRESENTATION HEARING. At trial, Nelson Traverso totally lost it. He got super paranoid and kept telling Cox over and over that Cox needed to move to Peru. Traverso became extremely sweaty and fidgety. Investigator Rollie Port tried to take Traverso to the hospital. Traverso refused to go for medical treatment and also refused to offer any exhibits for Cox's defense. Traverso Claimed that "if [he] embarrassed the government they would just go after [him] too." When Cox was unable to force spastic Traverso to offer essential evidence, Cox called an ex-parte representation hearing with the judge. Cox explained that Traverso was trying, but he was too sick to function and this was depriving Cox of both his right to counsel and his right to confront the witnesses against him. The Judge suggested that Cox have Traverso file a motion to re-examine any witnesses he needed to. After this Cox was unable to reach Traverso by phone or otherwise and Traverso refused to file a motion to re-examine any witnesses. Investigator Port was livid with Traverso. Cox was in utter shock.

Schaeffer Cox Papers #4

DOOLEY TO RESCUE. Tim Dooley, trial counsel for Cox's codefendant Coleman Barney, knew Cox was innocent. Rollie Port was investigator for both Cox and Barney, so Dooley had access to the exhibits that needed to be introduced to prove Cox innocent. Cox called Dooley and asked him to present Cox's defense as Traverso would not and was MIA. Dooley agreed and offered the requested evidence, which the court rejected after the government's hearsay objection. This evidence, however, fell squarely under the state of mind exception and should have been admitted.

Schaeffer Cox Papers #5

IDENTICAL CASES. Barney and Cox had identical cases, identical evidence, and the same investigator. Dooley presented the tapes showing Barney rejected the informant's proposal, and he was acquitted. Traverso refused to present the tapes where Cox rejected the informant's proposals, and Cox was wrongly convicted.

Schaeffer Cox Papers #6

HOSTAGE WITNESSES. When the government filed the charges in a district other than the one where the crime was alleged to have occurred, it amounted to a change of venue without a hearing. When the judge refused to move the trial to the correct venue, Cox could not afford to fly all of his witnesses to Anchorage and put them up in hotels. Traverso told Cox that he wasn't going to call any out-of-town witnesses until Cox paid Traverso in full "because Cox didn't have the money to pay Traverso AND pay for travel and lodging for witnesses."

Schaeffer Cox Papers #7

NO STAMP NEEDED. In 2009 Cox went to the local ATF office in Fairbanks to ask if he needed to get the \$200 tax stamp on an antique replica machine gun he made himself. The ATF agent told Cox and his friends (Roberts, Sikma, Clark, and Anderson) that you only needed the tax stamp if the firearm crossed state lines or changed hands. The agent gave the example that a Springfield .45 manufactured in Springfield, Massachusetts, that never left Massachusetts, had not entered into Federal jurisdiction. This sounded logical and Cox did not seek a tax stamp for his homemade firearms.

Schaeffer Cox Papers #8

FLIP-FLOP ON STAMPS. The fact that the ATF had told COX (wrongly, according to the AUSA) that he did not need a tax stamp was raised in a pretrial motion as an entrapment by estoppel defense. The judge denied this motion citing that it was an issue for the jury. But then at trial, the judge granted the government's motion for protective order barring presentation of that defense to the jury. See Dkt. #351.

Schaeffer Cox Papers #9

DEAF JUDGE. The judge is almost completely deaf and is TOTALLY deaf without his special hearing equipment. As a result, he was confused much of the time. When he would get confused he would ask the prosecution what he should do, then he'd just do that. He may be a bit senile too.

Schaeffer Cox Papers #10

STRONG FRANKS MOTION. Dooley and Port put together a very good motion for a Franks hearing that refuted with recorded evidence nearly every single line, and certainly every material line, of the FBI's affidavit in support of warrants. The hearing was granted but the motions were denied without making any specific finding. The judge just said, "I'm going to leave that to the 9th Circuit."

Schaeffer Cox Papers #11

20% OF DISCOVERY. All of the pre-trial motions would have been way stronger and the government wouldn't have been able to lie to the judge like they did at oral argument if the defense had had the discovery they have now back then. At the time, the defense had less than 20% of what they do now.

Schaeffer Cox Papers #12

THREATENING WITNESSES. The FBI threatened the MP's to try to keep them from testifying for the defense. This was investigated and documented by Rollie Port. One testified, two did not.

Schaeffer Cox Papers #13

FUGITIVE! It was highly prejudicial for AUSA Skrocki to keep yelling FUGITIVE (!) and pointing at Cox, when the truth is Cox wasn't a "fugitive," he was running from CI Fulton and Bennett who told him they were going to kill him because he would not plot a crime with them. Emails between FBI and AUSA Skrocki show that they knew Cox was in fear for his life and leaving the country because of it. Yet they adamantly claimed the opposite to judge and jury.

Schaeffer Cox Papers #14

STATE OF MIND. State of mind evidence was everything in this case. The narrative of actual events was more or less: CI's try to bully Cox into plotting a crime, Cox gets scared and runs away, FBI follows and arrests. This isn't a very good case for conspiracy to murder, so the government shifted everything into prejudicial speculation about what's in Cox's mind and what he might do "in the future" "when he's strong enough" while at the same time suppressing all evidence of what was actually in his mind, what he actually did do, and his actions to "avoid conflict at all costs" and "be like Gandhi, not Rambo."

Schaeffer Cox Papers #15

RIGHT TO REFUSE: By international standards, the way the American police set people up is bad enough as is, but this case brings into question whether or not the people being set up even have the right to refuse. The more Cox refused the violent proposals of the government, the harder they pushed, until they were using actual physical violence with a weapon, death threats on him and his family, do-or die ultimatums, and physical restraint to prevent him from getting away from the informants. This is not law enforcement. It's cartel violence with a badge.

Schaeffer Cox Papers #16

TRAVERSO CLAIMS. Nelson Traverso never reviewed the discovery. He claims he was too busy to negotiate a plea deal on the smaller charges, that he "forgot" the case file when he drove down to Anchorage for trial, that this was his first Federal trial ever, that he disappeared for 20 days right after the verdicts because he was tired, that Cox was not allowed to switch attorneys after pretrial motions had been ruled on, that[redacted.]

Schaeffer Cox Papers #17

GOV. MISCONDUCT MAY BE IRRELEVANT. All of the government's misconduct is harmless error that won't even need to be addressed if Cox can just play the recordings that show he had no criminal intent or willingness to harm others except to lawfully defend his or his family's lives, and that he was leaving the country precisely to avoid being put even in that type of situation.

Schaeffer Cox Papers #18

CREDIBILITY CONTEST. Cox testified truthfully at trial, but when Traverso would not present corroborative evidence and the government objected to the evidence presented by Dooley, the question became primarily one of credibility between Cox and the AUSA's rhetoric. The judge should have allowed the recording to be played rather than forcing the jury to choose who to believe about what was said.

Schaeffer Cox Papers #19

NO CASE, NO DEAL. This was Cox's first rodeo with the Federal system. He did not know what a good attorney looked like or what to expect. Had he known then what he knows now, Cox would have accepted a plea deal on one or two of the minor weapons charges, which is what the government tried to get him to do. This would have avoided the conspiracy and solicitation to murder counts altogether. When Cox asked Traverso to calculate the sentencing guidelines on the weapons charges the government wanted him to plead to, compared to the conspiracy to murder charges they were threatening if he rejected the plea deal, Traverso claimed he was "too busy to look into the guidelines." [Final sentence redacted.]

Having no starting point of potential sentencing exposure, and having little or no contact with Traverso, Cox never negotiated a deal with the AUSA's.

This had the mutually disastrous effect of calling the government's bluff on the conspiracy and solicitation to murder charges they had threatened to bring. The government was forced to hide evidence, bully defense witnesses, and deceive the judge and jury in order to save face. Cox was forced to go through a show trial where he was prevented from presenting evidence of: his repeated rejection of violent plans, his efforts to leave the country, and the government's violent coercion. Cox then got 26 years instead of pleading to 5 and [redacted].

Schaeffer Cox Papers #20

DIVERSION FROM PRETRIAL MOTIONS. It is likely that the reason the government was down on their knees begging the defense to take a deal right before the hearing on pretrial motions is that they knew the motions were strong and their case was weak. When Traverso made no effort to negotiate, the government had to come up with something other than the merits of the motions to focus on at the hearing. So they indicted Cox and Barney on conspiracy to murder Federal officials (no one knows who) and had the arraignment coincide with the motions hearing. They left the defense's pretrial suppression and dismissal motions totally un rebutted and relied on the judge's reaction to the superseding indictment to dissuade him from granting the motions. Which is exactly what the judge did. He obviously wasn't going to grant motions for dismissal and suppression on the small stuff without knowing how that would affect the horrible stuff the defendants had just been indicted on.

Once the motions were denied the government was back to begging deals. They offered Barney 5 to 7 years on any one felony he wanted. Traverso was MIA by this point so Cox does not know what they offered him, but it would have been similar.

No deals were reached and the government was forced to trial on charges that had been a bluff. They kept the exculpatory evidence out, prejudiced the jury heavily, and basically got lucky to get the conviction they did. The judge even said that he didn't see a conspiracy and that the defendants "May as well have conspired to kill little green men from Mars." But he sent it to the jury anyway.

Schaeffer Cox Papers #21

SHIFTING THEORIES. The truth is the government couldn't give a bill of particulars on counts 12 and 16 because the defendants just hadn't conspired to murder anybody. This may be a big deal on direct. The judge denied the defense's motion for a bill of particulars claiming it was informally resolved, but there never was a straight answer given on what the government was considering a conspiracy to murder.

Before trial they told Dooley it was the fact that security was present at KJNP. But why, then, would they need Mike Anderson to testify to the grand jury in order to get a true bill on conspiracy to murder? Anderson was in no way even remotely connected to KJNP. And why would the government wait a year and a half to indict Cox and Barney for the KJNP security detail when the government knew everything about that whole thing before, and as it happened?

During trial, the government saw that nobody was buying the KJNP theory. And then when evidence such as "the whiteboard," which unequivocally stated "Allow peaceful arrest" and "don't shoot unless life is in danger" was admitted along with testimony from the vice-president of KJNP that they had been asked if it was ok to post security, and that KJNP had give them permission, it was clear the KJNP theory was dead on arrival.

Halfway through trial, the government abandoned the KJNP theory and switched to the "241" theory. ("241" stands for retaliating on the government with two times the force inflicted on any of the people.) If the only theory submitted to the grand jury was KJNP, it creates structural error as to all other theories presented at trial. Aside from that, there are other major flaws in the 241 theory. First, it would put at issue the likelihood that someone would be murdered by the government, this triggering the retaliation. Second, and more importantly, J.R. Olson is who brought it up and pushed it on several occasions and each time it came up, Cox and Barney soundly rejected 241, calling it a horrible idea. This left the government with having to fight to keep out the over 40 separate audio clips of 241 and any sort of violence being rejected, while at the same time making a big deal to the jury out of the fact that the defendants talked about it. Witnesses were questioned ad nauseum about "What did the defendants talk about?" but then objections went off like fireworks when they were asked "What did they decide after talking about it?" Again, state of mind evidence was excluded.

Another big problem with the 241 theory is that Vernon was not aware of it or a party to any of those conversations. This makes it difficult for him to be a conspirator. The reason Vernon was not privy to those conversations is because J.R. Olson was running the same game on the Vernons' parallel to Cox

and Barney. If J.R. Olson brought up 241 to Cox and Barney in front of the Vernons', the Vernons would see 241 shot down by Cox and Barney. This could undermine J.R. Olson's progress towards convincing the Vernons to plot an attack of some sort on their own.

241 suffered its final blow when Tim Dooley put Coleman Barney on the stand and offered numerous audios and transcripts of Barney denouncing violence and urging J.R. Olson to do the same. Numerous similar audios exist for Cox but Traverso failed to offer them and when Dooley tried to offer them for Cox, the judge sustained the government's hearsay objection. Nonetheless, the government was now left with Barney out of the conspiracy, no tapes of Cox AGREEING to it, and no tapes of Cox and anyone else even TALKING about it.

The next tactic employed by the government was to build a case by getting the jury to accept the presumption of a non-existent "hit list." Let us be clear, there never was a "hit list" of any kind, ever. It only existed as something the government made repeated reference to but never produced. The defendants did have the contact information of numerous government officers and employees, many of whom were supportive of the cause of protecting people's rights and of government transparency and accountability to the people.

Others were corrupt and needed to be exposed for their involvement in illegal activity such as police drug trafficking. But there is nothing anywhere that suggests that any of these government people were going to be murdered. It's just not there. And on top of that glaring absence of proof, there is an abundance of proof that Cox and Barney were totally unwilling to act aggressively towards anyone. {See audios of : "241 would be fruitless,"; "I'm going to be like Gandhi, not Rambo,"; "We need to stay away from Fulton and Bennett,"; "I'm leaving the country with my family," "I don't have hatred for anyone."}

What the government did was have the FBI go to people like Trina Beuchamp and others and tell them the straight-up lie that they were on a "hit list" of people that Schaeffer Cox was out to murder. Then they asked them how they felt about being on Schaeffer Cox's hit list. They would cry and say how scared they were. But that was all from FBI lies, not evidence.

The government did instruct J.R. Olson to get the defendants to make a list of get one. But the more J.R. Olson pushed, the more Cox and Barney pushed back, and the faster they made arrangements to get Cox out of the country.

The 'Hit List' lost its last leg when the government's star witness, Mike Anderson, took the stand and flipped to the defense by testifying that Cox had no intentions to murder anyone, that any information we had was for political purposes, and that everyone was scared of Bill Fulton who was pushing violence.

By the end of trial the AUSA's had done everything they could to prejudice the jury while hiding/denying the fact that Cox had told the informants no, and done the right thing by walking away. But for all of this, the heart of a conspiracy is still an agreement, and the defendants hadn't agreed to anything except that they "needed to have a policy of staying away from Aaron Bennett and his pack" and that Cox needed to move out of the country for his safety. Cox had given J.R. Olson dozens of reasons why

not to act out violently; it would send the wrong message to the public, it would orphan our children, it would make martyrs out of corrupt people, it would just be looking for a fight, the system will fall apart without our help, we need to build good not tear down bad, no one would see us as martyrs, it would not be self-defense, we need to be like Gandhi not Rambo, leaving the country has the brightest future for our family, and on and on it goes for two hundred hours of recordings.

J.R. Olson just didn't get it! Or so the defendants thought. So with J.R. Olson still pushing and Fulton vowing to kill Cox if he didn't agree to plot violence, Cox offered the reasoning that even if they wanted to attack the government, they weren't capable of doing so for more than a few disastrous minutes. Cox said they would get "squashed like bugs" if they tried. Cox's final attempt to reason with Olson boiled down to basically: "Look, if I had the power to force the government to obey the Constitution and respect people's rights, I would. But I don't. None of us do! So until that changes, all we can do is run away and regroup later."

AUSA Skrocki seized on this for his closing argument. He triumphantly proclaimed to the jury that "this whole case is about 'when we're ready,' 'when we're strong enough, and 'when Schaeffer Cox finally gets enough power to force the government to obey the law as he sees it. He would if he could ladies and gentlemen!"

But when you extricate the logic from Skrocki's disingenuous grandstanding, what he's basically claiming is that the defendants did the right thing for the wrong reason; that they hadn't conspired because they weren't strong enough to do anything, but that someday, somehow, if conditions were right they would. But there's no such thing as conspiracy to conspire, and at the end of all the finger pointing and name calling, every theory of conspiracy the government could bring is going to be eviscerated by the inescapable fact that Cox said no, packed up his family, and was leaving the country.

Schaeffer Cox Papers #22

BEUCHAMP FLIPPED. Trina Beuchamp, who was told by the FBI that she was targeted for murder before she took the stand, is a family friend of Cox. She flew down to the sentencing of Cox and was very upset and confused. She visited Cox at the jail and said that none of what she was told was adding up. She said she didn't even know that Cox was trying to leave the country or that undercover agents were using death threats to try to bully Cox into plotting a crime. Cox assured Beuchamp that he loved her and her family and would never think of doing anything to harm her. Beuchamp said she loved Cox like a brother and wanted to do everything she could to sort this out. She said that she wanted Cox out of prison and back with his wife and children. She said she wanted to have Schaeffer and Marti Cox over for dinner when this was all over. Beuchamp would likely supply an affidavit detailing how she was misled by the FBI and how that influenced her testimony at trial, especially if she was allowed to see evidence that contradicts the fish story the FBI gave her. An attorney or investigator needs to follow up on this BEFORE the opening brief is filed.

Schaefer Cox Papers #23

AUSA COOPER FLIPPED. The AUSA in Fairbanks is Steve Cooper. Cox and Cooper were friends and went to lunch together now and then. Cox respects and admires Cooper and sought his advice on many things. Cooper was generally supportive of what Cox was working towards politically. Early on, when Aaron Bennett was pushing for violent extremism and antigovernment aggression, Cox told Cooper about Bennett and explained that his ideas ran afoul of Cox's ideals of community minded self-sufficiency and self-defense for the purpose of peace and safety. Cooper advised Cox that whether Cox liked it or not, if people like Bennett would listen to Cox, Cox had an obligation to cool those people down. Cox took this advice to heart and tried to temper hot heads like Bennett, that is, until Bennett started to make threats to kill Cox for putting the brakes on violence. During the investigation, Cooper tried to convince Skrocki that Cox should be left alone because he wasn't doing anything illegal. Cooper testified for the defense at trial. He was prepared to testify that Cox had expressed his concern about violent people like Bennett, and that Cox had asked for advice. Government hearsay objections prevented this. It was also evident from Mr. Cooper's testimony that he had been lied to about a "Hit List" by the FBI. Cooper is in his late 70's, ready to retire, unsympathetic to the corruption in the U.S. Attorney's office and would likely assist if shown the truth and asked to help. Cooper no doubt knows of Brady violations and may just need an excuse to disclose them. He needs to be contacted before the opening brief is filed.

Schaeffer Cox Papers #24

KJNP JUROR LETTER. Prior to Barney's sentencing a juror sent a letter to the judge that stated, among other things, that the jury "categorically rejected" the KJNP conspiracy theory. The judge furnished this letter to all parties and Peter Camiel cited it in his sentencing memorandum for Cox. This would strengthen arguments on constructive amendments to the indictment during trial that creates structural error.

Schaeffer Cox Papers #25

CAMIEL KNOWS BENNETT A CI. Peter Camiel found a text message in BATES documents that roughly read: "Sgt. Scott Johnson Fairbanks PD: Did you see what Aaron Bennett said on the front page of the paper today? I can't believe this guy! I say we give him back to ATF and just wash our hands of him."

The government would "neither confirm nor deny" when asked if Bennett was an operative. Bennett is a central figure in the case and it is a behemoth Brady violation to not disclose him.

He was the first to contact Cox in 2008 and propose violence. This would roll back the time before which the government must show pre-existing disposition to rebut an entrapment defense.

[Redacted.]

[Redacted.]

Cox is heard repeatedly expressing his fear that Bennett will start violence and advising others to “stay completely away from Aaron and his pack” and to “just be polite enough to not set him off.”

The non-disclosure of Bennett is far from a harmless Brady violation.

Schaeffer Cox Papers #26

FOUR RELATED CASES REVERSED ON BRADY VIOLATIONS. Four other political cases, brought by the same Polar Pen Team that did the Cox case, were all remanded on Brady violations and subsequently resolved with time served deals. Pete Kott, Vic Kohring, Bruce Weyhrauch, and Ted Stevens were all railroaded as part of the same politically driven round-up of conservative and libertarian figures that snared Cox. A limited remand to the District Court to determine the materiality of Brady violations would be a well beaten path to resolution. Talk to Michael Filiopovic and Sheyral Gordon-McCloud, Federal Defenders, Seattle who did this in previous cases.

Schaeffer Cox Papers #27

[Redacted] A CHS. [Redacted] is believed to be another undisclosed informant. [Redacted] contacted Cox in summer of 2010 during the Fed’s attempt to provoke and “uprising” by going after Cox’s baby son, Seth. [Redacted] was doggedly persistent in seeking employment by Cox. Cox eventually did hire [Redacted] and put him to work doing hard manual labor. [Redacted] volunteered that he could get Cox C-4 explosives and could also arrange a murder for hire for \$5,000. Cox did not respond to either of these offers and [Redacted] was not pushy or intimidating. Cox explained that he wanted to be prepared against disaster, and to get along with everyone in the meantime, nothing more nothing less. [Redacted] made no further offers of illegal or shifty opportunities.

Schaeffer Cox Papers #28

[Redacted]

Schaeffer Cox Papers #29

MARE COX WILL HELP. The FBI tried to coerce mare Cox, Schaeffer Cox’s older sister, into testifying against her brother. They subpoenaed her, flew her to Anchorage during the trial, then showed her “transcripts” of thing she had supposedly said about her brother earlier when interviewed by the FBI. The things they told her she had said were not what she had said at all. When Mare Cox told the FBI that the “transcripts” (most likely trumped up 302’s) were not accurate, did not reflect her thinking, and that she would not validate them on the stand, the FBI told her that she had to take the stand and give testimony consistent with the written report the FBI put in front of her, or else face prosecution for giving false statements to the FBI. Mare became very upset, told them they couldn’t prosecute her for making false statements because she hadn’t made the statements they were telling her she had, and that she wanted to talk to a lawyer. At this the FBI put her on a plane and flew her out of the state right away. She did not testify and she was not bothered by the FBI anymore. Schaeffer Cox wanted to have her return and testify about the government trying to coerce perjury, but Traverso wouldn’t allow any money to be spent on flying witnesses up until [Redacted].

Mare is worth calling.

Schaeffer Cox Papers #30

FALSE AFFIDAVIT BY S/A SOUTHERLAND. All of the warrantless searches and in home audio and video recordings the investigation conducted are illegal for the purposes of the State of Alaska case. In an effort to save the State case, S/A Southerland wrote a completely false affidavit claiming that the investigation was purely a Federal one, that no State agencies had assisted, and that the warrantless and protracted monitoring were therefore not the fruit of illegal searches conducted by state actors.

This is a knowingly false affidavit by S/A Southerland. The investigation was conducted primarily by the State drug cop who Cox was trying to expose for illicit drug trafficking and sales. They gave J.R. Olson to S/A Southerland because they couldn't run someone in on Cox with no reasonable suspicion under State law, where as apparently the Feds can do it all day long.

Where this becomes relevant on direct appeal is when the defense must show a reason (other than Traverso's corrupt incompetence) for not uncovering additional CI's like Bennett, Morris, Mannino. If S/A Southerland's sworn affidavit was relied on in good faith and as such prevented discovery requests from being made to State actors working in collusion with the FBI, then the false affidavit resulted in prejudice to the defendant.

Jenks Act material given to the defense DURING trial contains oodles of documents showing extensive state involvement.

SCHAEFFER COX PAPERS #31

PARALLEL CONSTRUCTION THROUGHOUT. This case contains parallel construction throughout. There are emails between FBI agents discussing how they are listening to Cox's tapped phone calls in real-time much prior to the fictitious story and timeline of how the "investigation" began that was given in S/A Westerhaus; affidavit in support of search and arrest warrants. This is relevant to Traverso's 1st Amendment motion which questioned when and why the "investigation" started.

SCHAEFFER COX PAPERS #32

"INTERCEPT" ON COUNT 1. At Dkt. 304 there is a "notice regarding a brief audio/video intercept made outside the presence of the informant." The government claimed that because of their pristine and heartfelt reverence for the law, they were obligated to inform the parties that they had impermissibly been recorded in J.R. Olson's truck on the day of the take down. But, the government decreed, they would not use the ill-gotten intercept, and they had repented from their careless trespass sui sponte by omitting it from their intended exhibits.

Count 1 is "conspiracy" to possess unregistered silencers, the ones J.R. Olson tried to sell to Cox and Barney. In reality this was no more than a failed attempt at a controlled sale. Cox and Barney never agreed to purchase the silencers. Before Olson Picks Cox and Barney up to take them to the "trucker" (bait and switch to make it look like an illegal arms deal) he calls his FBI handler to advise him that Cox

and Barney have not agreed to the silencers and to ask what he should do. When Cox and Barney get in Olson's truck, Olson again tries to get them to agree to the silencers. Olson offers to sell the silencers "for whatever you'll give for them," but they are still not accepted and Olson advised he would return them to Fulton. (These portions of the audio/video were kept out entirely by government hearsay objections.) Once Olson, Cox and Barney arrive at the trucking lot (where an idling 18 wheeler was provided by the FBI to keep up the ruse) Olson went to retrieve the silencers from a trailer where he had stashed them. When Olson, who had been being a pushy salesman, exited the vehicle Cox told Barney that he wasn't buying anything from Olson, then handed Barney a pair of gloves and told him to wear those if he touched any of this stuff because we don't want our fingerprints on anything that is going back to Fulton. This was the "intercept" that was impermissibly captured outside the presence of the informant.

So what does Skrocki do? He mutes the audio for the 20 or 30 seconds Olson is out of the vehicle. But he doesn't stop there. Like the [Redacted] that he is, Skrocki plays the video for the jury. (As if the audio IS an impermissible intercept but the video ISN'T.) Then, at the moment Cox hands a pair of gloves to Barney, Skrocki pauses the silent video, zooms in on the gloves, then goes into this big Sherlock Holmes spiel about how Cox giving Barney gloves shows knowledge that the items are illegal, and therefore it doesn't matter that Olson had previously claimed that the items he wanted to sell were being legally offered by Fulton who was a class III dealer.

Skrocki rocked back in his chair with a glow of Lucifarian self-delight at his cunning deceit. Bottini reached over the BAR and patted him on the shoulder.

At this point, fat bug-eyed honest boy Tim Dooley bumbled up to the podium and offered into evidence the same video, the true and correct one with the sound. Skrocki turned as pale as a drowned sailor and whispered loud enough for everyone but the judge to hear, "I thought we covered this intercept in pretrial conference and you stipulated to it being omitted. Dooley blinked through his big coke bottle glasses a few times, "Well, we did stipulate to its omission. But that doesn't stop us from introducing this on our own." Now Skrocki was as red as an angry Italian. He demanded a 20 minute recess, then asked the jury be sent home for the day. The next morning Skrocki had prepared this big written instruction for the jury assuring them that contrary to the obvious fact that they had been maliciously deceived by the government the day before, the government was only sorting through complex and scholarly issues of evidence that common idiots like yourselves need not jostle their bobble-heads about and that no one was allowed to draw any negative inferences about the government or Skrocki or Bottini, whose forked tongue kept slithering over the BAR and into Skrocki's pointy little ears. The judge, being the [redacted] that he is, read the instruction to the jury. The instruction was as deceptive as the deception it was written to cover up.

This is how you play "Polar Pen the charges on the innocent donkey."

The whole false case hangs on the government's credibility. Had the jury been allowed to be disabused of their erroneous presumption of prosecutorial integrity by seeing Skrocki's recalcitrant treachery

immediately followed by the truth he had twisted into a lie, they may have had the sense to rightly conclude that the government had not the slightest remnant of honor or credibility.

This is a small issue on a small charge. But it is illustrative of bigger issues on the bigger charges.

Schaeffer Cox Papers #33

TRUCKER A RUSE VS NOT LEAVING. Further evidence of the prosecution's pattern of deception and fraud upon the jury can be found by comparing their answers to pretrial motions (wherein they claimed that "the trucker" was "a ruse supplied by the investigation"), to their position throughout the trial and in closing arguments (where they claimed "the trucker" was a lie Cox made up on the stand and that he was not trying to leave).

Schaeffer Cox Papers #34

3/4 OF THE STORY KEPT OUT. The story as to the "conspiracy goes like this: 1) The CI's bring it up 2) We all talk it over. 3) We reject the idea. 4) I pack up and leave Alaska. That's the 4 key parts. Of those 4 key parts the only one the jury was allowed to see was step 2, "we all talk it over." This means that 3/4 of the vital info was wrongly kept from the jury.

Schaeffer Cox Papers #35

PROTECTIVE ORDER ON GOV'S MOTIVE IS STRUCTURAL ERROR: The government filed a motion in limine to prevent the defense from presenting any evidence or making any arguments about the government's motive for bringing the "conspiracy" charges. This may be error in that it barred several theories of the case. Four that were well supported by evidence the defense had in its possession are: 1) Cox was publicly and openly trying to expose the State cops for drug trafficking. It was all State drug cops who initiated this investigation when Cox was not suspected of any crime. 2) Cox was turning out thousands of new voters that supported exactly the type of people Polar Pen was targeting. 3) When Fulton recorded his debrief with the FBI he asked "so why are you guys after Schaeffer Cox?" The Agent replied, "Because he's been up there in Fairbanks talking smack about the government for too long." 4) The conspiracy charge was just a retaliation that was threatened if we didn't plea to 5-7 on the guns.

Schaeffer Cox Papers #36

THE "IF" STANDARD. In pretrial motions the defense supplied affidavits from the Military Police that the U.S. Marshals and FBI had told them about their plot to murder Cox by going to try to take his baby son and if he resisted to shoot Cox dead thus "fixing the Schaeffer Cox problem." When this evidence of a criminal conspiracy was brought to the judge, he saved his fellow blue-bloods by jumping all over the word "if." They were only going to murder Cox "if" he tried to keep them from kidnapping his son illegally for political reasons. So the Feds only had a murder contingency that the MP's told them for, not a conspiracy. (As is the Feds' habit, they accuse others of that which they themselves do.)

However when the judge got to the "conspiracy" charges against Cox, he totally forgot the "if" standard. Which is too bad because the AUSA's were only arguing that IF the government totally collapsed and IF

there was martial law, and IF the police were murdering families, and IF the defendants were strong enough to fight back, and IF there was no way to flee to safety, THEN Cox would kill somebody but we don't know who or when or why or how or even IF it will ever happen.

Schaeffer Cox Papers #37

NO NEXIS TO FEDERAL ACTORS. Cox had no connection with Federal actors, unlike the Vernons who were mad at the judge in their IRS case. It may have been error to allow the prosecution to argue that Cox could have had a motive to kill state of Alaska actors (like Office of Child Services workers), then conflate that with the charge of conspiracy to murder FEDERAL officials where they didn't have even a theory of who that might be. Who's to say that in the Road Warrior Armageddon fantasy, up which the government's conspiracy charge rests, Cox wouldn't be only moving down state cops? For that matter, if one of the conditions precedent for this fanciful scenario is the "collapse of the government," then how could there be any Federal officials at all, much less to murder?

Schaeffer Cox Papers #38

CONFLATING VERNON'S CASE WITH THE PRESENT CASE HIGHLY PREJUDICIAL. The judge gave a limiting instruction on some, but not all, of the evidence from the Vernon's separate case. However, the evidence was relevant ONLY to the Vernon's case and was still highly prejudicial to Cox, especially when the government then claimed Cox was putting Vernon up to violence.

Schaeffer Cox Papers #39

JUDGE ADMITS TO BEING PREJUDICED. At sentencing when it came time for the judge to scold Cox, he couldn't really put his finger on what Cox actually did that was illegal. So he disregarded his own limiting instruction and said, "Well, just can't help but wonder how much of the Vernon's conduct Mr. Cox is responsible for getting them to do."

The Vernons had just pled guilty to conspiring to murder Judge Ralph Biesline. The flip side of that for them is that Aaron Bennett told the Vernons he was going to [redacted]. The government didn't disclose Bennett as an informant, so his threats weren't brought up as an issue.

To top it all off, J.R. Olson was pushing the Vernons like hell, not Cox. On February 19th after Lonnie blew up at Cox, Cox is heard on the recordings pulling Barney and Olson aside and saying, "I don't think Lonnie would receive it from me, and I'm going to be gone in 22 hours anyway, but once I'm gone you two need to go out there a calm him down."

Schaeffer Cox Papers #40

JUDGE WENT OFF SKROCKI NOT EVIDENCE. If you read the record looking for it, you will see that the judge made findings and based rulings NOT on evidence but on Skrocki's lies. This goes for pretrial motions and especially motions in limine that were decided during trial. There was enough proof of Cox's innocence presented in pretrial motions that if the judge had read them, or had enough memory left to remember them, he should have been able to know when Skrocki was lying to him.

Schaeffer Cox Papers #41

HORNET'S NESTS USED BY BOP. The hornet's nest canisters for the 37mm launcher (which were gifted to Cox by Bennett) are a humane, non-lethal, purely defensive alternative to regular gunfire. It's absurd for the judge to classify those as a "destructive device." To do so he pulled out a Webster's dictionary and read the definition of "weapon" then based his classification on that. Nobody was claiming a hornet's nest was not a weapon. It's just a perfectly legal non-lethal weapon, as opposed to a "destructive device."

The whole reason Cox even had the pepper-spray canisters and kept the two hornet's nest is because Cox knew that he probably didn't have the heart to shoot somebody, even if they were attacking.

Furthermore, if this district judge is allowed to classify hornet's nest a destructive devices in this case, just to stick it to Cox, the fallout will come when people use that classification to bring lawsuits against the BOP, who shoot prisoners with hornet's nests every day.

Schaeffer Cox Papers #42

FBI SUPPRESSING OWN TAPES KILLED US. At Dkt. 311 the prosecution (Bottini through his strawman Skrocki) moved to suppress all of their own tapes which contained hundreds of instances of Cox telling various CI's no. The judge denied this deplorable and unjust motion, but then granted it piecemeal throughout the trial. This is the single biggest miscarriage of justice in this whole train wreck.

Schaeffer Cox Papers #43

PURPOSELY PREJUDICIAL FAIRY TALE: The Polar Pen team wrote the story line of this case from scratch, then foisted it on a bunch of innocent people who had never committed any crimes their whole life. The "investigation" could have written the script so that Cox was plotting to murder child molesters, or bums, or Baptist pulpit-pounders. But they didn't. They deliberately wrote a fairy tale narrative that would generate the greatest prejudice in the judge. Then they picked the judge up at the airport in armored vehicles with bomb dogs and a SWAT Team. While they were engaged in this fraudulent security theater, they were sending emails to one another saying "Cox is a self-aggrandizing idiot. He didn't have any plan." (See Southerland email defense sentencing memo.) They consistently made claims to the judge that can be shown to have been made in bad faith with intent to deceive. Their own texts and emails contradict what they put in affidavits for arrest warrants, material witness warrants, opposition to motions and so on. But things are supposed to go by the evidence, not a preponderance of the unsupported rhetoric of bullshitting attorneys.

Even Sergeant Scott Johnson of the Fairbanks Police Department wrote an email to the Department urging them to calm down. He wrote, "We need to be careful not to be all paranoid like Cox and his followers. Someone here says they heard Cox was planning something. Then someone advises the DA's office, who turns around and advises us that they are establishing emergency evacuation plans. And all of a sudden it's now been confirmed by the DA. But it's still just a rumor at this point."

These rumors and that's all they were, were coming from none other than Aaron Bennett. And these rumors were used as the basis for obtaining the warrants, even though the Polar Pen team knew it was all just propaganda. Everyone lost their composure and got all caught up in the hype until they were generating their own bad weather, so to speak.

Schaeffer Cox Papers #44

JUSTICE WOULD HAVE BEEN...In this case, a fair result would have been Cox pleading to possession of the replica Sten and garden hose silencer with a sentencing mitigator because the ATF told him they didn't need the tax stamps. Everything beyond those charges is total fraud.

Schaeffer Cox Papers #45

FEBRUARY 19TH ABRUPT STOP TO PUSHES FOR VIOLENCE, BUT NO 302'S: February 19th 2011 was an important day in this case. Before 2-19-11 Cox decided he was moving out of the country. On 2-18-11 J.R. Olson called the Vernons, Ken Thesing, and Coleman Barney and told them the lie that Cox had called a meeting at Coleman's house early in the morning. Everyone then agrees to show up for Schaeffer.

Early morning 2-19-11 S/A Southerland tell J.R. Olson "You need to get Cox and the others to make a specific attack plan at this meeting with A, B, C, D, and get them to commit to it." The S/A Southerland sends J.R. Olson off on his entrapment mission. Minutes after J.R. Olson left for the meeting, Southerland and dirty State drug cop Avery Thompson go down to the State courthouse and, in a sloppy act of counting their chickens before they hatch, file an affidavit for arrest warrants and search warrants that described in vivid and chilling detail the murderous scheming and death pact entered into at the meeting, which included A, B, C, D.

The trouble is, the court's date and time stamp indicates that the affidavit was in fact FILED BEFORE THE MEETING it claimed to be describing in great detail.

While the defrauded State judge was signing the warrants, J.R. Olson was completely striking out at getting people to plot violence. Olson was the only one in favor of picking a fight. Everyone else was literally Praying to God that Bennett and Fulton wouldn't kill us and making arrangements to get Cox and his family out of the country.

During this day Olson keeps switching his recorder on and off to try to make it sound like he's not the one pushing it. But it's still obvious if you listen to the whole 8 hour thing. This is also the day Olson stole \$30,000 worth of gold bullion coins from the Coxes.

After being given over 100 different reasons why not to do "any sort of aggressive offensive maneuver, like 241 or anything else," Olson leaves \$30K richer but having failed to get anyone to agree to a crime. In fact Olson only pushed Cox into a more frantic panic to get out of the country.

At one point Olson sneaks off and calls his master S/A Southerland and says (on the recording) "Yah, nothing's going on, nothing crazy. Lonnie's being Lonnie. You know how he is, just blowing steam."

The sucker State judge had already granted the request for search and arrest warrants. So drug trafficking Southerland and Thompson were married to their lies now.

At this point, some funny things happened. Olson abruptly stopped pushing for violence and instead shifted to just getting Cox and Barney to buy weapons, which also failed. Interestingly, the government would not give up the 302's from the 2-19-11 debrief of Olson.

Cox never spoke to the Vernons after 2-19-11. And it was starting on 2-19-11 that Cox and his family were held hostage in the attic of Coleman's house where they were hiding for fear of Fulton's death threats while they waited for the 'trucker' for nearly 3 weeks.

Polar Pen and Olson were in a pickle indeed. They had told so many lies that now they were stuck with: A fraudulent warrant, for an innocent family, waiting on a make-believe trucker, to escape the CI's death threats.

Schaeffer Cox Papers #46

MURDER TO COVER THEIR LIES. The Feds didn't execute the fraudulent warrants, though they were in daily contact with the people and places they had the warrants for. The Polar Pen Team just stood there, like a circus actor spinning several plates of bullshit on 4 or 5 sticks.

Rather than be honest and do the right thing, the Polar Pen team arranged to murder Cox and Barney. This would fix all their problems, fraudulent warrants included.

Now before you give the government the benefit of the doubt and dismiss a murder conspiracy by the as highly unlikely, consider these facts:

- The MP's told on the FBI and USMS and testified that the Feds goal from the beginning was to "fix the Schaeffer Cox problem by shooting him."
- The drug trafficking cops Cox was trying to expose were the ones doing this and therefore had a strong motive.
- Olson himself was a self-described "drug wholesaler" who brought semi truck loads of drugs into Alaska for the cops and Hell's Angels.
- S/A Southerland made the knowingly false statement to the out-of-town SWAT Team that was brought in for the take down that "Cox has given the order to shoot and kill cops on sight."
- Olson was advised (on the recording) to "get the pistols in their hands, then crawl under the truck so there will be some thick metals between you and the bullets."
- Cox said over and over he was going to be like Gandhi.
- Southerland had Olson hand Cox and Barney LIVE (not dummy) grenades and pistols with absolutely no chain of custody documentation at all. This suggests they were drop-weapons.
- Cox had rejected the items Olson was trying to sell and Southerland had been advised of that fact.
- Olson had, apparently, gotten the Vernons to move toward violence after 2-19-11. Prosecuting the Vernons and murdering Cox and Barney would "fix the Schaeffer Cox problem," eliminate

Barney as a witness, and give the public a sensational cover story that made the cops look like heroes who saved the town just in the nick of time from the young political organizer who was secretly a monster and most assuredly was wrong about drug trafficking police.

- The actual killing of Cox and Barney was thwarted by luck, or chance, or fate when the owner of the Truck Fuel Stop walked right into the middle of the sick evil ambush of two innocent fathers and husbands and asked why guys with machineguns were hiding around the corner.

We are all entitled to our own opinions, but not to our own facts. Those are the facts!

Schaeffer Cox Papers #47

MISUSE "COX'S" INFLUENCE. On many occasions Olson would try to get the Vernons or others to agree to his violent plans by falsely claiming that Cox had endorsed them. Cox was well respected and had a good deal of influence in Fairbanks at the time. (Of course, not any more.) To allow a CI to make these deceitful and manipulative claims seems improper, especially when the judge pointed to Cox's influence over others as a reason to sentence him to a huge prison term. Cox was, in fact, trying to influence people to calm down, be like Gandhi and stay away from Fulton, Bennett, Manino, and other trouble causers. It was the CI's becoming more influential than Cox that drove Cox to leave the country.

Schaeffer Cox Papers #48

RETROACTIVE MISJOINDER. If the conspiracy and solicitation to murder charges fall apart on appeal and get dropped, there would be a good argument for a retroactive misjoinder as to the minor weapons charges. The prejudicial effect of the dismissed counts on the finding of guilt on the remaining counts would be too great to let them stand without a new trial.

Schaeffer Cox Papers #49

HAD TO DO PSI ON OWN. After trial, Traverso disappeared for 21 days. Cox had to contact his PO and answer her questions and work through all the PSI issues on his own. It wasn't until right before sentencing that Nelson Traverso showed up and moved to withdraw. Mr. Camiel of Seattle came on board and subsequently got a continuance of the sentencing.

Schaeffer Cox Papers #50

INEFFECTIVE ASSISTANCE AFFIDAVIT. Mr. Dooley, Mr. Port, Mr. Camiel, and several others have indicated that they will supply an affidavit regarding Traverso's total non-performance in every way. Mr. John is Traverso's friend and doesn't want to attack him. Mr. John thinks Traverso chiefly had a medical issue. Who knows? But the bottom line is Cox has the right to present his defense and an ineffective attorney can't forfeit that right on Cox's behalf.

Schaeffer Cox Papers #51

"WARRANTS" AT PIKES. The prosecution claims that Cox pitched the idea of coming up with some sort of common law warrant for judges back in the summer of 2010 at Pike's Hotel. This is a lie. Fulton

pitched the idea to Cox, who had no clue what Fulton was even talking about at first. Again, the prosecution played 2 and 3 second clips that made it look like Cox brought it up when he did not.