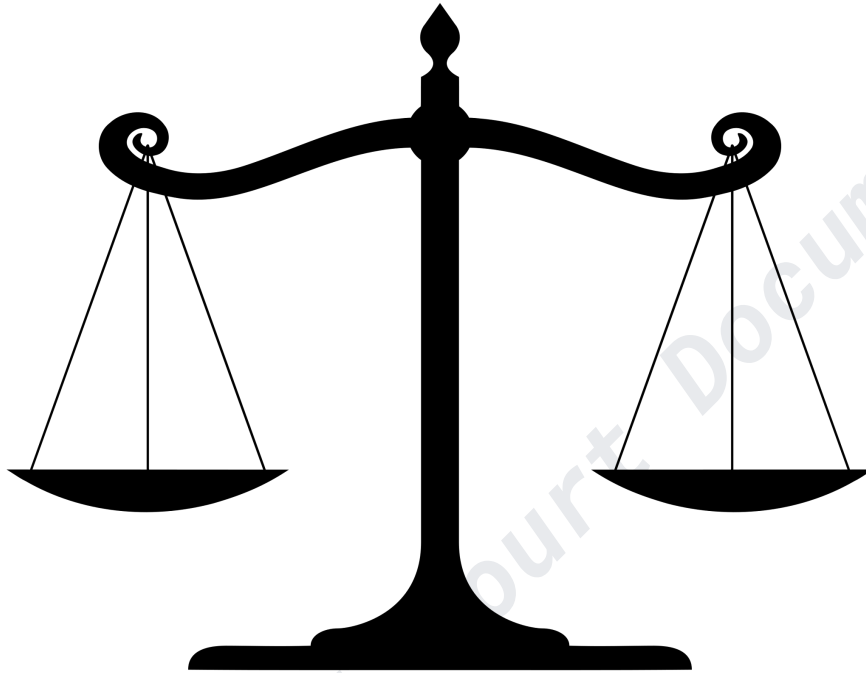


Case Cover Sheet



Case Number: [REDACTED]

[REDACTED]

[REDACTED]

I. Motion for Dismissal

I. Affidavit

I. Police Report

V. Commentary

[REDACTED]

I. Motion for Dismissal

I. Affidavit

I. Police Report

V. Commentary

[REDACTED]

- I. Motion for Dismissal
- I. Affidavit
- I. Police Report
- V. Commentary
- [REDACTED]

I. Motion for Dismissal

I. Affidavit

I. Police Report

V. Commentary

[REDACTED]

Motion for Dismissal

As discussed in the following document, the grounds for case dismissal are:

1. Lack of supporting evidence
 - a. Testimony acquired by law enforcement inadmissible due to failure to notify the defendant his rights.
 - b. Falsification of the police report
 - c. No credible eyewitness accounts to the alleged incident
2. Violation of civil rights
 - a. Failure to inform defendant of detainment
 - b. Failure to inform defendant of reason for his arrest
 - c. Failure to inform defendant he was under arrest
 - d. [REDACTED]
 - e. Failure to administer due process

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Re: Motion to Dismiss - Lack of Supporting Evidence and Violation of Defendant's Civil Rights

Case Number: [REDACTED]

[REDACTED]

I, the defendant [REDACTED] in reference to the above case number, respectfully submit this Motion to Dismiss based on lack of supporting evidence and the violation of civil rights.

I. Lack of Supporting Evidence

The evidence which led to these charges are purely circumstantial, and it is evident there is a lack of substantial evidence to support the charges of shooting too close to a public highway, reckless behavior, and resisting law enforcement. The only evidence in the possession of the prosecution is the complaint itself, the circumstance of being found walking along a path while carrying a rifle, the pre-existence of a target used with air rifles, and the agitated interaction with law enforcement. This evidence alone does not establish the necessary elements required for a conviction, such as proximity to a public highway, culpability, or intent to endanger public safety.

All testimony obtained by law enforcement during questioning is inadmissible in court out of a failure to inform the defendant of his rights and due to the amount of duress placed on the defendant by being chased down on his own private property, narrowly escaping being tased, and placed under painful restraint. The restraints left bruises on the wrists of the defendant and were alone motivation enough for him to say whatever was needed to have them removed.

The acquisition of credible eyewitness testimony is wrought with complication. As not only are the complainants also the witnesses, the complainants are suspected to have been motivated by ulterior reasons other than the preservation of justice. As they are in possession of an explicit bias against the defendant and are reported to being involved in several acts of harassment. It

II. Violation of Defendant's Civil Rights

In addition to the lack of supporting evidence, it is crucial to address the violation of the defendant's civil rights during their detention. The correctional facility, where the defendant was held, failed to provide them with important medication, detained them beyond the permissible 48-hour period without presenting them before a judge, and placed them in solitary confinement immediately upon entry into the facility.

These actions by the correctional facility constitute a violation of the defendant's civil rights, as protected under the Constitution. The denial of necessary medication not only jeopardizes the defendant's health but also raises concerns about the facility's ability to provide appropriate medical care. The prolonged detention without a judicial hearing infringes upon the defendant's right to due process, and the immediate placement in solitary confinement raises questions about the facility's adherence to humane treatment standards.

Considering these violations, I respectfully request the court to dismiss the charge against the defendant, as their civil rights were violated during their detention, which undermines the integrity of the legal process.

III. As a matter of record

Although Georgia law enforcement is not required to respect the defendant in this regard, it is important to note the defendant was never informed he was being detained, how long he would be detained for, nor why he was detained in the first place. He was completely clueless as to what was happening to him, why it was happening to him, or what the future would hold for him. Also, no one in his family was aware of what had happened to him, were never informed of his arrest, and undertook a dangerously desperate and arduous search to find him.

An attempt was made to contact local authorities, specifically Lamar County Fire and Rescue, in order to seek aid in the search for the defendant. The calls to the station were never answered, and the line simply hung up after several rings. While in the midst of this desperate search, a family member spotted the county Fire Chief driving an off-road vehicle on the public roadway while returning from the complainant's property. Once the Fire Chief realized he had been spotted, he immediately turned into the entrance of his property and left the family member to search alone in desperation. The complainants never offered any information, nor offered any help, they too left the family member to search alone in the dark while fearing the worst.

The lack of knowledge and actions of others, placed the health and safety of the defendant's family member at risk. This expressed lack of concern for the health and safety of others needs to be entered as a matter of record.

IV. Closing

In light of the lack of supporting evidence and the violation of the defendant's civil rights, I believe it is in the interest of justice to dismiss the charges of shooting too close to a public highway, reckless behavior, and resisting a law enforcement officer. I kindly request the court to review this motion and grant the requested dismissal.

Thank you for your attention to this matter. I am available to provide any further information or clarification if required. I look forward to the court's favorable consideration of this motion.

Sincerely,

[REDACTED]

[REDACTED]

Affidavit

This affidavit is an account of the events that took place when officers arrived in front of the defendant's property, began to argue with the defendant, failed to de-escalate the situation, trespassed onto his private land, and without substantial cause arrested and detained defendant without informing the defendant what he was being detained for or that he was even being detained.

This affidavit was taken from memory prior to reading the following police report, it has and will stand as a testament to the embetterment of justice and public safety.

[REDACTED]

State of Georgia,
Plaintiff

vs.

Case No. [REDACTED]

[REDACTED]
Defendant

AFFIDAVIT

(SWORN STATEMENT)

Nov 20, 2023

My legal name is [REDACTED] and acknowledge I am:

- Date of Birth: [REDACTED]
- Address: [REDACTED]
- Residency: Georgia

Being duly sworn, hereby swear under oath that:

On September the 23rd 2023 around five o'clock in the afternoon, deputies William Holt and Sean Moore arrived at the defendant's home as he was returning from his daily routine of target practicing, a routine he had carried on at the exact same time nearly everyday for the past seven years. Due to past negative experiences, when the defendant saw two police vehicles had stopped in the middle of the road, he became weary. When he saw the officers, and did not recognize them, he became even more concerned. Then when he saw one of the officers was a junior officer, and the other was a senior officer he became suspicious, defensive, and aversionary.

He knew who had called local law enforcement, because they had harassed his family for over three years, and he had had tried to get something done about it, through restraining orders and/or peace warrants, but had not been successful in. In almost every past instance law enforcement had a pre-existent bias that prefaced every

interaction, and prevented law enforcement from even caring about understanding both sides of the matter at hand. It was as if someone was inciting the officers before they arrived. In particular, when a junior officer was present, law enforcement came off more aggressive than usual.

He believed he knew that what he was doing was completely legal, and he just wanted to be left alone. So, he tried to avoid discourse with the Officer Holt, which would just lead to the situation getting out of hand. He just responded, "I know I am not doing anything wrong, and I am perfectly within my rights. So, either charge me, or leave me alone." When he could see Officer Moore begin to get flustered with this and tired of debating the legality of his actions, he decided it was better to just remove himself from what was becoming a bad situation. An action that any mature adult would have done to avoid conflict, since neither of the Officers were interested in listening.

Since he had laid his rifle down in the grass directly beside the road and knew if he had left it there someone would have stolen it. Fearing loss of his personal property, he leaned over to pick it up and carry it home. As if he would have done it with anyone else in the world. The rifle had a spent cartridge in the chamber and was perfectly safe. His hands on the stock of the firearm were not near the trigger, the barrel was not pointed at anyone, the gun had not even left the grass, and he had not even finished straightening his body from bending over to pick it up. It was then, at this time, things got out of control.

Officer Holt shouted for him to drop the weapon and he squatted by his car as if he was about to draw his firearm. Officer Moore already had his hand on his pistol and was in the fire position. Both acted as if they were going to draw and shoot him. He laid the weapon down irritated he was having to leave it behind, and he tried to continue on his way back up to the house in hopes of removing himself from what was quickly escalating to bad situation. A situation that was posing a risk to his own personal safety.

To this day, he still has no idea why the either Officers felt like they had to come on to his private property and give chase. The act was completely not called for, and reflects the unnecessary aggression used by law enforcement in the incident. This act was called to attention, by the defendant asking Officer Holt why he was trespassing on his property? He went for his mobile phone to record what was happening to him. He then happened to look up and noticed Officer Moore had already drawn his taser and was preparing to fire it. The sight was surreal, as the act was completely an expression of the excessiveness of force being employed. At the sight of which, the defendant stopped.

For some unknown reason, Officer Holt was very attentive to preventing him from making any recordings of what was now happening to him. Officer Holt was grabbing his mobile phone, when he pushed the record button, and tossed it into the grass. Thinking that if someone found it, they would know what happened to him. Immediately Officer Holt placed the defendant painfully in restraints that were bruising his wrists.

He stood there in pain furious at the loss of his dignity and at the fact that no matter what he did to avoid conflict with local law enforcement, they were going to find some

way to harass, bully, or cause pain. He exclaimed that what was occurring to him was illegal, to which Officer Holt responded "The law is how we interpret it." Officer Moore confirmed this belief.

Both Officers acted entertained by what they had done. "Look at you, you are shaking!", officer Moore exclaimed. The autoneural response had been a new experience in the defendant's life, having alone surfaced in the past year or so through his experiences dealing with what he perceives as a biased or prejudiced law enforcement community. This response is suspect of correlation with capiophobia, the fear or severe dislike of being held captive. It is uncontrollable, genetically inherited, not the result of environmental conditioning, effects are large percentage of the population, and there is no known treatment.

Officer Moore continued to read something off of his phone solely to prove the point that they were right and the defendant was wrong. In pain and desperate to have the restraints removed, the defendant pleaded with both gentlemen, "Ok, your right! Now will you please take these cuffs off of me, and let me go!" To which Officer Holt responded, "Nope.", and proceeded to place him in the back of one of the cruisers.

Not knowing what was happening or where they were going, the defendant pleaded with the officer in the belief that he was being set up to take a fall for something he did not commit. He stated, "You really don't want to be doing this, I mean, everybody knows me, I have lived squeaky clean my entire life." To which Officer Holt simply did not respond.

They drove up to the sheriff's department, but used a different entrance than had ever been seen before. The door was opened and he was asked to step out of the vehicle. Another door opened, and he followed the deputy inside. The defendant was not aware he was being detained, nor was he ever informed for how long he would be detained for. The defendant did not know what was happening to him, why it was happening to him, or what was involved. In his mind, he had done nothing wrong, and it would be a matter of a few hours at the longest until someone got him out of this mess.

He was asked to empty his pockets and complied. Then Officer Holt asked, "Is this the first time you have been in jail?" To which the defendant responded, "yeah". He then gave a look, turned and walked merrily on his way out to freedom. Then the defendant noticed it, a chair unlike any chair he had seen before in his life. Such a medieval device was beyond comprehension at the time. The sight of it was terrifying, and it sat at the entrance to a room he would eventually be led to.

The room was completely barren, had a raised platform that he assumed was supposed to be a place to lie down. There was a stainless steel toilet, and nothing else. On the wall were steel hooks, assumed to be used for chaining prisoners to. He stepped inside, and the door was closed behind him.

What followed was a horrific experience, one he would prefer not to relive. Except for a short intermission when other inmates were allowed to stay in the same room with him. They informed him it was eight o'clock in the evening. The majority of time was spent

confined in captivity completely alone. If it must be known, he did break down and cry over concern for his family members who had not the slightest inclination of what had happened to him.

He did not know he was being “jailed”, until the guard asked him to remove his clothes, shower, and then bend over for a rectal inspection. The entire time he exclaimed how wrong the situation was, and that he did nothing wrong.

Before returning back to the empty room, he was issued a mattress, jumpsuit, slippers, and some toiletries. He was then returned back to the empty room where he remained until finally being processed and allowed to contact a family member at two in the morning. He met with the correctional nurse and informed her of the medication he took daily prescribed to him by his physician.

From there he rather absurdly had to promise he would not get into any fights with the regular prison population. Then he was led down a myriad of hallways then placed into the cell with twelve other inmates.

The cell consisted of two rooms roughly thirty five by fourteen feet connected by a partition in the wall. One was for sleeping quarters and the other was for the commons area. Both were occupied by men attempting to sleep. They either occupied a bottom bunk, or laid on the floor in the commons room. There was a TV present in the far corner of the commons room, but as for its usefulness, it was little more than decoration. It was kept on throughout the day and night. Its picture is barely viewable, and its content comprises the worst variety of nineties reruns. Books were strewn around the sleeping quarters, but like the television served no purpose for their existence other than checking some box on a form. They were an odd assortment of oblique commentaries on one of the epistles in the bible, the second part of a two part series, and a literary work so horrific it brought forth chills down the spine.

The defendant brought his mattress in, threw it down on the bunk, and attempted the group effort to acquire some sleep, as futile as the effort was. There is no sleeping in a correctional facility, there is only the illusion of sleep. You are not issued a pillow, for some ridiculous reason. The mattress does nothing to soften the pain acquired from sleeping on a one eighth thick sheet of steel. The lack of silence is maddening, as the night is filled with the sound of pneumatic mechanisms, plumbing, mysterious creaking noises, and yes, crying.

There on his bunk, the defendant laid for the remainder of his time in detention, miserable and in pain. The nurse never did provide him with the medication he required as promised. The food given was inhumane slop. He arrived in the facility at five in the afternoon on September the twenty third, but was not released until ten o'clock at night on September the twenty fifth.

Before leaving, he promised one of the inmates he would write about the horrific conditions of the correctional facility, merely because anyone would deserve better.

Under penalty of perjury, I hereby declare and affirm that the above-mentioned statement is, to the best of my knowledge, true and correct.


Affiant's Signature: _____ Date: _____



NOTARY ACKNOWLEDGEMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of Georgia
County of Lamar

On [Date:] _____ before me,
[Name:] _____, personally appeared 
who proved to me on the basis of satisfactory evidence to be the person whose name is
subscribed to the within instrument and acknowledged to me that they executed the
same in their authorized capacity, and that by their signature on the instrument the
person(s), or the entity upon behalf of which the person(s) acted, executed the
instrument.

I certify under PENALTY OF PERJURY under the laws of the State of Georgia that the
foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature _____ (Seal)

Falsified Police Report

Inconsistencies included in this report:

- ❖ Irreconcilable timeline of events
- ❖ Falsified statements that were never made
- ❖ Falsified events that never happened
- ❖ Intentional attempt to defame the integrity of the defendant
- ❖ Failure to mention pleas made by defendant
- ❖ Incorrect description of the firearm
- ❖ Falsified statement of informing the client about anything
- ❖ Falsified and fabricated report of events

Falsification of a police report is a federal offence, yet the Sheriff's office refused to even look into the matter. Stating "We are not going to do anything to help you."

GA GA0850000

LAMAR COUNTY SHERIFF INCIDENT REPORT

Case # [REDACTED]

EVENT	VICTIM	OFFENDER	VEHICLE	WITNESS	PROPERTY	ADM	CLEAR	DRUG	
INCIDENT TYPE 16-5-60(B) - RECKLESS CONDUCT 16-11-103 - DISCHARGE OF FIREARMS ON OR NEAR PUBLIC HIGHWAY OR STREET 16-10-24 - OBSTRUCTING LAW ENFORCEMENT OFFICERS		COUNTS 1 7399 1 7399 1 4899		INCIDENT CODE 7399 7399 4899		PREMISE TYPE 6 RESIDENCE		WEAPON TYPE 1 GUN	
INCIDENT LOCATION [REDACTED]		LOCATION NAME [REDACTED]		LOC CODE [REDACTED]					
INCIDENT DATE 09/22/2023		INCIDENT TIME 18:26		DATE 09/22/2023		TIME 19:35		STRANGER TO STRANGER YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> UNK <input type="checkbox"/>	
COMPLAINANT DEPUTY HOLT #124,		ADDRESS BARNESVILLE, GA 30204		PHONE NUMBER [REDACTED]					
VICTIMS NAME STATE OF GEORGIA,		RACE [REDACTED]		SEX [REDACTED]		AGE [REDACTED]		DOB [REDACTED]	
ADDRESS 121 ROBERTA DR, BARNESVILLE, GA 30204		CENSUS TRACT [REDACTED]		EMPLOYER OR OCCUPATION [REDACTED]					
STUDENT ? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO IF YES, NAME VICTIM'S SCHOOL									
NAME [REDACTED]		RACE [REDACTED]		SEX [REDACTED]		DATE OF BIRTH [REDACTED]		AGE [REDACTED]	
ADDRESS [REDACTED]		CENSUS TRACT [REDACTED]		HEIGHT [REDACTED]		WEIGHT [REDACTED]		HAIR [REDACTED]	
CHARGES 16-5-60(B) - RECKLESS CONDUCT 16-11-103 - DISCHARGE OF FIREARMS ON OR NEAR PUBLIC HIGHWAY OR 16-10-24 - OBSTRUCTING LAW ENFORCEMENT OFFICERS		COUNTS 1 1 1		OFFENSE CODE 7399 7399 4899		OFFENSE / ARREST [REDACTED] [REDACTED] [REDACTED]		JURISDICTION CI = CITY CO = COUNTY ST = STATE OU = OUT OF STATE UN = UNKNOWN	
TOTAL NUMBER ARRESTED 1		ARREST AT OR NEAR OFFENSE SCENE YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> UNK <input type="checkbox"/>		DATE OF OFFENSE 09/22/2023					
TAG NUMBER [REDACTED]		STATE [REDACTED]		YEAR [REDACTED]		V.I.N. [REDACTED]		PLATE ONLY [REDACTED]	
YEAR [REDACTED]		MAKE [REDACTED]		MODEL [REDACTED]		STYLE [REDACTED]		COLOR [REDACTED]	
MOTOR SIZE (CID) [REDACTED]		AUTO [REDACTED]		MAN. [REDACTED]		SPD [REDACTED]		INSURED BY [REDACTED]	
NAMES MCDANIEL, BRENTSON		ADDRESS BARNESVILL,		PHONE NUMBER [REDACTED]					
Brother-in-law to Erica and Shane Tyler; I.E. the family that "destroyed our home."									
VEHICLES STOLEN RECOVERED		CURRENCY, NOTES, ETC. [REDACTED]		JEWELRY, PREC. METALS [REDACTED]		FURS [REDACTED]		PROPERTY RECOVERY INFO ONLY THEFT/RECOVERY DATE OF THEFT [REDACTED]	
CLOTHING STOLEN RECOVERED		OFFICE EQUIP. [REDACTED]		TV, RADIO, ETC. [REDACTED]		HOUSEHOLD GOODS [REDACTED]		JURIS. CODES 1 = CITY 2 = COUNTY 3 = STATE 4 = OUT OF STATE 5 = UNKNOWN	
FIREARMS STOLEN RECOVERED		CONSUMABLE GOODS [REDACTED]		LIVESTOCK [REDACTED]		OTHER [REDACTED]		TOTAL [REDACTED]	
GCIC ENTRY <input type="checkbox"/> WARRANT <input type="checkbox"/> MISSING PERSONS <input type="checkbox"/> VEHICLE <input type="checkbox"/> ARTICLE <input type="checkbox"/> BOAT <input type="checkbox"/> GUN <input type="checkbox"/> SECURITIES <input type="checkbox"/>		VICTIM WILL PROSECUTE <input type="checkbox"/> UNIF. FOLLOW UP <input type="checkbox"/> PHOTO TAKEN? <input type="checkbox"/> VIDEO/AUDIO <input type="checkbox"/> CID NOTIFIED? <input type="checkbox"/> FORWARDED TO CID <input type="checkbox"/>							
REQUIRED DATA FIELDS FOR CLEARANCE REPORT DATE OF CLEARANCE 09/22/2023		Cleared by Arrest <input checked="" type="checkbox"/> Exceptionally Cleared <input type="checkbox"/> Unfounded <input type="checkbox"/>		Report Date 09/22/2023					
DID INVESTIGATION INDICATE THAT THIS INCIDENT WAS DRUG RELATED? IF YES, INDICATE THE TYPE OF DRUG(S) USED BY OFFENDER		YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>							
1-AMPHETAMINE <input type="checkbox"/> 2-BARBITURATE <input type="checkbox"/> 3-COCAINE <input type="checkbox"/> 4-HALLUCINOGEN <input type="checkbox"/> 5-HEROIN <input type="checkbox"/>		6-MARIJUANA <input type="checkbox"/> 7-METHAMPHETAMINE <input type="checkbox"/> 8-OPIUM <input type="checkbox"/> 9-SYNTHETIC NARCOTIC <input type="checkbox"/> U-UNKNOWN <input type="checkbox"/>							

NARRATIVE

On 9/22/23 at approximately 1826 hours I, Dep. Holt #124 responded non-emergency to 711 [REDACTED] for a report of the neighbor shooting way to close to the road. Upon arrival I did hear gunshots nearby. When I spoke with the **Caller Mr. McDaniel** at [REDACTED] stated his son was driving his motorcycle down the road and the neighbor was standing next to the roadway shooting a rifle and stated he was wearing a red shirt. I went across the street to [REDACTED] and Located a man wearing a red shirt holding a rifle aiming down the sights looking at some targets. The Offender [REDACTED] was standing approximately 15 to 20 feet from the road shooting at targets parallel to the road approximately 25 yards away. The target were set up approximately 15 to 20 feet from the road parallel to where he was shooting from. I started talking with [REDACTED] and told him to put the gun down while we talked and he placed it on the ground. When I tried to explain to him that he cant be shooting that close to the road he started yelling stating he looked up the law and he can shoot next to the road. I then explained he had to be further away than he was and that he could easily shoot people while they are driving down the road he stated he is gonna keep shooting in his front yard and we cant stop him. He then started to pick up his firearm and walk away but I told him to drop the weapon and that he was detained. He then threw the loaded weapon in the yard and stated he was going in the house and he was gonna leave his gun in the yard and it was on us if it went missing. I told him he was not free to leave because he was detained and he kept trying to walk away. [REDACTED] was placed in handcuffs after resisting and trying to tense up his arms. Dep. Justus #117 arrived on scene to assist in placing [REDACTED] in handcuffs. [REDACTED] threw his phone across the yard as we were detaining him. I retrieved the 2 knives [REDACTED] had on him and placed them on the ground. [REDACTED] was yelling and started demanding we take him out of the handcuffs or he would get more angry. He was already visibly shaking mad stating he knew the law to we pulled up the code section and read it to him verbatim that he had to be at least 50 yards away from a public roadway. Dep. Justus went to clear the Rifle that [REDACTED] threw in the yard and while he did that [REDACTED] was yelling stating we needed to give him a ticket or take him to jail. He did not give me a chance to respond before he started trying to walk off. I told him to stay where he was until Dep. Justus was done clearing the firearm and he stated no Im going in the house. [REDACTED] was then arrested and placed into my patrol vehicle for Obstruction, Reckless Conduct, and Discharging a firearm near a public roadway. The Rifle was taken into Evidence for safe keeping due to this subjects careless acts with the rifle because he is mad at his neighbors for supposedly stealing his land. The subjects knives and cell phone were also recovered prior to [REDACTED] being Transported to the Lamar County Detention Center without Incident.

This subject clearly stated he was gonna continue to shoot near the road and we could not stop him.

REPORTING OFFICER	NUMBER	APPROVING OFFICER	NUMBER	ASSIGNED INVESTIGATOR	NUMBER
HOLT, WILLIAM	153	MOORE, SHANE	106		

Commentary

Review and commentary of the falsified police report of the incident. This document points out many of the inconsistencies and fabricated statements that were placed into the police report. The commentary exemplifies an effort to compare the claims made by both the affidavit and the questionable police report, pointing out many logical falsehoods and why they are reasonably impossible to be a reflection of the truth.

Response to Police Report

In regards to the events that took place on September the 23rd, the police report does a great disservice to justice, the court system, the defendant, and the community we live in. As within it is more than just erroneous accusations, but fraudulent and fabricated. It is exemplary of a corrupt and dictatorial law enforcement, it is anathema, and imperatively must be addressed.

This fictitious dictation of illusionary events requires examination in detail, and will be addressed in commentary on a per line basis. With keeping in the best interest of justice in mind, the included affidavit was taken prior to knowledge of the outlandish accusations included in this police report. It will remain unamended as such for the embetterment of the progress of justice.

In order to acquire understanding of the events that occurred that day it needs to be stated that the highest probable location from where the complainant placed his phone call was not at the property located at 743 McCollum Rd, but at his sister in law's home next door.

"On 9/22/23 at approximately 1826 hours 1, Dep. Holt #124 responded non-emergency to 743 McCollum Rd for a report of the neighbor shooting way to close to the road."

There are no reliable eyewitnesses to the alleged incident.

"Upon arrival I did hear gunshots nearby."

Since Officer Holt arrived while the defendant was returning to the house, this statement is either fabrication or is not referring to the defendant. Frankly, it appears to be added after the fact, to place guilt on the defendant.

"When I spoke with the Caller Mr. McDaniel at 743 McCollum Road..."

This statement is important, as it is where the officer's testimony completely falls apart for three reasons:

1. Dispatch receives calls, not the officer that is dispatched to respond to the call, and calls from complainants are rarely if ever patched into the officer responding to the call.
2. Neither officer was seen coming from either of the two houses occupied by the complainants.
3. If the officers had taken the time to speak with the complainants, then they would have not had the opportunity to engage the defendant, and most certainly would have not had the opportunity to witness the defendant discharge any weapon. As the defendant was not outside for more than thirty minutes before the officers arrived.

Neither officer came from either of the two houses owned by members of the Simmons family across the street.

"...he stated his son was driving his motorcycle down the road and the neighbor was standing next to the roadway shooting a rifle and stated he was wearing a red shirt."

The area where the defendant is accused of shooting at is completely blocked off from view of the complaint's property and the road.

"I went across the street to ~~743 McCollum Rd~~ and Located a man wearing a red shirt holding a rifle aiming down the sights looking at some targets."

The referenced firearm does not have sights, it only has a scope. Why neither officer took the time to inspect the gun before writing this report is really beyond comprehension. Regardless,

Officer Holt did not see the defendant aiming any rifle. As stated previously, both officers arrived as the defendant was walking on his private property, returning back to the house.

“The Offender [REDACTED] was standing approximately 15 to 20 feet from the road shooting at targets parallel to the road approximately 25 yards away. The target were set up approximately 15 to 20 feet from the road parallel to where he was shooting from.”

The target in question sits well over 32 feet from the road. Officer Holt has no idea where the defendant shot from, because he did not witness the defendant shoot anything. Notice, he can not say how far the defendant was from the target, His estimation for the alleged shooting location is completely based on the distance the walking path is from the road. The walking path in question predates the current location of the road, and was the primary access road for the orchard.

Since Officer Holt never saw the defendant discharge any firearm, and wasn't present for the entirety of the time the defendant spent outdoors that day. Officer Holt is taking the claim of the complainants at face value, and has allowed it to influence his judgment. What the officer witnessed was a man walking back to his grandparent's house holding a rifle, and several yards behind him was a target. This does not summate to violation of any law.

I started talking with [REDACTED] and told him to put the gun down while we talked and he placed it on the ground.”

Actually, he didn't. The defendant put the firearm down of his own accord out of courtesy. All Officer Holt said was, “Hey!” Which hardly qualifies as the introduction to a civilized conversation.

“When I tried to explain to him that he can't be shooting that close to the road he started yelling stating he looked up the law and he can shoot next to the road.

Officer Holt did not explain anything, which is a theme that recurred throughout the defendant's entire experience. Nothing was ever explained, everything was a command / order. What he said was, “You can't shoot there!” This is not an explanatory statement, this is a command, and did not clarify where he was referring to.

“I then explained he had to be further away than he was and that he could easily shoot people while they are driving down the road”

Nothing was ever explained to the defendant. What did take place was an argument, an argument that was settled by chasing down the defendant, placing him painfully in restraints, and then detaining him in jail.

“he stated he is gonna keep shooting in his front yard and we cant stop him.”

What was said was, "Either charge me or leave me alone, I am within my rights." Since, neither officer physically observed the alleged incident, and there are no witnesses to the defendant discharging any firearm that day, the defendant was correct in this statement. He was within his rights. For reasons unknown, the officer's prioritized the words of the complainants over that of the defendant. It is evident the rights of the defendant were violated, and the officer falsified this report to incriminate the defendant.

"He then started to pick up his firearm and walk away but I told him to drop the weapon and that he was detained."

First off, the defendant was never told he was detained, this is delusional at best. Secondly, why was the defendant being detained? What for exactly? As neither officer witnessed him discharge any firearm and were risking the safety of everyone involved on the words spoken by the complainant. Which is irresponsible.

The defendant was trying his best to avoid conflict and remove himself from a dangerous situation, as any mature adult would have done. Why law enforcement felt compelled to then chase him down and violate his rights is still unforeseen.

"He then threw the loaded weapon in the yard and stated he was going in the house and he was gonna leave his gun in the yard and it was on us if it went missing."

The firearm in question is a Savage Axis Bolt Action in .223 caliber, being such that in order for the firearm to be charged the bolt must be unlocked by rotating it counter clockwise. This is accomplished by lifting the handle upwards, and also serves to reset the firing pin. Then the bolt assembly must be drawn backwards towards the individual operating the firearm, this action ejects any spent cartridge that remains in the chamber. Once the spent cartridge is ejected, the bolt is pushed forward. This forward action picks up a new unspent cartridge from the magazine and pushes it into the chamber. Finally, the handle is pulled downward, causing the bolt to lock and seal the chamber. To discharge the firearm, one must disengage the safety, and utilize Savage's accutrigger system. The accutrigger system acts as a secondary safety switch, and prevents the firearm from discharging if by chance the trigger is snagged on some material. It basically is a secondary trigger that must be pressed in order for the primary trigger to release.

The purpose of mentioning all the above processes is to clarify, that in no way or shape could the firearm have discharged without a reasonable amount of effort and intent. Without the effort and intent the rifle stood no chance of posing any threat to anyone and was completely harmless. The presence of additional rounds within the magazine solely meant that they did not have to be fed by hand into the chamber during the charging process, and stood no possibility of going off.

Why the defendant would throw his only high powered firearm, something he had saved up months for, is completely nonsensical. As the defendant had not even finished straightening his back from trying to pick up and prevent a valued possession from being stolen.

"I told him he was not free to leave because he was detained and he kept trying to walk away. [REDACTED] was placed in handcuffs after resisting and trying to tense up his arms."

Before reading this report, the defendant had no idea what the officer was referring to by "tensing up", as the situation was, Officer Holt snatched the defendant and threw him painfully in restraint before he had known what had happened. The mentioning of "tensing up", is solely present in order for Officer Holt to smear the defendant and justify his use of overly aggressive force. It is completely a fabrication, as the majority of this police report has become fantasy.

Dep. Justus #117 arrived on scene to assist in placing [REDACTED] in handcuffs. [REDACTED] threw his phone across the yard as we were detaining him."

Officer Sean Moore, was the most aggressive of the two officers that day, he arrived at the same time as Officer Holt in a separate car, and at the time the defendant viewed the reason for Officer Moore's presence was to ensure Officer Holt put the pressure on. Due to Officer Moore's ranking position as watch commander, there was no apparent reason for his presence that day. The departmental training officer is Jeremy Hare, and to our understanding, usually either he or a patrol officer is responsible for supervising new trainees in the field. Why Officer Holt felt he needed to alter the timeline of events to make it appear that Officer Moore was not present for the entirety of the incident is suspicious. It raises questions as to what were the officers' real goal to accomplish that day.

"I retrieved the 2 knives [REDACTED] had on him and placed them on the ground. Mr [REDACTED] was yelling and started demanding we take him out of the handcuffs or he would get more angry."

They asked the defendant if he was angry, and he responded he wasn't thoroughly angry yet. Which was a prompted response, completely understandable, and in no way an expression of guilt or a threat in any form. It was an expression of frustration by an individual whose rights were totally being trampled on, and an individual whose dignity was taken from him.

He was already visibly shaking mad stating he knew the law so we pulled up the code section and read it to him verbatim that he had to be at least 50 yards away from a public roadway.

As described in the defendant's affidavit, the shaking is a new puzzling phenomena in his life. It did not begin to occur until he began to experience negative interactions with local law enforcement, and is believed to be related to a genetically inherited behavior called

is also worth noting, the defendant made inquiries into both a peace warrant and a restraining order in order to prevent further harassment from the complainants.

Further complicating matters, the police report is falsified. Within it are numerous inconsistencies making any attempt of its use a self defeating effort. There are numerous claims to falsified statements that never happened, falsified events that never occurred, and a fictitiously convoluted timeline of events. The employment of such a fraudulent document would only serve to embarrass the prosecution and waste the limited resources of the court.

Lastly, it is important to state the defendant is being accused of a crime that is victimless, and a crime that never placed the safety of the general public in question. The only individuals whose safety was placed at risk were the defendant and his family members. The only offense he is guilty of, is being disliked by the complainants.

As there is no truly reliable eyewitness testimony, no physical evidence, no expert testimony, and no authentic police report to corroborate the claims made by the complainants. Without such evidence, it is difficult to establish a clear link between the defendant's actions and the alleged offense. Consequently, I respectfully request the court to dismiss the charge due to the lack of supporting evidence.

capiophobia, the fear of being held captive. This would explain why the shaking and the reaction did not occur until the defendant was placed under restraints for no valid reason.

Dep. Justus went to clear the Rifle that Mr. [REDACTED] threw in the yard and while he did that [REDACTED] was yelling stating we needed to give him a ticket or take him to jail.

What was said was, "What you are doing is illegal", to which officer Holt responded, "The law is how we interpret it." Senior Officer Moore confirmed his agreement with this statement. It was evident that Officer Holt had heard that phrase before, and was repeating it as one would repeat a mantra, motto, or battle cry. The logical extension of this statement is that according to Officer Holt, the entirety of the judicial process was merely subjectivism with him as the sole arbitrator of its meaning. In other words, according to Officer Holt's statement, justice does not exist.

The problem with belief systems that possess subjectivistic concepts is they eventually break down into nihilism. Nihilism in this respect would be the antithesis of law and order, it would be chaos and lawlessness. For an officer to serve the community in which he is sworn to protect, he must possess a belief in a form of truth that is outside of himself. Without this belief the officer is unfit to perform his duties as he is unable to venerate the principles of justice and truth.

"He did not give me a chance to respond before he started trying to walk off."

Any mature adult would take action to remove himself from a situation in which he felt that his personal safety was being threatened. There is nothing unlawful about self preservation in the face of a over aggressive and unlawful police force.

I told him to stay where he was until Dep. Justus was done clearing the firearm and he stated no Im going in the house. [REDACTED] was then arrested and placed into my patrol vehicle for Obstruction, Reckless Conduct, and Discharging a firearm near a public roadway.

The Rifle was taken into Evidence for safe keeping due to this subjects careless acts with the rifle because he is mad at his neighbors for supposedly stealing his land.

The Officer has failed to prove any of the acts performed by the defendant were careless and continues on trying to imply the defendant is somehow a danger to the community for his understanding of how the complainants acquired the land across the street. The legality of which is still the topic of speculation, but outside the scope of this case.

Why Officer Holt chose this as a means to attempt to insinuate the defendant is dangerous raises more questions as to the real intent of the officers that day. It is difficult to see how their purpose was in the service of justice, and lends credibility to the suspicion that the two officers were merely performing favors for friends by roughing up their despised neighbor. As the

complainants themselves have used their friendship with the local Sheriff and law enforcement as a means to threaten the defendant in the past. This much is documented.

The subjects knives and cell phone were also recovered prior to [REDACTED] being Transported to the Lamar County Detention Center without Incident.

The officer ends the report with a final fabricated statement that is intended to further defame and incriminate the defendant. As repeated throughout this commentary, the statement was never made by the defendant.

This subject clearly stated he was gonna continue to shoot near the road and we could not stop him.

REPORTING OFFICER HOLT WILLIAM

ALTROWING OFFICER

MOORE SHANE

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In Closing:

It has been mentioned several times throughout this experience, that officers often exaggerate claims made in police reports in order to protect their own back. This is then often followed by a call to action, to treat the matter casually. What it is, is disgraceful, and this report perhaps being the most disgraceful thing we have laid eyes upon.

End Sheet

