

RICK ROSS AND THE "ROSS INSTITUTE"

INTRODUCTION

Although Rick Ross promotes himself as a professional "cult expert", a review of his educational background shows that quite apart from being anti-Christian (he refers to Christians as [Bible bangers](#)) has no religious educational credentials whatsoever. To the contrary, his only formal education is a [high school diploma](#). Self-aggrandizement and personal financial reward seem to be Ross' primary motive for his attacks on Christians and members of other faiths.

As documented herein, an unbiased review of Ross' activities overwhelmingly supports the conclusion that Ross systematically engages in anti-social and often illegal activity and disguises this in the name of "help." "Deprogramming," which appears to be his main source of income, is such an activity.

Ross specializes in garnering media attention to create fear and suspicion in the family members of individuals in minority religious groups. He then exploits this fear to get them to pay him thousands of dollars in fees to coerce people out of their chosen religious affiliation. Close scrutiny of Ross' "successful" deprogrammings very often finds broken families and dehumanized individuals who were coerced, lied to, brainwashed and degraded by deprogrammers into renouncing their religious beliefs.

Public records reveal that Ross has been the subject of at least three arrests, including an [attempted burglary](#), [embezzlement of \\$100,000 worth of jewelry](#) from a jewelry store, and [kidnapping](#). Two of these arrests resulted in convictions. In the third, Ross' co-conspirators plead guilty to lesser charges while Ross evaded being found guilty. Ross was [sued civilly](#) by the victim in the same kidnapping incident and was punished by the jury for over \$3 million in compensatory and punitive damages.

Although Ross claims in media interviews that his criminal activity ceased with the 1975 jewelry heist, which he brushes off as an act of his youth for which he has taken responsibility, Ross has continued his pattern and practice of criminal activity against others. For example, in the above mentioned civil kidnapping case, the [verdict](#) issued by the jury stated that Ross had "acted recklessly in a way that is so outrageous in character and so extreme as to go beyond all possible bounds of decency and to be regarded as atrocious and utterly intolerable in a civilized community."

As a further note on Ross' predisposition to criminal behavior and violation of the rights of others, when Ross challenged the finding in the civil kidnapping case, the Court upheld the punitive damages award and observed, "A large award of punitive damages is also necessary under the recidivism and mitigation aspects of the factors cited in *Haslip*. Specifically, the Court notes that Mr. Ross himself testified that [he had](#)

[acted similarly in the past and would continue](#) to conduct 'deprogrammings' in the future."

Ross' criminal activity in this kidnapping case single-handedly brought about the demise to the Cult Awareness Network, which was exposed to be a criminal referral network for kidnappers. The jury also issued a finding against CAN for \$1.8 million, which bankrupted the group.

Rick Ross' character was further demonstrated when he filed for personal bankruptcy in the face of the \$3 million judgement against him. As part of the [bankruptcy](#), Ross discharged a \$17,500 debt to his elderly mother.

Despite these arrests and censure from the courts, Ross has not reformed and has continued to commit criminal and anti-social acts. For example he blatantly admits on his web site that he has committed [over a dozen involuntary deprogrammings](#) (kidnappings) on adult individuals, mainly Christians, and at least that many more on minors. Ross neatly omits these matters when establishing himself with media and instead focuses only on the 1975 arrests which he attempts to dismiss as "his youth" although he was 22 years old.

The Ross Institute is Ross' latest money scam. The "Institute" is actually a mail drop just across the street from Ross' apartment in Jersey City, which he shares with a [Haryonto Soedarpo](#). Though Ross and Soedarpo have shared the same apartment since at least 1998 in New Jersey and earlier in Phoenix, Soedarpo's role in the Ross Institute is nebulous. Soedarpo, like Ross, has no degree in religious studies or counseling. While Ross promotes the "Institute" as a tax-exempt, non-profit organization and solicits donations from the public, the "Institute" is clearly a front and promotional arm for Ross' deprogramming business.

ROSS' LACK OF CREDENTIALS

One of Ross' claims to fame and legitimacy is that he has acted as a source for the media in stories about "cults" or groups that he wishes to label as such.

For example, Ross claims to have acted as a behind-the-scenes "consultant" for the FBI in the Branch Davidian tragedy at Waco, Texas. [Nancy T. Ammerman](#), a visiting scholar at Princeton University's Center for the Study of American Religion, was one of the outside experts assigned by the Justice Department to evaluate the BATF's (Bureau of Alcohol, Tobacco and Firearms) and FBI's handling of the Branch Davidians. In her September 3, 1993, report on the tragedy to the Justice and treasury Departments, Dr. Ammerman was particularly critical of the government's consultation of Rick Ross and the now defunct Cult Awareness Network.

Ammerman stated, "In their attempt to build a case against the Branch Davidians, BATF did interview persons who were former members of the group and at least one person who had 'deprogrammed' a group member. Mr. Rick Ross, who often works in conjunction with the Cult Awareness Network (CAN), has been quoted as saying that he was "consulted" by the BATF. ... "The Network and Mr. Ross have a direct ideological (and financial) interest in arousing suspicion and antagonism against what they call 'cults.' These same persons seem to have been major sources for the series of stories run by the Waco newspaper, beginning February 27. It seems clear that people within the "anti-cult" community had targeted the Branch Davidians for attention.

"Although these people often call themselves 'cult experts,' they are certainly not recognized as such by the academic community. The activities of the CAN are seen by the National Council of Churches (among others) as a danger to religious liberty, and deprogramming tactics have been increasingly found to fall outside the law."

Thus, instead of providing factual data and constructive advice, which might have defused the situation and saved lives, CAN and Ross exploited tensions to further their own anti-religious agenda. In the end, dozens of men, women and children died unnecessarily.

Yet, Rick Ross continues to attempt to profit from spreading lies and hatred against new religions and continues to hold himself forth to the press and public as an "expert." Anyone contacted by Ross or contemplating contacting him for any reason is encouraged to get fully informed regarding Ross' true intentions and background to avoid being taken in by his lies and thus unwittingly furthering his operation.

CONTINUING PATTERN AND PRACTICE OF CRIMINAL ACTIVITY

Rick Ross has a long-term criminal record. The following is by no means a complete picture, and investigation of his criminal activities continues.

On December 22, 1974, Rick Ross and Jeffrey Ward Nuzum attempted to commit a burglary by kicking in the door to a building in Phoenix. They were caught in the act by the Phoenix police and were arrested. Ross was 22 years old at the time and was employed as a bill collector for the American Credit Bureau. He plead guilty to a charge of [Conspiracy](#) and was sentenced to 10 days in jail and placed on probation for a period of one year.

On July 23, 1975, at 11:00 p.m., Rick Ross robbed Kay-Bee Enterprises, a jewelry store located in the Broadway department store at Biltmore Fashion Park in Phoenix, Arizona. Ross made off with approximately \$50,000 worth of diamonds and "precious paraphernalia" by presenting the clerk at the store with a note demanding the diamonds be placed in a box or Ross would detonate a bomb that he had brought into the store with him. The clerk, Daniel Schroeder, told police that he had followed the

robber's instructions and that while the jewelry was valued at \$50,000, its retail value was approximately \$100,000.

It was later discovered that Ross and Schroeder together had in fact set up the robbery and that they had later split the stolen property. Ross and Schroeder both confessed to the crime after police overheard their conversations in which they bragged about having pulled off the heist.

[Ross eventually confessed to the police](#) that he had been discussing this crime with Schroeder for three months prior to the robbery and that during this time, he had associated with many criminals. Ross admitted that previous to the jewelry store robbery, he had bought and used stolen credit cards and had also stolen furniture and appliances from model homes.

Ross and Schroeder were arrested and charged with the crime of Grand Theft by Embezzlement for the jewelry store heist.

Ross' probation from his previous arrest was [revoked](#) on July 29, 1975, for failing to conduct himself as a law-abiding citizen. Ross admitted to this violation of his probation in open court on November 17, 1975. His probation was then extended to four years.

Reports attached to court documents relating to the incident show that Ross was described as an individual who has [sociopathic inclinations](#) and cannot see that what he does is socially unacceptable and dangerous.

In a plea agreement, on April 2, 1976, Ross was found guilty of Conspiracy, 2nd Degree, to Commit Grand Theft, a felony, and was sentenced to four years probation and a fine of \$1,100.

In a civil matter, on May 23, 1979 a suit was filed by [Jack Grodzinsky](#) accusing Rick Ross of having ripped him off based on an agreement that Ross would repair two cars that Grodzinsky paid for. The Court ruled against Ross and ordered him to pay Grodzinsky \$8,464.65, including his legal fees. Ross presumably paid this off from his earnings in the deprogramming business.

Also in 1979, another lawsuit was filed against Ross, this one for failure to repay a loan to his own aunt for \$4,000. Ross had borrowed the money from his relatives, [David and Emma Katz](#), on November 10, 1977, and when their attempts to collect on the loan failed, they filed suit.

In the 1980s, Ross became involved in a new scheme to make money. He became involved with a network of criminal deprogrammers called the Cult Awareness Network. In a letter from Rick Ross to the Cult Awareness Network executive director,

Priscilla Coates, dated July 30, 1987, Ross complained about not getting deprogramming referrals from CAN and that “some parents are so cheap they prefer to let their kids ‘bang the bible’ than pay.” This letter clearly shows that Ross is using CAN to drum up business for his personal benefit, it also shows his demeaning contempt for Christians.

In another letter from Ross to Coates, dated April 28, 1988, Ross describes his strategy to manipulate the media to promote his business as a deprogrammer. He told Coates about his idea to get on television as someone that “had deprogrammed fundamentalist Christians” in order to “stimulate some [deprogramming] cases in California.”

Rick Ross’ criminal activity extends to the violent kidnapping of Christians. One particular kidnapping incident occurred on January 18, 1991. Jason Scott, an 18-year-old member of a Pentecostal Church in Bellevue, Washington, drove to his family home in Bellevue. At the front door, Jason was jumped by three men hired by Ross who wrestled him to the ground and dragged him inside. The three men were Mark Workman, Chuck Simpson, and Clark Rotroff.

Jason’s mother, Kathy Tonkin, who was also in the house, came outside and told witnesses watching the incident that Jason was going to be okay and that he was going to be taken out of a cult.

Chuck Simpson placed handcuffs on Jason, and the men dragged him down the stairs on his back, into the downstairs living room and into a van. The men, including Rick Ross, climbed into the van, where Jason was pinned face down by Clark’s knee in his back and a nylon strap placed around his ankles. Clark, who told Jason to “stop praying and shut up”, fastened a strip of two-inch duct tape over Jason’s mouth. Jason was not allowed to look out of the van windows to see where he was being taken.

The kidnapers informed Jason that his church was a cult. Jason asked them if they were going to force him to not go back to his church by making him change his mind. Rick Ross answered “yes.” The kidnapers proceeded to ridicule Jason’s religious beliefs. The next morning, the kidnapper’s brainwashing procedure began again. Ross ignored Jason’s request to have his rights read to him by the police, saying that if Jason did not cooperate, he would be handcuffed to the bed frame.

On January 22, Jason learned that he was at Ocean Shores, Washington. When Jason broke into tears at one point in the barrage by his captors, the kidnapers assumed that they had succeeded in “breaking” his faith in his religion.

On January 23, Jason observed his mother on the phone scheduling plane tickets for Jason to go to Wellspring “Rehabilitation Center” in Ohio and for the kidnapers to return to Phoenix. Wellspring has been called “a concentration camp for Christians.” It

is run by psychologist Paul Martin who receives individuals and keeps them there until their faith is "broken."

On January 23, the kidnapers took Jason to eat at the Home Port Restaurant to celebrate Jason's "deprogramming" from the Pentecostal Church. Jason fled across the street and called the police. A policeman arrived, took Jason's story, and put him in the back of his jeep. This is described in detail in the police report made by Jason Scott and in a separate report written by Jason about the incident, entitled, "[Testimony of Jason Scott](#)".

Mark Workman and Chuck Simpson were arrested that day. Rick Ross once again evaded criminal charges but he was the recipient of a civil suit for the attempted deprogramming.

In 1994, Scott filed a [civil lawsuit](#) against Ross (and including the Cult Awareness Network) for the "involuntary deprogramming" for Conspiracy to violate his civil rights as well as Outrage and Negligence.

A jury found Ross and the other defendants liable for [civil rights violations](#) and negligence. The victim, Jason Scott, was awarded \$875,000 in compensatory damages and \$4 million in punitive damages. An additional award of \$1 million in punitive damages was levied against the Cult Awareness Network. CAN lost their appeals and later filed bankruptcy and closed down its operation.

Instead of honoring the court judgments resulting from his criminal behavior in the Jason Scott case, Ross filed for bankruptcy. This even included disposing of a [\\$17,500 debt to his own elderly mother](#).

Ross appears to be without remorse for his acts of kidnapping and involuntary imprisonment, which are crimes as well as human rights violation. In his own words, Ross admits to the illegal kidnapping at least 12 adults since the "wrongdoing" he engaged in in his twenties. In an August 2003 news article, Ross answered allegations of his lack of credibility due to his previous convictions, including conspiracy to commit grand theft for embezzlement of property from a jewelry company, by stating, "I regret what I did in my youth. I admitted my wrongdoing and restored everything to those who lost something." Ross omitted mention of the Jason Scott kidnapping and two dozen other kidnappings for which charges or suits were not filed.

On his web site, Ross justifies his actions and uses it as part of his sales pitch: s

"Have you ever done involuntary deprogramming?"

"Yes. I have personally been involved in about two dozen involuntary cases. However, about half of those cases involved minors under the direct supervision of their

custodial parent. And as Steve Hassan, who also once engaged in such involuntary efforts recognized, "Forcible intervention [was only used] as a last resort if all other attempts fail[ed]." - Rick Ross

In a notable example of Ross' doublespeak, he redefines the constitutional right to individual liberty as "harassment of professionals" involved in kidnapping:

"If you are sympathetic to the families that do involuntary interventions, why don't you continue to do such work?"

"It is no longer possible for me--because as one cult intervention professional observed, 'the truth is that [involuntary] deprogramming is extremely risky in legal terms'. Specifically, destructive cults, groups and leaders today often maintain teams of lawyers to harass professionals involved in such work. I cannot afford the expense and time to fight these efforts." - Rick Ross

On August 6, 2003, NXIVM Corp. filed a [multi-million dollar suit](#) against Ross for trademark infringement in connection with Ross' complicity in violating the group's trademarks.

RICK ROSS - MENTAL INSTABILITY

Ross has an extensive history of mental instability and dangerous conduct dating back to childhood, which psychiatrists concluded stems from his anti-social, manipulative behavior and his sexual problems.

A report on Rick Ross dated March 29, 1967, by [Dr. Harold McNeely](#), a clinical psychologist, describes Ross' mental and emotional problems as a child.

A September 10, 1975, report from [Dr. Jerome J. Kaye](#), stated that Rick Ross had been under his care from 1957 through September 1971. In 1965, at age 10, Ross was put on the psychiatric drugs "Deaner" and "Librium" which he took daily in an attempt to suppress his anti-social behavior.

A November 26, 1975, report by [Dr. Thomas O'Brien](#) states that Ross is "an opportunist" and that during Ross' second jailing, he showed "many signs of serious psychological decompensation". Apparently during his second jailing (for the jewelry theft) Ross made a serious suicide attempt.

The January 14, 1976, "Presentence Investigation" of Rick Ross for the jewelry store embezzlement describes the July 23, 1975, incident and states that he has spent six weeks in jail since being arrested. Ross stated that he was seeking help from the [Fillmore Mental Clinic](#). This report recommended Ross serve a maximum term in the state prison.

A March 25, 1976, Arizona State Hospital report on Rick Ross by [Dr. Domiclano E. Santos](#) states that Ross sought help at the Fillmore Mental Health Services because of "anxiety, depression and sexual problems." Dr. Domiclano reports that he saw Ross as, "an arrogant, self-centered individual with some hostile tendencies" and as "an individual who has sociopathic inclinations". He further stated that, "Ricky has a personality disturbance which started even as a child. ... He does not seem to profit from his past experiences and cannot realize that he has a responsibility to society to control his behavior ... [H]e does not seem to identify himself with society and its laws, and believes that punishments are an injustice."

RICK ROSS AND THE "INTERVENTION" CON

The con job perpetrated by so-called "deprogrammers" on the public goes like this: After frightening their marks with vicious, blatant lies about a family member's religious beliefs, "deprogrammers" insist the parishioner in question must be "deprogrammed" or suffer dire consequences at the hands of their religion. In this way they manage to extort thousands of dollars in fees from a now-desperate family.

For these "services," Rick Ross came highly recommended by the Cult Awareness Network, whose executive director touted him as one of the half-dozen "best" deprogrammers. Through violence and intimidation, Ross and his cohorts kidnapped parishioners of various faiths and held them for days against their will in an effort to force them to recant their religious beliefs. By the time Ross and CAN were finally called to account for their actions in a court of law, the damage to the individuals and their families was devastating.

From all outward indications, the Ross Institute is performing precisely the same function as the old Cult Awareness Network. By promoting intolerance and hatred on the Internet and to the media, Ross attempts to establish himself as a "credible source" for at least one gossip columnist, Jeannette Walls at MSNBC.com. This in turn promotes his deprogramming business.

If you know anyone who has been victimized by the false information spread by Ross, or anyone whose family relationships have been harmed by Ross' "intervention", or anyone who has been a victim of a deprogramming attempt, please provide them and their attorneys with this information and documentation.

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- [TAB B](#) A January 10, 1975, "Order Holding Defendant to Answer Before the Superior Court" for attempted burglary by Rick Ross and Jeffrey Nuzum.
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- [TAB G](#) A July 25, 1975, *Arizona Republic* article that describes Rick Ross' role in a staged armed robbery attempt of a jewelry store. The article states that the retail value of the theft was \$100,000.
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the jewelry store by pretending to have a bomb in a box. It gives the story of how they were caught.

[TAB I](#) A copy of a "Probation Violation Report" on Rick Ross, dated August 5, 1975. This states he violated previous probation (for attempted burglary) by committing the crime of "Theft By Embezzlement" by staging a robbery at a store in which \$50,000 in jewelry was taken. This report proposes that Ross' probation for the earlier crime (conspiracy for attempted burglary) be revoked.

[TAB J](#) A September 2, 1975, court document entitled, "Information for Theft by Embezzlement". This document states that Ross and Schroeder stole 306 pieces of jewelry consisting of rings, watches, pendants, earrings, broaches, tie tacks and cuff links.

[TAB K](#) A September 10, 1975, report from a Dr. Jerome J. Kaye, stating that Rick Ross has been under his care from 1957 through September 1971. In 1965 Ross was treated for being hyperactive and was given "Deaner and Librium daily".

[TAB L](#) A November 26, 1975, report by a Dr. Thomas O'Brien on Rick Ross in which the doctor states that Ross is "an opportunist" and that during Ross' second jailing he showed "many signs of serious psychological decompensation". During his second jailing (for the jewelry theft) Ross made a serious suicide attempt.

[TAB M](#) The January 14, 1976, "Presentence Investigation" of Rick Ross. This report describes the July 23, 1975, jewelry store robbery and states that he has spent six weeks in jail since being arrested. Ross stated that he was seeking help from the Fillmore Mental Clinic. This report recommended Ross serve a maximum term in the state prison.

[TAB N](#) A March 24, 1976, Supplemental Report on Rick Ross by his probation officer (for his sentencing).

[TAB O](#) A March 25, 1976, Arizona State Hospital report on Rick Ross by Dr. Domiclano E. Santos. The report states that Ross sought help at the Fillmore Mental Health Services because of "anxiety, depression and sexual problems." Dr. Santos reports that he saw Ross as, "an arrogant, self-centered individual with some hostile tendencies" and as "an individual who has sociopathic inclinations."

[TAB P](#) The Rick Ross sentencing document in the jewelry theft, dated April 2, 1976. This shows Ross was sentenced to four years in jail and fined \$1,100. Ross plead guilty to the charge of "Conspiracy 2nd Degree to Commit Grand Theft", a felony.

[TAB Q](#) A lawsuit filed against Rick Ross on May 23, 1979, by Jack Grodzinsky accusing Ross of ripping him off. This was based on an agreement that Grodzinsky would provide Ross with the money to purchase and repair two vehicles for Grodzinsky. Ross was to sell them and return the loan from the proceeds. Ross failed to do so and was sued by Grodzinsky. Ross lost the case and was required by the court to pay Grodzinsky \$8,464.65, which included his legal fees.

[TAB R](#) A lawsuit filed in 1979 by David and Emma Katz (Ross' aunt and uncle) against Rick Ross. The Katzes loaned Ross \$4,000 on November 10, 1977, and he refused to pay it back.

[TAB S](#) Letters from Rick Ross to the Cult Awareness Network executive director, Priscilla Coates, dated July 30, 1987, and April 28, 1988. In the letters Ross complains about not getting deprogramming referrals from CAN and that "some parents are so *cheap* they prefer to let their kids 'bang the Bible' than pay." In the second letter he stated that he planned to stir up business by getting on television as someone who "had deprogrammed fundamentalist Christians" and thus "stimulate some cases in California."

[TAB T](#) An extract taken from Rick Ross' "Curriculum Vitae" which gives his actual educational background as opposed to his media contacts and public relations and promotional activities to promote deprogramming business. He has no degree or expertise in religious studies or any degree or training or experience that qualifies him to counsel other people.

[TAB U](#) This is a quote from a page on Rick Ross' web site where he admits to at least 12 "involuntary" deprogrammings of adults – i.e., criminal kidnappings.

[TAB V](#) A January 26, 1991, billing statement from Rick Ross to Katherine L. Tonkin, the mother of Jason Robert Scott, charging \$5,569.40 for the deprogramming of Jason, which included his abduction.

[TAB W](#) The "Statements of Jason Robert Scott" to the Ocean Shores

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[TAB X](#)

A July 1, 1993, "Motion and Affidavit For Order Directing Issuance of Summons" and the document entitled "Information" charging Rick Ross with Unlawful Imprisonment in the kidnapping of Jason Scott.

[TAB Y](#)

Letters sent by Ross to Judge David Foscue (the Judge in Ross' criminal trial for the Jason Scott kidnapping) dated January 28, 1994, and February 20, 1994, in which Ross shows his disrespect for the court. Ross' associates had plea-bargained and Ross went to trial on the criminal charges and was acquitted by the jury. In the letters, he is making veiled threats to the judge in his case. (Note: Ross was found liable in a civil case that was filed over this same issue.)

[TAB Z](#)

An October 18, 1993, article in *The Nation*, written by Alexander Cockburn, which mentions Rick Ross' role in misleading the ATF and the FBI in the Waco, Texas, disaster.

[TAB AA](#)

A September 3, 1993, report concerning Waco by scholar Nancy T. Ammerman to the Justice and Treasury Departments on behalf of Princeton University's Center for the Study of American Religion. This report mentions Rick Ross trying to inflame the government against the Branch Dividians and points out the "ideological and financial interest" Ross had in "arousing suspicion and antagonism against what he calls 'cults'".

[TAB BB](#)

A copy of the civil lawsuit filed against Rick Ross and his accomplices including the Cult Awareness Network, for the kidnapping and attempted deprogramming of Jason Scott (*Scott vs. Ross*).

[TAB CC](#)

The "Verdict Form" in the *Scott vs. Ross* case, dated September 29, 1995, which finds Ross 70 percent negligent in causing harm to Jason Scott; that Ross was involved in a conspiracy to deprive Jason Scott of his civil rights of freedom of religion or freedom of travel and that this caused him injury; that Ross acted recklessly in a way that is so outrageous in character and so extreme as to go beyond all possible bounds of decency and to be regarded as atrocious and utterly intolerable in a civilized community; that

Jason Scott's damages were \$875,000 and that Ross should be punished in the amount of \$2,500,000.

[TAB DD](#)

A November 29, 1995, order in the *Scott vs. Ross* case. The Court states that the jury in this case awarded compensatory damages in the amount of \$875,000 against each of the defendants and punitive damages of \$2,500,000 against Rick Ross. In upholding the punitive damages award against Ross, the Court observed, "A large award of punitive damages is also necessary under the recidivism and mitigation aspects of the factors cited in *Haslip*. Specifically, the Court notes that Mr. Ross himself testified that he had acted similarly in the past and would continue to conduct 'deprogrammings' in the future."

[TAB EE](#)

A bankruptcy case filed by Ross on October 26, 1995. This case shows that he wrote off a \$17,500 debt to his own elderly mother, Ethel Ross. He also listed the judgement obtained against him by Jason Scott of \$3,125,000 as a debt he wanted to discharge.

[TAB FF](#)

A multimillion-dollar suit filed on August 6, 2003, by NXIVM Corp against Ross for trademark infringement.

[TAB GG](#)

Documents showing that Ross has been living at the same addresses with a man by the name of Haryanto Soedarpo since approximately 1998, first in Phoenix, and currently in New Jersey.

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March 29, 1967

Jewish Family and Children's Service of Phoenix
1515 East Osborn Road
Phoenix, Arizona 85014

Attention: Mrs. Jacqueline Ensign, ACSW Caseworker

Re: Rick Allen Ross

Dear Mrs. Ensign:

This letter is in response to your request for a summary of my contacts with the Ross family. I was a little confused as I had recently seen Rick and his family for one hour and had referred them to the Mental Health Association Community Clinic. I had a communication from the Community Clinic which indicated they had made application there. At any rate, I did see Rick and his parents for approximately 26 hours of interview, psychological testing, and psychotherapy between October, 1963, and April, 1964. At that time it was my impression that Rick had made quite good progress in psychotherapy but that he still had substantial emotional problems and was in need of further psychotherapy. Partly because of financial problems and partly because Rick was visibly much better, his parents chose to terminate his appointments. Actually Rick had been an unusually well-motivated child in treatment. Even when I saw him for the recent hour on January 23, 1967, it was still apparent that Rick has a real desire to work out his emotional problems.

Here are some of my records on Rick. He was first seen at age 6 by Dr. Keith Perkins of Child Study and Consultation Service in Phoenix. The reason for referral was given as "to assist in understanding some of the aggressive tendencies of this boy". Rick was given a Stanford Binet Intelligence Test and obtained an I.C. of 120. Dr. Perkins talked to Mrs. Ross and apparently suggested that she set more limits with the boy and gave her a general talk on the essentials of child rearing. Apparently Mr. Ross did not attend this conference and Dr. Perkins report indicated that the father has spent a very limited amount of time with Rick. The next report in my record was from Dr. William Fielder of Child Study and Consultation Service, apparently because of general problems in school and specifically running away from home. This report was given in the spring of 1963. Dr. Fielder strongly recommended "long term assistance" from problems arising out of "detrimental parent-child relationships". Rick was referred to me in October, 1963, by Dr. Gorth Blackham of Child Study and Consultation Service after Rick had already been in and failed to adjust to two different classroom situations in the first two months of school. Dr. Blackham mentioned that Rick simply walks out of the classrooms, refuses to do school work, and generally

has a negative, argumentative attitude although not being directly assaultive or aggressive. Partially because Rick demanded it and his parents went along with it, Rick was transferred to another school. With the aid of my psychotherapy and a very firm man teacher, Rick made the best adjustment to school that he ever had before or since that time period. Rick attempted to threaten, manipulate, and out-argue his teacher. When all this failed, he suddenly found that he liked his teacher and worked rather hard to make reasonably good grades. I had hoped that this might launch him on his school career but apparently he slipped back into old habits later.

In addition to the complaints listed at school, his parents told me that he could accept no authority, couldn't accept any "nos", walked away when his parents talked to him, argued interminably about everything, verbally dominated the home, had no friends, and often followed his mother around home arguing and complaining until she gave in. It was apparent that Mrs. Ross was the rejecting kind of mother who bends over backwards to do things for her kids when she feels angry at them. Rick is an adopted child. In addition Mrs. Ross does feel inundated by this problem and really doesn't know what to do about it. She does not feel that she is receiving any help or support from her husband but does think that he has essentially turned over all the problems and responsibilities of child rearing to her. She did tell of one occasion where Rick ran away from home and his father spanked him. This was very effective and Rick had an improved attitude for quite some time. Apparently Mr. Ross works a great deal and usually feels quite tired and does not want to be bothered with the children.

When I interviewed Mrs. Ross, it was apparent that she is a somewhat overweight, concerned, dutiful Jewish mother who loves babies, takes good care of them, and really doesn't like to see them grow up. I suspect that Rick may be somewhat brighter than she is and can often dominate her. She feels somewhat bewildered by this verbally aggressive child and does not get much help from her passive husband in any attempts to be firm with him. It was difficult to get Mr. Ross to come in. He is a man of small to medium height with a slender build. Verbally he indicated concern and bewilderment with this strange boy of his. He feels somewhat guilty about not enjoying Rick or spending much time with Rick, but he himself really does not know much about being a father. He apparently enjoys working and is good at his work and is inclined to provide the money and hope that his wife takes care of the rest. He seemed somewhat threatened and awed by being in a doctor's office.

It was evaluation that Rick was a quite infantilized, demanding, argumentative, hostile, fearful boy who was really trying to fight against a severe underlying dependence on his mother and having real difficulty in trying to identify with a vague, shadowy, weak father. He was frightened by his own power to dominate and to manipulate, apparently partially realizing that he could get himself into real difficulty even by getting what he wanted. He is still striving for the omnipotence of the young child. He is trying to establish the self-control and firmness which his parents have not been able to effectively demonstrate to him. When he did meet firmness in the nature of the one male teacher, he put up a great struggle but finally accepted firmness and responded by being able to effectively do better school work.



In his therapy hours with me, Rick talked and worked constantly on his problems. He ventilated a great deal of hostility and came out with many hostile fantasies. In addition to becoming more aware of his feelings, this boy needed almost some basic education that there are some other people out there besides him and that these people have feelings too. He was a very narcissistic, self-centered boy with a very strong wish to be a leader. Actually he had accomplished being a leader but his followers progressively got tired of his child-like games as they all grew older. He was very attracted to the Romans and had many fantasies of being a ruler or king. Even in this last hour with him recently, he still demonstrated that he liked me, had related to me, and still wanted to pursue his psychotherapy. I had particularly referred him to the Community Clinic because I thought that multiple therapists might be needed, psychotherapy both for him and for one or both parents. When I saw Rick in January, 1967, he reported many problems which are essentially an extension of his old problems. He is making some failing grades in school but has manipulated the school by switching

He does some sleepwalking and tells that his mother has said that he cries or screams in his sleep. Recently he and another boy were involved in smashing a truck window and were caught by the police. Apparently he will go before the judge in the near future about this window smashing.

At the end of this hour I did talk briefly to his parents. They reported that Rick now lies, makes poor grades in school, is about to get kicked out of school, and is still very argumentative. With Rick's permission, I did point out his underlying sexual problem which could play an important part in all of his more obvious difficulties. I then very firmly stressed that Rick has a real problem and that he is greatly in need of professional help and that Rick's basic success in life now hangs in the balance. When they raised doubts as to their abilities to pay for my services, I strongly recommended the new Mental Health Association Community Clinic. I do hope they carry through now in obtaining some type of professional help somewhere, particularly as I both like Rick and am strongly aware that Rick has a good chance to work out his problems if he has a real opportunity.

Sincerely yours,

HAROLD E. ALNEELY, PH. D.
CLINICAL PSYCHOLOGIST

IN THE JUSTICE COURT⁵ 0 1 0 1 0

NORTHEAST PHOENIX PRECINCT, MARICOPA COUNTY, STATE OF ARIZONA

WILLIAM D. PALMER, CLERK
FILED
15 JAN 10 PM 12:41

STATE OF ARIZONA

vs.

RICKY ALLAN ROSS AND
JEFFREY WARD NUZUM

Defendant(s)

CR095433

No. 18122

ORDER HOLDING DEFENDANT TO ANSWER
BEFORE THE SUPERIOR COURT

I HEREBY ORDER that the defendant(s)

RICKY ALLAN ROSS AND JEFFREY WARD NUZUM

be held to answer before the superior court on the charges that, in NORTHEAST PHOENIX Precinct, Maricopa County, Arizona on or about the 22nd day of December, 1974, RICKY ALLAN ROSS AND JEFFREY WARD NUZUM, attempted burglary in the night-time of a structure building of GRIFFITH CONSTRUCTION COMPANY located at 1612 East Gardenia, City of Phoenix, County of Maricopa, all in violation of A.R.S., Secs. 13-301, 13-302, 13-108, 13-109, 13-110.

I find that there is probable cause to believe that the above offenses have been committed and that the defendant committed them.

I find that there is probable cause to believe that the above offenses have been committed and that the defendant committed them.

I find that there is probable cause to believe that the above offenses have been committed and that the defendant committed them.

[Handwritten Signature]

A Mignment
L 18 at 8:30
on Jan. 22, 1975

7 5 0 0 1 0 1 0

1 NORTHEAST PHOENIX JUSTICE COURT, Maricopa County

2
3 STATE OF ARIZONA,)
4 Plaintiff,)
5 vs.)
6 RICK ROSS, and)
7 JEFF NUZUM,)
8 Defendants.)

CROSS-433

No. 18122

WAIVER OF PRELIMINARY HEARING

FILED
JAN 10 PM 12:41
BY
MARICOPA COUNTY CLERK
DEP.

9
10 I UNDERSTAND that I am charged with the crime of
11 attempted burglary which is a felony under the law of the state
12 of Arizona, and that if I am found guilty, I can be given a
13 severe punishment, including imprisonment in the Arizona State
14 Prison, in the Maricopa County Jail, a fine or other penalty.

15 I UNDERSTAND that under the Arizona Constitution, I have
16 a right to a preliminary hearing at which a magistrate, without
17 making any determination of my guilt or innocence, will decide
18 whether there is sufficient evidence against me to establish
19 probable cause to try me on these charges.

20 I UNDERSTAND that I have a right to a lawyer at the
21 preliminary hearing and that if I am unable to obtain the services
22 of a lawyer without incurring substantial hardship to myself or
23 my family, one will be furnished for me free of charge.

24 I UNDERSTAND that the prosecutor would be required to
25 present witnesses and evidence against me at the preliminary
26 hearing to demonstrate that there is probable cause to try me on
27 the charges and that I would have the right to cross-examine
28 such witnesses and to present evidence of my own innocence.

29 I UNDERSTAND that if the prosecutor failed to show
30 probable cause to try me, the charges against me would be dismissed.

31 I UNDERSTAND that giving up my right to a preliminary
32 hearing gives the State the right to try me for the offenses

7 5 0 0 1 0 1 0

1 charged without any determination of probable cause by a
2 magistrate.

CR095433

3
4 CERTIFICATION AND WAIVER

5 After reading and understanding all of the above, I
6 hereby consent to give up my right to a preliminary hearing
7 in this case.

8
9 

10 RICK ROSS

Dated this 8th day of January, 1975.

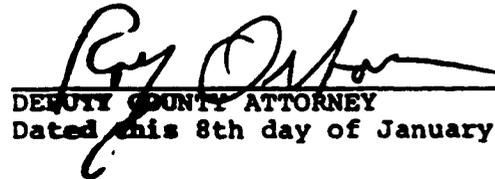
11
12 I have explained the significance of the preliminary
13 hearing to the defendant and consent to waiver of a preliminary
14 hearing in this case.

15
16 

17 ALLEN A. HAGGARD, Attorney

Dated this 8th day of January, 1975.

18
19 I consent to waiver of preliminary hearing in this
20 case.

21
22 

23 DEPUTY COUNTY ATTORNEY

Dated this 8th day of January, 1975.

24
25
26
27
28
29
30
31
32

In the Justice Court

OF NORTHEAST PHOENIX PRECINCT
COUNTY OF MARICOPA, STATE OF ARIZONA

CR085433

Transcript, Docket No. 181241

FILED
BY
MAGN. CLERK
DEP.
CITY OF PHOENIX

THE STATE OF ARIZONA

Complaint of: Dave Haas

Plaintiff,

Charging: ATTEMPTED BURGLARY, FIRST DEGREE, a felony

vs.

RICKY ALLAN ROSS and

JEFFREY WARD NUZUM

Defendant.

ROY OSBORN

Attorney for Plaintiff.

ALLEN HAGGARD

Attorney for Defendant.

1974

Proceedings

December 23

Complaint made and filed this day by Dave Haas charging the defendant with having committed on or about the 22nd day of December, 1974, a Felony, to-wit: ATTEMPTED BURGLARY, FIRST DEGREE.

Defendants present at their Initial Appearance with counsel.

Defense counsel Allen Haggard files Notice of Appearance Release Questionnaire--Parts I & II (2); Defendant's Financial Statement (2); and Release Orders: Own Recognizance (2) filed. Preliminary Hearing set for January 8, 1975 at 9:30 A.M. Defendants released on their own recognizance.

1975

January

8

Defendants in Court with counsel Allen Haggard, and sign WAIVER OF PRELIMINARY HEARING.

State represented by Roy Osborn.

State makes Motion to amend complaint to read A.R.S. Secs. 13-301, 13-302, 13-108, 13-109 and 13-110.

Court grants Motion.

Court made the following order:

It appearing to me that the crime of ATTEMPTED BURGLARY, FIRST DEGREE, has been committed on or about the 22nd day of December, 1974, in the County of Maricopa, State of Arizona, and that there is sufficient cause to believe that RICKY ALLAN ROSS and JEFFREY WARD NUZUM are guilty thereof, I order that they, the said RICKY ALLAN ROSS and JEFFREY WARD NUZUM be held to answer the same.

Defendants released.

Arraignment set in Div. 18 for January 22, 1975 at 8:30 AM

/s/ HAROLD LEE

Justice of the Peace

Northeast Phoenix Precinct

Proceedings
in Criminal
State of Arizona
Ricky A. Ross + Jeffrey W. Nuzum
DATED: 8 JAN 1975
Harold Lee

3
In the Superior Court

OF MARICOPA COUNTY, STATE OF ARIZONA

FILED
BY
JAN 15 1975
BER

THE STATE OF ARIZONA,)

vs.)

RICKY ALLAN ROSS and)
JEFFREY WARD NUZUM,)

Defendants.)

NO. 85433

INFORMATION FOR
ATTEMPTED BURGLARY FIRST DEGREE

85433

1-29-75
ly

IN THE NAME AND BY THE AUTHORITY OF THE STATE OF ARIZONA, RICKY ALLAN ROSS and JEFFREY WARD NUZUM are accused this 15th day of January, 1975, by the County Attorney of Maricopa County, State of Arizona, by this Information, of the crime of ATTEMPTED BURGLARY FIRST DEGREE, a Felony, committed as follows, to-wit:

The said RICKY ALLAN ROSS and JEFFREY WARD NUZUM, on or about the 22nd day of December, 1974, and before the filing of this Information at and in the County of Maricopa, State of Arizona, attempted burglary in the nighttime of a structure building of Griffith Construction Co., located at 1612 East Gardenia, City of Phoenix, County of Maricopa, all in violation of A.R.S. §13-301 and 13-302, 13-108, 13-109 and 13-110; contrary to the form, force and effect of the statute in such cases made and provided and against the peace and dignity of the State of Arizona.

MOISE BERGER
MARICOPA COUNTY ATTORNEY

By *[Signature]*
DEPUTY COUNTY ATTORNEY

3

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
AND FOR THE COUNTY OF MARICOPA
75 003006

FILED
3-6-75
WILSON D. PALMER, Clerk
By: M. L. Carter, Deputy

STATE OF ARIZONA

vs.

No. 85433

PLEA AGREEMENT

Ricky A. Ross

Defendant

85433

The state of Arizona and the defendant hereby agree to the following disposition of this case:

Plea: The defendant agrees to plead no contest to: Conspiracy 13-331

Terms: On the following understandings, terms and conditions:

1. The crime to which the defendant will plead guilty carries a sentence no greater than 1 year - 568 in prison and no less than probation. The parties stipulate to the following additional terms: NO AGUMENT AS TO SENTENCE.
2. That the following charges are dismissed, or if not yet filed, shall not be brought against the defendant. Attempted Burglary
3. That this agreement, unless rejected or withdrawn, serves to amend the complaint, indictment, or information, to charge the offense to which the defendant pleads, without the filing of any additional pleading. If the plea is rejected or withdrawn, the original charges are automatically reinstated.
4. If the defendant is charged with a felony, that he hereby gives up his right to a preliminary hearing or other probable cause determination on the charges to which he pleads. In the event the court rejects the plea, or the defendant withdraws the plea, the defendant hereby gives up his right to a preliminary hearing or other probable cause determination on the original charges.
5. Unless this plea is rejected or withdrawn, that the defendant hereby gives up any and all motions, defenses, objections or requests which he has made or raised, or could assert hereafter, to the court's entry of judgment against him and imposition of a sentence upon him consistent with this agreement.
6. That if after accepting this agreement the court concludes that any of its provisions regarding the sentence or the term and conditions of probation are inappropriate, it can reject the plea, giving the defendant an opportunity to withdraw the plea.

I have read and understand the above. I have discussed the case and my constitutional rights with my lawyer. I understand that by pleading no contest (no contest) I will be giving up my right to a trial by jury, to confront, cross-examine, and compel the attendance of witnesses, and my privilege against self-incrimination. I agree to enter my plea as indicated above on the terms and conditions set forth herein. I fully understand that if, as part of this plea bargain, I am granted probation by the court, the terms and conditions thereof are subject to modification at any time during the period of probation in the event that I violate any written condition of my probation.

Date 3-6-75

Defendant Ricky Ross

I have discussed this case with my client in detail and advised him of his constitutional rights and all possible defenses. I believe that the plea and disposition set forth herein are appropriate under the facts of this case. I concur in the entry of the plea as indicated above and on the terms and conditions set forth herein.

Date 3-6-75

Defense Counsel Bill Raymond

I have reviewed this matter and concur that the plea and disposition set forth herein are appropriate and are in the interests of justice.

Date 3/6/75

Prosecutor Randy

1 5 0 0 4 0 0 4

THE STATE OF ARIZONA
Plaintiff

vs

RICKY ALAN ROSS
Defendant

CAUSE NO. 85433

HONORABLE PHILIP W. MARQUARDT

CRIMINAL DIVISION I

SUPERIOR COURT

PRESENTENCE INVESTIGATION

PRESENT CHARGE: Conspiracy, Open-End, as amended
from Attempted Burglary, First Degree,
a Felony.

PLEA: March 6, 1975

CUSTODY STATUS: On own recognizance.

DEFENSE COUNSEL: Allan Haggard, privately retained.

PRESENT OFFENSE:

On December 22, 1974, at 2310 hours, the
defendant, Ricky Alan Ross, and co-defendant, Jeffrey Ward
Nuzum, attempted to forcibly enter 1602 East Gardenia
North by shattering the rear arcadia door in the center at
the locked handle.

Officer Hernandez spoke with Mr. Ross while
Officer Miner went to the rear of the townhouses where he
observed that a burglary had possibly taken place.

Officer Miner also observed Jeffrey W.
Nuzum hiding in the adjacent townhouse and subsequently
arrested him.

The only statement was made by Mr. Nuzum
when he admitted that he never entered the house. After
that, he reserved his right to speak with his attorney.
Apparently, Mr. Ross made no statement at all.

The above information was taken from the
Phoenix Police Departmental Report #74- 125946.

OFFENSES TO BE DISMISSED:

Apparently, there are no offenses to be
dismissed in this case.

7 5 0 0 4 0 0 3

RICKY ALAN ROSS
Defendant

CAUSE NO. 85433

DEFENDANT'S STATEMENT:

The defendant states that he has known Mr. Nuzum for about four years and that on December 22, 1974, they had consumed a few drinks and were driving through the neighborhood of East Gardenia in order to visit a friend when they decided to commit the burglary. They broke the arcadia door window and then decided not to go through with it. Mr. Ross states that he never saw the police until he was leaving the premises.

He continued that as far as he knew, Mr. Nuzum must have hidden in the patio next door after he saw the police. He stipulated that they never entered the residence at all.

COMPANION ACTION:

Jeffrey Ward Nuzum is scheduled to be sentenced on April 1, 1975, by the Honorable Philip W. Marquardt, Criminal Division I, Superior Court. He pled guilty to the charge of Conspiracy.

STATEMENT OF REFERENCES AND INTERESTED PARTIES:

This Officer has not been able to contact the victim, Phillip A. Griffith of the Griffith Construction Company, as of this writing.

PRIOR RECORD:

Mr. Ross contended that he has never been arrested before, neither as a juvenile nor as an adult, and a records' check by the Phoenix Police Department proved negative.

7 5 0 0 4 0 0 4

RICKY ALAN ROSS
Defendant

CAUSE NO. 85433

SOCIAL HISTORY:

The defendant is a twenty-two year old Caucasian male, who was born in Ohio, the eldest of three children. He admitted to an excellent relationship with his parents and siblings, and indicated this was the first time he had been in trouble. He graduated from Grandview Elementary School in 1966, and also attended Camden Military Academy from 1967 to 1968. He graduated from North High in 1970, with no particular problems, having received an Academic Excellence Medal. The defendant asserts that he has not been in the military and that he has never been married.

Since his graduation from high school, the defendant has held three positions. He was employed with Aetna Finance from 1971 to 1972, where he earned \$450.00 per month. Then he became a loan officer with the Valley National Bank from 1972 through 1974. He was earning \$700.00 per month when he resigned due to his transfer from the home office to Bullhead City. He was last employed with the American Credit Bureau, collecting unpaid bills. He worked primarily on commission, and was laid off when he was arrested due to previous absenteeism. He stated that his only debt is with Valley National Bank for \$700.00. The defendant could recall no serious illness, physically or mentally within his family, and this Officer feels there is no alcohol or drug abuse problem.

DISCUSSION AND EVALUATION:

The defendant, Ricky Alan Ross, is presently before the Court charged with Conspiracy, Open-End.

In review, it appears that Mr. Ross apparently led a normal, well-adjusted childhood. He was an above average student and graduated in 1970 from high school. He has no

7 8 2 4 0 3 4
RICKY ALAN ROSS
Defendant

CAUSE NO. 85433

DISCUSSION AND EVALUATION: (CONT'D.)

marriage or military history, he is in good health and seems to have no alcohol nor drug abuse problem. Most important, the defendant has no history of arrests that this Officer could locate. His employment history seems stable and was verified by this Officer.

During interview, Mr. Ross was cordial and readily supplied answers to questions put to him. It is this Officer's belief that it was a one time offense for this defendant to have committed such an act. Indeed, there appears to be nothing in his background that would indicate that he would be involved in any other criminal offenses; perhaps it was a combination of alcohol and a depressing mood, coupled with unemployment, (the same as for the co-defendant) that prompted his behavior. Further, it is significant that the defendant did not enter the premises after the arcadia door had been smashed, and it was when he was leaving that he was spotted by the police.

While it is felt that restitution for damages should be paid by the defendant, the amount has not been determined since the victim could not be contacted. It is felt that the defendant should be fined and also serve a few days in the County Jail for his participation.

RECOMMENDATION:

It is respectfully recommended that the defendant be ordered to pay a medium fine for his part in the present offense. Further, it is respectfully recommended that the defendant be incarcerated in the Maricopa County Jail for a period of ten days.

7 5 0 0 4 0 0 4

RICKY ALAN ROSS
Defendant

CAUSE NO. 85433

RESTITUTION/REIMBURSEMENT:

It is felt that restitution should be paid to the victim in this offense, however, since contact could not be made, it is felt that it should not be ordered.

Reimbursement would not apply in this action as the defendant has retained a private attorney.

Respectfully submitted,

H.C. Duffie
Chief Adult Probation Officer

By: Elizabeth C. Barkley

Elizabeth C. Barkley
Deputy Adult Probation Officer

ECB: km

3/25/75

11/11/75

271922

IN THE SUPERIOR COURT
Of Maricopa County, State of Arizona

THE STATE OF ARIZONA

Ricky Ross
vs.
Defendant

2/11/350

No. 85433
ORDER OF CONFINEMENT
Division No. 20-1

TO THE SHERIFF OF MARICOPA COUNTY:

The above named defendant having (been found guilty of) (entered a plea of guilty to) the crime of Conspiracy, open end, a felony (misdemeanor).

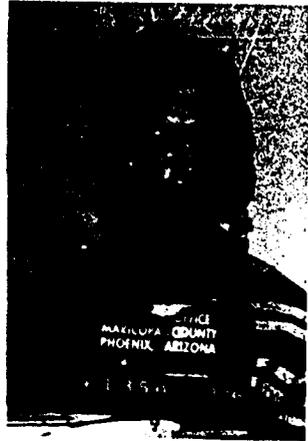
IT IS ORDERED that the defendant is remanded to the Sheriff of Maricopa County, Arizona, to be held in custody without the right to bail pending sentencing. *see reverse side for times*

IT IS FURTHER ORDERED that any bond deposited by the defendant or on his or her behalf is exonerated and the sureties thereon released.

DATED THIS 3rd day of April 1975

41-70

[Signature]
PHILIP W. MARQUARDT Judge



IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF MARICOPA

THE STATE OF ARIZONA

75 004004
Criminal Case No. 85433

vs
RICKY ALAN ROSS
Defendant

CONDITIONS AND REGULATIONS
OF PROBATION

FILED
MAY 11 1975
MARICOPA COUNTY
CLERK

The Court having on the 3 day of April, 1975, suspended the imposition of sentence upon the above named defendant for the period of 1 (year(s)-(month(s))) from said date and placed said defendant on probation under the charge and supervision of the Adult Probation Department during such suspension.

It is ordered that the imposition of sentence is suspended upon the following conditions and regulations of probation (only those checked are applicable).

1. The defendant's conduct shall at all times be as a law-abiding citizen.
2. Defendant shall not leave the State of Arizona or change place of residence without first securing approval of the probation officer.
3. Defendant shall report to the probation officer at least once each month in writing or in person as directed and shall report at such other times as may be required by the probation officer or by the Court.
4. Defendant shall participate and cooperate fully in any program involving professional assistance and counseling, whether vocational, medical or psychological as directed by the probation officer.
5. Defendant shall not indulge in the excessive use of intoxicating liquors.
6. Defendant shall remain gainfully employed or enrolled as a student at all times and shall keep the probation officer advised of such employment or schooling.
7. Defendant shall support all dependents and pay all debts and obligations contracted, and the defendant shall not contract any new major obligations without the counsel and permission of the probation officer.
8. Defendant shall not associate with any person of lawless reputation or with any person who has a criminal record or who is on probation or parole without the consent and permission of the probation officer.
9. Defendant shall submit to urinalysis testing as directed by probation officer.
10. Defendant shall not possess or use any narcotics including marijuana or dangerous drugs in violation of any law and shall not associate with any person that uses or traffics in narcotics, marijuana or dangerous drugs in violation of any law.
11. Defendant shall make and pay restitution in the total amount of \$ _____ through the Clerk of the Superior Court of Maricopa County in regular payments of \$ _____ per month to commence _____ and by the _____ of each month thereafter.
12. Defendant shall not possess or control any deadly weapon or firearm without the consent and permission of the probation officer.
13. Defendant shall pay to the Clerk of the Superior Court of Maricopa County a fine in the amount of 250 to be paid no later than June 15, 1975 -- suspended
14. As a term and condition of probation and in accordance with Section 13-1657, A.R.S., the defendant shall be confined and incarcerated in the county jail of Maricopa County, Arizona, for a period of 10 days (months) (years) to date from April 3, 1975 and terminating at 6 AM April 14, 1975 p. for good per my
15. Other terms and conditions:
7PM until Mon. Apr 7th 5AM and each weekend thereafter until sentence is served.

DATED April 3, 1975
RECEIPT AND ACKNOWLEDGMENT

[Signature]
JUDGE

I hereby acknowledge receipt of a copy of the foregoing Terms and Conditions of Probation ordered by the Court in this case, and I understand that upon my violation of any said terms and conditions of probation, or my engaging in criminal practices, or having become abandoned to improper associates or a vicious life, the Court may revoke and terminate my probation and impose sentence upon me in accordance with the law.

[Signature]
Defendant

Arizona Republic (Phoenix)

July 25, 1975

Clerk is held as suspect in jewelry theft

By ROB KASTROW

A jewel firm employe and his accomplice were arrested late Thursday and \$43,000 in diamond jewelry was recovered from a Wednesday night armed robbery, Phoenix police said.

Daniel A. Schroeder, 28, of 5540 N. 62nd Avenue, a jewelry sales clerk at the Broadway, 2410 E. Camelback, and Rickey A. Ross, 22, of 3155 W. Cheryl Drive, were being held for investigation in the theft of jewels having a retail value of \$100,000 from the store, said Detective Sgt. Joe Lease. Wholesale value of the jewels was estimated at \$50,000.

The remainder of the jewelry is in a bank safe deposit box and is to be recovered by police this morning, Lease added.

The loot was found in a cloth sack in the refrigerator at Schroeder's home, the detective said.

Using investigative leads, Lease and Detectives Kenneth Patterson and Gus Oviedo arrested Ross and Schroeder at their homes Thursday night.

Lease said Ross, who is unemployed, posed as the robber in the theft.

Schroeder, who told police he was diabetic, said he planned to use money from sale of the jewels to pay doctor

Continued on Page B-3

More about Suspects in theft

Continued from Page B-1

bills for treatment of his falling eyesight.

"The two of them planned the robbery and went through the whole act just like they planned it," Oviedo said.

The robber asked to see some watches Wednesday night before closing and while Schroeder was placing watches on the glass case, the robber handed him a note demanding that he empty the case of all the jewels. Schroeder told police Wednesday night.

1. POLICE DISTRICT B-11	2. DAY OF WEEK OFFENSE OCCURRED WED	3. HOUR OF DAY OFFENSE OCCURRED (10-23) (24 HOUR TIME) 20	4. LAST FIRST MIDDLE NAME (FIRM NAME IF BUSI) KAY-BEE ENTERPRISES	5. DR # 75-072808
6. ACTUAL CASH LOSS TO VICTIM	CURRENCY NOTES ETC \$ 100.00		7. TYPE OF REPORT ARMED ROBBERY	
8. TO NEAREST DOLLAR	JEWELRY & PRECIOUS METALS \$ 50,000.00		9. DATE & TIME OF THIS REPORT 7-23-75 2400	
	FURS \$		10. EMPLOYER ADDRESS PHONE #	
ITEMIZE PROPERTY BELOW	CLOTHING \$		23. WHO CAN SIGN COMPLAINT FOR CO. ADDRESS PHONE # MR. ROBERT SCHWERIN 263-6308	
	MISCELLANEOUS \$ 500.00		24. WHO OWNS PROPERTY? ADDRESS PHONE # #4	
46. NAME OF BANK OR CREDIT CARD	BRANCH OR CITY		25. IF DEATH NAME OF NEXT OF KIN ADDRESS PHONE #	
48. PAY TO THE ORDER OF	AMOUNT OF CHECK		26. DOCTOR WHO TREATED VICTIM BUS ADDRESS PHONE #	
50. FIRM NAME ON CHECK	CHECK SERIAL #			
50A. ACCOUNT #	NAME OF MAKER		11. ADDRESS OF OCCURRENCE 2410 E. CAMELBACK	7. DR # 75-072808
51. NAME OF PERSON WHO ACCEPTED CK OR DRAFT CAN THEY IDENTIFY NO			12. DATE & TIME OCCURRED 7-23-75 2059	8. TYPE OF REPORT ARMED ROBBERY
52. NUMBER OF CHECKS	TOTAL AMOUNT \$		13. LAST FIRST MIDDLE (SEE INVESTIGATIVE LEADS) SOC SEC #	
53. REASON NOT HONORED	DATE WRITTEN		14. ORIGIN SEX DOB (APPROX) HAIR EYES COMPLEXION W M 25-35 5'7"-9 160 CK BR BR DK	
54. IDENTIFICATION USED			15. ADDRESS	16. ARREST #
			18. EMPLOYER ADDRESS BUS PHONE #	
22. IF VEHICLE INVOLVED	YEAR MAKE BODY TYPE COLOR LIC # STATE IDENTIFYING MARKS		19. VEH. IS SUSPECT	CAR LOCKED? YES NO
45. WITNESS NAME	ADDRESS PHONE	EMPLOYER ADDRESS	PHONE	
17. WITNESS OR INVESTIGATIVE LEADS PERSONS WHO MAY HAVE COMMITTED OR HAVE KNOWLEDGE OF OFFENSE				
NAME	ADDRESS	PHONE #	EMPLOYER ADDRESS	PHONE #
<p>FURTHER DESCRIPTION OF SUSPECT: SHOULDER LENGTH DARK HAIR, STRAIGHT AND DIRTY, SLIGHTLY CURLY AT THE ENDS, BROWN EYES, WORE BROWN RIM PRESCRIPTION GLASSES, FULL FOREHEAD AND MUSTACHE. WEARING WHITE T-SHIRT, WITH ROUND NECK, BROWN WAIST LENGTH JACKET WITH SLIT POCKETS, LIGHT BROWN PANTS, BROWN COTTON WORK TYPE GLOVES. SPOKE WITH A SLUR TO HIS WORDS, POSSIBLE SPEECH PROBLEM. NO ODORS DETECTED ABOUT HIS PERSON.</p>				
<p>VICTIM #2: A1009 SCHROIDER, DANIEL W/M 26 YRS 4-1-49 5540 N. 62nd AVE., GLENDALE PHONE: 939-8253 WORKS 12 PM - 9 PM VARIOUS DAYS OFF EMPLOYED WITH COMPANY APPROXIMATELY THREE YEARS. DOUBTFUL IF HE CAN IDENTIFY SUSPECT</p>				
<p>FIRST OFFICERS ON SCENE: SUPPLEMENT REPORTS - OFFICER J. KOREN, #2441 OFFICER D. NIELSON, #2787 SECURED SCENE AND HANDLED ROBBERY NOTE.</p>				
<p>INV. LEAD: MCGANN, LAWRENCE, STORE SECURITY. ALSO TOUCHED ROBBERY NOTE.</p>				
<p>I. D. OFFICER: A. TAVERNO, A1014 PROCESSED SCENE</p>				
21. DID VICTIM RECEIVE A VICTIM'S INFORMATION REPORT? YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	22. OFFICER WRITING REPORT S # HACKWORTH, 1035	DATE & TIME TYPED 7-24-75 0810	DIVN CLERK'S # CIB A1280JM	5. DR # 75-072808

1. TYPE OF REPORT ARMED ROBBERY	2. DATE 7/23/75	3. FILE NO. 75-072808
4. VICTIM'S NAME FIRM NAME IF BUS. KAY-BEE INTERPRISES	5. LOCATION OF OCCURRENCE 2410 E. CAMELBACK	
6. PROPERTY TAKEN CURRENCY NOTES ETC. \$ _____ JEWELRY PRECIOUS METALS \$ _____ MISC. \$ _____	7. CLOTHING AUTOS MISC.	8. CLEARED BY ARREST OR EXCEPTIONALLY CLEARED <input type="checkbox"/> OVER 18 YEAR OLD <input type="checkbox"/> UNDER 18 YEAR OLD <input type="checkbox"/> PREVIOUSLY CLEARED BY ARREST OR EXCEPTION

SUPPLEMENT BY: Det. J. Thompson, C510
Det. M. Nikolin, C518

Bomb and Arson Detail opened bomb package: Sgt. W. Welsch
Det. T. Hudgens

- Poss. Witness:
- Farmer, Kathy, employee
 - Bores, Sheryl Home phone: 956-0416 Employee
 - White, Mary J. Home phone: 267-8785 Employee
 - Millonzi, Sandy Home phone: 992-9327 Employee
 - Cartledge, Shawn Home phone: 955-8766 Employee
 - Fenning, Paul Employee in Men's Department

Evidence: Typed note; blue paper sack; shoe box; newspaper; two granite rocks
All marked as evidence and placed in property room.

Property Obtained: 306 pieces of jewelry consisting of rings, watches, pendants, earrings, watchbands, broaches, tie tacs, cuff links. Total retail value approximately \$100,000.00. Cost approximately \$50,000.00. Approximately \$100.00 in cash.

On 7/23/75, at approximately 2059 hours, a White male subject robbed Kay-Bee Interprises the jewelry shop located in the Broadway Store at 2410 E. Camelback, of approximately \$50,000.00 worth of various diamond and precious paraphernalia by presenting the victim clerk with a note demanding the diamonds be placed in a box or he would detonate a bomb that he had brought in with him.

This investigator arrived on the scene at approximately 2105 hours, and found the scene secured by field officers J. Koren and D. Nielson.

Officer Koren presented this investigator with a piece of yellow lined paper, commonly referred to as legal pad paper 7 1/2" x 5" that had been folded twice and stated this was the note that had been given the victim and to his knowledge the victim, himself, Nielson and another subject, a Dept. Mgr. had all handled the note.

The note reas as follows: Remain calm, follow directions, you're being robbed. I am desperate. This package is a bomb and if anything goes wrong, I will blow us all up. Keep talking to me about watches. Put all the diamonds in a box, pretend to sell me a watch, go to the register and empty it and give me a package and don't send anyone after me or I can still blow up the bomb and I have a gun too. It should be noted this note has no corrections nor does it appear that the typist had typed over any one particular letter, however it does not contain any punctuation.

Investigator then proceeded to the jewelry dept. which is located 13 steps directly north from the south entrance of Broadway which exits into the mall area and onto the Camelback parking lot side.

2	Hackworth 1035	7/24/75 9:09AM	DIV. CIB A862rd	75-072808
1	3			

VALUE OF PROPERTY RECOVERED OR ADDITIONAL PROPERTY TAKEN		ARMED ROBBERY		7/23/75	75-072808
PROPERTY RECOVERED <input type="checkbox"/>	ADDIT. PROP. TAKEN <input type="checkbox"/>	4. VICTIM'S NAME (FIRM NAME IF BUS.)		11. LOCATION OF OCCURRENCE	
		KAY-BEE INTERPRISES		2410 E. CAMELBACK	
\$ CURRENCY, NOTES ETC	\$ CLOTHING	CLEARED BY ARREST OR EXCEPTIONALLY CLEARED		OVER 18 YEAR OLD <input type="checkbox"/>	UNDER 18 YEAR OLD <input type="checkbox"/>
\$ JEWELRY, PRECIOUS METALS	\$ AUTOS	PENDING <input type="checkbox"/>		PREVIOUSLY CLEARED BY ARREST OR EXCEPTION <input type="checkbox"/>	
\$ FURS	\$ MISC	UNFOUNDED <input type="checkbox"/>			

The jewelry area itself, placing the clerk behind the counter would face in a easterly direction and be facing the wall area with a aisle 5½' wide between the jewelry area and the silverware area which the clerk in this area would be facing again to the west and facing the clerk in the jewelry servicing area.

To the back of the jewelry area is the cosmetic counter which would put both clerks in the cosmetics and jewelry clerk back to back. Directly to the north is the Men's Wear Dept. and a little bit to the west, another cosmetic area. The jewelry counter itself is a 22" glass top counter, approximately 6 to 6½' long with three chairs setting at the counter, facing the west. At the far north end of this counter was a display of wristwatches in a circular type display case. Two of the aforementioned chairs were setting against the counter and the third being-at the far north end of the counter was pushed back away from the counter as if somebody had shoved the chair back in order to get out. Directly in front of this chair and somewhat to the right on the counter next to the watch display was a blue paper bag that appeared to be of the type that Sears and Roebuck Co. uses, however the writing Sears was on the bottom side and the upper side was plain with the open end or the mouth of the bag facing in a northeasterly direction. Therefore, placing the opening of the bag away from the victim-clerk and toward the suspect.

This investigator leaned forward and peered into this paper bag and saw another box approximately the size of a shoe box wrapped in newspaper print, folded very neatly at the corners and taped. No attempt was made by this investigator to examine this package at any further length.

Bomb and Arson Detail and Sgt. Wally Welsch and T. Hudgens were summoned to the scene who examined the package, opening it and determined there was not a bomb.

Lt. J. Fields, Patrol 17 arrived on the scene and evacuated all offices and remaining store personnel from the immediate area and to the outside, while the Bomb and Arson Detail completed their work.

While outside, this investigator contacted victim #2, Daniel Schroider, White male 26, who was working behind the counter at the time of the robbery.

Schroider gave the description of the suspect as being a White male, approximately 35 years old, approximately 5'7", 150 lbs., with a noticeable pot belly, dark brown dirty string hair with a slight curl at the ends, a full face beard. He states the subject was wearing a white t-shirt, round at the neck and a brown jacket with slit pockets, approximately waist length. He went on to say that he could not recall the trousers of the suspect other than they were lighter than the jacket and that the suspect was wearing brown, cotton type work gloves and that he also had a slight speech impediment, indicating that he slurred his words. He noted no accent about the suspect nor could he place him in any local within the country, such as the South or East.

PAGE # 3	Hackworth 1035	7/24/75 9:38AM CIB A862rd	75-072808
CONT'D ON PAGE # 4			

1. TYPE OF REPORT ARMED ROBBERY		2. DATE 7/23/75	3. OR # 75-072808
4. VICTIM'S NAME (FIRM NAME IF BUS) KAY-BEE INTERPRISES		11. LOCATION OF OCCURRENCE 2410 E. CAMELBACK	
5. CURRENCY NOTES ETC \$	6. CLOTHING	7. CLEARED BY ARREST OR EXCEPTIONALLY CLEARED	8. OVER 18 YEAR OLD <input type="checkbox"/> UNDER 18 YEAR OLD <input type="checkbox"/>
9. JEWELRY, PRECIOUS METALS \$	10. AUTOS	12. PENDING <input type="checkbox"/>	13. UNFOUNDED <input type="checkbox"/>
14. FURS \$	15. MIS.	16. PREVIOUSLY CLEARED BY ARREST OR EXCEPTION <input type="checkbox"/>	

During this interview of victim, Lt. Fields entered upon the conversation and the victim was asked if the suspect was wearing glasses and he stated looking at Lt. Fields that yes, he did have the same type glasses that the Lt. was wearing which are brown hornrimmed type prescription glasses.

Schroider stated he was in the process of emptying the jewelry case, proceeding to take his count and place them in the safe when the suspect apparently walked through the aforementioned south doors off the Camelback side mall, walked to the counter and sat down, placing a package on the counter and said, "I want to see some watches."

Victim stated he asked if he wanted to see men's watches and the suspect answered, "Yes, I would like to see men's watches." Victim then asked suspect if he was interested in sports type or dress type watches and the suspect replied, "Let me see them all." Victim stated he then placed a tray of watches in front of the suspect when the suspect produced a folded yellow piece of paper that victim could not determine where it came from, handing it to the victim who opened it and read the aforementioned note.

Victim said he immediately turned his back and opened a sliding door that contained various watches and took a watch box and proceeded to place the diamonds, rings, broaches, tie tacs, and other type jewelry in these boxes and complied with the note as he was instructed to.

This investigator asked the victim if the suspect had made any comment toward the safe which was visible from where he was sitting and the victim answered with the expression that the suspect did not ask that the safe be opened, however he nodded slightly in that direction and he did not open the safe as the note had not instructed him to do so.

Victim was questioned at length about the suspect wearing the dark brown work-type cotton gloves and he answered with a number of his customers come in to the store wearing gloves and it is nothing out of the ordinary as there had been some motorcycle riders in there recently and they too had not removed their gloves.

Victim was then questioned by this investigator how many times he had read the note and he answered with at least two times. This investigator then asked him to repeat what the note said and the victim replied with it said be calm, follow directions, I'm desperate, I have a bomb and keep talking to me about watches, go to the register and get the money and not to send anyone after him.

Victim stated he did empty the complete showcase of approximately \$100,000.00 retail price in diamonds which contained rings, both men and women's, watches both men and women's, diamond watches, diamond watchbands, pendants, broaches, tie tacs, cuff links, and earrings, all in the pierce style and then removed approx. \$100.00 from the cash register and placed it all in these boxes, then placed it in a average size shopping bag that he took from underneath the counter and gave them to the suspect who turned and walked directly away from the counter and out the south doors.

4	Hackworth 1035	7/24/75 10:00AM CIB A862rd	75-072808
5			

CITY OF PHOENIX, ARIZONA
POLICE DEPARTMENT

SUPPLEMENTARY
80-7 - REV. 8-65

VALUE OF PROPERTY RECOVERED OR ADDITIONAL PROPERTY TAKEN		ARMED ROBBERY		7/23/75		75-072808	
PROPERTY RECOVERED <input type="checkbox"/>		ADDIT PROP TAKEN <input type="checkbox"/>		4 VICTIM'S NAME (FIRM NAME IF BUS)		12 LOCATION OF OCCURRENCE	
\$ _____ CURRENCY NOTES ETC		\$ _____ CLOTHING		CLEARED BY ARREST OR EXCEPTIONALLY CLEARED		OVER 18 YEAR OLD <input type="checkbox"/>	
\$ _____ JEWELRY, PRECIOUS METALS		\$ _____ AUTOS		PENDING <input type="checkbox"/>		UNDER 18 YEAR OLD <input type="checkbox"/>	
\$ _____ FURS		\$ _____ MISC		UNFOUNDED <input type="checkbox"/>		PREVIOUS CLEARED BY ARREST OR EXCEPTION <input type="checkbox"/>	
KAY-BEE ENTERPRISES				2410 E. CAMELBACK			

Victim stated he immediately went to the cosmetic area and again in the surrounding area and told all the people in this area that there was a bomb in his jewelry area and for them to get away.

Victim stated there was approximately maybe one or two minutes elapsed before the Police were notified.

This investigator then asked the victim how long he had viewed the suspect during the robbery and he stated anywhere from five to ten minutes as the suspect continued talking about the watches and such stuff while he was emptying the trays and getting the loot ready for him, as words to the effect that you have some nice watches, do you have an Accutron type watch, I like these, and words to this effect.

Victim was then asked if he thought he could identify the suspect if he saw him again and he stated he was very doubtful as he never really got a look at him.

I.D. technician A. Tavernaro #A1014 was summoned to the scene and took photographs of the counter area and processed the chair and counter for prints. See his supplement for further details.

Detectives J. Thompson and Mike Nikolin assisted this investigator in interview of various witnesses, see their supplement for further details.

Det. Sgt. W. Faulkner provided this investigator with the names Joe Mazza of 2730 N. Myrtle, Tempe, phone 947-0274, who is head of security, but was not present during the robbery and might have information for follow up officers.

Sgt. Faulkner also stated Lawrence Ed Mc Gann, a guard in the store of 4332 N. 23 Place, phone 265-9830 was on the scene during the robbery, however was on the second floor. He might also be contacted by follow-up investigator.

An attempt was made by this officer to contact the witnesses #1 - #6 regarding possible identification or description of the suspect, however none could be contacted at this late hour as they had all left the store prior to the investigators having the opportunity to interview them.

Possible witness #6, Paul Fenning, had told one of the employees who informed this investigator that he had seen the suspect in the store just prior to the robbery, however he had a date and could not wait around to talk to the police officers. Fenning works in the Men's Dept. at Broadway in the evening or afternoon hours.

The note was sealed in a plastic bag along with the paper sack and the shoe box and two granite rocks and all placed in the property room marked as evidence. No attempt was made by this investigator at this time to have any of this property examined for latent prints or other such evidence.

It should be noted that the newspaper wrapped around the fake bomb was dated the 13th and

PAGE #	5	REPORT #	Hackworth 1035	DATE & TIME	7/24/75 10:20AM	CLERK #	CIB A862rd	FILE #	75-072808
CONT'D ON PAGE #	6								

TYPE OF PROPERTY RECOVERED OF ADDITIONAL PROPERTY TAKEN		ARMED ROBBERY		7-23-75	75-072808
PROPERTY RECOVERED <input type="checkbox"/>	ADMIT FROM TAKEN <input type="checkbox"/>	BROADWAY		2410 East Camelback	
CURRENCY NOTES ETC \$	CLOTHING	CLEARED BY ARREST OR EXCEPTIONALLY CLEARED		OVER 18 YEAR OLD <input type="checkbox"/>	UNDER 18 YEAR OLD <input type="checkbox"/>
JEWELRY PRECIOUS METALS \$	ARMS	PREVIOUSLY CLEARED BY ARREST OR EXCEPTION <input type="checkbox"/>	UNFOUNDED <input type="checkbox"/>		
FURS \$	MISC				

On 7-23-75, at 2059 hours, Officer D. Nelson and myself responded to a armed robbery that just occurred at the Broadway Store at 2410 E. Camelback.

Yoib arrival we contacted MR. SCHROEDER, who is in the jewelry department on the main floor of the store, related the described suspect entered the store and handed him a typewritten note on yellow lined paper. The note stated is essence that he had a bomb in the package he had just set on the jewelry counter, and to give him all the diamond jewelry in the case.

MR. SCHROEDER gave the suspect the jewelry and he in turn put it in a blue Broadway bag. Value of the jewelry was first estimated at \$100,00.00. The suspect then left through the south door, and went in an unknown direction.

The package that was supposed to contain the bomb wa on the jewelry counter, and Bomb and Arson Detail was called.

The typewritten note was touched by MR. SCHROEDER, the clerk, MR. SNAPP, the manager, Officer Dinelson #2787 and myself, in that order.

PROPERTY RECOVERED	GRAND THEFT BY EMBEZZLEMENT	7-24-75	15-072808
REGIONAL PROPERTY TAKEN	A VICTIM'S NAME (FIRM NAME IF BUS)	II. LOCATION OF OCCURRENCE	
ADULT PROP TAKEN	KAY-BEE ENTERPRISES	2410 E. Camelback	
CURRENCY NOTES ETC	\$	CLEARED BY ARREST OR EXCEPTIONALLY CLEARED	OVER 18 YEAR OLD
JEWELRY PRECIOUS METALS	\$	EXCEPTIALLY CLEARED	UNDER 18 YEAR OLD
PURE	\$	PENDING	PREVIOUS CLEARED BY ARREST OR EXCEPTION

On 7-24-75 approx 1430 hours, DET. PATTERSON received information from a confidential reliable informant that RICKY ALLAN ROSS W/M approx 22 years 5'10 145 pounds with BRO shoulder length hair and DANIEL SCHROEDER who is the manager at the Broadway Store at 2400 East Camelback may be the subjects responsible for the robbery that was reported in the newspaper in reference to Broadway Jewelry robbery. The informant went on to say that the two listed subjects had talked about the robbery at various times during the past four months. During this time they had talked about using a briefcase with a fake bomb inside it. The informant pointed out RICKY ROSS'S residence and vehicle to A/O during the afternoon hours on 7-24-75.

This informant had no direct knowledge that the two subjects were involved he/she only felt that they were involved because of the way the robbery was committed. This informant also refuses to testify as he/she feels that there would be a great amount of harm or death if he/she should testify.

Armed with the above listed information, DET. PATTERSON started a stake out of RICKY'S apartment which was located at 3155 Cheryl, apartment K-9. At approx 6:00 p.m., RICKY arrived at his residence, at approx 6:20 p.m. DET. PATTERSON and SGT. J. LEASE approached the front door of apartment K-9. By standing on the sidewalk by the front door DET. PATTERSON could hear a male inside the apartment talking. Part of the conversation was as follows:

"They think the man had a pop belly"
 "I'll bet they are looking everywhere"
 "Worked out great"
 "Jewelry"

After listening for a few seconds, DET. PATTERSON knocked on the front door and it was opened by a subject who later identified himself as RICKY ROSS. A/O identified himself as a Police Officer and asked if he could come in. RICKY invited A/O in and stated that he was talking on the phone.

DET. PATTERSON then advised RICKY of his rights per the standard rights card and RICKY replied "yes" when asked if he understood his rights and would answer A/O's questions.

DET. PATTERSON stated that we would like to talk to him about a robbery that took place at 2400 E. Camelback on July 23 in which a large amount of jewelry was taken. At this point, RICKY started breathing fast and swallowed very hard. After talking a few more minutes A/O asked RICKY if he would come down town and talk to us and he agreed to do so. Prior to leaving, RICKY finished washing the dishes and then changed clothes.

SGT. J. LEASE gave RICKY a ride to the main Police station at 620 W. Washington.

At the main Police station, A/O questioned RICKY about the robbery and he stated that he didn't know anything about it. When asked if he knew DANIAL SCHROEDER, he replied "I don't think so." At this point he was allowed to look at DANIAL. After looking at him he related that he knew him and had known him for several months. At approx 2100 hours, DET. PATTERSON entered the interview room with DANIAL SCHROEDER and DET. G. OVIEDO.

1 of 1

22 OFFICER ARRESTED BY: KENNETH PATTERSON #1584

DATE & TIME: 7-25-75 0304 a 1365pt

FILE NO: 15-072808

VALUE OF PROPERTY RECOVERED OR ADDITIONAL PROPERTY TAKEN		GRAND THEFT BY EMBEZZLEMENT	7-24-75	DR # 75-072808
PROPERTY RECOVERED <input type="checkbox"/>	ADDIT. PROP. TAKEN <input type="checkbox"/>	VICTIM'S NAME (FIRM NAME IF BUS.) KAY-BEE ENTERPRISES	LOCATION OF OCCURRENCE 2410 E. Camelback	
\$ CURRENCY NOTES ETC	\$ CLOTHING	CLEARED BY ARREST OR EXCEPTIONALLY CLEARED		OVER 18 YEAR OLD <input type="checkbox"/>
\$ JEWELRY, PRECIOUS METALS	\$ AUTOS	PENDING <input type="checkbox"/>		UNDER 18 YEAR OLD <input type="checkbox"/>
\$ FURS	\$ MISC.	UNFOUNDED <input type="checkbox"/>		PREVIOUSLY CLEARED BY ARREST OR EXCEPTION <input type="checkbox"/>

DET. OVIEDO was interviewing DANIAL in reference to the robbery. At approx 2110 hours, A/O told DANIAL that he felt that he may be involved in the robbery and that he had received information to that effect. At this point DANIAL asked "what would happen if I gave the jewelry back?" At this point DET. PATTERSON advised DANIAL of his rights per the standard rights card and he replied "yes" when asked if he understood his rights and if he would answer A/O's questions. DANIAL then stated that he wanted to call his mother. He was then allowed to do so. While on the phone, DANIAL made the following statements:

1. "yes, I know my rights."
2. "yes, I'm still talking to them."
3. "I know I have the right to an attorney."
4. "No, they aren't harrassing me they have been very nice."

After the phone call DANIAL stated "I don't have all the jewelry we only got half of them" When asked about the rest of them he explained that RICKY has the other half in a safe deposit box. When asked about the beard that the suspect had, DANIAL stated that RICKY had showed it off right after the robbery.

DANIAL told A/O that he had received half of the jewelry and that he had it hidden at his parents house in Glendale. DANIAL agreed to show A/O where the jewelry was.

SGT. E. LEASE, DANIAL, and A/O went to 5540 N. 62 Ave. in Glendale where we entered the residence at MR. DONALD SCHROEDER'S request. Once inside the residence DANIAL told DET. PATTERSON to use a screwdriver on the refrigerator door. After taking the door apart DET. PATTERSON found a cloth sack with numerous items of jewelry inside. (Found and retained by DET. PATTERSON at 2220 hours). DANIAL then entered the southeast bedroom where he removed a small capsul and a tin box from a drawer. He stated that he had started melting some of the jewelry down and that there was approx one oz. of gold in the tin box and \$4,000 in diamonds in the capsul.

On the way back to Phoenix, DANIAL stated that he had approx \$20,000 in jewelry in the sock or \$43,000 retail value.

DANIAL was returned to Phoenix and booked into the County Jail.

The jewelry will be marked as evidence and placed in Police property.

CHARGE: GRAND THEFT/EMBEZZLEMENT		7-24-75	75-072808
OFFENSE: KAY BEP ENTERPRISES		2410 E. Camelback	
CURRENCY NOTES ETC	SEARCHED BY ARREST OR	OVER 18	UNDER 18
LEVEL OF PROSECUTION METALS	XXXXXXXXXXXXXXXXXX	YEAR OLD	YEAR OLD
	PENDING	UNFOUNDED	PREVIOUS CLEARED BY
	<input type="checkbox"/>	<input type="checkbox"/>	ARREST OR EXCEPTION <input type="checkbox"/>

Reclassified from an ARMED ROBBERY to GRAND THEFT BY EMBEZZLEMENT.

- INDEX SUSPECTS: *R 794374*
- #1 ROSS, RICKY ALLAN, W M, 11-24-52, 69", 140, brown hair, hazel eyes, 3155 W. Cheryl Apt. K-9. Booked MCSD 810 209/282 674.
 - R 810210 a 19*
#2 SCHROEDER, DANIEL ALLEN, W M, 4-1-49, 67", 117, brown hair, green eyes, 5540 N. 62 Ave., Glendale. Booked MCSD 810 210/282 673.

On July 24, 1975, information was received from an informant that the victim in this robbery, DANIEL SCHROEDER, set up the robbery and suspect ROSS was the one who came into the store to do the robbery.

At 6:20 p.m., DETECTIVE PATTERSON and SGT. JOE LEASE voluntarily brought suspect ROSS into the Criminal Investigation Bureau. At about the same time the suspect SCHROEDER was picked up at his residence and he voluntarily came into the Criminal Investigation Bureau.

At approx. 8:10 p.m., 7-24-75, I interviewed DANIEL SCHROEDER about the robbery in order to obtain more information about the robbery. I also asked him if he would be willing to take a Polygraph Examination, to which he agreed. At approx. 9:00 p.m., DET. PATTERSON entered into the interview room and at this time, the suspect was told about his involvement in the robbery. At 9:10 p.m., DET. PATTERSON advised suspect SCHROEDER of his rights to remain silent. After being advised, suspect SCHROEDER admitted his involvement in the robbery and implicated RICKY ROSS. See DET. PATTERSON's supplement for details of SCHROEDER's statements.

I then interviewed suspect RICKY ROSS at 9:45 p.m. He had already been advised of his rights by DET. PATTERSON and I again reminded of his rights. Prior to ROSS making a statement, he had a short conversation with SCHROEDER in the interview room about their involvement in the robbery and the fact that SCHROEDER did admit to planning the robbery.

ROSS said that he has known SCHROEDER for about three years and about a year ago SCHROEDER started talking about how easy it would be to "rip off" the Jewelry Store. At this time, it was a big joke. About amonth ago, they both started talking seriously about doing a "fake" robbery. ROSS said he went to the Sears Store in the Metro Center and got a shoe box and a bag. He took this to his apartment and then both of them wrapped up the rocks in the box to simulate a bomb. ROSS said that SCHROEDER had borrowed a typewriter and typed the note that was used. ROSS said on the night of the robbery, he went to the Shopping Center and parked his car by the Saddleback Restaurant and at exactly 8:45 p.m., he walked in the south entrance of Broadway and went up to the Jewelry counter. He said he asked to look at the watches and handed DON SCHROEDER the note. He said ROSS GATHERED up all the Jewelry and took the money out of the register and gave it to him. He said the money from the register was about \$77.00. ROSS said he was in the store about six minutes. He went back out the same south door, ran to his vehicle and drove home. ROSS said that he hadn't shaved in about 10 days and let his hair get dirty. He said he stuffed a t-shirt inside his clothes to make it look like a beer belly. He also put make up on his

PAGE # 1	22 OFFICER ARREST REPORT # 2	DATE & TIME TYPED	DIVN	CLERK	S DR #
2	G. M. OVIEDO #1328	7-25-75 0233	all82gc		75-072808
CONT'D ON PAGE #					

CITY OF PHOENIX, ARIZONA
POLICE DEPARTMENT

SUPPLEMENTARY
807 816-45

PROPERTY RECOVERED	GRAND THEFT BY EMBEZZLEMENT	7-25-75
PROPERTY TAKEN	VICTIM'S NAME (FIRM OR ESTABLISHMENT)	2410 E. Camelback
AMOUNT PROP TAKEN	KAY BEE ENTERPRISES	
CURRENCY NOTES ETC \$	CLOTHING	CLEARED BY ARRESTOR
JEWELRY PRECIOUS METALS \$	AUTOS	EXCEPTIONALLY CLEARED
FURS \$	MISC	PENDING <input type="checkbox"/>
		UNFOUNDED <input type="checkbox"/>

face to make himself look older. When he got home, he took a shower and shaved off his beard and moustache. The same night he drove over to SCHROEDER's house, parked his car, about a block away. He had the jewelry from the store and at DAN's house, they divided it between themselves. ROSS said the next day, he put his half of the jewelry in a safe deposit box at the United Bank in Metro Parkway. He also on this day, got a haircut.

RICKY ROSS told me that it was really neat, that the Police were looking for a 35 yr. old man, with a pot belly, who did the robbery. RICKY ROSS has agreed to take Investigating Officer to the Bank and his apartment to recover the half of the jewelry.

RICKY ROSS said the reason he did the robbery was because he wanted the money to start a business of his own some day and so that DANNY could have some money to pay off some of his Doctor bills.

Prior to these subjects being picked up at their homes, I showed a photo line-up of RICKY ROSS to witnesses DEBBIE SHIELDS and PAUL FENNING. Neither of them could identify the suspect.

It is requested that warrants be issued charging suspects with GRAND THEFT BY EMBEZZLEMENT.

PAGE # 2	OFFICER REPORT # G. M. OVIEDO #1328	DATE & TIME TYPED 7-25-75 0239	DIVN all82gc	CLERK 5 DR # 75-072808
CONT'D ON PAGE #				

PROPERTY RECOVERED ADDITIONAL PROPERTY TAKEN		ARMED ROBBERY		7-23-75	75-072808
PROPERTY COVERED <input type="checkbox"/>	ADDITIONAL PROPERTY TAKEN <input type="checkbox"/>	4 VICTIM'S NAME (FIRM NAME IF BUSINESS)		11 LOCATION OF OCCURRENCE	
CURRENCY NOTES ETC \$	CLOTHING	BROADWAY DEPARTMENT STORE		2410 East Camelback	
JEWELRY, PRECIOUS METALS \$	AUTOS	CLEARED BY ARREST OR EXCEPTIONALLY CLEARED		OVER 18 YEAR OLD <input type="checkbox"/>	UNDER 18 YEAR OLD <input type="checkbox"/>
FURS \$	MISC	PENDING <input type="checkbox"/>	UNFOUNDED <input type="checkbox"/>	PREVIOUSLY CLEARED BY ARREST OR EXCEPTION <input type="checkbox"/>	

WITNESS: DEBORAH K. SHIELDS
 Home: 9001 N. Concho Lane, Phoenix, 971-3403
 Work: 2410 E. Camelback, 5:30 P.M. - 9:00 P.M.

SUSPECT: (Description) W/M mid-twenties, brown curly medium length hair that just touches the shoulders, possibly had streaks, full beard, wearing green long sleeve army type coat below the waist, N.F.D. Suspect was extremely grubby looking.

On 7-23-75 at approximately 9:00 P.M. I was dispatched to the Biltmore Fashion Store, 24th Street and Camelback. On arrival I interviewed Witness DEBORAH K. SHIELDS. DEBORAH stated she was working in the silverware department located on the south mid portion of the store directly east of the victim's counter. DEBORAH stated that shortly before 9:00 P.M. she observed the within described suspect walking past her department and setting in a chair at the counter of the jewelry department which is directly west of her. DEBORAH states she observed the suspect because she normally greets customers that come through the store at that time due to the fact of the few number of clerks. DEBORAH states she observed the suspect sitting in the chair with both of his hands on his lap and she thought it was kind of funny at the time. DEBORAH stated at this time she did not believe the suspect was wearing anything on his hands, however she did not see any jewelry on the suspect. DEBORAH stated she then saw the suspect going towards DANNY after sitting in the chair for approximately ten minutes.

DEBORAH stated she observed DANNY showing the suspect some watches at which time she received a phone call and didn't see the suspect again.

DEBORAH stated the phone call was from an unknown female who kept her on the phone for some time asking about silverware. DEBORAH stated she was still on the phone when she was grabbed from behind by DANNY and told to hang up and DANNY took the phone from her and told the woman to call back.

DANNY told her that there was a bomb and he had just been robbed, for her to leave the area at which time she observed DANNY telling the other clerks in the store also. DEBORAH stated she then went outside.

DEBORAH stated she had never seen the suspect in the store before and believes she could possibly identify him if she does see him again.

DEBORAH stated the only thing unusual to her during the robbery is that she did look up at one point and normally DANNY doesn't say anything to her while talking to a customer, however he was putting some of the diamonds in what she thought to be a bag and he did look over at her and smile and said hello. DEBORAH states she had no idea the robbery was taking place.

DEBORAH will assist in prosecution in any way possible.

1 of 1	REPORTING OFFICER'S NAME AND NUMBER	DATE & TIME OF REPORT	CLERK'S NAME	DISPATCH NUMBER
	J. Thompson 1554	7-24-75 2140	CIB A512 cm	75-072808

ADDITIONAL PROPERTY TAKEN

DATE

VICINITY (NAME, STREET, NUMBER)

RECEIVED

APPROVED FOR

KAY-BEE ENTERPRISES

CURRENCY NOTES ETC \$

CLOTHING

CLEANED BY

EXCEPTOR

JEWELRY PRECIOUS METALS \$

AUTOS

FURS \$

MISC

PENDING

SUSPECT: ROSS, RICKY ALLAN, W/M 11-24-52

PROPERTY RECOVERED: Numerous assorted rings, watches and other jewelry, retail value \$50.00.

On July 25, 1975, at 11:20 A.M., RICKY ROSS was taken from the Maricopa County Jail for the purpose of recovering the remaining half of the jewelry.

We first went to the suspect's apartment, 3155 West Cheryl, apartment #K-9 and recovered two Witnauer wrist watches that were taken in the theft. We went to the United Bank on Metro Parkway and recovered the remainder of the jewelry from the suspect's safe deposit box.

One of the rings and a wrist watch were marked for evidence and put with the rest of the jewelry in a separate envelope.

On July 28, 1975 at 9:00 A.M., the recovered property was taken from the property room for the purpose of identifying it. DANNY GONZALES, General Manager for KAY-BEE ENTERPRISES, went through all the jewelry and identified it from his inventory list and his viewing of the jewelry.

A complete list of the property missing was made by DANNY GONZALES, but he has to check his sales slips, to determine what was sold or transferred prior to the theft.

The total amount of jewelry taken was approximately 292 pieces and 292 pieces were accounted for in the recovery.

The amount of jewelry recovered from DANIEL SCHROEDER was:

- 17 - sets of pierced earrings with diamond settings
- 9 - tie tacks with diamond settings
- 1 - ladies diamond watch
- 1 - set of cufflinks
- 1 - ladies diamond watch band
- 45 - diamond pendants, 9 with chains, and 36 without
- 3 - diamond pins
- 28 - ladies fancy diamond rings
- 20 - ladies wedding ring sets
- 16 - ladies wedding rings
- 12 - men's wedding rings

Some melted gold, and 10 loose diamonds that were removed from settings. 5 of the loose diamonds were accounted for, the inventory on the loose diamonds were:

- 1 - SD 10- 164
- 2 - DSP 40- 5
- 3 - SD 12- 92

PAGE # 1	22 OFFICER WRITING REPORT #	DATE & TIME TYPED	DIVN	CLERK	5 DR #
	Gus M. Oviedo, Jr. 1328	7-28-75 1812	CIB A512	cm	75-072808
CONT'D ON PAGE # 2					

KAY-SHINE JEWELRY

2410 East Camelback

SEARCHED BY [] INDEXED BY []

OVER 18
YEAR OLD

UNDER 18
YEAR OLD

PENDING

UNFOUNDED

PREVIOUSLY CLEARED BY
CARRIES ON RECEIPT

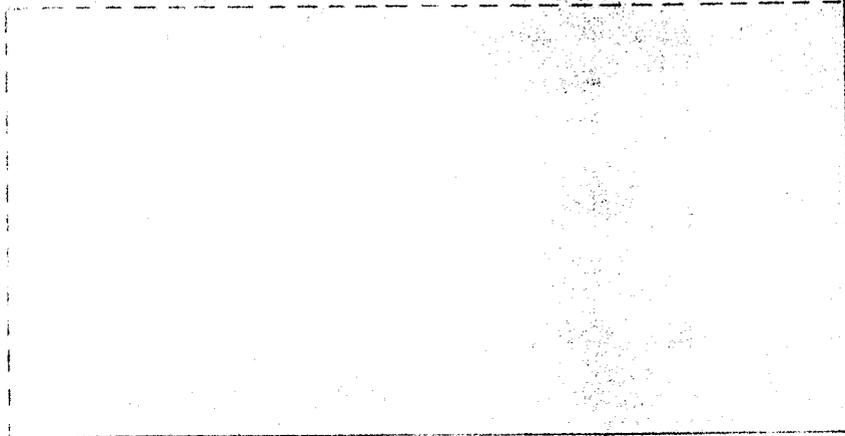
Some of the loose diamonds couldn't be matched with a certain setting.

Some of the jewelry was recovered from RICKY ROSS:

- 3 - men's wrist watches
- 3 - ladies wrist watches
- 4 - ladies diamond watch bands
- 20 - men's rings
- 11 - ladies wedding rings
- 10 - ladies wedding ring sets
- 60 - ladies fancy rings
- 2 - solitaires, ladies rings

Total loss and recovery was approximately \$47,189.45.

Some of the loose diamonds and pendants were put in separate papers for identification.



PAGE # 2	22 OFFICER WRITING REPORT S# Gus M. Oviedo, Jr. 1328	DATE & TIME TYPED 7-28-75 1819	DIVN CIB A512 cm	CLERK	S DR # 75-072808
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CONT'D ON PAGE # --

GRAND THEFT BY EMBEZZLEMENT		9/8/75	75-072808
FIRM NAME IF BUS		LOCATION OF OCCURRENCE	
KAY-BEE ENTERPRISES		2410 E. Camelback	
<input type="checkbox"/> CLOTHING	<input type="checkbox"/> CLEARED BY ARREST OR EXCEPTIONALLY CLEARED	<input type="checkbox"/> OVER 18 YEAR OLD	<input type="checkbox"/> UNDER 18 YEAR OLD
<input type="checkbox"/> PENDING	<input type="checkbox"/> UNFOUNDED	<input type="checkbox"/> PREVIOUS CLEARED BY ARREST	

9/8/75 at 11:30am all the jewelry, except for a couple of items, were returned to Kay-Bee Enterprises. DANNY GONZALES, general manager, took possession of the jewelry and a photograph was taken of the jewelry.

22 OFFICER WRITING REPORT	5 E	DATE & TIME TYPED	DIVN	CLERK	5 DR #
Gus M. Oviedo, Jr. #1328		9/8/75 3:30pm	CIBa681jsm		75-072808

7 6 0-14002
THE STATE OF ARIZONA
Plaintiff

vs

RICKY A. ROSS
Defendant

CAUSE NO. 85433 (P.V.)

HONORABLE PHILIP W. MARQUARDT

CRIMINAL DIVISION I

SUPERIOR COURT

HEARING DATE: AUGUST

1975
WILSON B. PALMER, CLERK
BY
FILED
AUG 29 1975
PH 4:28

PROBATION VIOLATION REPORT

PROBATION STATUS:

The defendant was placed on one year's probation by the Honorable Philip Marquardt on April 3, 1975, for the crime of Conspiracy, Open-End. The usual terms of probation were signed by the defendant at that time, and these are attached. A violation of probation warrant was issued by Judge Marquardt on July 29, 1975.

ALLEGED VIOLATION OF PROBATION:

Ricky Ross has violated term #1 of the terms and conditions of his probation by not conducting himself as a law-abiding citizen. On July 23, 1975, the defendant committed the crime of "Theft By Embezzlement" by staging a Robbery at the Broadway Store, 2410 East Camelback Road, Phoenix, Arizona. An estimated \$50,000.00 in diamonds were taken by the defendant. These were recovered by the police from the defendant's safety deposit box, and also from the co-defendant. The defendant admitted this crime to his probation officer.

ADJUSTMENT AND EVALUATION:

The defendant's failure to remain a law-abiding citizen leads this Officer to believe that the probation of Rick Ross should be revoked.

7 6
7 8
RICKY A. ROSS
Defendant

0 0 0 0 0 0
CAUSE NO. 85433 (P.V.)

RECOMMENDATION:

It is respectfully recommended that the Conspiracy charge now be designated a Misdemeanor, and that the defendant be sentenced to one year in the county jail.

Respectfully submitted,

H. C. DUFFIE
Chief Adult Probation Officer

By: 
Charles L. Samuels
Deputy Adult Probation Officer

Approved:


Gary Graham, Supervisor

CLS:mls
August 5, 1975

In the Superior Court

OF MARICOPA COUNTY STATE OF ARIZONA

89445

MICHAEL D. PALMER, CLERK
BY: [Signature]
1975 SEP -2 AM 11:46

THE STATE OF ARIZONA,

vs.

RICKY ALLAN ROSS and
DANIEL ALLEN SCHROEDER,

Defendants.

NO. 89445

INFORMATION FOR
THEFT BY EMBEZZLEMENT

IN THE NAME AND BY THE AUTHORITY OF THE STATE OF ARIZONA, RICKY ALLAN ROSS and DANIEL ALLEN SCHROEDER are accused this 2nd day of September, 1975, by the County Attorney of Maricopa County, State of Arizona, by this Information, of the crime of THEFT BY EMBEZZLEMENT, a felony, committed as follows, to-wit:

The said RICKY ALLAN ROSS and DANIEL ALLEN SCHROEDER, on or about the 23rd day of July, 1975, and before the filing of this Information at and in the County of Maricopa, State of Arizona, committed theft by embezzling from Kay-Bee Interprises, property, to-wit: Three Hundred Six (306) pieces of jewelry, consisting of rings, watches, pendants, earrings, broaches, tie tacs and cuff links, of the value of over \$100.00, all in violation of A.R.S. §13-681, §13-682, §13-688, §13-671, §13-138, §13-139 and §13-140; contrary to the form, force and effect of the statute in such cases made and provided and against the peace and dignity of the State of Arizona.

MOISE BERGER
MARICOPA COUNTY ATTORNEY

By: Steven C. Whitting
DEPUTY COUNTY ATTORNEY

CHILDREN'S MEDICAL CENTER

600 WEST THOMAS ROAD
PHOENIX, ARIZONA 85003

SEP. 19 1975

JEROME J. KAYE, M.D.
KIMBERLY LUKENS, M.D.

JOHN H. MOORE, M.D.
REGINA A. D'AMBROSIO, M.D.

September 10, 1975

B. Michael Dann
Attorney at Law
100 West Washington Street
First National Bank Plaza
Phoenix, Arizona 85003

Re: Richard Allen Ross

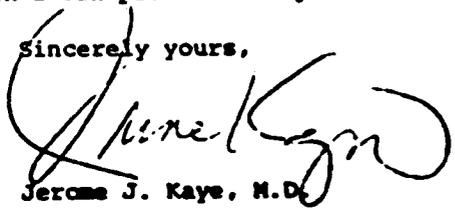
Dear Mr. Dann:

I must apologize to you for this delay in answering your letter of August 18th. However, I have been incapacitated following back surgery and have not been able to get to the mail until now.

Ricky Ross had been under my care since February of '57 through September of '71, and he was seen regularly early in his life but more episodically later on. In July of '65, at the age of 10-1/2 years, because of parents' statements that the youngster was exhibiting hyperactive behavior and having difficulty concentrating and giving his attention to school matters. An attempt was made to control this with Deaner 100 mg. twice a day and Librium 30 mg. daily. Thereafter he was seen, as I mentioned before, episodically only for acute illnesses or injuries and there was no mention made of any of these problems thereafter. His last visit to the office was on September 16, 1971, when he was treated for a streptococcal sore throat with penicillin for ten days.

This is the only information I can provide for you at this time.

Sincerely yours,


Jerome J. Kaye, M.D.

JJK:fsj

NOVEMBER 26, 1975

RICHARD ALAN ROSS

THIS PATIENT IS A 22 YEAR OLD MALE ADOPTED SON OF PAUL AND ETHEL ROSS. HE WAS SEEN UPON REFERRAL OF MR. B. MICHAEL DANN. HE WAS SEEN ON AUGUST 29, 1975, FOR ONE AND ONE-HALF HOURS, ON SEPTEMBER 25, 1975, FOR ONE HOUR AND ON NOVEMBER 13, 1975, FOR A PERIOD OF ONE HOUR. THE PURPOSE OF THIS EVALUATION WAS TO ASSESS RICK'S PERSONALITY STRUCTURE, HIS GENERAL ATTITUDE TOWARD THE CURRENT CHARGES AND TO SECURE A RECOMMENDATION FOR COURT DISPOSITION OF HIS CASE.

ON ALL THREE OCCASIONS WHEN I SAW HIM, RICK WAS WELL ORIENTED AND ALERT TO HIS SURROUNDINGS. HE WAS COOPERATIVE AND UNDERSTOOD THE SERIOUSNESS OF THE CHARGES AGAINST HIM. RICK WAS WORKING AT VALLEY NATIONAL BANK AT THE END OF 1973 THROUGH OCTOBER, 1974. HE HAD PREVIOUSLY WORKED AS A COLLECTOR FOR SIX OR SEVEN MONTHS WITH THE AETNA INSURANCE COMPANY. HE HAD ALSO WORKED WITH AVIS FOR A SHORT PERIOD OF TIME PRIOR TO THIS. BECAUSE OF THIS EXPERIENCE, HE WAS HIRED AT VALLEY BANK TO HELP REPOSSESS CARS AND WORK AS A LOAN OFFICER. DURING HIS PERIOD OF EMPLOYMENT AT VALLEY NATIONAL BANK, RICK CAME UPON SOME PREJUDICES WHICH RESULTED IN HIS FILING CHARGES WITH THE AMERICAN CIVIL LIBERTIES UNION, THE JEWISH FEDERATION AND THE JEWISH ANTI-DEFAMATION LEAGUE. A NEGOTIATED SOLUTION WAS WORKED OUT AND RICK WAS TRANSFERRED TO THE BULLHEAD CITY BRANCH OF VALLEY NATIONAL BANK, WHERE HE BECAME THE MASTERCHARGE OFFICER OF THE BANK. WHILE AT BULLHEAD CITY, RICK WAS AGAIN SUBJECT TO PRESSURES FROM OTHER BANK EMPLOYEES AND HE WAS ACCUSED OF JUST WORKING (ALTHOUGH QUITE CREDIBLY) AT HIS JOB JUST EIGHT HOURS A DAY AND WAS TOLD THAT HE SHOULD BE TAKING BANKING COURSES AND SO FORTH ON THE SIDE. ACTUALLY, HE WAS TAPING COURSES PREPARATORY TO A COLLEGE DEGREE, WHICH WOULD BE NECESSARY FOR HIS ADVANCEMENT IN THE BANK IN ANY CASE.

AFTER RICK RESIGNED FROM VALLEY NATIONAL BANK, HE WORKED AT THE AMERICAN CREDITORS BUREAU FOR FIVE MONTHS. DURING THIS TIME, HE HAD BRONCHITIS AND IN ADDITION TO SEVERAL DOCTOR BILLS THERE WAS ALSO A BACKLOG OF MASTERCHARGE BILLS AND A CONSOLIDATION LOAN FROM VALLEY NATIONAL BANK. IT WAS BECAUSE OF THESE KINDS OF PRESSURES THAT RICK TOLD ME THAT HE FELL IN WITH COMPANIONS THAT SAID THAT HE COULD MAKE "AN EASY BUCK". IN THIS WAY HE SAID HE HOPED HE WOULD BE MORE INDEPENDENT. AT APPROXIMATELY THE SAME TIME, RICK ALSO SPENT SOME TIME WORKING FOR HIS DAD, WHICH HE CHARACTERIZED AS "A HAND-OUT AT ROSS PLUMBING." HE LATER WENT ON UNEMPLOYMENT.

THE MOST SIGNIFICANT ASPECT OF RICK'S PAST HISTORY IS THAT HE IS AN OPPORTUNIST. WHEN HE GETS CAUGHT DOING SOMETHING THAT HE SHOULD NOT DO OR SOMETHING THAT IS A LITTLE SHADY, HIS CHARACTERISTIC RESPONSE IS "IT'S PRETTY DISGUSTING THE WAY THEY MAKE SUCH A BIG DEAL ABOUT THINGS." HE HAS A TREMENDOUS CAPACITY TO DENY THE SERIOUSNESS OF PROBLEMS WHICH HE FACES. HE STILL SEES IT AS INTENSELY UNFAIR THAT HE RECENTLY RECEIVED ONE YEAR'S PROBATION, \$250.00 FINE AND TEN DAYS IN JAIL BECAUSE "THEY THOUGHT IT WOULD BE GOOD FOR ME." HE IS QUICK TO CRY "THAT'S ILLEGAL" IN SUCH A SITUATION. RICK TOLD ME THAT "I COMPLAINED TO THE JUDGE-- I WASN'T THE RING LEADER JUST BECAUSE I WAS OLDER." RICK SAYS THAT WHEN HE CAME OUT FROM THAT JAIL TERM, HE HAD DECIDED THAT HE WOULD NOT GET INTO FURTHER TROUBLE. IN RETROSPECT, HOWEVER, HE FEELS NOW THAT THE JAIL TERM JUST GAVE HIM THE IMPRESSION THAT JAIL WAS NOT SUCH A BAD PLACE AND THAT YOU COULD POP IN AND POP OUT AGAIN. THIS IS IN SHARP CONTRAST TO HIS SECOND EXPERIENCE OF JAIL, WHICH WAS OVER A LONGER PERIOD OF TIME AND DURING WHICH THERE WERE MANY SIGNS OF SERIOUS PSYCHOLOGICAL RECOMPENSATION. IN HIS SECOND JAILING, HE EVENTUALLY MADE A QUITE SERIOUS SUICIDE ATTEMPT. IT IS IMPORTANT TO REALIZE THAT THIS SHOULD NOT BE LOOKED ON AS AN IMPETUOUS OR IMPULSIVE ACT ON HIS PART. RATHER, IT IS AN EXCELLENT INDICATION OF THE SHALLOUNESS OF RICK'S ON-GOING PSYCHOLOGICAL STABILITY. ALTHOUGH AN OPPORTUNIST, AND ALTHOUGH QUICK TO CRY FOUL WHEN HE FEELS HE HAS BEEN WRONGED OR NOT GIVEN A FAIR SHARE, IT IS MY OPINION THAT THIS OPPORTUNISM AND WHININESS SPRINGS FROM A NEED TO SUCCEED IN LIFE DESPITE THE FEELING OF DEEP INTER-WORTHLESSNESS. WHEN HE IS THROWN ON HIS OWN RESOURCES AND OPPORTUNISM IS UNAVAILABLE AND CRYING FOUL PRODUCES NO CHANGES, HIS OWN LACK OF SELF-WORTH AND SENSE OF EMPTINESS OVERWHELM HIM AND A NEAR SUICIDE RESULTED.

IN ORDER TO UNDERSTAND THE BASIS FOR THIS DEEP LACK OF A SENSE OF SELF-WORTH, WE MUST RETURN TO RICK'S EARLIER LIFE. HE HAS BEEN SEEN OFF AND ON BY PSYCHIATRISTS AND COUNSELORS SINCE AGE SIX. THERE HAVE BEEN SCHOOL DIFFICULTIES ALL ALONG AND AS EARLY AS OCTOBER, 1963, RICK HAD BEEN IN AND OUT OF TWO DIFFERENT CLASSROOM SITUATIONS WITHIN THE FIRST TWO MONTHS OF SCHOOL. THERE WAS A QUALITY OF LACK OF POSITIVE SOCIAL CONTACTS AND ARGUMENTS IN HIS CLASSROOM RELATIONSHIPS. HIS NEED FOR CONSTANT STRUCTURE WAS I FEEL, HIS WAY OF ATTEMPTING TO HAVE THE ENVIRONMENT MAKE MORE CLEAR IT'S DEMANDS ON HIM. THIS PHENOMENON IS SEEN IN TWO PSYCHOLOGICAL SITUATIONS: ONE, THAT OF MENTAL RETARDATION WHERE THE CHILD HAS LITTLE CAPACITY TO UNDERSTAND WHAT IS EXPECTED OF THEM AND SECONDLY, IN SITUATIONS OF MINIMAL BRAIN DYSFUNCTION. IT IS MY FEELING BASED BOTH ON THE MISUNDERSTANDINGS OF QUESTIONS AND COMMENTS I WOULD ASK HIM IN THE COURSE OF THE PSYCHIATRIC EVALUATION PERFORMED IN THE JAIL AND ALSO ON THE BASIS OF RICK'S SCHOOL HISTORY THAT HE WAS THE VICTIM OF AN EARLY AUDITORY CHANNEL SPECIFIC LEARNING DISABILITY. IT IS QUITE CLEAR, HISTORICALLY, THAT WHEN APPROPRIATE LIMITS WERE SET FOR HIM THAT HE DID QUITE WELL AND HAD A VERY STRONG POSITIVE RELATIONSHIP WITH TEACHERS. CURRENT STUDIES BEING DONE AT UCLA CHILD NEURO-PSYCHIATRIC CENTER INDICATE QUITE CLEARLY THAT THE RESIDUAL OF THIS KIND OF

PROBLEM IS QUITE FREQUENTLY A PSYCHOPATHIC-APPEARING OPPORTUNISTIC PERSONALITY SUCH AS RICK'S WHICH OCCURS IN MEN AS OPPOSED TO A HYS-TERICAL PERSONALITY TYPE EVOLVING IN FEMALES. I THINK THE LESSON IN THE CURRENT SITUATION FOR RICK IS QUITE CLEAR. HE WOULD NOT PROFIT FROM THE SITUATION IN JAIL, NOR IS HE CANNY ENOUGH TO AVOID BEING THE BRUNT OF OTHER INMATES' AGGRESSIONS. WHAT HE WORKS BEST UNDER IS A PERIOD OF PROBATION WITH RATHER STRICT AND SPECIFIC CONDITIONS FOR ITS FULFILLMENT. IF THESE CONDITIONS ARE NOT MADE SPECIFIC THEN RICK WILL TEND TO DENY AND FORGET THE IMPORT OF HIS CURRENT EXPERIENCE AND AGAIN BECOME OPPORTUNISTIC.

ONE OF THE ADVANTAGES OF SEEING RICK ON THREE SEPARATE OCCASIONS OR A SEVERAL MONTH TIME SPAN LIES IN HIS PRESENTING HIMSELF UNDER DIFFERENT CIRCUMSTANCES. ALTHOUGH RICK WAS EXTREMELY ANXIOUS TO THE POINT OF MISUNDERSTANDING QUESTIONS AND COMMENTS WHEN I FIRST SAW HIM IN JAIL, AFTER HE WAS OUT OF JAIL HE CALMED DOWN CONSIDERABLY ALTHOUGH FRANKLY DID NOT APPEAR TO LOSE HIS RESOLVE TO STAY OUT OF THERE AGAIN. I FEEL THAT THIS LAST RATHER PROLONGED JAIL SENTENCE INADVERTENTLY ACHIEVED THE GOALS OF THE ORIGINAL TEN DAY SENTENCE. THERE WERE TWO ASPECTS OF RICK'S BEHAVIOR WHICH PERSISTED THROUGHOUT THE MONTHS THAT I HAVE KNOWN HIM. THE FIRST IS HIS EXCITABILITY AND DISTRACTIBILITY WHEN HE IS ENGAGED IN CONVERSATION. THESE ARE TWO OF THE FOUR CARDINAL SYMPTOMS OF HYPERKINETIC A CONDITION FOR WHICH RICK WAS TREATED BY DOCTOR JEROME KAY, PEDIATRICIAN, IN JULY, 1965. THE ASSOCIATION OF THE HYPERKINETIC CHILD WITH THE CHILD WHO HAS AUDITORY OR VISUAL CHANNEL LEARNING DISABILITIES IS WELL KNOWN AND I FEEL THIS FURTHER SUBSTANTIATES THE LIKELIHOOD THAT THIS IS A PLAUSIBLE EARLIER DIAGNOSIS. MOST OF THE WORK IN THIS AREA HAS BEEN DONE SINCE 1970, HOWEVER, AND MORE EFFECTIVE MEDICINES TO CONTROL THIS CONDITION ARE NOW AVAILABLE FOR YOUNGSTERS, THAT WAS THE CASE WHEN RICK WAS A SMALL CHILD.

A SECOND ASPECT OF RICK'S BEHAVIOR WHICH HAS PERSISTED THROUGHOUT ALL OF HIS INTERVIEWS WITH ME WAS HIS IMPENSE NEED TO PLEASE AND SEEK APPROBATION. I FEEL THAT THIS QUALITY COULD BE TURNED TO POSITIVE USE THROUGH ON-GOING CONTACTS BETWEEN RICK AND A VOLUNTEER PROBATION OFFICER. I THINK THAT THIS NEED ON HIS PART TO HAVE OTHERS LIKE WHAT HE IS AND IS DOING RELATES TO THE MORE LONG-STANDING FEELING THAT HE IS NOT CLOSELY IN TUNE WITH EVENTS THAT ARE HAPPENING AROUND HIM.

THERE ARE OTHER ASPECTS OF RICK'S BACKGROUND THAT WE TOUCHED ON IN THE COURSE OF HIS PSYCHIATRIC EVALUATION. THESE CONCERN HIS RELATIONSHIPS WITH

THERE HAVE BEEN PROBLEMS AND DIFFICULTIES. THE FORMER RELATIONSHIP HAS BEEN MARRIED BY RICK'S NOT BEING ABLE TO MEET HIS PARENTS EXPECTATIONS PARTIALLY AT LEAST BECAUSE HE DID NOT ALWAYS UNDERSTAND THESE EXPECTATIONS AND THE LATTER RELATES TO MANY OF RICK'S FEELINGS OF LACK OF SELF-WORTH.

I WOULD SAY THE PROGNOSIS FOR RICK IS FAIR IF HE IS ALLOWED TO ACHIEVE SOME SUCCESS IN A SOCIALLY APPROVED LIFE-STYLE. HE HAS ALREADY BEGUN ON THIS AND SEEMS TO BE GETTING SOME PSYCHOLOGICAL GRATIFICATION FROM WORKING FOR HIS UNCLE. THIS JOB ALLOWS HIM THE FREEDOM TO USE HIS "SALESMANSHIP ABILITIES" IN A CONSTRUCTIVE WAY TO SECURE MORE CUSTOMERS AND IS, I THINK, A FINE SOLUTION TO THE PROBLEM OF MIXING RICK'S PSYCHOLOGICAL NEEDS FOR OBVIOUS SUCCESS AND APPROVAL WITH HIS NEED TO MAKE MONEY IN RELATIONSHIP TO THE AMOUNT OF EFFORT HE PUTS IN. DIAGNOSTICALLY, MY FEELING IS THAT RICK HAS HAD AN EARLY SPECIFIC LEARNING DISABILITY WHICH HAS LEFT IT'S SCARS IN TERMS OF EXTREME ANXIETY.

TION WILL BE FOR PROBATION WITH RATHER STRICT LIMITATIONS AND CONDITIONS.



THOMAS P. O'BRIEN, M.D.

TPO:DH

7766 0000000000

THE STATE OF ARIZONA
Plaintiff

CAUSE NO. 89445

vs

HONORABLE EDWARD C. RAPP

RICK ALAN ROSS
Defendant

CRIMINAL DIVISION G

SUPERIOR COURT

PRESENTENCE INVESTIGATION

PRESENT CHARGE: Conspiracy to Commit Grand Theft, Second Degree, Open-End, amended from Theft By Embezzlement, a Felony.

PLEA: November 26, 1975.

CUSTODY STATUS: Released O.R.

DEFENSE COUNSEL: Michael Dann, privately retained.

PRESENT OFFENSE:

According to Phoenix Police Departmental Report #75-072808, on July 23, 1975, at approximately 2100 hours, a white male suspect robbed Kay-Bee Enterprises, the jewelry shop located in the Broadway Store at Biltmore Fashion Park, 2401 East Camelback, of approximately \$50,000.00 worth of diamonds and precious paraphernalia by presenting the victim clerk with a note demanding the diamonds be placed in a box or he would detonate a bomb that he had brought in with him. The clerk, Daniel Schroeder, described the suspect as being a "white male, thirty-five years old, five foot seven, one hundred fifty pounds, noticeable pot belly, dark brown dirty stringy hair, a full face beard." Upon arrival of police, the clerk indicated he followed instructions explicitly and instructed police that while the jewelry was valued at \$50,000.00, its retail value was approximately \$100,000.00. On July 24, 1975, information was received that Mr. Schroeder had in fact set up the robbery, and suspect Rick Ross was the person responsible for the robbery itself. After questioning both Mr. Ross and Mr. Schroeder, they later admitted to the

7766 00:44:00

RICK ALAN ROSS
Defendant

CAUSE NO. 89445

PRESENT OFFENSE: (Cont'd)

crime, and each suspect indicated he had received half of the jewelry. Mr. Schroeder led police to his parents' residence, where he showed police that the jewelry had been hidden inside the refrigerator door. Mr. Ross indicated to police that his half of the jewelry was hidden in a safety deposit box.

OFFENSES TO BE DISMISSED:

According to the Plea Agreement, the original charge was dismissed after the defendant pled to an Amended Information.

DEFENDANT'S STATEMENT:

"Three months previous to July 23, 1975, Daniel Schroeder began to approach me with regard to a planned embezzlement of \$100,000.00 at the Broadway Store in which he worked. I finally agreed to his plan and committed the crime July 24, 1975. I did this because I was convinced it was to my advantage at that time and would help Dan out of serious financial problems. All the items embezzled were later returned." Mr. Ross advised that he felt he needed the money for security, but had no specific plans for the money. He stated that at the time of his involvement, he was associating with lots of "criminals" and admitted that he is easily led. He indicated that he was on probation to this Department at the time of the instant offense, and stated that the first charge had happened the same way. Mr. Ross indicated that the police were notified that he was involved in the instant offense when a newspaper article was read by a third co-conspirator who has since been "cut out of the action."

RICK ALAN ROSS
Defendant

77 60 001 4 0 0 25
CAUSE NO. 89445

DEFENDANT'S STATEMENT: (Cont'd)

This third party then contacted police and led them to Mr. Schroeder and Mr. Ross. He stated that he believes the third party, Mr. Newsom, has "ruined my life. I don't believe any of this would have happened if he and his friends hadn't approached me."

COMPANION ACTION:

A presentence report is being prepared for co-defendant Daniel Schroeder for the same charge. After interviewing both Mr. Ross and Mr. Schroeder, it would appear that both co-defendants were equally involved in the instant offense.

STATEMENT OF VICTIM:

Mr. Geisler of the Broadway Department Store was contacted by telephone. He advised that the store recovered most of the jewelry which had been stolen and stated that seven or eight rings had been melted down but the gold and the jewels were returned also. He advised that he wished to make no statement, adding "We got our property back."

STATEMENT OF REFERENCES AND INTERESTED PARTIES:

Investigating Detectives Berry and Corey, as well as their superior, Lieutenant Twitchell, of the Phoenix Police Department were contacted by the writer. The officers advised that they would not oppose probation.

Deputy Adult Probation Officer Randy Walker contacted the writer. He advised that Mr. Ross had originally been assigned to his caseload when first placed on probation. He advised that the defendant never reported to his office

7 7 6 0 0 1 0 1 1 2

RICK ALAN ROSS
Defendant

CAUSE NO. 89445

STATEMENT OF REFERENCE AND INTERESTED PARTIES: (Cont'd)

and thus Mr. Walker was forced to make inquiries of Mr. Ross' parents. He advised that when the defendant's parents were contacted, the defendant's parents were completely unaware that the defendant had been arrested and were understandably upset. Mr. Walker added that Mr. Ross came in to the department shortly thereafter and was "hostile and irate that his parents had been contacted." Mr. Walker advised that Mr. Ross was then transferred to the caseload of Charles Samuels. Mr. Walker further indicated that due to the defendant's complete lack of cooperation, he would not recommend probation a second time.

Charles Samuels was contacted and he advised that due to the instant offense, he has instituted revocation proceedings against the defendant and advised that he recommended the original charge be designated a Misdemeanor, with the defendant being sentenced to one year in the Maricopa County Jail. He stated that in his professional opinion, he did not feel the defendant deserves a second chance with probation, due to the fact that the instant offense was committed approximately sixty days after the defendant had been placed on probation and, further, the fact that the Robbery had required an enormous amount of planning, indicating that the defendant completely ignored any instructions given by the Court or the probation department.

The defendant's attorney, Michael Dann, was contacted and he advised he believes his client can be successful on probation because Mr. Ross now realizes he cannot continue his past behavior and has sought psychiatric help on his own.

RICK ALAN ROSS
Defendant

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CAUSE NO. 89445

PRIOR RECORD:

The defendant did not indicate that he had a juvenile record and there is no evidence to the contrary.

The defendant's adult arrest record indicates that in December of 1974, he was arrested for Attempted Burglary, for which he was placed on probation for a period of one year after the charge was amended to Conspiracy, Second Degree, Open-End. Court records indicate that on April 3, 1975, the defendant was placed on probation for a period of one year with added terms of \$250.00 fine and ten days in the Maricopa County Jail. The probation department file indicates that both of these special conditions were later suspended by Division 20. At this time, the disposition hearing for revocation is set for February 11, 1976 in Division 20.

SOCIAL HISTORY:

Mr. Ross advised that he is the oldest of three children adopted by Paul and Ethel Ross in Cleveland, Ohio. He advised that his family is of the Jewish faith and that they have adhered strictly to that faith through the years. He stated that his mother is extremely active in the Phoenix Jewish Community Center and that his father is the owner of Ross Plumbing Company. Mr. Ross indicated that the family has lived in Phoenix approximately nineteen years. The defendant indicated that he and his younger siblings have all experienced personality and behavioral problems, and the defendant attributed this to the fact that his father tends to be passive while his mother is protective and aggressive. One of the attached child study reports on Mr. Ross indicates that his father "worked a great deal and usually felt quite tired and did not want to be bothered with the children"; in

RICK ALAN ROSS
Defendant

SOCIAL HISTORY: (Cont'd)

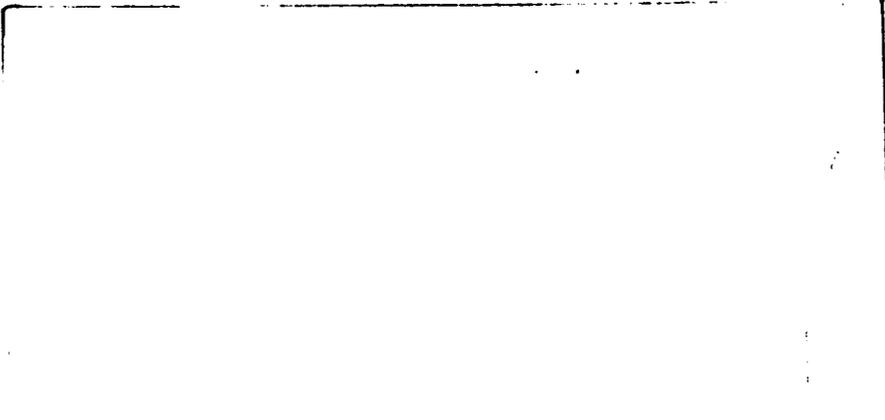
addition, "it was apparent that Mrs. Ross was the rejecting kind of mother who bends over backwards to do things for her kids when she feels angry at them."

EDUCATION:

Mr. Ross stated that he attended his freshman and sophomore years at West High School, his junior year at Camden Military Academy, and graduated from North High School in the Phoenix area. The attached reports indicate that the defendant experienced problems throughout his elementary school years in the form of hyperactive behavior and attention span.

MARITAL HISTORY:

Mr. Ross advised that he has never been married.



stated that his parents and he have since effected a reconciliation and can accept each other's life styles with more ease at present.

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RICK ALAN ROSS
Defendant

CAUSE NO. 89445

EMPLOYMENT HISTORY:

In 1971, the defendant advised that he was employed by Aetna Finance as a collection agent and advised that this job lasted approximately one year when he resigned for a better position with another finance company. He stated this second job was terminated "due to a personality conflict with the new manager approximately one year later." In 1973, he related being employed by Valley National Bank until October of 1974, when he stated he resigned his position of loan officer to return to the Phoenix area. He advised that he was working in Bullhead City, Arizona, and felt that he was not achieving success at the rate which he wished. After returning to Phoenix, he stated he was employed by American Credit Bureau as a collection agent but related that he was fired three months later due to excessive absence and illness. In September of 1975, he stated that he found employment with a cousin who is owner of an auto salvage company. He advised that he is currently a sales representative for that company and is earning approximately \$675.00 per month. The writer has the defense attorney's assurance that the defendant's arrest record will present no problems with the family business and that the defendant can maintain full-time employment with that company.

HEALTH FACTORS:

As a child, the defendant advised that he was diagnosed as a hyperkinetic child and explained that this is a nervous disorder. He stated that he was on medication for this, and this is verified by the attached medical reports. He denied having any serious accidents or illnesses with the exception of a nervous collapse, which he advised he suffered

RICK ALAN ROSS
Defendant

CAUSE NO. 89445

HEALTH FACTORS: (Cont'd)

while incarcerated in Maricopa County Jail on the instant offense. Mr. Ross indicated that he is currently seeking help through the Fillmore Mental Clinic.

ALCOHOL AND DRUG ABUSE:

The defendant denied any alcohol or drug abuse and there is no evidence to the contrary.

COLLATERAL COMMENTS:

Mr. Ross stated that he feels he has done everything he can to rectify his past action. He stated that he served approximately six weeks in jail during his second arrest and stated that "in this time, I decided that I must remain free. I have no intention of ever performing any act which will incarcerate me again." He stated that jail was extremely abhorrent to him and advised that he could not survive in that kind of atmosphere. He added that "I feel no purpose would be served by further confinement." He explained that he intends to continue working full time and added that he now has the support of his family, which he did not have before, and believes he now takes probation more seriously. He added that in his opinion, he felt that had he received incarceration for the first offense, he would have been motivated to be more successful during his term of probation. He advised that he is not a criminal and described a criminal as "someone who looks at crime as a livelihood; I used it as an escape."

DISCUSSION AND EVALUATION:

Before the Court is a twenty-three year old Caucasian male charged with Conspiracy, Second Degree, Open-End.

RICK ALAN ROSS
Defendant

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CAUSE NO. 89445

DISCUSSION AND EVALUATION: (Cont'd)

Records indicate that the defendant's home life was not as stable as it might have been and that apparently problems at home led the defendant to hyperactivity during his school

years. The defendant indicated that at least one other child in the family is experiencing similar problems to his own. Mr. Ross explained that while he did not have his parents' support for a time due to his different life style, he feels he does now have his parents' support. He states that he does not believe himself to be a criminal and that while he did not adhere to conditions of probation initially, he believes he can now do so. He explained that he feels he cannot survive in a jail or prison due to his nervous disorder and advised that he feels he can be of more benefit to the community if he is not incarcerated. Further, he indicates that he now has steady employment in a job that he feels that he will enjoy and has advancement possibilities.

From departmental records and the defendant's statement, it would appear that Mr. Ross never removed himself from illegal activities or companions that were involved in illegal activities. The writer feels very strongly that probation is a privilege and not a right, and it is felt that the defendant has been given adequate opportunity for success. He did not cooperate with his first probation officer at all and then became angry when the officer followed his responsibilities. The second probation officer indicated that he has spoken at some length with Mr. Ross and discovered that an enormous amount of planning went into setting up the Robbery, both on the part of Mr. Ross and Mr. Schroeder, these pre-planned, premeditated activities occurring within the sixty

RICK ALAN ROSS
Defendant

CAUSE NO. 89445

DISCUSSION AND EVALUATION: (Cont'd)

day period of probation. Mr. Ross explained at some length that he felt he was not an appropriate candidate for probation, partially due to his mental status. The writer cannot see why it would be more difficult for Mr. Ross than for many other clients to be incarcerated, and it is felt that probably no one enjoys being locked up. After considering the information gained from the police department, the defense and the defendant, as well as two probation officers, this Writer cannot justify a recommendation of probation in this case.

RECOMMENDATION:

It is respectfully recommended that the defendant be sentenced to serve a maximum term in the Arizona State Prison.

RESTITUTION/REIMBURSEMENT:

Neither restitution nor reimbursement is applicable in this case.

Respectfully submitted,

H. C. DUFFIE
Chief Adult Probation Officer

Michael Hodge
for *Gael Neugebauer*
By: Gael Neugebauer
Gael Neugebauer
Deputy Adult Probation Officer

Approved:

Michael Hodge
Michael Hodge, Supervisor

GN:mls
January 14, 1976

David Perry
71 Jan 21, 1976
April 1, 1976

THE STATE OF ARIZONA
Plaintiff

vs.

RICKY ALLEN ROSS
Defendant

7 6 6 1 4 0 0 3
CAUSE NO. CR 89445

HONORABLE DAVID J. PERRY

CRIMINAL DIVISION 27-J

SUPERIOR COURT

HEARING DATE: APRIL 1, 1976

SUPPLEMENTAL REPORT

Subsequent to the completion of the presentence report, Mr. Ross requested an appointment with the investigator at the Probation Department. Mr. Ross spoke for approximately one hour and it was apparent he was concerned about the pending disposition of the instant offense. His primary points of concern were that the writer had not properly considered the many achievements accomplished by the defendant since his last arrest and the fact that he was greatly misled by his defense counsel on the original charge (not present counsel), thus prohibiting him from properly cooperating with the Probation Department. He spoke at length of his sincerity at present, his motivation to cooperate, his remorse for his actions.

Deputy Adult Probation Officer Elizabeth Barkley, who prepared the original presentence report, whose office is directly across the hall from the undersigned, overheard Mr. Ross's comments. She later informed the writer that Mr. Ross had made the same claims previously. As a result, a group meeting was set up for January 29, 1976 at the probation department with Mrs. Barkley, Mr. Walker, the defendant's field officer, and the writer. (Mr. Samuels, the second field officer, was not present due to an unavoidable court appearance). As it was discovered Mr. Ross had given each officer a similar statement, he was confronted with the fact that his veracity was seriously doubted.

RECEIVED
DAVID J. PERRY

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RICKY ALLEN ROSS
Defendant

CAUSE NO. CR 89445

The defendant explained that he did not feel concerned with regard to his first criminal involvement with the judicial system but is now sincere and added we would be forced to rely on his present performance for proof.

After considering the above information, the writer wishes not to amend the original recommendation.

Respectfully submitted,

H. C. Duffie, Chief
Adult Probation Officer

By: Gael Neugebauer
Gael Neugebauer, Deputy
Adult Probation Officer

Approved:

Michael Hodge
Michael Hodge, Supervisor

GN:jm
March 24, 1976

I have reviewed and
considered the
Probation Officer's Report.

Richard J. Perry
Judge

March 30, 1976
Date
and April 1, 1976

ARIZONA DEPARTMENT OF HEALTH SERVICES

7 7 6 0 0 4 9 3 2

ARIZONA STATE HOSPITAL
200 EAST VAN BUREN STREET
PHOENIX, ARIZONA 85004
TELEPHONE (602) 261-1311

G. LEE SANDRITTER, M.D., Acting Supt

PAUL H. CANTOR, Governor
Suzanne Dandy, M.D., M.P.H., Director

March 25, 1976

This is a report on Ricky Ross, 23-year-old white single male sales representative, who was seen for the first time on 12-10-75 at Fillmore Mental Health Service, referred by Joy Carter of Catholic Social Service. The patient sought help because of anxiety, depression and sexual problems. He wanted to be able to understand himself better. He was seen at Fillmore 13 sessions, once a week, each lasting for fifty minutes. When I first saw him he was feeling anxious, nervous, depressed and complaining of difficulty sleeping. He ascribed such feelings as stemming from his involvements in several thefts and burglaries as a result of which he had been in jail two times. He expressed deep concern that this would create a bad reputation for his future and especially for this reason stated that he wants to change his life style.

Ricky indicated that the reasons why he got involved with criminal activities was that he had had several jobs and although he enjoyed working in banks and collection agencies the low salary and slow promotion and the accumulation of unpaid bills pressured him to buy and use stolen credit cards and later on to steal furniture and appliances at model homes. He was later on approached by a jeweler friend who offered him partnership in an inside job diamond robbery which lead to his second arrest and imprisonment.

It had been known that Ricky Ross had been seen by several psychiatrists and counselors when 6 to 14 years old. He was diagnosed as a hyperkinetic child which later on lead to general behavioral problems in school being negativistic, manipulative, and argumentative. I saw Ricky as an arrogant, self-centered individual with some hostile tendencies. He was oriented in all dimensions and had some tendencies to be overproductive in his speech, and to manifest some degree of circumstantiality in his thinking. He had an inclination to monopolize the session and had a problem listening. He becomes evasive and defensive when his inner feelings are exposed or alighted. His associations were not loose. His thought processes are not disorganized. He has no disturbance of perception, no paranoid ideations, ideas of reference or ideas of influence. His affect was appropriate to his spoken thoughts. There was no impairment of memory and his fund of information was consistent with his education. There was no evidence of psychosis seen in him.

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6 5

RE: RICKY ROSS
Page 2
March 25, 1976

It is my opinion that Ricky has a personality disturbance which started even as a child. He had emotional maladjustment, never learned usual lines of conduct for socializing as a result of which as a child he had outbursts of rage, was demanding, a manipulative and argumentative child with no friends and was defiant. He does not seem to profit from his past experiences and cannot realize that what he does is socially unacceptable and dangerous and does not realize that he has a responsibility to society to control his behavior. He has had expressed guilt feelings for what he has done the first time but repeated what he had done despite the fact he had been reprimanded and punished for it. He was unable to control his impulses regardless of the punishments. Ricky seems to demand immediate and instant gratification of his desires and needs with no feelings for the interests of others with whom he had some emotional attachments. He does not seem to identify himself with society and its laws, and believes that punishments are an injustice. He has a tendency to externalize responsibility, though he is gradually assuming responsibilities now. He has problems learning because of his inability to listen.

I see Ricky as an individual who has sociopathic inclinations, [REDACTED] and as a person with learning disability.

Recommendation is strict probation with specific limitations and intensive guidance or psychotherapy. He will not benefit from any form of incarceration.

Prognosis is fair to guarded.

DS:jw

Domiclano E. Santos, M.D.
DOMICLANO E. SANTOS, M.D.

IN THE SUPERIOR COURT
OF
MARICOPA COUNTY, STATE OF ARIZONA

OFFICE DISTRIBUTION	
CLERK	
DEPUTY CLERK	
CHIEF CLERK	
RECORDS	
SENTENCING	
Bookkeeping	X

26-J

4-2-76

HON. DAVID J. PERCY

WILSON D PALMER
Anne Seitz

Case
County

CR 89445

STATE OF ARIZONA

County Attorney - Schumacher

Related
Case:

v

APD

RICKY ALLAN ROSS

Sheriff's-Office

CR

B. Michael Dann

89445

SENTENCING

The State is represented by Palmer Schumacher.
The Defendant is present with counsel B. Michael Dann.
Court Reporter Melvyn Levin is present.

Mr. Ross, ~~you were charged by the State of Arizona with~~
you appeared before the court on Nov. 26, 1975 and entered a plea of guilty to the
charge of Conspiracy, 2nd Degree.

Defendant is asked if he has anything to say or legal cause to show
why sentence should not now be pronounced.

No legal cause appearing and based on the determination of guilt,
IT IS THE JUDGMENT OF THIS COURT that the defendant is guilty of
Conspiracy, 2nd Degree, to Commit Grand Theft, a felony, in violation of A.R.S.
13-331(B), committed July 23, 1975.

IT IS ORDERED suspending imposition of sentence for a period of (4) years
from this date and placing defendant on probation under the supervision of the Adult
Probation Department of this court in accordance with the formal, written Judgment
and Order Suspending Sentence and Imposing Terms of Probation signed herewith.

Fine imposed - \$1000. plus \$100. surcharge, total \$1100. payable by
Mar. 31, 1977.

IT IS ORDERED defendant shall report to the Adult Probation Department
no later than 3:30 p.m. this date.

The court advises the defendant concerning rights of appeal and written
notice of those rights is handed to him.

MAED
APR 5

3089503

06/11/79 2:16 PM
06/11/79 2:16 PM
06/11/79 2:16 PM

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POWERS, EHRENREICH,
BOUTELL & KURN
ATTORNEYS AT LAW
SUITE 200, SECURITY BUILDING
230 NORTH CENTRAL AVENUE
PHOENIX, ARIZONA 85004

Attorneys for Plaintiff

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF MARICOPA

JACK GRODZINSKY, a married man,
Plaintiff,
vs.
RICK ROSS, a single man,
Defendant.

No. 3089503
C O M P L A I N T
(Contract)
30 -

BY FILED DEP.
RIG JUN 11 PM 2:16

COMES NOW the Plaintiff, JACK GRODZINSKY, hereinafter referred to as "Plaintiff", unless otherwise specifically designated herein, by and through his attorneys, POWERS, EHRENREICH, BOUTELL & KURN, and for his Complaint against the Defendant, RICK ROSS, hereinafter referred to as "Defendant" unless specifically designated otherwise herein, states and alleges as follows:

COUNT ONE

I.

That Plaintiff is a resident of the County of Maricopa, State of Arizona, and has been so domiciled at all times relevant herein.

II.

That Defendant is a resident of the County of Maricopa, State of Arizona.

III.

That all the events and transactions herein took place in the County of Maricopa, State of Arizona.

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IV.

That on or about the 26th day of March, 1978, Plaintiff and Defendant entered into an "Employment Agreement." A true copy of said Agreement is attached hereto as Exhibit "A" and by reference is incorporated herein.

V.

That pursuant to said Agreement, Plaintiff loaned to Defendant the sum of \$2,500.00 so that pursuant to the terms of said Agreement, Defendant could purchase and repair an automobile described in said Agreement.

VI.

That as of the termination of said Agreement, Defendant had not repaid, as required by the Agreement, the \$2,500.00 principal amount plus the agreed-upon interest at the rate of 10% per annum from the date of the execution of the Agreement.

VII.

That demand has been made upon Ross for the payment of said principal and interest but Defendant fails, refuses and declines to pay such amounts due.

VIII.

That in addition to said principal and interest which is currently due, Plaintiff is entitled to his reasonable attorneys fees pursuant to A.R.S. §12-341.01; that such reasonable attorneys fees are in an amount not less than \$1,000.00.

WHEREFORE, Plaintiff prays Judgment against Defendant RICK ROSS as follows:

1. For the principal sum of \$2,500.00.
2. For interest on said principal sum of \$2,500.00 at the rate of ten percent (10%) per annum from the date of the execution of said Agreement attached as Exhibit "A", until paid.
3. For Plaintiff's reasonable attorneys fees incurred as a result of having to bring this action in an amount not less

1 than \$1,000.00.

2 4. For Plaintiff's taxable Court costs herein.

3 5. For such other and further relief as deemed proper
4 by the Court.

5 COUNT TWO

6 I.

7 Plaintiff realleges as if set forth in full herein all
8 the allegations and statements contained in Count One of
9 Plaintiff's Complaint.

10 II.

11 That on or about the 8th day of February, 1978,
12 Plaintiff and Defendant entered into an "Employment Agreement".
13 A true copy of said Agreement is attached hereto as Exhibit "B"
14 and by reference is incorporated herein.

15 III.

16 That pursuant to said Agreement, Plaintiff loaned to
17 Defendant the sum of \$3,400.00 so that pursuant to the terms of
18 said Agreement, Defendant could purchase and repair an automobile
19 described in said Agreement.

20 IV.

21 That as of the termination of said Agreement, Defendant
22 had not repaid, as required by the Agreement, the \$3,400.00 prin-
23 cipal amount plus the agreed-upon interest at the rate of 10% per
24 annum from the date of the execution of the Agreement.

25 V.

26 That demand has been made upon Ross for the payment of
27 said principal and interest but Defendant fails, refuses and
28 declines to pay such amounts due.

29 VI.

30 That in addition to said principal and interest which is
31 currently due, Plaintiff is entitled to his reasonable attorneys
32

- . .

1 fees pursuant to A.R.S. 12-341.01; that such reasonable attor-
2 neys fees are in an amount not less than \$1,000.00.

3 WHEREFORE, Plaintiff prays Judgment against Defendant
4 RICK ROSS as follows:

- 5 1. For the principal sum of \$3,400.00.
- 6 2. For interest on said principal sum of \$3,400.00 at
7 the rate of ten percent (10%) per annum from the date of the exe-
8 cution of said Agreement as Exhibit "B" until paid.
- 9 3. For Plaintiff's reasonable attorneys fees incurred
10 as a result of having to bring this action in an amount not less
11 than \$1,000.00.
- 12 4. For Plaintiff's taxable Court costs herein.
- 13 5. For such other and further relief as deemed proper by
14 the Court.

15 DATED this 23 day of May, 1979.

16 POWERS, EHRENREICH, ROUTELL & KURN

17 By J. Scott Burns
 18 J. Scott Burns
 19 234 North Central Avenue, Suite 800
 20 Phoenix, Arizona 85004
 Attorneys for Plaintiff

21 STATE OF ARIZONA)
) ss.
 22 County of Maricopa)

23 JACK GRODZINSKY, being first duly sworn upon his oath,
deposes and says:

24 That he is the Plaintiff in the foregoing Complaint;
 25 that he is entitled to make this verification; that he has read
 26 the foregoing and knows the contents thereof; that the same is
 27 true of his own personal knowledge, except as to those matters
 alleged upon information and belief, and as to those matters he
 believes them to be true.

28 Jack Grodzinsky
 JACK GRODZINSKY

29 23 SUBSCRIBED AND SWORN to before me, a notary public, this
 30 day of May, 1979.

31 J. Scott Burns
 Notary Public

32 My commission expires:
1-6-1981

EMPLOYMENT AGREEMENT

THIS AGREEMENT is made and entered into this 26th day of March, 1978, by and between W. A. J. E. S. K. Y., hereinafter called Owner, and RICK ROSS, dba - BAR INVESTMENTS, LTD., hereinafter called Ross.

RECITALS:

- 1) Owner wishes to have Ross purchase, repair and sell a motor vehicle on his behalf.
- 2) Owner shall provide Ross with the money necessary to purchase said motor vehicle and to pay for its complete repair and rehabilitation.
- 3) Ross shall purchase, repair and sell said motor vehicle, on Owner's behalf, either himself or through others.

In consideration of the mutual promises set forth herein Owner and Ross agree as follows:

1) The term of this Agreement shall be for a period beginning with the execution hereof and ending on the 26th day of June, 1978.

2) Owner shall provide Ross with the sum of \$ _____ and Ross shall purchase the following motor vehicle for and in the name of Owner.

Make and Year: 78 Datsun
 Model and Color: 2270 2DR. FD
 Vehicle ID Number: _____
 License Number: _____

3) Owner shall provide Ross with a sum not to exceed \$ 2500.00 and Ross, either personally or through his agents, employees or subcontractors, shall completely repair, rehabilitate and sell the motor vehicle referred to in Paragraph 1 above.

4) Owner shall be entitled to the return and Ross shall return to Owner the sum of \$ 2500.00 or the amount called for in Paragraph 5 of this Agreement whichever sum is greater.

5) At such time as Ross has completed the purchase and repair of the motor vehicle referred to in Paragraph 2 above, and has sold said motor vehicle for Owner, Ross shall pay to Owner the two amounts advanced to Ross under Paragraphs 2 and 3 above, totalling \$ 2500.00 plus 10 % interest thereon in the amount of \$ 2750.00 which equals the total return to Owner of \$ 2750.00.

6) Owner and Ross intend that the relationship between them created by this Agreement is that of employer and independent contractor. No agent, employee, or servant of Ross shall be or shall be deemed to be the employee, agent or servant of Owner, and vice versa. Owner is interested only in the results obtained by Ross; the manner and means of conducting the work are to be under the sole control and direction of Ross. Further, Ross shall be solely and entirely responsible for his acts

and for the acts of his agents, employees, workmen and subcontractors during the performance of this Agreement, and Ross warrants that all such persons shall be competent and qualified.

7) The work under this Agreement shall be performed entirely at the risk and responsibility of Owner, however, Ross shall for the duration of this Agreement, carry public liability and damage insurance in an amount sufficient to protect both Owner and Ross.

8) At all times during this Agreement, title and registration of the motor vehicle referred to in Paragraph 2 above shall be held in the name of Owner.

9) Time is of the essence of this Agreement.

10) This Agreement shall inure and be binding upon the heirs, successors, assigns, and personal representatives of Ross and Owner.

11) Headings and captions of sections are for convenience and reference only and in no way define, limit or describe the scope or intent of this Agreement or the provisions of such sections.

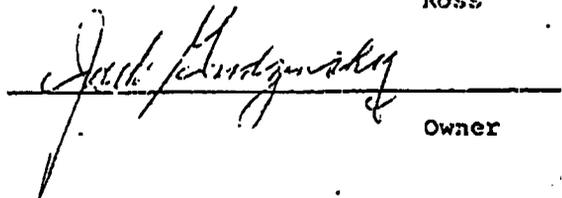
12) This Agreement shall be construed under the laws of the State of Arizona.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the day and year first above written.



RICK ROSS, dba RAR INVESTMENTS, LTD.

Ross



Owner

EMPLOYMENT AGREEMENT

THIS AGREEMENT is made and entered into this 8th day of Feb, 1978, by and between GRODZINSKY, hereinafter called Owner, and ALAN RICK ROSS, hereinafter called Ross.

RECITALS:

- 1) Owner wishes to have Ross purchase, repair and sell a motor vehicle on his behalf.
- 2) Owner shall provide Ross with the money necessary to purchase said motor vehicle and to pay for its complete repair and rehabilitation.
- 3) Ross shall purchase, repair and sell said motor vehicle, on Owner's behalf, either himself or through others.

In consideration of the mutual promises set forth herein Owner and Ross agree as follows:

1) The term of this Agreement shall be for a period beginning with the execution hereof and ending on the 8th day of MAY, 1978.

2) Owner shall provide Ross with the sum of \$ _____ and Ross shall purchase the following motor vehicle for and in the name of Owner.

Make and Year: 77 Toyota
 Model and Color: CELICA GT White
 Vehicle ID Number: _____
 License Number: _____

3) Owner shall provide Ross with a sum not to exceed \$ 3400.00 and Ross, either personally or through his agents, employees or subcontractors, shall completely repair, rehabilitate and sell the motor vehicle referred to in Paragraph 1 above.

4) Owner shall be entitled to the return and Ross shall return to Owner the sum of \$ 3400.00 or the amount called for in Paragraph 5 of this Agreement whichever sum is greater.

5) At such time as Ross has completed the purchase and repair of the motor vehicle referred to in Paragraph 2 above, and has sold said motor vehicle for Owner, Ross shall pay to Owner the two amounts advanced to Ross under Paragraphs 2 and 3 above, totalling \$ 3400.00 plus 10 % interest thereon in the amount of \$ 3740.00 which equals the total return to Owner of \$ 3740.00.

6) Owner and Ross intend that the relationship between them created by this Agreement is that of employer and independent contractor. No agent, employee, or servant of Ross shall be or shall be deemed to be the employee, agent or servant of Owner, and vice versa. Owner is interested only in the results obtained by Ross; the manner and means of conducting the work are to be under the sole control and direction of Ross. Further, Ross shall be solely and entirely responsible for his acts

and for the acts of his agents, employees, workmen and subcontractors during the performance of this Agreement, and Ross warrants that all such persons shall be competent and qualified.

7) The work under this Agreement shall be performed entirely at the risk and responsibility of Owner, however, Ross shall for the duration of this Agreement, carry public liability and damage insurance in an amount sufficient to protect both Owner and Ross.

8) At all times during this Agreement, title and registration of the motor vehicle referred to in Paragraph 2 above shall be held in the name of Owner.

9) Time is of the essence of this Agreement.

10) This Agreement shall inure and be binding upon the heirs, successors, assigns, and personal representatives of Ross and Owner.

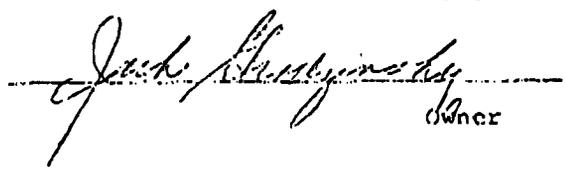
11) Headings and captions of sections are for convenience and reference only and in no way define, limit or describe the scope or intent of this Agreement or the provisions of such sections.

12) This Agreement shall be construed under the laws of the State of Arizona.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the day and year first above written.


RICK ROSS, aka RAR INVESTMENTS, LTD.

Ross


Owner

IN THE SUPERIOR COURT

OF

MARICOPA COUNTY, STATE OF ARIZONA

OFFICE DISTRIBUTION

APPELLATE	
RECORDS & ADMINISTRATION	
CRIMINAL JUSTICE	
DEPARTMENT OF VENTURE	
FEES	
STANDARD	
SENTENCING	

40

February 27, 1981

Judge David M. Ochoa

WILSON D PALMER, Clerk

Deputy

j. lane

C 389503

Jack Grodzinsky

J. Scott Burns

vs

Ricky Alan Ross

Ronald B. Fineberg

ORDERED approving formal written Findings of Fact and Conclusions of Law;

ORDERED entering judgment in favor of Jack Grodzinsky and against Ricky Allen Ross for the principal sum of \$6,490, together with plaintiff's court costs in the sum of \$226.65, together with plaintiff's reasonable attorney's fees in the sum of \$1,750. The total judgment of the foregoing in the sum of \$8,466.65 shall bear interest at the rate of ten percent per annum from the date hereof until paid, all in accordance with formal written order signed by the court this date.

CLERK OF THE COURT
MAIL DISTRIBUTION CENTER

Received: MAR 2 1981

Processed: MAR 8 1981

February 27, 1981

3

DAVID KATZ and EMMA KATZ, husband and wife,

Plaintiffs,

vs.

RICK ROSS, a single man,

Defendant.

CIVIL ACTION NO: 03-000373

SUMMONS

RECEIVED
MAR 19 11 3 03

THE STATE OF ARIZONA TO THE DEFENDANTS: RICK ROSS

YOU ARE HEREBY SUMMONED and required to appear and defend, within the time applicable, in this action in this Court. If served within Arizona, you shall appear and defend within 20 days after the service of the Summons and Complaint upon you, exclusive of the day of service. If served out of the State of Arizona - whether by direct service, by registered or certified mail, or by publication - you shall appear and defend within 30 days after the service of the Summons and Complaint upon you is complete, exclusive of the day of service. Where process is served upon the Arizona Director of Insurance as an insurer's attorney to receive service of legal process against it in this state, the insurer shall not be required to appear, answer or plead until expiration of 30 days after date of such service upon the Director. Service by registered or certified mail without the State of Arizona is complete 30 days after the date of filing the receipt and affidavit of service with the Court. Service by publication is complete 30 days after the date of first publication. Direct service is complete when made. Service upon the Arizona Motor Vehicle Superintendent is complete 30 days after filing the Affidavit of Compliance and return receipt or Officer's Return. RCP 4; ARS §§ 20-222, 28-502, 28-503.

YOU ARE HEREBY NOTICED that in case of your failure to appear and defend within the time applicable, judgment by default may be rendered against you for the relief demanded in the Complaint.

YOU ARE CAUTIONED that in order to appear and defend, you must file an Answer or proper response in writing with the Clerk of this Court, accompanied by the necessary filing fee, within the time required, and you are required to serve a copy of any Answer or response upon the Plaintiffs' attorney. RCP 10(d); ARS § 12-311; RCP 5.

The name and address of plaintiffs' attorney is: David E. Gustafson
3225 N. Central,
Suite 1105
Phoenix, Arizona 85018

Court of the State of Arizona in and for the County of Maricopa

Case Number: C395343

DAVID KATZ and EMMA KATZ, husband and wife
vs.
RICK ROSS, a single man

) Affidavit of Service
) of Process by a
) Private Person
)
)
)

State of Arizona)
County of Maricopa)

ss: The Affiant, being sworn, states: I am fully qualified to serve process in this cause, having been so appointed by the Court; that (s)he received the following judicial documents from the following attorney(s) in the following name(s):

Summons and Complaint
September 19, 1979
Bruce Demaroc

Documents Received
Date Received
Received From

That I personally served the same on those named hereafter at the time, place and in the manner indicated and/or pursuant to Rule 31.1 A.R.S. Rules of Civil Procedure, copy(s) was/were left at the defendant(s) usual place of abode with a person of suitable age and discretion who resides therein at the defendant(s) usual place of abode.

If the named defendant(s) was/were named as a partner in a partnership he/she/they was/were served both individually and as a partner in said partnership.

That if the defendant(s) so named was/were a corporation, that the person served as stated below is an officer, general managing agent, director or statutory agent of said corporation(s).

UPON: RICK ROSS, in person, by leaving one copy with him while at 1123 East Maryland, #8, Phoenix, Arizona on October 16, 1979 at the hour of 9:50 p.m. of said day.

Cauc male, 5'10", brown hair, moustache, beard, slim

That service in each instance consisted of leaving with the party(s) named a true copy(s) of the above described judicial document(s).

Daniel A. Ronnie
Daniel Ronnie

SUBSCRIBED AND SWORN TO BEFORE ME ON

October 18, 1979

AFFIANT

Elke M. Shenborger
Elke M. Shenborger

November 13, 1982

NOTARY PUBLIC

MY COMMISSION EXPIRES

1 4.50 Service
8 6.00 Miles
Miles
Miles
2.00 Notary Fee
& Sur Charge
Fees Paid

MICHAEL J. FLEMING
PRIVATE PROCESS SERVICE
P. O. BOX 3882
PHOENIX, ARIZONA 85030
253-1155

\$12.50 Total

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LAW OFFICES
MOORE, DEMARRE & LONG

1228 NORTH CENTRAL AVENUE
SUITE 1000 PHOENIX, ARIZONA 85002
PHOENIX, ARIZONA 85002
602-259-0277

RECEIVED
FEBRUARY 24 1977
CLERK

Attorneys for PLAINTIFFS:

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF MARICOPA

DAVID KATZ and EMMA KATZ,
husband and wife,

Plaintiffs,

vs.

RICK ROSS, a single man,

Defendant,

NO. C 197743

RIGHT AMENDED COMPLAINT

(Contract)

Plaintiffs, DAVID KATZ and EMMA KATZ, for their cause
of action against the Defendant, RICK ROSS, allege as follows:

I

That at all times relevant herein DAVID KATZ and EMMA
KATZ, hereinafter referred to as the Plaintiffs, were husband and
wife and residents of the City of Phoenix, County of Maricopa,
State of Arizona; that RICK ROSS, hereinafter referred to as
defendant, is a single man residing in the City of Phoenix, County
of Maricopa, State of Arizona; that the events out of which this
action arose occurred in Maricopa County, Arizona.

II

On or about the 28th day of January, 1977, at the request
of the Defendant, Plaintiffs agreed to loan to the Defendant the
sum of \$6,000.00, which sum the Defendant verbally promised and
agreed to repay to the Plaintiffs with interest at the rate of
10% per annum on Plaintiffs' demand.

III

Pursuant to the verbal agreement of the parties on or
about the 28th day of January, 1977, Plaintiffs loaned to the

1 Defendant the sum of \$1,500.00 in the form of a cashier's check
2 and within two months subsequent to the 20th day of January, 1977,
3 Plaintiff loaned to the Defendant the sum of \$2,500.00 in cash.

4
5 IV

6 On or about the 26th day of April, 1978, the Defendant
7 repaid the sum of \$1,600.00 as partial payment of his indebtedness
8 to the Plaintiff.

9 V

10 On or about the 20th day of April, 1979, the Defendant
11 repaid the sum of \$50.00 as partial payment of his indebtedness
12 to the Plaintiff.

13 VI

14 The Plaintiff have demanded repayment of the remaining
15 principal loan balance of \$4,450.00, plus interest, and the
16 Defendant has failed and refused to make repayment as demanded by
17 the Plaintiff.

18 VII

19 The Defendant owes the Plaintiff the sum of \$4,450.00,
20 plus interest, and such sum is justly due, owing, and unpaid by
21 the Defendant.

22 VIII

23 In the event that this action is contested, Plaintiff
24 are entitled to recover their reasonable attorneys' fees for the
25 prosecution of this action pursuant to A.R.S. §12-611.01; a reasonable
26 attorneys' fee for prosecution of this action is \$1,200.00.

WHEREFORE, Plaintiff pray this Court for judgment against
27 the Defendant as follows:

28 1. For damages in the amount of \$4,450.00, plus interest,
29 at the rate of 10% per annum on the original loan balance until
30 the judgment is entered;

31 2. For interest on the judgment at the highest rate
32 allowed by law until the same is paid;

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1 3. For actual costs of suit incurred herein with
2 interest thereon;

3 4. For reasonable attorneys' fees as provided by law
4 to the amount of \$1,000.00 or such greater sum as the court deems
5 appropriate; and

6 5. For such other and further relief as the Court deems
7 just and proper.

8 DATED this 20th day of March, 1980.

9 MOORE, DEMARIE & LONG

10
11 By *David E. Gustafson*
12 David E. Gustafson
13

14 COPY of the foregoing mailed
15 this 20th day of March, 1980,
16 to:

17 Andrew G. Glasky, Esq.
18 BERDALIN, GLASKY & FRIEDL
19 934 West McDowell Road
20 Phoenix, Arizona 85007
21 Attorney for Defendant
22
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David E. Gustafson

R. A. R.

RICK ALAN ROSS

7-30-87

Priscilla,

Thanks for dropping me a line. I know how busy you must be. It took me 40 days to get settled here, and that's just one person with little accessories, no family or "loose ends". I'm sorry if I seemed "pushy" or abrupt. Perhaps I will become a stereotypical Jew yet, that's disturbing, but a possibility.

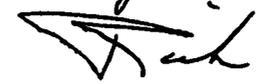
Have not received one really solid referral, C.A.N. included. I don't ~~know~~ really know why? Perhaps, summer, "turf" issues, or lack of desire to deal with fundamentalists. Phil and Annie have called from N.Y. and Annette is trying, but some parents are so cheap, they prefer to let their kids "bang the Bible", then pay. Possible lecture and workshop in Iowa for a Jewish Family Service, waiting for final confirmation of retention.

Very sorry to hear about your boys getting into an accident. Sounds like their O.K. though. Been is a few myself. It takes a couple months to level out.

Sent out a promotional packet recently to various "talk-shows" and press. Would have preferred to stay quiet and work here, but must pay the bills and this seemed an option. Could

circulate a job on two. Enclosed the packet to see what you think. Do you think I should have included articles? It seemed enough without them.

I have finished 6,000 pages of reading. "Pagans & Christians" was good, but had holes. I have 10 more books to read. The outline is done. Also, have color-coded the N.T. into several categories i.e. (1) Mind control (2) Specific doctrines (3) Contradictions & errors (4) about Jews, Judaism (5) Quotes on epigrams (6) of relating to "MANI's" theology. The book is ~~to be~~ entitled "Burn this Book?" The chapters (in order) are - (1) Good Jesus (2) Bad Jesus (3) No Jesus (4) Origins of the N.T. (5) Early Beliefs (6) Contradictions (7) Power (8) Heaven or Hell? (9) The Devil (10) Psychological Control (11) Fanatics and Fools (12) Christians and Jews (13) Women (14) Sex (15) Religion and Reality - add prologue, epilogue, notes & index. The opening epigram "Many of them... brought their books together and burned them." (Acts 19.19) Some others are in chapter #10 "And be not conformed to this world; but be ye transformed by the renewing of your mind..." (ROMANS 12.2) chapter #11 - "For a good tree bringeth not forth corrupt fruit; neither doth a corrupt tree bring forth good fruit." (LUKE 6.43). Each chapter, prologue & epilogue will have an epigram from the N.T. No, I don't have a publisher. Thought I'd finish first. Have no connection in N.Y. An accountant for some agents. What do you think? Well, write when you can.

?S. - Glad you like new C.F.F. dir. My best,
She seems a fine choice. 

April 28, 1988

Ms. Priscilla Coats
1917 Hampton Lane
Glendale, Calif. 91201

Dear Priscilla,

Just wanted to drop you a line and say "hi". How are you? How goes life in the big city of Los Angeles? Everything here is fine, by the time you receive this letter the first chapter of my book will be complete and the second very close. I'm very pleased with the work thus far.

It is necessary for me to complete about two more exit-counseling cases this year to support my project. However, there is a slight possibility that I might receive an advance from a publishing company in New York. Whatever, a couple of cases right now would be great. Do you know of anything?

Cynthia Kisser in Chicago has given me a couple of referrals. However, they did not come through. Just ambivalent families who really couldn't make up their minds. You know how that goes.

Enclosed is a study regarding Fundamentalism and a couple of articles concerning specific groups and early warning signs of involvement. Additionally, is a cassette with clips from various radio programs in which I participated. Thought you might find this interesting. Perhaps, there might be a radio program in the L.A. area that would be interested. It might be controversial (good for ratings) to have someone on that had "deprogramed" fundamentalist Christians. It might stimulate some cases in California. What do you think?

The table of contents for my final outline is enclosed. This should give you an idea of exactly how the book is broken down. Each chapter should run about ten pages, for a total of less than two-hundred. Don't you think this type of book is long overdue? Need your help to keep this project going. What do you say? How about the "Geraldo Rivera Show"?

Drop me a line when you can and let me know what you think.

Sincerely,



Rick Ross

RAR/lma

[THIS IS TAKEN FROM THE CURRICULUM VITAE OF RICK ROSS ON HIS WEB PAGE]

Curriculum Vitae of Rick Ross

INTRODUCTION

Rick Ross is the founder and Executive Director of the Ross Institute (RI). RI is a nonprofit corporation and tax-exempt educational institution devoted to the study of destructive cults, controversial groups and movements. Researchers and the media around the world have often cited the RI Internet archive as a meaningful resource. Rick Ross is also an expert consultant, lecturer and intervention specialist regarding destructive cults, controversial groups and movements. He has worked with hundreds of families, mental health professionals, attorneys, clergy, law enforcement and each year responds to thousands of inquiries. Ross has been qualified and accepted as an expert witness across the United States in numerous court cases. His testimony has typically focused upon the behavior of destructive groups, their persuasion techniques and undue influence.

EDUCATION

1969 Attended Camden Military Academy, Camden, South Carolina

1970 Graduated from Phoenix Union High School, Phoenix Arizona

[TAKEN FROM RICK ROSS' WEB SITE]

By Rick Ross

Initial Issues/Response

...

- **Have you ever done involuntary deprogramming?**

"Yes. I have personally been involved in about two dozen involuntary cases. However, about half of those cases involved minors under the direct supervision of their custodial parent. And as Steve Hassan, who also once engaged in such involuntary efforts recognized, 'Forcible intervention [was only used] as a last resort if all other attempts fail[ed].'"

RICK ROSS

CONSULTANT

January 26, 1991

BILLING re: Jason Scott

Ms. Katherine L. Tonkin
Precision Floor Covering, Inc.
228 Central Way
Kirkland, WA 98033
(206) 828-0630 work 827-3214

Fees

five hours of prep. time at \$50.00 per hour= \$250.00
seven days at \$500.00 per day= \$3500.00
total fees \$3750.00

Expenses

legal fees/retainer- \$1500.00
room rental- \$122.78
taxi- \$36.00
meals-\$54.40
tips and airport carts-\$6.00
phone- \$100.00
total expenses \$1819.18

Total fees and expenses= \$5569.40
paid by check #1156 1-28-91

OCEAN SHORES POLICE DEPARTMENT

STATEMENT

Page 1 of _____

DATE: 1/23/91

CASE NO.: 41-017

TIME: _____

LOCATION: _____

PLEASE PRINT THE FOLLOWING INFORMATION:

FULL NAME: Scott (Last) JASON (First) Robert (Middle)

DATE OF BIRTH: 4/16/72 (Month/Day/Year) ADDRESS: 1471 S 96th ST (Street/City/State/Zip)

PHONE: (Home) 767-4668 (Work) 747-7609 School

I, THE UNDERSIGNED, BEING A WITNESS / VICTIM TO KIDNAPPING, DO HEREBY FREELY AND VOLUNTARILY STATE THE FOLLOWING TO OFFICER LUCK, OF THE OCEAN SHORES POLICE DEPARTMENT.

ON FRIDAY THE 18th I WAS KIDNAPPED BY KATHY TONKIN AT 12908 NE 78th PL KIRKLAND WA. MY BROTHER CALLED ME ON WED THE 16th AND ASKED ME TO BRING HIS CARPET SCRAPPS THAT WERE LEFT AT HIS PREVIOUS ADDRESS IN TASTAUAH TO 12909 NE 78th PL KIRKLAND ON FRIDAY THE 18th I CALLED HIM BACK TELLING HIM THAT I WOULD BE RIGHT OVER ABOUT 6ish I BROUGHT ALONG TOM LYMAN (13) WITH ME TO HELP AND FOR COMPANY. I PULLED IN THE DRIVE WAY - BACKWARDS AND GOT OUT. I TOLD TOM TO STAY IN THE TRUCK WHILE I TELL THEM THAT I WOULD UNLOAD THE SCRAPPS IN THE GARAGE. I WALKED UNDER THE COVERED WALK WAY TO THE DOOR AND ABOUT 6 FT FROM THE DOOR I WAS JUMPED ON BY MARK WORKMAN AND ~~CHUCK~~ Simpson and CLARK (I DON'T KNOW THE LAST NAME). THEY DRUG ME IN THE DOOR DOWN THE STAIRS HAND CUFFING ME I KICKED & YELLED AS 8 WITNESSES LOOK AT WHAT WAS HAPPENING. THE THREE MEN STRUGGLED WITH ME GOING DOWN THE STAIRS I GRABBED THE HAND RAILING STOPPING THEM FROM TAKING ME, CLARK (BY THE WAY I WAS HEAD FIRST ON

SIGNED: Jason R Scott

WITNESSED: P. K. [Signature]

my BACK going down STAIRS GRABBED UNDER MY
 Chin pulling my head down AND LEAVING ME WITH
 a sore neck for 2 days, Pulling me Into the
 HALL STAIRS LIVING ROOM and out the BACK
 door I WAS yelling "let me go! I HAVE MY RIGHTS!"
 They Forced me out to the Van which was PARKED
 In the back YARD I struggled for a few minutes
 as she shoved me in the VAN AND DROVE OFF.
 I didn't know where we were going. They ~~knocked~~
 me ~~stomach~~ down & put it SLICK RESTRAINT around my feet, & cuffed me
 to the VAN FLOOR. The BACK
 windows HAD Trunks over them (APPARENTLY it was
 RENTED FROM I think Budget) (I SAW A RECEIPT) We
 sat in the house a few hours LATER I WAS TAKEN
 FROM the VAN? HAND CUFFED sagged & the foot RESTRAINT
 (LEASH LIKE) WAS MOVED UP AROUND MY KNEES to walk.
 They brought me up STAIRS AND put me in the
 shower on the 2ND FLOOR. Chuck prepared the room
 with ~~1 inch~~ 1 inch seat belt strap TO the windows In
 a Big MESH LIKE PATTERN, ~~III~~ Kind of like BARS.
 CLARK MARK & Chuck were stationed at the doors. Rick
 came in telling me that ITS up to me on how hard this
 is going to be "if you give me any trouble I'll cuff you to
 the Bed FRAME FOR TWO DAYS AND IT WON'T BE AS COMFORTABLE
 AS THE Ride over here (The Ride over was terrible the HAND CUFFS CUT MY
 wrists) I decided to cooperate. I looked AT ALL the STUFF
 Rick had to show me and wasn't impressed.

IF I DIDNT COOPERATE I WAS CRITICED BY RICK TRUD
TO TEARME DOWN BY MASHING FAIR OF MY CHURCH
AND ACCUSING THE PASTOR OF LYING AND CALLED
HOMEX - BUSINESS PARTNER A HOMOSEXUAL, WHICH IS A
BUNCH OF GARBAGE! I WAS SUBJECT TO ^{SEVERE} TORMENTAL ABUSE
THE FOOD WAS GOOD ^{FILLING} ~~VERY~~ BUT AS THE
DAYS WENT ON I ATE LESS. I PUT ON A B.S.
SHOW SO I COULD GET OUT OF THERE DAYS WENT
ON AND I AGREED WITH RICK AND BUILT TRUST WITH
THE GUARDS. LAST NIGHT THEY THOUGH THEY CRIEDED
ME WHEN I BURST OUT IN TEARS I TOLD MY MOTHER
I WAS SORRY & THAT I LOVED HER. TODAY SHE
THOUGHT I WAS READY TO GO OUT FOR THE FIRST TIME
IN 5 DAYS (I HADNT COME OUT OF THE ROOM FOR 4 DAYS)
WE WENT TO THE OCEAN SHOPPING AND DECIDED TO
GO SOME WHERE ELSE SO WE WENT FOR SHOPPING TO GET
SOME STUFF FOR MY STOMACH THEN WENT TO THE HOME DEPOT
I ESCAPED & RAN ACROSS THE STREET TO THE PARKING
REST. AND CALLED THE COPS. RICKS INTENTIONS WERE TO
MAKE ME CHANGE MY MIND HE ALSO SAID THAT
HE HAD ALL THE TIME IN THE WORLD TO DO IT. HE ACCUSED
MY CHURCH OF BEING A Destructive CULT. OUR CHURCH
CANT BE A CULT IT'S REGISTERED WITH THE US. ~~IT'S~~ ^{IT'S} ~~NOT~~ ^{NOT}
REFUSED TO HAVE MY RIGHT READ TO ME. JES

TESTIMONY OF JASON SCOTT

FRIDAY THE 18TH

MY BROTHER, THYSEN, CALLED ME ON THE 18TH OF JAN AND INVITED ME TO HIS BIRTHDAY PARTY. I WOULD HAVE HAD YOUTH GROUP AT THE SAME TIME AND HAD MADE A PRIOR COMMITMENT TO THAT. ON THE 18TH I CALLED HIM AND TOLD HIM THAT I WOULD BRING HIS CARPET SCRAPS OVER TO HIM AT 12908 NE 78TH PL. I WENT OVER TO 12908 NE 78TH PL ABOUT SIXISH . I TOOK ALONG MY FRIEND TOM LYMAN FOR HELP AND COMPANY . I BACKED IN THE DRIVE WAY, PARKED AND LEFT MY TRUCK . I TOLD TOM TO STAY HERE WHILE I TOLD THEM THAT I WAS HERE.

I WALKED UNDER THE COVERED AREA TO THE FRONT DOOR WHERE I WAS JUMPED ON BY THREE THUGS. THEY WRESTLED ME TO THE GROUND AND DRUG ME INSIDE . I PANICKED AND STRUGGLED AS HARD AS I COULD TO GET FREE. I ALSO YELLED AT THEM " I HAVE MY RIGHTS AND THEY'RE BEING VIOLATED!" THE THREE THUGS THAT GRABBED ME ARE MARK WORKMAN, CHUCK SIMPSON, AND A MAN NAMED CLARK (I DON'T HAVE HIS LAST NAME).

A FEW WITNESSES LOOKED ON AT WHAT WAS HAPPENING AND DIDN'T DO ANY THING. MY MOM WENT OUT SIDE REASSURING THEM THAT I WAS GOING TO BE OK AND THAT I WAS GOING TO BE TAKEN OUT OF A CULT. MEANWHILE, I WAS GIVING THEM A HARD TIME GOING DOWN THE STAIRS BY GRABBING THE HAND RAILS AND KICKING AS HARD AS I COULD . CHUCK TOLD ME THAT I KICKED HIM IN THE GROIN AND MARK TOLD ME THAT I KICKED HIM IN THE LEG (I THINK).

CHUCK PUT THE HANDCUFFS ON ME (WHICH WERE SO TIGHT MY HANDS A FEW MINUTES LATER WENT NUMB AND TINGLED AND BECAUSE OF THE LOSS OF CIRCULATION THEY WERE COLD) . I LOOKED UP AT MY MOM AND SAID " HOW COULD YOU DO THIS" SHE LOOKED AT ME WITH A DEVILISH SMILE SHRUGGED AND SAID "ITS FOR YOUR OWN GOOD YOU'LL SEE LATER ". CLARK PUT HIS HANDS OVER MINE TO TRY AND WARM THEM UP DURING THE RIDE TO OCEAN SHORES. THEY DRUG ME DOWN THE STAIRS ON MY BACK AND INTO THE DOWN STAIRS LIVING ROOM. I STRUGGLED, YELLED AND KICKED BUT I COULDN'T USE MY HANDS. THE PRESSURE FROM THE MEN TRYING TO LIFT ME CAUSED THE HANDCUFFS TO DIG INTO MY WRISTS LEAVING DARK THICK SWOLLEN RINGS AROUND MY WRISTS. THEY DRUG ME OUT THE SLIDING BACKDOOR OF THE HOUSE. RICK WAS SAYING "HURRY GET HIM THE VAN". MY BACK WAS SCRAPING ON THE CEMENT PATIO AND LAWN AS THEY TUGGED ME TOWARD THE VAN. I GAVE MY BEST RESISTANCE STIFFENING UP LIKE A BOARD. THE THREE THUGS COULDN'T GET ME IN THE VAN SO RICK AND MY BROTHER STARTED SHOVING. I HAD MY HANDS ON THE DOOR HANDLE AND RICK TORE THEM OFF AS THE THREE GUYS FINALLY GOT ME IN THE VAN. THEY ALL JUMPED IN THE VAN INCLUDING RICK AND MY BROTHER.

I WAS CRYING AND PRAYING, TERRIFIED TO DEATH. I DIDN'T KNOW WHAT THEY WERE GOING TO DO WITH ME OR TO ME, THOUGHTS OF

ABUSE, TORTURE LIKE BEING TIED TO A CHAIR, FORCED TO LISTEN AND WATCH LIES ON A TV, AND BEING MENTALLY RAPED FOR ALL THE THINGS I STOOD FOR, RAN WILD THROUGH MY TORMENTED, STRESSED MIND.

THE VAN TORE OUT OF THE BACK YARD. I WAS PINNED FACE DOWN BY CLARK'S KNEE IN MY BACK AND MARK OVER MY LEGS AS HE TIGHTLY SECURED A 1 INCH LEASH-LIKE NYLON STRAP AROUND MY ANKLES. CLARK WAS TOSSED A ROLL OF 2 INCH WIDE ROLL OF DUCT TAPE AND WAS TOLD TO MAKE SURE I WAS QUIET HE RIPPED OFF A EIGHT INCH LONG PIECE AND FASTENED TO MY FACE FROM EAR TO EAR. RICK LOOKED AT ME AND SAID TO STOP PRAYING AND SHUT UP. MY WRISTS WERE SCREAMING WITH PAIN AS CLARK HELD THE HAND CUFFS BY THE CHAIN IN THE MIDDLE. WE STOPPED SOME WHERE TO EAT AND THYSEN WENT IN AND BROUGHT OUT SOME BURGERS. I WAS IN A PANIC STATE OF SHOCK AND COULD NOT EAT.

I DECIDED TO COOPERATE AND TRIED TO MAKE THE TRIP AS COMFORTABLE AS POSSIBLE. CLARK TRIED TO HELP ME BE COMFORTABLE BUT IT DIDN'T WORK BECAUSE THE HAND CUFFS WERE SO TIGHT. I ASKED OVER AND OVER FOR THEM TO LOOSEN THEM BUT THEY WOULDN'T. CLARK, MARK AND CHUCK ALL TALKED ABOUT VIETNAM AND ALL THE HORRIFYING TORTURE STORIES THAT WENT ALONG WITH THAT WAR. (I GUESS A FEAR TACTIC). THYSEN WAS ALONG FOR THE RIDE AND HE ADDED HIS WITTY TWO CENTS AND CHEWED HIS TOBACCO. I LOOKED PAINFULLY AT CLARK AND HE LOOKED AWAY WITH GUILT WRITTEN ON HIS FACE. I OPENED MY MOUTH TO LOOSEN THE TAPE AND TOLD HIM I WOULDN'T TALK IF I COULD KEEP THE TAPE LOOSENED BUT CLARK REFASTENED IT TO MY FACE AND SAID, "I DO WHAT THE BOSS TELLS ME TO."

THE RIDE OVER WAS VERY STRESSFUL. I TRIED TO SEE WHERE WE WERE GOING AND TURNED MY HEAD. I LOOKED OUT THE FRONT WIND SHIELD FROM MY PINNED POSITION ON THE FLOOR OF THE VAN AND SAW AN OVERHEAD TRAFFIC SIGN READING "YELVA"; SO I KNEW WE WERE GOING SOUTH. MARK LEANED OVER AND BLOCKED MY VISION OUT THE WINDOW WITH HIS ARM AND I TURNED MY HEAD BACK AROUND AND LOOKED AT THE BACK DOOR. I, BEFORE THAT TIME AND AFTER THAT TIME, HAD TRIED TO LOOK OUT THE WIND SHIELD BUT THEY BLOCKED MY SIGHT WITH THEIR ARMS, KNEES OR HANDS. DEALING WITH THE FEARS AND THE ANGUISH WAS THE HARDEST BATTLE IN THE TRIP OVER.

WE PULLED INTO A GRAVEL DRIVE WAY AND PULLED UP TO A HOUSE. THE VAN WAS BACKED IN THE GARAGE AND PARKED. THE GARAGE DOOR WAS SHUT AND I ASKED IF I WAS GOING TO BE ABLE TO WALK. CHUCK SAID THAT HE HOPED THAT THAT WOULD BE POSSIBLE. I SAT UP IN THE VAN AND WAITED FOR ABOUT TEN MINUTES WHILE MARK AND RICK SECURED THE HOUSE FOR MY ARRIVAL. CLARK STILL HELD ME BY THE CHAIN OF THE HAND CUFFS AND CHUCK STOOD BY HOLDING THE LEASH OF THE ANKLE RESTRAINT. RICK AND MARK RETURNED AND THREATENED ME NOT TO MAKE ANY STUPID MOVES. THEY THEN MOVED THE ANKLE RESTRAINT UP AROUND MY KNEES SO I COULD WALK.

THEY HELD THE LEASH OF THE RESTRAINT VERY TIGHTLY, LETTING ONLY ENOUGH SLACK TO WALK.

WE WENT IN THE HOUSE AND I REQUESTED TO GO THE BATH ROOM. I COULDN'T EVEN GO BECAUSE I WAS SO NERVOUS AND STRESSED OUT. WE WENT UP SPIRAL STAIRS UNTO THE SECOND STORY OF THE HOUSE AND WE WENT IN THE BATH ROOM. I WAS PUT IN THE SHOWER WHERE THEY PULLED THE TAPE OFF BUT THE HANDCUFFS WERE STILL NOT LOOSENEED.

THE FOOT RESTRAINT WAS LOOSENEED AND FOOD WAS SERVED. I WAS STRESSED OUT IN THINKING THAT THEY WERE GOING TO PUT DRUGS IN MY FOOD TO ACCOMPLISH THEIR PURPOSE.

THEY TOLD ME THAT MY CHURCH WAS A CULT AND TOLD ME BRIEFLY WHAT THEY WERE GOING TO DO TO ME. I ASKED THEM IF THEY WERE GOING TO FORCE ME TO NOT GO BACK TO LIFE TABERNACLE BY MAKING ME TO CHANGE MY MIND. RICK SAID, "YES".

THEY LOOSENEED THE HAND CUFFS FINALLY AFTER ALMOST 4 HRS. I REQUESTED TO SIT IN THE BATH TUB BECAUSE IT WAS VERY UNCOMFORTABLE SITTING IN THE SHOWER MY BACK ACHED--THEY AGREED.

MY MOM BROUGHT ME A PILLOW THAT DIDN'T HELP AT ALL AND THEY BROUGHT ME SOME FOOD IT WAS A CHICKEN SANDWICH AND SOME FRUIT JUICE. I DIDN'T TRUST THEM AND WAS SCEPTICAL ABOUT IT I THOUGHT THEY WOULD PUT DRUGS IN IT SO THAT I WOULDN'T FIGHT AS MUCH; BUT I ATE IT BECAUSE I WAS SO HUNGRY.

CHUCK WAS GONE AND I HEARD POUNDING IN THE OTHER ROOM FOR 20 MIN.

AFTER CHUCK GOT BACK I WAS TAKEN IN A ROOM WITH TWO DOUBLE BEDS ALL THE DRAWERS HAD BEEN TAKEN OUT OF THE DRESSERS AND NIGHT STANDS AND PUT IN THE CLOSETS I TOOK OFF MY SHOES AND CHUCK WENT AROUND THE ROOM "CLEANING " AND TOOK MY SHOES

RICK STARTED IN AGAIN RIDICULING ME ABOUT MY CHURCH ,MY FIANCE, MY PASTOR, OUR WORSHIP, THE CHURCH SUPERINTENDENT, THE BIBLE, OUR SALVATION, OUR BAPTISM, OUR DOCTRINE, OUR HOLINESS STANDARDS, MY TRUCK, ME AND MY SELF WORTH, HE CALLED ME NAMES LIKE STUPID AND MUSH HEAD.HE DEGRADED ME AND MY SCHOOL HE TORE APART EVERY THING THAT I WAS AND STOOD FOR.I WAS SO FURIOUS AT HIM. HE HAS NO RIGHT TO PUT DOWN EVERY THING I LOVE.

I REQUESTED TO HAVE THE POLICE COME IN AND READ ME MY RIGHTS AND HE SAID "SORRY THAT'S NOT GOING TO HAPPEN AND IF YOU GIVE ME ANY TROUBLE I'LL HANDCUFF YOU TO THE BED FRAME AND IT WON'T BE COMFORTABLE!!" HE CONTINUED TO TEAR APART MY CHURCH AS I DEMANDED AGAIN TO HAVE MY RIGHTS READ TO ME.

I TOLD MY MOM THAT WHAT SHE WAS DOING WAS WRONG AND THAT SHE COULDN'T FORCE ME TO CHANGE MY MIND AND THAT I WAS EIGHTEEN AND I COULD DO ANYTHING THAT I WANTED TO DO WITH MY LIFE. THEY ALL SAID THIS WAS GOING TO BE FOR MY OWN GOOD AND NOT TO FIGHT IT. RICK SAID THIS WHOLE PROCESS WAS GOING TO BE AS HARD AS I WAS GOING TO MAKE IT. I COULD FIGHT IT AND THEY WOULD FIGHT ME BACK UNTIL THEY WON OR HAD SUCCEEDED IN BEATING ME DOWN MENTALLY TO THE POINT OF SURRENDER. THEY MERCILESSLY USED ANY THING THEY COULD THINK OF IN BEATING A PERSON DOWN MENTALLY. IT WAS JUST LIKE IN THE MOVIES WHEN A P.O.W. WAS IN THE CUSTODY OF THE ENEMY AND THE BEAT HIM UP MENTALLY BY MOCKING AND TEARING APART AND BLANDERING THE THINGS THEY STOOD FOR AND FOUGHT FOR AND LOVED.

MY MOM EVEN USED MY FAMILY MEMBERS AGAINST ME IN SAYING THAT I WOULD NEVER BE ACCEPTED IF I, AFTER HE WAS DONE, WENT BACK TO THE CHURCH. SHE ALSO SAID I WOULD BE WRITTEN OUT OF THE WILL OF MY GRANDPA IF I TURNED BACK TO THE CHURCH. I SAID "I DON'T CARE ABOUT MY GRANDFATHER'S WILL. I'VE NEVER SEEN ONE DIME IN MY POCKET FROM HIM MY WHOLE LIFE SO I DON'T EXPECT ANYTHING FROM HIM."

RICK SAID, "THIS IS USELESS FIGHTING. ITS LATE. LETS ALL GO TO BED."

A GUARD SLEPT AT EACH OF THE TWO ENTRANCES OF THE ROOM AND WHEN I WENT TO THE BATH ROOM ALL THREE GUARDS ACCOMPANIED ME TO THE BATHROOM AND ONE CAME IN THE BATHROOM WITH ME FOR THE FIRST TWO DAYS WHILE THE OTHER TWO WAITED OUT SIDE THE TWO ENTRANCES OF THE BATHROOM.

DAY 1 THE 19TH-SAT

I WOKE UP AT 10:00AM WITH A BACK ACHE AND REQUESTED SOME ASPIRIN. THE GUARDS WERE OUT TO JUSTIFY THEIR BRUTALITY ON ME THE NIGHT BE FORE, SO THEY WERE EXTRA NICE. I GOT MY ASPIRIN AS RICK CAME IN HIS BATH ROBE AND THE FIRST WORDS OUT OF HIS MOUTH WERE THINGS DOWN GRADING MY CHURCH. I LISTENED FOR ABOUT 20 MIN AND GOT REAL TIRED OF HIM TELLING ME THAT THE WAY I WORSHIP GOD WAS UNBIBLICAL AND RADICALLY CRAZY HE MADE FUN OF IT BY JUMPING AROUND AND MAKING FUN OF MY FIANCE. I HAD MY ARMS FOLDED AND WAS MAD. MY MOM CAME IN THE ROOM AND I STARTED A COMMOTION. I TELLED, "I WANT MY RIGHTS READ TO ME BY THE POLICE RIGHT NOW! WHAT YOU GUYS ARE DOING IS AGAINST THE LAW AND I'M GOING TO PROSECUTE TO THE FULLEST!!" RICK LOOKED AT ME LIKE I WAS THE SADDEST THING HE'D EVER SEEN AND SAID, "SORRY. PAL. YOUR NOT LEAVING THIS ROOM AND YOU'D BETTER COOPERATE AND NOT GIVE ME ANY TROUBLE OR ILL HAND CUFF YOU TO THE BED FRAME AND IT BE MORE UNCOMFORTABLE THAN THE RIDE OVER.

I LOOKED AT MY MOM AND SAID, "HOW CAN YOU PAY THIS MAN TO MAKE ME THINK THE WAY YOU WANT ME TO?" SHE LOOKED AT ME WITH

A SAD PUPPY FACE AND SAID THAT IT WAS FOR MY OWN GOOD. THEN SHE GOT UP AND LEFT. THYSEN CAME IN AND STARTED IN ON ME ABOUT BRO. KERN AND RICK DID THE SAME. THEY TOLD ME HOW MUCH OF A LIAR HE (BRO. KERN) SUPPOSEDLY IS. AND THEY BROUGHT UP ALL THE THINGS THAT WERE IN THE POLICE REPORT OF THE WHICH REALLY HAPPENED LIKE: MAKING MY BROTHERS WAIT TO USE THE BATHROOM THE LIGHTS THAT CHANGED IN THE ROOM IN ACCORDANCE TO THE VIDEOS THEY WERE SEEING. THE ABUSE TO MY LITTLE BROTHER MATT WHEN THEY FOUND CRUMBS IN THE BATHROOM, THE MENTAL ABUSE INFLICTED ON MY BROTHER THYSEN DURING HIS DEPROGRAMMING. I SAT QUIETLY ON THE BED FIGHTING THE SUPPOSED LIES IN MY MIND. I KNEW THE TRUTH ABOUT THE SITUATION BECAUSE I WAS A PART OF IT AND SAW IT HAPPEN.

FOR THE REST OF THE DAY RICK HUMILIATED ME BY CALLING ME NAMES LIKE; STUPID PERSON, MUSH HEAD, ROBOT, KERNAL (MOCKING BRO. KERN) I COULDN'T FIGHT BACK BECAUSE IT WAS NO USE. NO MATTER WHAT I SAID IN DEFENSE OF MY CHURCH, IT WAS TORN APART, RIDICULED, MOCKED AND MADE FUN OF. MY MEALS WERE VERY FILLING, HIGH CALORIE DISHES LIKE: CASSEROLES, REAL HEAVY FATTY MEATS LIKE PORK CHOPS DRENCHED IN BAR-B-QUE SAUCE. MY SALADS SWAM IN SALAD DRESSING. THEY BARELY GAVE ME ANY VEGETABLES. I WOULD GET TWO CARROT STICKS OR A COUPLE PIECES OF SALAD WITH EVERY MEAL EVEN THOUGH I REQUESTED MORE VEGETABLES EACH TIME I WAS FED. ALL MY MEALS WERE SERVED ON PAPER PLATES AND PLASTIC FORKS BECAUSE THEY DIDN'T TRUST ME. THEY THOUGHT I'D USE REGULAR PLATES AND SILVERWARE AS WEAPONS. MY BREAKFASTS CONSISTED OF EXTREMELY SUGARY CALORIC CEREALS. CAPTAIN CRUNCH, OR OATMEAL WITH HALF AND HALF AND TONS OF BROWN SUGAR, TOAST DRIPPING WITH BUTTER, A BANANA AND AN ORANGE. I WAS PRETTY SKEPTICAL OF EATING A LOT OF IT OR DRINKING THE WATER THEY GAVE ME BECAUSE IT SMELLED DIFFERENT AND MOST OF ALL TASTED DIFFERENT. THE WATER SMELLED STALE. WATER DOESN'T USUALLY SMELL BUT THIS STUFF DID.

AS EACH DAY WENT ON I ATE LESS AND LESS AS I GOT MORE DEPRESSED . I WOULD HAVE TIMES OF NAUSEA IN THE BATHROOM AND FINALLY AT THE VERY END I GOT SOME KIND OF FLU SYMPTOMS FROM IT ALL.

THE FIRST DAY IN DEPROGRAMMING WE DIDN'T SEE ANY VIDEOS; BUT, FROM 10 A.M. TO AROUND MID NIGHT HE MOCKED EVERY THING THAT I WAS AND CALLED ME AN IDIOT. FOOL AND THE OTHER NAMES TO TRY TO BREAK ME DOWN SO HE COULD CHANGE MY MIND. EARLIER THIS MORNING I ASKED RICK A QUESTION "SO RICK YOU ARE GOING TO MAKE ME CHANGE MY MIND AGAINST MY WILL." HE SAID " THAT'S MY JOB".

THE SECOND DAY THE 20TH

THEY ALL GOT UP AROUND 7 AND MADE SURE THEY MADE A LOT OF NOISE TO WAKE ME UP WHICH THEY DID . IT GOT SO BORING SITTING IN A BED NOT KNOWING WHERE YOU WERE AND BEING FORCED

TO LISTEN TO A GUY WHO YOU DIDN'T WANT TO HAVE ANYTHING TO DO WITH TEAR YOU APART. I COULD TELL THAT HE ENJOYS BELITTILING PEOPLE AGAINST THEIR WILL, BECAUSE HE PUTS A LOT OF EFFORT IN TO WHAT HE DOES. I HAD CAPTAIN CRUNCH FOR BREAK FAST IT WAS WITH HALF AND HALF, TOO THICK TO EAT MOST OF IT. TWO PIECES OF TOAST CAME A LONG THEY WERE COLD AND DRENCHED WITH BUTTER ALL THE MEALS HONESTLY WERE NOT VERY GOOD. I DIDN'T EAT BUT HALF OF THE CEREAL AND ONE PIECE OF TOAST AND I PUT IT DOWN. RICK CAME IN AND WENT AT IT AGAIN ABOUT MY CHURCH AND HOW BAD IT WAS. TELLING ME ALL THIS MADE UP SLANDER ABOUT MY PASTOR AND ALSO REPEATING EVERY THING HE DID THE DAY BEFORE. THIS DAY HE REALLY STARTED BEATING UP OUR SALVATION METHOD . WE GET OUR SALVATION FROM THE BOOK OF ACTS WHERE THE FIRST CHURCH STARTED . I TOLD RICK " YOU HAVE TO DIVIDE THE WORD AND USE IT IN CONTEXT. YOU CAN'T GET SAVED OUT OF AN EPISTLE THOSE PEOPLE ARE ALREADY SAVED ."HE REALLY WENT AT BAPTISM IN JESUS NAME TRYING TO TELL ME THAT IT WASN'T BIBLICAL WHEN, I KNOW THAT IT'S THE ONLY METHOD OF BAPTISM IN THE NT CHURCH. HE ALWAYS BROUGHT OUT HIS HEBREW PARALLEL AND SAID IF YOU WANT TO BELIEVE IN ONE GOD ALL YOU HAVE TO DO IS PAY MY SYNAGOGUE \$350 A YEAR. WE'LL GIVE YOU A BEANY AND YOU CAN BECOME A JEW. BUT IF YOU WANT TO BE A CHRISTIAN YOU HAVE TO BELIEVE IN THE TRINITY AND ONLY USE THE NEW TESTAMENT. I TOLD HIM THAT THE OLD TESTAMENT WAS THE NEW TESTAMENT CONCEALED AND THE NEW TESTAMENT WAS THE OLD TESTAMENT REVEALED THEY BOTH GO TOGETHER WHEN THE APOSTLES PREACHED THEY PREACHED OUT OF THE OLD TESTAMENT AND ALL THE PROPHESES THAT ARE IN OLD TESTAMENT CONCERNING THE HOLY GHOST BE OUT POURED IN JOEL 2:28 AND OTHER PLACES AND THE PROPHESEY OF JESUS BEING BORN IN ISAIAH 9:6 THE BOTH TESTAMENT ARE TO BE USED TOGETHER.

HE REALLY DIDN'T SAY ANYTHING BUT WENT ON TO RAG ON ME ABOUT MY STANDARDS . I THOUGHT IN MY MIND " I HAVE FAITH IN YOU GOD THAT YOU WILL DELIVER ME I'LL STAND ON YOUR WORD AND ITS PROMISES AND I KNOW YOU'LL DELIVER ME JUST SHOW ME THE RIGHT DOOR TO OPEN AND I'M OUT OF HERE." I PRAYED A LOT UNDER MY BREATH PLEADING THE BLOOD OF JESUS OVER MY MIND AND THANKING GOD FOR THIS TRIAL . I HAD TO OBTAIN AN ATTITUDE OF GRATITUDE THROUGH THIS WHOLE THING. I COULDN'T PUT UP ANY VISIBLE DEFENCE OR GET MAD OR BITTER BECAUSE FOR ONE THING IT'S NOT CHRIST-LIKE AND THE WHOLE PROCESS FEEDS OFF OF HATE. IT TURNS THE HATE THAT YOU HAVE IN YOUR HEART TOWARD SOME THING THAT'S NOT IN YOUR GROUP AND TURNS IT AROUND AT YOUR GROUP MAKING THE PEOPLE YOU USED TO LOVE SEEM LIKE HIDEOUS ENEMIES.

RICK SPENT A LOT OF TIME READING FROM THIS BOOK OF METHODS OF FINDING OUT IF YOUR GROUP WAS A CULT: BUT I FOUND OUT, AFTER A DAY OF LISTENING TO HIM, THAT THE QUESTIONS YOU WOULD ASK ARE SO GENERAL THAT ABOUT 95% OF THE CHURCHES IN THE U.S.A WOULD BE CULTS. I ASKED MY MUM WHEN AND WHERE ARE YOU GOING ARE YOU GOING BACK TO CHURCH SHE LOOKED AT ME LASTLY SAYING "I DON'T KNOW BABE, I DON'T KNOW. EVERY ONE

I'VE BEEN TO FALLS UNDER THE QUESTIONS THAT YOU WOULD ASK." SHE BASICALLY SAID TO ME THAT ALL THE CHURCHES ON THE EAST SIDE ARE CULTS.

IT WAS KIND OF FUNNY BECAUSE EVERY THING THAT RICK WOULD "PREACH" AGAINST HE WOULD DO TO ME. ONE EXAMPLE IS "ISOLATION". RICK'S DEFINITION OF THIS IS NOT BEING ABLE TO CONTACT OR HAVE ANY RELATIONS WITH THE OUT SIDE WORLD. BUT HE HAD NYLON STRAPS OVER THE WINDOWS AND TWO GUARDS AT EACH DOOR KEEPING ME IN THE ROOM. ALMOST EVERY STEP IN FINDING OUT IF A GROUP IS A CULT IS SO GENERAL THAT EVEN GROUPS LIKE DIET CENTERS AND ALCOHOLICS ANONYMOUS ARE CULTS . THIS MAN IS A DESTRUCTIVE PERSON RIPPING YOUR FAITH IN GOD AND THE BIBLE . SPEAKING IN TONGUES IS BIBLICAL AND RICK TWISTS IT AROUND AND SAYS ITS A TRANCE STATE YOUR IN WHEN YOU SPEAK IN TONGUES. HE MISREPRESENTS THE BIBLE IN SAYING THAT IN CORINTHIANS 12 THAT ONLY A FEW PEOPLE IN THE CHURCH CAN ONLY SPEAK IN TONGUES WHEN THAT SCRIPTURE PASSAGE REFERS TO THE GIFT OF PROPHECY AND NOT THE WHOLE CHURCH IN GENERAL. THE WHOLE BOOK OF ACTS DEVOTES ITS SELF IN RECORDING THE FIRST ACTIONS OF THE APOSTLES AND ALL THROUGH OUT THIS BOOK THE HOLY GHOST WAS OUT POURED THAT THE APOSTLES PREACHED AND IT IS PROMISED TO EVERY ONE(ACTS 2:39).

RICK'S METHODS IN DEPROGRAMMING ARE NOT BIBLICAL BECAUSE I FOLLOW EXACTLY WHAT THE BIBLE SAYS ABOUT SALVATION AND IT SAYS TO REPENT .FOR THE REMISSION OF SIN AND BE BAPTIZED IN JESUS NAME AND I WILL RECEIVE THE HOLY GHOST IN WHICH I DID AND GOD GAVE ME THE HOLY GHOST AND THE EVIDENCE OF THAT IS SPEAKING IN TONGUES. HIS EFFORT IS IN VAIN BECAUSE HE PROFESSES TO USE THE BIBLE BUT HE USES THE BIBLE OUT OF CONTEXT. HE TRIED TO MAKE ME BELIEVE THAT I COULD BE SAVED BY ONLY BELIEVING IN JESUS (ROMANS 10:9). THE BOOK OF ROMANS IS AN EPISTLE IN WHICH THE PEOPLE ARE ALREADY SAVED. PAUL IS SAYING IN THAT PASSAGE TO MAKE A COMPLETE BREAK WITH JUDAISM AND TOTALLY CONFESS JESUS CHRIST. I COULDN'T BELIEVE THE SCRIPTURES THAT HE USED TO TRY TO DEPROGRAM ME WITH. THEY WERE SO OUT OF CONTEXT IT WAS FUNNY. WHEN HE DIDN'T KNOW HOW TO ANSWER A QUESTION OF MINE HE SAID "WE HAVE TO GO TO THE GREEK AND FIND OUT WHAT IT REALLY SAYS" IN SAYING THAT HE TRIED TO BEAT DOWN MY FAITH IN THE KING JAMES VERSION. BUT I THOUGHT IN MY MIND " IF I CAN GET THE HOLY GHOST BY BELIEVING THE KING JAMES VERSION THEN ITS OK FOR ME. I CANT READ GREEK ANY WAYS. THE ARGUMENTS HE BROUGHT UP WERE ALWAYS CHANGED TO A DIFFERENT SUBJECT BECAUSE HE COULDN'T ANSWER MY QUESTIONS.

RICK DESTROYED MY MOMS FAITH IN GOD AND NOW SHE DOESN'T EVEN PRAY. MY BROTHER HAD AN AWESOME WALK WITH GOD AND NOW HE BELIEVES HE CAN BE A CHRISTIAN THAT CHEWS TOBACCO.

WE SAW A FILM CALLED MARJUE A FILM ABOUT A SELF PROCLAIMED FARE WORKING THE MORE LIBERAL SO CALLED PENTECOSTAL CHURCHES FOR MONEY. HE ADMITS BEING AN ATHEIST AND IN ONE PART OF THE

FILM IT SHOWS HIM ON A MOTEL BED WITH A PILE OF MONEY IN FRONT OF HIM AND HIM CROUCHING OVER IT LIKE A VULTURE "THANKING JESUS" AND COUNT HIS DIVIDENDS FROM THAT NIGHTS "PERFORMANCE". RICK TRIED TO MAKE ME BELIEVE THAT ALL THAT MY PASTOR WAS OUT FOR IS MONEY. RICK ASKED ME WHAT KIND OF CARS PASTOR KERN HAD AND I TOLD HIM . HE WENT ON MAKING FUN OF BRO. KERN BY SAYING IF HE HAS THOSE NICE CARS WHY ARE OTHER PEOPLE AT POVERTY LEVEL IN YOUR CHURCH. RICK ALSO WENT ON MOCKING BRO. KERN BY QUOTING A SCRIPTURE IN THE BIBLE REFERING TO THAT IF A MAN CANT CONTROL HIS CHILDREN THEN HE ISN'T FIT TO PASTOR A CHURCH. RICK GOT SOME FALSE INFORMATION FROM MY CRACKED BROTHER ABOUT NATHAN AND HIS "SO CALLED" REBELLIOUS WAYS . RICK TRIED TO DOWN GRADE BRO.KERN SAYING THAT HE ISN'T FIT TO BE THE LEADER OF THE CHURCH BECAUSE HE CANT CONTROL HIS KIDS WHICH IS NOT TRUE .I LIVED WITH THE KERN'S IN OCTOBER WHEN I GOT KICKED OUT OF MY HOUSE WHEN MOM LEFT THE CHURCH AND BRO. KERN FATHERS HIS CHILDREN LOVINGLY AND STERNLY.

AFTER THAT WE SAW SOME FILMS ON THE POTTER HOUSE CHURCH THAT RICK HAS DESTROYED . IT WAS KIND OF FUNNY BECAUSE THE FILM CREW ALWAYS MADE THE PASTORS OF THESE CHURCHES LOOK LIKE THE BAD GUY AND RICK AS THE HERO SAVING THESE PEOPLE FROM A SO CALLED CULT .HE REALLY EMPHASIZED A LOT ON MIND CONTROL AND THAT I WAS BEING SLOWLY MINIPULATED IN DOING WHAT BRO.KERN WANTED ME TO DO. BUT RICK ON THE OTHER HAND WAS FORCING ME BY A DICTATORIAL MANIPULATION AND I HAD TO DO WHAT RICK SAYS OR BE HAND CUFFED TO THE BED FRAME . WHEN I CAME TO THIS CHURCH IT WAS MY CHOICE TO CHANGE.

WE SAW A COUPLE OTHER FILMS ONE ON THE MOONIES AND A SALLY JESSIE RAPHAEL DOCUMENTRY WITH RICK IN IT. I JUST SAT THERE LOOKED LISTENED AND KEPT AN OPEN MIND ABOUT EVERY THING . RICKS STUFF THAT HE TOLD ME DIDN'T LINE UP WITH THE FACTS ABOUT WHAT HE SAID ABOUT THE BIBLE AND THE CHURCH AND THE OTHER THINGS THAT MY MUM USED TO MAKE THE CHURCH LOOK BAD BECAUSE I DID MY OWN INVESTIGATION ABOUT EVERY THING AND CAME UP WITH MY OWN OPINION.

DAY THREE THE 21ST MONDAY

I WOKE WITH THE SAME BACK ACHES ,I GOT SOME ASPIRIN FROM CLARK AND BREAKFAST WAS OATMEAL WITH HALF AND HALF AND BROWN SUGAR . TWO COLD PIECES OF TOAST GARNISHED THE PAPER PLATE AND A BANANA CURLED AROUND THE PAPER BOWL. I COULD ONLY EAT HALF THE OATMEAL AND THE BANANA AS THE DAYS WENT ON I ATE LESS AND LESS I GOT SO TIRED THIS DAY THAT I ALMOST FELL ASLEEP LISTENING TO RICK CONTINUE TO TEAR DOWN MY CHURCH. AROUND 2 P.M. THEY LET ME TAKE A SHOWER BY MY SELF IN THE BATHROOM AND I ENJOYED EVERY MINUTE OF PRIVACY. THE BATHROOM WAS THE ONLY WAY I COULD LET GO MY THOUGHTS TO GOD AND TRUST HIM IN DELIVERING ME . THEY WERE ALSO TIMES OF EXTREME STRESS AND ANGUISH BECAUSE I FELT LIKE A TRAPPED LABORATORY

ANIMAL TORTURED BY EXCRUCIATION EXPERIMENTS . I COULD FEEL THE BATTLE GO ON IN MY MIND BETWEEN BELIEVING IN WHAT WAS RIGHT AND BEING FORCED TO BELIEVE WHAT WAS WRONG . THE CHURCH HELPED ME CLEAN UP MY ACT BEFORE I CAME TO THIS CHURCH I HAD GONE TO ABOUT TEN DIFFERENT CHURCHES AND THEY DIDN'T DO ANY THING TO OR FOR ME . I HAD LONG HAIR AND I CHEWED AND SMOKED TOBACCO AND I WANTED TO STOP BUT LIKE A CHAINS THOSE BAD HABITS AND MY HORRIBLE LIFE STYLE KEPT ME IN BONDAGE . THE CHURCH HELPED ME SORT THROUGH MY FEELINGS ABOUT THINGS IN MY LIFE AND GAVE ME SOME OPTIONS I COULD TAKE IN THE EFFECT I WANTED TO CHANGE MY LIFE.

I GOT TO SEE BOTH SIDES OF MY LIFE STYLE CLEARLY AND I MADE A FEW DECISIONS. I LIKED MY LONG HAIR FOR FASHION REASONS BUT HOW FAR WOULD IT GET ME IN A JOB SITUATION EMPLOYERS LIKE CLEAN CUT PEOPLE AS EMPLOYEES NOT THE SHAGGY PERSON THAT I WAS. TOBACCO WAS ONLY DRAINING MY WALLET AND GIVING ME A REASON TO GET CANCER . ALCOHOL WAS ONLY A EXCUSE TO ESCAPE MY PROBLEMS AT THAT TIME AND WORST OF ALL FORMING A DESTRUCTIVE LIFE LONG HABIT THAT MIGHT LAND ME IN JAIL WITH THE WAY I WAS GOING WITH IT . WHO KNOWS, DRUGS WERE THE NEXT ON THE LIST FOR ME IF GOD HADN'T COME MY WAY AT THAT TIME.

I LOOKED FOR GOD IN THOSE OTHER CHURCHES BUT I ONLY FOUND A GOOD NOON NAP OUT OF THE CHURCH SERVICE. RICKS DESTRUCTIVE COMMENTS DIDN'T REALLY PHASE ME BECAUSE I KNEW THE TYPE OF PERSON I WOULD RETURN TO BE IF I LEFT GOD. THAT NIGHT THE TRUTH ABOUT SOME THINGS THAT MY MOM WAS, WERE COMING CLEAR TO ME AND I GOT ANGRY . SHE STARTED NAMING THE PEOPLE THAT SHE USED TO LOVE IN THE CHURCH BAD NAMES THAT WERE VERY JUDGMENTAL. ALSO SPEAKING LIES THAT SHE REFUSED TO SEE ANY OTHER WAY BUT HER OWN. I EXPLODED ASKING" WHY ARE YOU SAYING THIS STUFF ABOUT THE PEOPLE YOU USED TO LOVE AND HOLD DEAR , YOU KNOW THEY ARE LIES AND FALSE SLANDER" SHE REFUSED TO SEE THE RIGHT WAY AND I ADDED "YOU KNOW THOSE ARE GOOD PEOPLE THAT HAVE DONE ANY THING BUT GOOD TO YOU, YOU HAD MORE PEACE AND JOY THIS PAST YEAR THAN YOU'VE EVER HAD IN YOUR LIFE AND EVEN YOU'VE SAID THAT TO ME MOM". SHE ARGUED WITH THAT AND DENYING IT.

RICK STEPPED IN THE CONVERSATION TELLING MY MOM TO LEAVE AND CALLING THE GUARD THAT WAS UP STAIRS BACK DOWN SAYING " SO YOU'VE BEEN FAKING THESE PAST TWO DAYS PUTTING ON A BIG SHOW WELL LET ME TELL YOU I'VE NEVER BEEN FAKED OUT AND I'VE DEPROGRAMMED OVER TWO HUNDRED PEOPLE SO IF YOU GIVE ME ANY TROUBLE I'LL HAND GUFF YOU TO THE BED FRAME FOR TWO DAYS SO YOU'D BETTER MAKE A DECISION TO COOPERATE OR IT WONT BE ENJOYABLE AT ALL FOR YOU." THE OTHER GUARD CAME DOWN AND SAT IN A CHAIR BY THE DOOR. HE WENT ON FOR ANOTHER HOUR BEATING DOWN THE CHURCH LIKE THE DAYS BEFORE. I FELT SO HELPLESS STRANDED ALMOST LIKE PINNED UP TO A WALL SPREAD EAGLE AND HAVING THE FLESH PIPPED FROM YOUR BODY IT HURT SO BAD MENTALLY . I HAD TO KEEP THE TEARS OF RAGE BACK AS I PRAYED UNDER MY BREATH ASKING GOD TO COMFORT ME . I FELT THE

ANGUISH DRAIN FROM ME AS I REGAINED MY COMPOSURE AND SAT UP STRAIGHT READY FOR MORE OF WHAT RICK HAD TO SAY ABOUT MY CHURCH.

FEELINGS OF COMPLACENCY HELPED ME BATTLE RICK'S ONSLAUGHT OF ACCUSATIONS. THE STUPER HELPED ME THE REST OF RICK'S ATTEMPTED BRAINWASHING. I JUST FAKED EVERYTHING AND WENT ALONG WITH WHAT HE SAID. I ASKED HIM "RICK, WHAT SHOULD I BELIEVE GOD IS AFTER THIS WHEN I'M DONE?" HIS RESPONSE WAS SHRUGGED SHOULDERS AND A LOST SOUNDING. "I DON'T KNOW IT'S UP TO YOU BUT BE REAL CAUTIOUS." THAT NIGHT I SLEPT INSECURELY. A MILLION QUESTIONS WERE GOING THROUGH MY MIND ON HOW MY BROTHER FEELS NOW AFTER HIS BRAINWASHING; ABOUT GOD AND MY MOM ALSO ABOUT HER OPINION ON THE TANGIBILITY OF THE LURD THAT RICK DESTROYED . BEFORE I CAME TO KNOW GOD HE WASN'T AS TANGIBLE AS HE IS NOW I COULDN'T FEEL HIM AS I DO NOW I THOUGHT HE WAS SO DISTANT BEING THAT ONLY CREATED THE WORLD AND DIDN'T HAVE HIS HAND ON EVERY THING . I THOUGHT AND FELT LIKE GOD DIDN'T LOVE ME BECAUSE OF ALL THE PROBLEMS I HAD AND I FELT LIKE I WAS IN GODS JUDGEMENT ALL THE TIME . I BELIEVED A LOT IN KARMA (WHAT COMES AROUND GOES AROUND)WHICH IS TRUE TO AN EXTENT BUT I LIVED IN FEAR BECAUSE OF IT . RICK TRIED TO PUT THAT INSECURITY BACK IN TO ME. TELLING ME THAT GOD ISN'T AVAILABLE WHEN HE REALLY IS. HE TORE MY EXPERIENCE WITH GOD APART LIKE IT WAS SOME FIGMENT OF MY IMAGINATION. HE TRIED TO MAKE ME BELIEVE A LIE, AS IF THE LIFE I LIVED IN THE CHURCH WAS SUCH A HORRIBLE EXPERIENCE THAT I SHOULD SHUN IT IN EVERY WAY POSSIBLE AND MAKE IT RIGHT THE SUPPOSED WRONGS I'VE DONE TO MYSELF. THAT NIGHT WAS TERRIBLE BECAUSE NOT ONLY DID I FIGHT AGAINST MY MOM I FOUGHT FOR MY RIGHTS AND I KNEW BEFORE I FOUGHT THAT IT WOULD GO NOWHERE BUT DOWN HILL FOR ME . I WAS COMPLETELY ALONE NO ONE AROUND ON MY SIDE TO HELP ME DEFEND MY FAITH. RICK CONTINUED TO RIP ME APART FOR A FEW HOURS . THAT NIGHTS SLEEP WAS RESTLESS I TOSSED AND TURNED ALL NIGHT EXHAUSTED AND WEARY I FINALL: FELL ASLEEP AROUND I GUESS 2 OR 3 .

TUESDAY THE 22ND

I WOKE UP AROUND 9:30 AND ASKED TO GET CLEANED UP . THEY LET ME AND I ENJOYED THE ESCAPE TO THE SHOWER. TODAY WAS THE DAY OF VIDEOS AND RICK SAID THAT THE REST OF THE WEEK WOULD BE THE SAME . I WAS SO GLAD TO JUST HAVE VIDEOS AND NOTHING MORE BECAUSE IT WAS TIRING . WE SAW AROUND 5 VIDEOS TODAY ,WE SAW ONE ON JONES TOWN ONE ON VARIOUS CULTS LIKE SCIENTOLOGY WE SAW A MOVIE ON THE MOONIES AND A SHOW CALLED 48 HOURS . THE FILM CREW OF 48 HOURS FOLLOWED RICK TO ANCHORAGE ALASKA TO FILM THIS DOCUMENTARY OF HIM AND A 14 YEAR OLD NAMED ERIN . THIS KID WAS A KID WHO LOVED GOD BUT I HAVE TO AGREE WITH RICK HE WAS A LITTLE EXTREME IN HIS "MINISTRY" I WOULD SAY THIS KID NEEDED A NEW CHURCH BUT NOT THE FOUL TREATMENT OF DEPROGRAMMING . I DIDN'T LIKE THE FACT THAT THE PASTOR OF THIS CHURCH HID ERIN OUT AT THE CHURCH

AND HAD ERIN TO BELIEVE THAT HIS MOM HAD A DEVIL. AFTER WATCHING THIS FILM I WAS CRUSHED ON HOW RICK DESTROYS PEOPLES WALKS WITH GOD I KNEW SOME THING WAS GOING TO HAPPEN WITH ME SO I REQUESTED MY MOM COME IN AND COMFORT ME . SHE CAME IN AND I PUT ON A BIG SHOW FIRST I PRAYED GOD PROTECT MY HEART . THEN I LET THE TEAR BUSH . FOR A HALF A GOOD FIFTEEN MINUTES I LET THE TEARS FLY ALMOST PRAYING THRU. I HAD TO KEEP MY STAMMERING LIPS FROM A FLAPPING. REWORD ME . I DIDN'T RENOUNCE MY FAITH AND I DIDN'T SAY THAT I WAS GOING TO LEAVE MY CHURCH I JUST SAID MOM I'M SORRY AND I LOVE YOU . I REALLY WANTED TO GET THE LOVE BACK FOR MY MOM THAT I LOST WHEN TYSEN WENT THROUGH HIS DEPROGRAMMING . I GOT REAL MAD AT MY MOM WHEN SHE DID THAT TO MY BROTHER AND I DIDN'T WANT TO BE BITTER TO MY MOM BUT I WAS . I "CRACKED" ABOUT 6 OR 7 AT NIGHT AND AFTER THAT RICK CAME IN SAYING THAT EITHER HE DID HIS JOB OR THAT I WAS THE WORLDS BEST ACTOR. I GAVE HIM A HUG SAYING "COME ON RICK I SEE NOW" THROUGH TEARS WE ALL WENT UP STAIRS FOR THE FIRST TIME IN FOUR DAYS AND I FOUND OUT WERE I WAS OCEAN SHORES. I GUESSED THAT WHEN WE FIST GOT HERE BUT I WASN'T SURE. AND NOW ALL I HAD TO DO WAS WAIT FOR AN OPEN DOOR. THAT NIGHT WAS PRETTY FUN WE ALL PLAYED CARDS TALKED . ATE WATCHED T.V., PLAYED PING PONG, AND RELAXED AFTER MY DAILY SACCUZY AT AROUND MID NIGHT I RETIRED AND FELL RIGHT ASLEEP.

WEDNESDAY THE 23RD

I AWOKED AT 9 AND GOT UP AND GOT ALL CLEANED UP RICK HAD ONLY ONE GUARD IN THE ROOM AND THE OTHER ONES WERE ALOUD TO GET SOME FRESH AIR . CLARK WAS THE GUARD THAT STAYED IN THE ROOM . AFTER I GOT OUT OF THE BATH ROOM WE WATCHED MORE VIDEOS . REAL DEMENTED ONES THAT RICK TRIED TO COMPARE TO MY CHURCH THAT DIDN'T EVEN COME CLOSE TO PARALLEL WITH MY CHURCH . THEY WERE ABOUT NEW AGE AND CHANNELLING . NOW I CAN SAY I'VE SEEN IT ALL BECAUSE THESE PEOPLE WERE SO STRANGE . THIS ONE LADY OWNED A CRYSTAL COMPANY . YOU WOULD TAKE THESE CRYSTALS AND PUT THEM IN YOUR BATH TUB AND WHEN YOU GET IN THE TUB THE CRYSTALS WOULD GIVE YOU ENERGY BECAUSE THESE THINGS SUPPOSEDLY EMITTED ENERGY THAT YOUR BODY ABSORBED . WHAT A LIE! I LAUGHED AT THAT ONE . THIS LADY ALSO CLAIMED THAT SHE HAD A PSYDIC CAT THAT WOULD MEDITATE IN THE BATHROOM. THAT'S ANOTHER I HEEHAWED HAWED OVER. ANOTHER WAS ON CHANNELLING . I'VE SEEN ALIENS CHANNLEED NOW AND DOLPHINS ALSO THESE PEOPLE SAID THAT YOU ARE GOD AND YOU HAD TO CO-CREATE HEAVEN ON EARTH. I WAS SO DISGUSTED I ALMOST GOT SICK TO MY STOMACH. THESE PEOPLE HAVE THE AUDACITY TO PUT THEMSELVES UP ON GODS LEVEL . I HAD TO GO TO THE BATHROOM AFTER I SAW THOSE VIDEOS BECAUSE I GOT SO SICK TO MY STOMACH I HAD DIARRHEA THAT . I HAD TO LAUGH AT IT ALL THOUGH BECAUSE THESE PEOPLE WERE SO DECEIVED . ON THE FIRST VIDEO WE SAW THE CREW DID A BRIEF PAST HISTORY ON THE PEOPLE INTERVIEWED AND THEY ALL ADMITTED ON BEING STRANGELY

DIFFERENT THAN OTHERS THEY SAID THAT THEY NEVER FIT IN. MY MOM WAS UPSTAIRS ON THE PHONE SCHEDULING THE PLANE TICKETS FOR ME TO GO TO OHIO TO WELL SPRINGS REHAB AND RICK AND THE REST AND THE GUARDS TICKETS BACK TO ARIZONA. I PLAYED PING PONG AFTER WE SAW THE REST OF THE VIDEOS AND AROUND 5 WE ALL DECIDED TO GO OUT TO EAT AND I SAID COOL. WE LEFT THE HOUSE AROUND SUN SET AND I COULD TELL THAT THE GUARDS WERE A LITTLE NERVOUS ABOUT ME BEING OUT SIDE FOR THE FIRST TIME IN FIVE DAYS. WE PULLED IN THE PARKING LOT OF THE OCEAN SHORES INN IN WE WENT IN . RICK WAS A LITTLE NERVOUS ABOUT THIS PLACE SO HE DECIDED TO LEAVE . I WAS PRAYING UNDER MY BREATH GOD OPEN A DOOR PLEASE! WE WENT TO THE SHOP RITE GROCERY TO GET SOME THING FOR MY STOMACH , I WAS SO NAUSEATED I WAS GOING TO THROW UP . WE PURCHASED SOME PROPULSATE AND WHEN WE WERE AT THE CHECK OUT STAND RICK CAME IN TO CHECK ON US . I COULD HAVE CAUSED A BIG STINK BUT I DIDN'T FEEL COMFORTABLE ABOUT IT . RICK WENT OUT WHEN HE SAW ME NOT DO ANYTHING. IF I DID YELL AT THE GROCERY PEOPLE WOULD HAVE FREAKED OUT AND PANICKED SO I KEPT IT DOWN. AFTER THAT WE WENT TO THE HOME PORT RESTAURANT . AFTER ABOUT 20 MINUTES OF WAITING WE WERE SEATED AT THE OTHER END OF THE RESTAURANT . AND I WAS GOING TO PUKE BECAUSE OF THE STRESS. I KNEW GOD WAS GOING TO OPEN A DOOR AND I WAS GOING TO TAKE THE FIRST CHANCE I GOT . AFTER WE GOT ALL THE STUFF AT THE SALAD BAR WE SAT DOWN AND I ASKED RICK IF I COULD GO TO THE BATHROOM BECAUSE I WAS GOING TO LOOSE IT ALL OVER THE PLACE. RICK SAID GO AHEAD AND I LEFT TO GO TO THE REST ROOM ALONE FOR THE FIRST TIME IN FIVE DAYS AND I TOOK THE FIRST CHANCE I GOT TO FREE MYSELF FROM THE BONDAGE I WAS IN . I WALKED FOR THE BATHROOM AND INSTEAD OF TURNING LEFT FOR THE BATHROOM I TURNED RIGHT AND HIT THE FRONT DOOR AND I FELT SUCH A RELEASE . I WAS FREE AGAIN AND I RAN ACROSS THE STREET TO BARNACLE BILLS RESTAURANT AND ASKED TO USE THE PHONE SHE SAID NO AT FIRST THEN I SAID I HAVE TO CALL THE POLICE I 'VE BEEN KIDNAPPED SHE SAID WELL WHY DIDN'T YOU SAY SO AND SHE GAVE ME THE PHONE . I RAN BACK AND FORTH AS I LOOKED OUT THE FRONT DOOR WAITING FOR THE COPS TO PULL IN AND THEY DID AS MY MOM. RICK PESS AND THE BODY GUARDS EXCEPT CLARK WALKED ACROSS THE STREET AT THE SAME TIME I RAN OUT TO MEET THE POLICE MAN AND TOLD HIM THAT I WAS KIDNAPPED AND HELD AGAINST MY WILL FOR FIVE DAYS AND I GAVE HIM MY LICENSE . HE PUT ME IN THE BACK SEAT OF THE JEEP AND QUESTIONED MY MOM AND RICK FOR A FIFTEEN MINUTES THEN TOLD THEM TO GO TO THE POLICE STATION WERE THEY WERE ARRESTED AND SENT TO JAIL BUT LET OUT ON PERSONAL RECOGNIZANCE A DAY LATER. I WROTE MY STATEMENT TO THE POLICE AND CALLED THE CHURCH WHICH WAS IN THE MIDDLE OF A SERVICE WHEN I CALLED. I WAS PICKED UP AROUND 1 P.M. BY SGT. KEAN AND THREE OTHER COPS FULLS OF PEOPLE!! THANK YOU JESUS FOR DELIVERING ME!!!!!!!!!! WE HAD A PHYSICAL DONE TO ME THE DAY AFTER AND TEN BRUISES WERE FOUND ALL OVER MY BODY AND WE HAD X-RAYS DONE OF MY BACK AND NECK . I HAVE SCOLIOSIS AND MY NECK IS FINE BUT I'M GOING THROUGH A LOT OF PAIN IN MY NECK . I'M IN COUNSELING FOR THE MENTAL DAMAGE DONE . I FEEL LIKE MY MIND WAS RAPE

AND I GET FRUSTRATED SOME TIMES AND I HAVE A HARD TIME
CONTROLLING MY FEELINGS SOME TIMES . I'M TORMENTED DAY AND
NIGHT BY THE ABUSE DONE TO ME KIND OF LIKE FLASH BACKS. I
FEEL INSECURE SOME TIMES LIKE I HAVEN'T FELT IN A LONG TIME
AND I FEEL EXTREMELY VIOLATED AND MAD . x

SUPERIOR COURT OF WASHINGTON FOR GRAYS HARBOR COUNTY

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STATE OF WASHINGTON,)
)
 Plaintiff,)
)
 vs.)
)
 RICK A. ROSS,)
 MARK W. WORKMAN,)
 CHARLES SIMPSON,)
 Defendant.)

NO. 93-1-222-2

MOTION AND AFFIDAVIT FOR
ORDER DIRECTING ISSUANCE
OF SUMMONS

COMES NOW the State of Washington and moves the Court
for an order directing the issuance of a summons to the
defendant(s).

THIS MOTION is based upon the following affidavit.

H. STEWARD MENEFFEE
Prosecuting Attorney
for Grays Harbor County



BY: _____
JOSEPH F. WHEELER
Deputy Prosecuting Attorney
WSBA# 16936

STATE OF WASHINGTON)
) ss.
GRAYS HARBOR COUNTY)

JOSEPH F. WHEELER, being first duly sworn on oath,
deposes and says:

That an Information was filed charging the defendant(s)
with a criminal offense and probable cause exists for the
issuance of a summons based upon the following facts:

On January 23, 1991, Jason Scott called the Ocean Shores
Police Department stating that he had just escaped from being
kidnapped.

MOTION FOR SUMMONS - 1 2

1 The police made contact with Mr. Scott a short time
2 later. Mr. Scott told the police that he had been kidnapped by
3 his mother and some men in Kirkland, Washington and then taken
4 against his will to Ocean Shores. He continued by saying he had
5 been held by these people in an Ocean Shores condominium for
6 several days against his will and had just now escaped. The
7 police asked him where the kidnapers were and Mr. Scott
8 indicated that they were currently walking across the street
9 towards the patrol car. Mr. Scott was placed into the patrol
10 vehicle and the indicated individuals were identified as Kathy
11 Tonkin, two juveniles and defendants Rick Ross, Mark Workman, and
12 Charles Simpson.

13 Ms. Tonkin, upon arrival at the patrol car, informed the
14 officer that she was Jason Scott's mother and that she was trying
15 to save him from a cult church that had brainwashed him. Jason
16 Scott at this point identified Ross, Workman and Simpson as three
17 of the four men who had abducted him against his wishes.

18 The four adults were requested to come to the police
19 station for further investigation and Jason Scott was transported
20 there by the police.

21 Upon arrival at the station, Jason Scott gave a formal
22 written statement, Scott stated that on Friday, January 18, 1991,
23 he had gone to the residence of his mother in Kirkland. He had
24 just entered his mother's garage when several men grabbed him,
25 carried him downstairs into the residence, put duct tape over his
mouth, handcuffed him and then threw him in the back of a van.

MOTION FOR SUMMONS - 2

H. STEWARD MENEFFEE
PROSECUTING ATTORNEY
P.O. BOX 550
GRAYS HARBOR COUNTY COURTHOUSE
MONTESANO, WASHINGTON 98563
TELEPHONE (206) 249-3951

1 This van was then driven for several hours until he was
2 subsequently removed from the van and taken into a room in a
3 condominium in Ocean Shores. He reported that once in that room,
4 he was confined in the room against his will, subjected to 24
5 hours a day surveillance and was repeatedly harassed in the form
6 of attacks on his religious beliefs.

7 Jason Scott identified defendants Rick Ross, Mark
8 Workman, and Charles Simpson as three of the men that had
9 forceably grabbed him in Kirkland, brought him down to and then
10 held him in Ocean Shores against his will. Jason Scott was 18
11 years of age when he was abducted.

12 That based upon the above-information, the State
13 believes that the three individuals named in the Information
14 committed the crime of Unlawful Imprisonment.

15 That the above acts occurred in Grays Harbor County, the
16 State of Washington, and that a summons to the defendant(s)
17 should issue.

18
19 
20 JOSEPH F. WHEELER
21 Deputy Prosecuting Attorney
22 WSBA# 16936

23 SUBSCRIBED AND SWORN: 1st day of July, 1993.

24 
25 NOTARY PUBLIC IN AND
For Grays Harbor County
Residing in Montesano
Commission expires 6-28-97

JFW/cjs

MOTION FOR SUMMONS - 3

H. STEWARD MENEFFEE
PROSECUTING ATTORNEY
P.O. BOX 550
GRAYS HARBOR COUNTY COURTHOUSE
MONTESANO, WASHINGTON 98563
TELEPHONE (206) 249-3951

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SUPERIOR COURT OF WASHINGTON FOR GRAYS HARBOR COUNTY

STATE OF WASHINGTON,
Plaintiff,

NO. 93-1-222-2

vs.

INFORMATION

RICK A. ROSS,
DOB: 11/24/52
MARK W. WORKMAN,
DOB: 12/29/54
CHARLES SIMPSON,
DOB: 01/29/47

P.A. NO. CR 93-5604
P.R. NO.

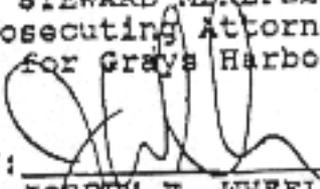
Defendant.

I, H. Steward Menefee, Prosecuting Attorney for Grays Harbor County, in the name and by the authority of the State of Washington, by this Information do accuse the defendant(s) of the crime(s) of UNLAWFUL IMPRISONMENT committed as follows:

That the said defendants, Rick A. Ross, Mark W. Workman, and Charles Simpson, in Grays Harbor County, Washington, on or between the 18th day of January, 1991 and the 23rd day of January, 1991, did knowingly restrain Jason Scott, a human being;

CONTRARY TO RCW 9A.40.040 and against the peace and dignity of the State of Washington.

H. STEWARD MENEFEE
Prosecuting Attorney
for Grays Harbor County

BY: 
JOSEPH F. WHEELER
Deputy Prosecuting Attorney
WSBA #16936

JFW/cjs

H. STEWARD MENEFEE
PROSECUTING ATTORNEY
P.O. BOX 58
GRAYS HARBOR COUNTY COURTHOUSE
MONTESANO, WASHINGTON 99553
TELEPHONE (509) 249-3331

RICK ROSS

CONSULTANT

January 28, 1994

Judge David Foscue
Grays Harbor Superior Court
P.O. Box 711
Montesano, WA. 98563

Dear Judge Foscue:

It seems important to share some thoughts with you now that the trial is over. Your rulings did appear political in nature, a fearful reaction to pressure from religious fanatics and cult groups. Perhaps, you also had the self-important idea that somehow your legal opinions would set precedent. However, there will be no review and little interest, other than the cult groups who will use you as an example of their power and influence.

I am sickened by your sentencing of my former codefendants. They are both fine men who tried to save Jason Scott's life and are hardly "mercenaries." You again pandered to the cults in this matter. First time offenders convicted of misdemeanors hardly deserve thirty days in jail and two years probation. They would have been acquitted if the jury had decided their fate. However, they lost faith in receiving justice in your court.

In the coming months the corruption of the county attorney's office, the perjury of Jason Scott and witness tampering by cult groups will be exposed. I think that your actions will always haunt you if you have a conscience. In your anxious efforts to please extremists and extend their protection under the first amendment you forgot your real role, to guarantee the constitutional right to a fair trial and justice to those who enter your courtroom.

In the future you will probably be remembered, if at all, not as an intellectual, or a legal mind, but rather as an example of how seemingly good men go wrong. It seems to me that you have reached the top of your career. Unless, politics, illness or death somehow raise you higher, the top floor of the Grays Harbor County Courthouse should be your limit.

Sincerely,



RICK ROSS

CONSULTANT

February 20, 1994

Judge David Foscue
Grays Harbor Superior Court
P.O. Box 711
Montesano, WA. 98563

Dear Judge Foscue:

Enclosed are some articles for your review. The facts are coming out more and more. People will want to know why special treatment was afforded to cult groups in your court. Also, to question specifically the protection you provided for the Church of Scientology.

Closing remarks that I made in your courtroom were carried by the Associated Press wire service across the country. Other news services e.g. National and International Religion Reports ran articles about the verdict. It seems a letter I submitted to the Daily World was also run.

By the way, Glen Barton attended court proceedings against deprogrammers in Montana (they were also acquitted). He is listed in the Eastside Weekly article as the "Director of Religious Affairs of the Church of Scientology International." In The Daily World (January 11, 1994) Barton is quoted as "representing the Deprogramming Survivors."

Hopefully, in the near future more questions will be asked by the media and others about this court case and you will have an opportunity to explain yourself. I look forward to that process.

Sincerely,



BEAT THE DEVIL.

Waco Revisited

The Justice and Treasury Departments are now releasing their reports on the circumstances leading up to the incineration of eighty-six Branch Davidians outside Waco on April 19. The Treasury's Bureau of Alcohol, Tobacco and Firearms, which is taking the main fall, deserves everything it gets, but should be joined in the scapegoats' gallery by the F.B.I. and by Attorney General Janet Reno.

One of the outside experts recruited by the Justice and Treasury Departments to review the case and peruse internal documents was Professor Nancy Ammerman of the Candler

 School of Theology at Emory University. Ammerman gives short shrift to the A.T.F., which made no effort to solicit dispassionate insight into the nature of the Davidians before raiding their compound in February and thus instigating the grim drama. The F.B.I. was similarly brusque, resolving by mid-March to have no more truck with "Bible babble": make no effort, that is, to comprehend Koresh's frame of reference. The F.B.I. did consult one person in religious studies, Glenn Hilburn, chairman of the religion department at Baylor. He offered sound counsel but was ignored.

But from the F.B.I.'s own Behavioral Science Services Unit, Pete Smerick along with Special Agent Mark Young cautioned their superiors that a "show of force will draw David Koresh and his followers closer together in the 'bunker mentality' and they would rather die than surrender." They too were ignored, in favor of the bureau's special agents in charge—people, Ammerman says, who considered religious beliefs "usually a convenient cover for criminal activity."

Ammerman also confirms, after scrutinizing A.T.F. and F.B.I. records, that career "cult hunters" were deeply involved in the government's assaults. She says a man named Rick Ross "clearly had the most extensive access to both agencies of any person on the 'cult expert' list and he was apparently listened to more attentively." The F.B.I. interview report noted that Ross has a personal hatred for all religious cults and would willingly aid law enforcement in an attempt to "destroy a cult." The A.T.F., Ammerman discloses, "interviewed the persons [Ross] directed them to and evidently used information from those interviews in planning their February 28 raid."

Now, Ross is a man who boasts of having performed many "deprogrammings" down the years. He was frequently interviewed by the media as an "expert" during the siege, and indeed figured prominently in the *Waco Tribune-Herald* series on the Branch Davidians that started February 27. On February 26 the paper informed the A.T.F. that the series would begin the next day, a Saturday. The A.T.F. duly launched its raid on Sunday, in the shadow of the *Tribune-Herald's* series headline, "The Sinful Messiah."

Ross acquired at least some of his assertions about the group from deprogramming sessions in mid-1992 with a former member of the Branch Davidians, David Block, conducted in the Los Angeles home of Priscilla Coates, head of the Southern California chapter of the Cult Awareness Net-

work. Evidently Ross or someone else at the sessions transmitted Block's assertions about the Waco compound to federal law enforcement. Block's name as a source is all over the initial search warrant presented by the A.T.F. to a Waco judge.

So the sponsors of the first bloody, entirely unnecessary assault on the Branch Davidians included people—the Cult Awareness Network and Ross—who, as Ammerman remarks in her report to the Justice and Treasury Departments, "have a direct ideological (and financial) interest in arousing suspicion and antagonism against what they call 'cults.'" To such sponsors we should add the name of the *Waco Tribune-Herald*.

Ross is currently facing charges of unlawful imprisonment in the state of Washington, arising out of his forcible detention of another intended deprogramming victim. Ross has a history of emotional disturbance and is also a convicted jewel thief, a fact known—so Ammerman tells me—to the feds when they used him as their prime consultant. Ross's record probably inspired confidence, since police and criminals in many ways share the same psychic turf.

The relationship between the Cult Awareness Network and such deprogrammers as Ross is inevitably murky, the network being aware that felonies are sometimes part of the deprogramming menu. Another deprogrammer, Galen Kelly, who worked in security for the network for a while, has just drawn seven years and three months without parole for kidnapping a woman in Maryland who, he had the mortification to discover, was merely the roommate of his intended target.

But Cynthia Kissler, executive director of the network's national office, has called Ross "among the half dozen best deprogrammers in the country." Priscilla Coates was quoted alongside Ross in the February 27 *Waco Tribune-Herald* as saying the Branch Davidians were "unsafe or destructive." In April, Patricia Ryan, president of the Cult Awareness Network, was quoted in the *Houston Chronicle* as saying Koresh should be arrested, using lethal force if necessary.

Ammerman makes some sensible recommendations about treatment of religious groups, which could usefully be studied by the press as well as the Justice and Treasury Departments:

[The government agents] should have understood the pervasiveness of religious experimentation in American history and the fundamental right of groups like the Davidians to practice their religion. . . . They should have understood that many new religious movements do indeed ask for commitments that seem abnormal to most of us, and these commitments do mean the disruption of "normal" family and work lives. . . . They should also understand that the vast majority of those who make such commitments do so voluntarily. The notion of "cult brainwashing" has been thoroughly discredited in the academic community. . . .

And what of Attorney General Janet Reno?

Did one have to be an academic "expert," like Professor Ammerman, to understand what a religious group might do under pressure? Does one have to be a military "expert" to understand that the firing of CS gas into a house full of children is a bad idea? The ultimate irony is that Reno emerged

ALEXANDER COCKBURN

from the Waco holocaust with enhanced reputation, as if "taking responsibility" is such a rare moral commodity in American political life that it has to be rewarded, however deficient the action for which that responsibility is assumed.

One chilling bottom line is that the deprogramming strategies of the Cult Awareness Network are highly reminiscent of the strategies used by Reno on supposed child-abusers, breaking Ileana Fuster and trying to break Bobby Fijnje, coercing them toward mental disintegration.

Women in the News

The grotesque U.N. mission in Somalia, entirely supervised by the United States, owes a measure of its descent into homicidal mayhem to none other than April Glaspie, the State Department official whose famous July 1990 exchange with Saddam Hussein may have prompted him to think the United States would be complaisant toward his invasion of Kuwait.

After a time working for Madeleine Albright, ambassador to the U.N., Glaspie became senior adviser to the U.N. mission in Somalia. In this capacity she "openly manifested sympathy for one of Aidid's most important opponents . . . and was less than discreet about her hostility to Aidid."

The quote is from Professor Tom Farer, writing in *The Washington Post* about his investigation, commissioned by U.N. mission head Adm. Jonathan Howe, into the origins of the June 5 ambush of Pakistani troops. This was the opening round in a U.N. retaliatory escalation that led to the machine-gunning to death from U.S. Cobra gunships of up to seventy-five Somali elders, religious leaders, a pregnant woman and children at a political meeting on July 12, and the later, similar slaughter of over a hundred Somali men, women and children on September 9.

At the start of June the U.N. planned to inspect Aidid's arms dumps, also the radio station he controlled. Glaspie was asked to give the go-ahead for this inspection. The U.N. messenger found her at the airport, about to leave the country. (As U.S. Ambassador to Iraq, she similarly departed on the eve of the invasion.) She glanced at the piece of paper setting forth U.N. intentions and said, "I approve this."

Aidid, warned by the U.N. that the inspection was to take place, was apparently mindful of Glaspie's public expressions of hostility to him and construed the impending inspection as a direct attempt to destroy his power. An ambush was laid, twenty-four Pakistani troops killed and the U.N.'s vendetta against Aidid truly launched.

In the face of public disquiet, the Clinton Administration may be reconsidering the Somalia mission. I trust that those in the American human rights community originally urging intervention in Somalia will examine their political judgment in the light of what has happened. The best source continues to be Rakiya Omaar and Alex de Waal's group, African Rights (11 Marshalsea Road, London SE1 1EP; 4471 403-3383). De Waal returned from a trip in the early summer to report that Belgian troops round Kismayu had killed at least 200 Somalis. De Waal's phone jumped off the hook with calls from Belgian journalists desperate to know whether the troops in-

involved were Flemish or Walloon. The Belgian government denounced De Waal but fell silent when, on August 25, Luk Haakens of Belgium's Radio 1 interviewed some of the returning paratroopers who volunteered—anonously—tales of brutality and murder in which they or their fellows had been involved, and said official estimates of Somalis killed by the U.N. should be multiplied by a factor of four or five. I know of someone in a U.S. Marine sniper unit, previously deployed on a mission to Iraq, who has written to his father from Somalia similarly saying that casualty estimates were kept down by demanding positive identification of all dead. It seems clear that this man was part of an assassination force targeting Aidid and including U.S. Rangers and the Delta Force.

The London *Guardian* for August 19 carried a letter from Mohammed Jama Musa reporting that his brother, a former commissioner of police in Somalia who once worked for the British in Aden, had been mistaken for General Aidid by American forces. His house was raided and he was shot in the chest, stomach and arms. When the Americans realized their error, he was dumped in a Somali hospital in Mogadishu (probably Digfer, attacked by U.N. troops on June 17, killing at least nine patients; the other main hospital was forcibly cleared, then ransacked by U.N. forces). He is now critically ill, and his relatives cannot get a visa for him to get care in the U.K., even though he is a pensioner of the British government for his services in Aden.

Women in the News II

Catharine MacKinnon's boy toy may be Jeffrey Masson, but her horse toy is Horse Boy. She is being sued by a man who claims her "dangerous, blooded and spirited" horse threw him to the ground. The *San Francisco Daily Journal* for August 29 reports that David Johnson is suing MacKinnon for an incident occurring on October 4, 1992, when he was renting MacKinnon's property in Half Moon Bay, south of San Francisco. He says he had arranged to ride MacKinnon's horse and that MacKinnon had represented Horse Boy as having a "harmless" and otherwise normal disposition. But it seems Horse Boy was inclined to "bolt, buck, throw and charge" and promptly unseated the novice Johnson, who fractured his hip and suffered severe emotional distress.

Further reports filter in of MacKinnon's performance at the Human Rights conference in Vienna. After her speech, outside the hall two Serbian feminists, who had been running a hot line in Serbia for women and children victims of physical abuse, protested MacKinnon's blanket denunciation of all Serbs. Hearing their complaints, a sympathetic woman marched them up to MacKinnon and said that here were two women representing the Serbian opposition and that MacKinnon could at least acknowledge their existence. MacKinnon turned to the Serbians and said, "If you were an effective opposition, you wouldn't be here. You'd be dead." Let's get Horse Boy in the witness box. I bet he has a tale to tell. I assume he was gelded.



Princeton University

Center for the Study of American Religion

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Coordinating Committee

Albert J. Raboteau

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Robert Wuthnow

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September 3, 1993

Philip B. Heymann
Deputy Attorney General
Department of Justice
Room 4111
Washington, DC 20530

and

Ronald K. Noble
Assistant Secretary for Enforcement
Department of the Treasury
1500 Pennsylvania Ave., NW
Washington, DC

Dear Mr. Heymann and Mr. Noble:

I am enclosing herewith my report and recommendations regarding the review of events in Waco. I want to express my appreciation to you and to your staffs for their openness and helpfulness throughout this process.

If you have any questions, or if I can be of any further assistance, please do not hesitate to call.

Sincerely,



Nancy F. Ammerman
visiting scholar

EXECUTIVE SECRETARIAT

93 SEP -7 PM 2:00

OFFICE OF THE SECRETARY

REPORT TO THE JUSTICE AND TREASURY DEPARTMENTS
regarding law enforcement interaction with the Branch Davidians in Waco, Texas
submitted by Nancy T. Ammerman
September 3, 1993

The following report and recommendations are based largely on oral briefings conducted on July 1-2 at the Justice Department, as well as on August 3 at the Treasury Department and at the FBI Training Academy at Quantico. In addition, I have had access to a number of other sources. We were supplied with background information on many of the persons in the Investigative Support Unit, and I was supplied with a list of the experts consulted by the FBI during the affair. I have consulted with academic colleagues and have reviewed a good deal of the academic literature on New Religious Movements. Various political and lobbying groups have sent me information. I talked with Glenn Hilburn at Baylor, and I spent two hours with Pete Smerick and Gregg McCrary at the FBI Academy.

I do not pretend that this represents a full accounting of what happened at Waco. That has not been my aim. Rather, what follows attempts to assess the nature and quality of the expert advice available to the agencies involved in this situation and to make some suggestions about how that advice might better be utilized in the future.

I. What information sources were available in the Waco affair?

A. The Bureau of Alcohol Tobacco and Firearms. In the months that led up to the February 28 attempted "dynamic entry" at the Branch Davidian compound, the Bureau of Alcohol, Tobacco, and Firearms (BATF) apparently failed to solicit any social science background information about the nature of the group with which they were dealing. BATF has no internal behavioral science division and did not consult with any other behavioral science persons within the government. Nor did they consult with outside persons in religious studies, sociology of religion, or psychology of religion. There were, for instance, persons in the Baylor University Department of Religion who had studied this particular group for much of its history; they were not consulted. Investigators reviewing the Waco incident have repeatedly told us that BATF simply did not consult with anyone who might be considered an "expert" on this group or groups like it.

In their attempt to build a case against the Branch Davidians, BATF did interview persons who were former members of the group and at least one person who had "deprogrammed" a group member. Mr. Rick Ross, who often works in conjunction with the Cult Awareness Network (CAN), has been quoted as saying that he was "consulted" by the BATF. My suspicion is that he was merely one among many the BATF interviewed in its background checks on the group and on Koresh. However, it is unclear how information gained from him was evaluated. The Network and Mr. Ross have a direct ideological (and financial) interest in arousing suspicion and antagonism against what they call "cults". These same persons seem to have been major sources for the series of stories run by the Waco newspaper, beginning February 27. It seems clear that people within the "anti-cult" community had targeted the Branch Davidians for attention.

Although these people often call themselves "cult experts," they are certainly not recognized as such by the academic community. The activities of the CAN are seen by the National Council of Churches (among others) as a danger to religious liberty, and deprogramming tactics have been increasingly found to fall outside the law. At the very least, Mr. Ross and any ex-members he was associated with should have been seen as questionable sources of information. Having no access to information from the larger social science community, however, BATF had no way to put in perspective what they may have heard from angry ex-members and eager deprogrammers.

B. The Federal Bureau of Investigation.

1. **Outside consultants.** After the failed raid, handling of the crisis passed to the Federal Bureau of Investigation (FBI). They had a much broader array of information available, although they still failed to consult a single person who might be recognized by the social science community as an expert on the Branch Davidians or on other marginal religious movements (sometimes called "cults"). The official list of outside experts consulted, compiled by the investigative team, includes three persons in the field of psychiatry who have been regular consultants to the FBI on other cases (Murray Myron, Syracuse University; Joseph Krofcheck, Yarrow Associates; Park Dietz, University of California San Diego). From my conversations with the persons in the National Center for the Analysis of Violent Crime (NCAVC) who worked with the negotiators at Waco, I believe that these three persons were the most frequently consulted experts throughout the siege. Dietz assisted in writing the profile of Koresh. Others apparently assisted in recommending strategies to the negotiators and tacticians.

It is unclear which of these consultants (if any) recommended the psychological warfare tactics (Tibetan chants, sounds of rabbits dying, rock music, flood lights, helicopters hovering, etc.). None of the persons associated with NCAVC with whom I have talked claims to have favored these tactics, but no one was willing to say who recommended them or how the decision was made to use them.

Three other persons were apparently called in for specific, limited, consultations. Because he was examining the children who were leaving the compound, Bruce Perry, a Baylor Medical School psychiatrist, was consulted. A pastor in Virginia (Douglas Kittredge) was consulted on one occasion, offering assistance in interpreting the scriptural references being used by Koresh. And CBN talk show host Craig Smith was consulted regarding the airing of the Koresh tape.

Finally, one person in religious studies was consulted by the Bureau--Glenn Hilburn, chair of the Religion Department at Baylor. He was contacted about one week after the initial raid and was asked especially for help in interpreting Koresh's ideas about the "seven seals." He offered the negotiators basic tools for interpreting scripture (a set of commentaries and concordances) and consulted with them on a number of occasions about various biblical interpretations. While Hilburn is a reputable scholar in church history, he would never claim to be an expert on the Davidians or on other marginal religious movements. He often offered to help the Bureau get in touch with others who might offer such expertise, but he was not asked to do so. For instance, Prof. Bill Pitts, also of the Baylor faculty, had studied the history of the Davidians, but was not consulted by the FBI. Nor did they seek Prof. Hilburn's help in locating others, outside the Baylor faculty, who might help.

In my judgment, this list of outside consultants is sorely wanting. The psychiatrists who were most intimately involved are undoubtedly experienced in helping the FBI understand "the criminal mind." This however, was a very different situation, and we have no evidence that any of these men had background or experience in dealing with a high-commitment religious group. The only experts in religion that were consulted lacked the kinds of expertise necessary for understanding the dynamics of a marginal religious movement.

One of the dilemmas faced by the Waco negotiators was the problem of assessing the potential helpfulness of outside experts. Agents on the scene in Waco described their situation as information overload. One person referred to the threat of "fax meltdown." Not only were they receiving constant information about the situation as it unfolded, they were also being bombarded with offers of help from all sorts of unknown sources. Many of these were judged to be "crack pots." Others were probably legitimate and potentially helpful persons. However, the persons on

the scene had no way to evaluate this information. With no one in the scholarly community at their disposal to help evaluate the credentials and experience of these persons, they were forced simply to discount everything they received.

Conclusions. Since the BATF consulted no outside experts and the FBI consulted only a limited roster, both agencies were then relying primarily on their own internal capabilities. As we have seen, BATF has no internal behavioral science personnel. As a result, all of their planning was based on building up a legal case against the group and planning a para-military type assault on the compound. In that atmosphere, I believe, it became easy to lose sight of the human dynamics of the group involved, to plan as if the group were indeed a military target. It also discouraged the BATF from seeking other forms of intervention in the group. Quite simply, the agency pursued the line of action--armed assault--for which they were best equipped. If they had been better equipped to pursue interventions based on human science advice, they might have acted differently.

2. Internal advice. The FBI, on the other hand, did have solid Behavioral Science advice available internally. The Behavioral Science Services Unit, especially its Investigative Support Unit, at the NCAVC, houses a number of people with considerable working knowledge of marginal religious groups. For instance, Gregg McCrary, in the Criminal Investigative Analysis subunit, is well-informed in this area and was on the scene in Waco throughout much of the siege. While no one there would be considered an "expert" by the usual standards of scholarship (academic credentials and publication, that is), several have done sufficient reading to have a good basic knowledge of the nature of religious groups. They know that religious beliefs have to be taken seriously, and they know that it takes more than understanding an individual personality to understand the dynamics of a group. They could benefit from additional training and from access to reliable outside experts (about which I will say more below), but they had the basic social science knowledge they needed to analyze this situation.

In the early days of the siege, Pete Smerick (along with outside consultant Park Dietz) put together a profile of David Koresh and of the group. They used materials gathered by the BATF, but knew they should weigh carefully the reports from former members.

Based on that assessment, Smerick (with Special Agent Mark Young) wrote on March 5, in a memo to his superiors (the Special Agents in Charge at Waco and people in headquarters in Washington),

...For years he [Koresh] has been brainwashing his followers for this battle [between his church and his enemies], and on February 28, 1993, his prophecy came true.

As of March 5, 1993, Koresh is still able to convince his followers that the end is near and, as he predicted, their enemies will surround them and kill them.

In traditional hostage situations, a strategy which has been successful has been negotiations coupled with ever increasing tactical presence. In this situation, however, it is believed this strategy, if carried to excess, could eventually be counter productive and could result in loss of life.

Every time his followers sense movement of tactical personnel, Koresh validates his prophetic warnings that an attack is forthcoming and they are going to have to defend themselves. According to his teachings, if they die defending their faith, they will be saved.

On March 7, Smerick and Young listed the psychological warfare tactics available to the FBI, but cautioned that these options "would also succeed in shutting down negotiations and convince Koresh and his followers that the end is near." On March 8, the same pair cautioned that the Mt. Carmel compound was for the Davidians sacred ground, something they were likely to defend against the intrusions of people they considered evil (the federal government). Summarizing the

arguments of people using primarily "criminal" or psychological categories to explain Koresh, they wrote,

It has been speculated that Koresh's religious beliefs are nothing more than a con, in order to get power, money, women, etc., and that a strong show of force (tanks, APC's, weapons, etc.) will crumble that resolve, causing him to surrender. In fact, the opposite very well may also occur, whereby the presence of that show of force will draw David Koresh and his followers closer together in the "bunker mentality", and they would rather die than surrender.

They go on to detail the way in which FBI actions are playing into the prophetic scheme of Koresh, warning that "we may unintentionally make his prophesy [death, or the "fourth seal"] come true, if we take what he perceives to be hostile or aggressive action." They note that "mass suicide ordered by Koresh cannot be discounted." Then, following their logic through to its conclusion, they point out that "one way to take control away from him is to do the opposite of what he is expecting. Instead of moving towards him, we consider moving back. This may appear to be appeasement to his wishes, but in reality, it is taking power away from him. He has told his followers that an attack is imminent, and this will show them that he was wrong."

It is my belief that this understanding of Koresh's ideas was basically accurate and that their assessment of his likely behavior was on target. While outside experts might have refined this picture and added nuance to the assessment, the basic direction of the FBI's own behavioral analysts was sound.

II. How was behavioral science advice utilized in Waco?

Clearly the advice of these agents was not heeded. Why? The answer to that question takes us first to the structure of command and second to the culture and training of the Bureau itself.

Most basically, people representing the Behavioral Sciences Unit were out-ranked and out-numbered. Within the command structure, people from the Hostage Rescue Team carried more weight than people who were negotiators. In addition, it is evident that people from the tactical side were simply trusted more and more at home with the Special Agents in Charge (SACs) in Waco.

As I understand it, the SACs for this operation were chosen on the basis of proximity, not on the basis of any special training or experience for an operation like this. Understandably, their primary skills are in the apprehension of criminals and in the management of personnel. Under normal circumstances, they can count on key assistance in apprehension of criminals from their SWAT teams and from Hostage Rescue Teams, and predictably they listened most closely to people who spoke the language of forceful tactics. This was the territory in which they were most comfortable, possibly the direction in which they perceived the most potential rewards. There was an understandable desire among many agents in Waco to make Koresh and the Davidians pay for the harm they had caused. Arguments for patience or unconventional tactics fell on deaf ears.

Those ears were deaf for a number of reasons, many of which have to do with the training and culture of the Bureau. In all likelihood, these SACs had had no behavioral science training since their very early days training as agents. And then, they were very unlikely to have heard anything about religious belief systems of group dynamics. Their entire professional world has been constructed (understandably) around understanding and out-manoeuvring criminals. They think (again, understandably) in terms of individual behavior (hence the near exclusive focus on Koresh, rather than on the group) and on criminal wrong-doing (hence the label sociopath for someone

seen as dangerously at odds with society's norms). Little, if anything, in their previous experience prepared them for the kind of situation Mt. Carmel presented them.

The tendency to discount the influence of religious beliefs and to evaluate situations largely in terms of a leader's individual criminal/psychological motives is, I believe, very widespread in the Bureau. In our initial briefings with Daniels, Johnson, Wright, Noesner, and Uteg, the consensus around the table was that when they encountered people with religious beliefs, those beliefs were usually a convenient cover for criminal activity. While they were willing to consider that this case might have been different, they were still not convinced that Koresh was anything other than a sociopath who had duped some people into helping him carry out aggressive criminal activity. They continued to refer to the people in the compound as hostages, failing to recognize the free choice those people had made in following Koresh.

Behavior science advice, then, failed to get an adequate hearing. In the culture of the law enforcement community, neither training nor experience prepares agents for taking behavioral scientists seriously. And in the crisis situation, behavioral scientists are out-ranked and out-numbered. As a result, those in charge dealt with this situation as if it were one more familiar to them--a criminal committing illegal acts for personal gain for whom the threat of force is a significant deterrent.

III. What, in hindsight, should the BATF and the FBI have taken into consideration in dealing with the Branch Davidians?

1. They should have understood the pervasiveness of religious experimentation in American history and the fundamental right of groups like the Davidians to practice their religion. On that score, they might have benefitted by reading Jon Butler's *Awash in a Sea of Faith: Christianizing the American People* (Cambridge: Harvard University Press, 1990), in which he gives a detailed portrait of the breadth of religious belief and practice in early America. Catherine Albanese's *America: Religion and Religions* (Wadsworth, 1992) does the same up through the present. We have simply been a very religious people, and there have always been new and dissident religious groups challenging the boundaries of toleration.

And alongside all that religious fervor and experimentation has been our First Amendment guarantee of religious liberty. Only when there is clear evidence of criminal wrong-doing can authorities intervene in the free exercise of religion, and then only with appropriately low levels of intrusiveness. For a critical look at the regulatory issues raised by new and marginal religious groups, an article by David Bromley and Thomas Robbins, "The Role of Government in Regulating New and Nonconventional Religions" (Pp. 205-241 in *The Role of Government in Monitoring and Regulating Religion in Public Life*, edited by James Wood and Derek Davis. Waco, Texas: Baylor University Press, 1992) might have proven helpful to agents planning a raid on the Waco compound.

2. They should have understood that new or dissident religious groups are often "millennialist" or "apocalyptic". That is, they foresee the imminent end of the world as we know it and the emergence of a new world, usually with themselves in leadership roles. Among the many books and articles that would have helped agents understand such beliefs are Paul Boyer's *When Time Shall Be No More: Prophecy Belief in Modern American Culture* (Cambridge: Harvard University Press, 1992); Susan J. Palmer and Natalie Finn's 1992 article "Coping with Apocalypse in Canada: Experiences of Endtime" (*Sociological Analysis* 53(4, winter):397-415); and Roy Wallis's edited book *Millennialism and Charisma*. (Belfast: Queen's University, 1982), especially the chapters by Balch and by Wallis.

3. They should have understood that the usual fate of new religious movements is quiet extinction through natural causes. Only a fraction of those that begin survive as a group more than a few years, and an even smaller fraction make it through the crisis that is precipitated by the natural death of the leader. For helpful background on factors in the success and failure of such groups, I would suggest the articles by Stark and by Wilson in David Bromley and Phillip Hammond's edited volume *The Future of New Religious Movements* (Macon, Georgia: Mercer University Press, 1987).

4. They should also have understood that new groups almost always provoke their neighbors. By definition, new religious groups think old ways of doing things are at best obsolete, at worst evil. Their very reason for existing is to call into question the status quo. They defy conventional rules and question conventional authorities. Not surprisingly, then, new groups often provoke resistance. A number of social scientists have examined the relationship between marginal religious groups and the surrounding society. Among the most helpful are Charles Harper and Bryan F. Le Beau's 1993 article, "The Social Adaptation of Marginal Religious Movements in America." (*Sociology of Religion* 54(2, summer):171-192); James T. Richardson's 1993 article "Definitions of Cult: From Sociological-Technical to Popular-Negative" (*Review of Religious Research* 34(4, June):348-356); and the book Richardson edited with Joel Best and David G. Bromley, *The Satanism Scare* (New York: Aldine de Gruyter, 1991). These sources help to put groups like the Cult Awareness Network in context. Such groups are organized "anti-cult" responses that make predictable charges (such as child abuse and sexual "perversion") against groups that are seen as threatening. It is important to see that new religious groups are usually more threatening to cherished notions about how we all ought to order our lives than to our physical well-being.

The corollary to their provocation of neighbors is that they themselves are likely to perceive the outside world as hostile. This almost always takes the form of rhetoric condemning the evil ways of non-believers, and that rhetoric can sometimes sound quite violent. It may also be supplemented by rituals that reinforce the group's perception that they are surrounded by hostile forces (thus reinforcing their own sense of solidarity and righteousness). It is at least possible that rhetoric about the BATF as the Davidians' arch-enemy, the purchase of guns, and practicing with those guns served just such rhetorical and ritual purposes. That is, as the group talked about the evils of the federal government and went through the ritual motions of rehearsing a confrontation with their enemies, they may have been reinforcing their own solidarity more than they were practicing for an anticipated actual confrontation. The irony, of course, is that their internal group rhetoric and ritual did eventually come true.

5. They should also have understood that many new religious movements do indeed ask for commitments that seem abnormal to most of us, and those commitments do mean the disruption of "normal" family and work lives. Most of us are accustomed to seeing religion as relevant only to portions of our lives, with wide areas of decision-making (from marriage partners to what we do at work) kept neatly out of the reach of religious authorities. However, throughout much of the world and throughout much of human history, such neat divisions have not been the norm. People have lived in tightly-knit communities in which work, family, religion, politics, and leisure (what there was of it) fell under one domain. Taking the long view, not belonging to such a community is more abnormal than belonging to one. No matter how strange such commitments may seem to the rest of us, they are widely sought by millions of people. A number of social scientists have written accounts of everyday life in such religious groups, and those accounts can help readers to understand the sense of coherence and belonging that outweigh, for the believers, any freedom of choice they give up. One such recent book is David Van Zandt's *Living in the Children of God* (Princeton: Princeton University Press, 1991).

6. They should also understand that the vast majority of those who make such commitments do so voluntarily. The notion of "cult brainwashing" has been thoroughly discredited in the academic community, and "experts" who propagate such notions in the courts have been discredited by the American Psychological Association and the American Sociological Association. While there may be real psychological needs that lead persons to seek such groups, and while their judgment may indeed be altered by their participation, neither of those facts constitutes coercion.

An review of the legal issues surrounding allegations of brainwashing can be found in James Richardson's 1991 article, "Cult/Brainwashing cases and freedom of religion" (*Journal of Church and State* 33:55-74). Alternative views on the process of joining (and leaving) new religious movements can be found in David Bromley and Anson Shupe's 1986 article, "Affiliation and Disaffiliation: A Role Theory Interpretation of Joining and Leaving New Religious Movements" (*Thought* 61:197-211); Stuart Wright's *Leaving Cults* (Washington: Society for the Scientific Study of Religion, 1987); and Eileen Barker's award-winning 1984 book *The Making of a Moonie: Choice or Brainwashing?* (Oxford: Blackwell).

7. They should have understood the ability of a religious group to create an alternative symbolic world. Ideas about "logic" as we know it simply do not hold, but that does not mean that the group has no logic. The first dictum of sociology is "Situations perceived to be real are real in their consequences." No matter how illogical or unreasonable the beliefs of a group seem to an outsider, they are the real facts that describe the world through the eyes of the insider.

8. The agents should have understood that "charisma" is not just an individual trait, but a property of the constantly-evolving relationship between a leader and followers. The leader is a prophet only so long as members believe him (or her) to be so. And those beliefs are sustained by the constant interplay between events and the leader's interpretation of them. So long as the leader's interpretations make sense of the group's experience, that leader is likely to be able to maintain authority. These interpretations are not a fixed text, but a living, changing body of ideas, rules, and practices. Meaning emerges daily in the interaction of sacred texts (in this case the Bible), events, and the imagination of leader and followers. Only in subsequent generations are religious prescriptions likely to become written orthodoxies.

Among the sources that might have helped in understanding charisma is Timothy Miller's edited book, *When Prophets Die: The Postcharismatic Fate of New Religious Movements* (Albany: SUNY Press, 1991). In his introductory essay in that volume, J. Gordon Melton writes that the first generation of a new group is "a time of experimentation and rapid change. The leader must discover the right elements to combine in a workable program, generate solutions to unexpected obstacles, choose and train capable leaders, and elaborate upon the initial ideas or vision that motivated the founding of the group....The group formally or informally gives feedback in the form of approval or disapproval of the leader's actions. The most successful leaders are continually adjusting and reacting to that feedback" (p. 11). Other essays in that book examine the relationship between groups and their charismatic founders, from the Shakers to the Moonies.

Understanding that the relationship between leaders, followers, and practices is a fluid one might have led agents to take more seriously the possibility of suggesting alternative apocalyptic interpretations to Koresh. Such a strategy was suggested (and attempted) by Houston theologian Phillip Arnold and University of North Carolina professor James Tabor. In "The Waco Tragedy: An Autobiographical Account of One Attempt to Avert Disaster" (forthcoming in *From the Ashes: Making Sense of Waco*, edited by James R. Lewis and published by Rowman and Littlefield), Tabor writes that after considerable study of the interpretations being offered by Koresh, they concluded that alternative scenarios--still within his system of symbols--were possible. They hoped that he might reinterpret the "little season" of Revelation 6:11 as an extended period of time, that he might see himself as the writer of the "little book" mentioned in Revelation 10:11--

and, most importantly, that he might use those reinterpretations to ask for a delay while he wrote down his insights about the seven seals. Koresh's response to their radio broadcast and tape indicated that he indeed had taken up this interpretive possibility and had begun to work on a book. In a letter sent out on April 14, he said that "as soon as I can see that people like Jim Tabor and Phil Arnold have a copy, I will come out and then you can do your thing with this beast." That he was indeed working on such a book is demonstrated by the existence of a computer disk brought out by one of the survivors who had been typing for him on the day before the fire. Ironically, it was the actions of the FBI on April 19 that evidently forced Koresh to return to his earlier interpretation of the texts--namely that the next event in the unfolding prophetic calendar would be death for his group, rather than a delay while he wrote his book.

8. And, of course, as soon as the possibility of mass martyrdom became evident, they should have reviewed the events of Jonestown. There, too, an exceptionally volatile religious group was pushed over the edge, inadvertently, by the actions of government agencies pushed forward by "concerned families". The best account of the Jonestown tragedy is John R. Hall's 1987 book, *Gone from the Promised Land: Jonestown in American Cultural History* (New Brunswick: Transaction). Also helpful is David Chidester's 1988 account of the religious dynamics of the People's Temple, *Salvation and Suicide: An Interpretation of Jim Jones, the Peoples Temple and Jonestown*. (Bloomington, Ind.: Indiana University Press).

9. Finally, they should have understood that any group under siege is likely to turn inward, bonding to each other and to their leader even more strongly than before. Outside pressure only consolidates the group's view that outsiders are the enemy. And isolation decreases the availability of information that might counter their internal view of the world. In this case, the federal government already enjoyed a particularly condemned place in the group's worldview. Taking that fact seriously might have changed the minds of federal agents who argued that using outside negotiators is always a mistake. Persons other than federal agents might have been able to assume a genuine third-party position in this case, translating and mediating between Koresh and the outside world. It is ironic to note that the one similar situation the FBI could point us to, in which they successfully negotiated a peaceful surrender, involved the use of an outside negotiator.

In this case, federal negotiators had a difficult time convincing Koresh to take them seriously. But even when they did, their talking strategies were constantly undermined by the actions of the tactical teams. Any success negotiators had in winning the group's confidence was completely undermined by continuing application of tactical pressure. If such pressure had been a specific response to a specific failure of Koresh to respond to negotiating proposals, it might have had some coherent psychological effect. However, such was never the case. Pressure from encroaching tanks, psychological warfare tactics, and the like, continually worked at cross-purposes with the negotiating strategies. This outside pressure only increased the paranoia of the group and further convinced them that the only person they could trust was Koresh.

IV. What outside experts might they have consulted?

I am attaching to this report a copy of a letter from the Society for the Scientific Study of Religion which includes several names and addresses of people recognized by that academic organization as experts on new, marginal, and high-commitment religious groups. I am also including in that appendix several additional names of persons whose research I have found helpful.

In addition, to help in locating experts and in evaluating the credentials of volunteer "experts", law enforcement agencies can turn to the American Sociological Association, the American Psychological Association, the American Psychiatric Association, the Association for the Sociology of Religion, or the Society for the Scientific Study of Religion.

V. Conclusions. Knowing these things might not have changed the outcome in Waco. It is unclear to me whether any negotiating strategy could have succeeded in getting most or all of the members to leave the compound. However, paying attention to these basic facts about the nature of religious groups would at least have enabled federal agents to have a clearer picture of the situation they were in. They were not in a hostage rescue situation. They were in a tragic stand-off with a group for whom they were already the enemy foretold to destroy them.

VI. Recommendations. In order for this sort of thinking to become available in future situations, several modes of access seem important.

1. Basic training. The training for all agents should include units in the behavioral sciences and units that give attention to the nature of political and religious groups. These units should emphasize both the rights of such groups to exist unhindered and the characteristics of high-commitment groups that may be relevant to future efforts at law enforcement. Such units should be aimed not so much as making every agent an expert as at sensitizing agents to the complex human dimensions of the situations in which they may find themselves. When they hear behavioral scientists advising them later, it will not be the first time they have heard such voices in the law enforcement community.

2. Advanced training. Incidents like Waco are, fortunately, relatively rare. Not everyone in federal law enforcement needs to be an expert on such situations. However, it appears that there is a need for a standing group of specialists in managing this sort of crisis. Rather than turning to whoever happens to be the local SAC, the FBI (and similar federal agencies) should have a small corps of crisis managers available. These persons should have received advanced training both in the various tactical measures at their disposal and in the insights available to them from the behavioral sciences.

3. Training and expertise for other federal agencies. An expanded Behavioral Sciences unit, perhaps not lodged in a single agency, might make a broader pool of behavioral science information available on a regular basis to all federal law enforcement agencies. I was particularly struck by the fact that ATF has no such unit. No one ever had the responsibility of imagining what the people in the compound were like, how they might be thinking, etc. With dozens of federal law enforcement agencies, it would not be cost effective to set up behavioral science units in each one, but all of them need such expertise available to them.

4. A broader pool of "experts" who can be consulted. Not all sorts of expertise are needed all the time. But agencies should not be caught in a moment of crisis wondering who to call and how to assess the credentials of those who call them. It is essential that behavioral scientists inside federal law enforcement and behavioral scientists in the academic community forge expanded working ties. People in law enforcement have for too long distrusted the "ivory tower" position of academics who do not have to make "real world" decisions. They have too long insisted that only someone who is really an insider to law enforcement can give them advice. For their part, academics have for too long discounted the experience and wisdom of persons working in law enforcement because it did not come in standard academic packages. It is my sense that this incident provides an opportune moment for overcoming both those problems. Law enforcement people are more aware than ever of the need for additional insight and training, and academics are more aware of their obligation to the public.

That new cooperation might take a number of forms. The various training facilities for federal law enforcement might host a series of consultations in which a small group of academics and a small group of agents work together for 2-3 days on problems and potential problems facing

law enforcement. Academics, for their part, might organize sessions at annual professional meetings at which such questions are raised and to which law enforcement people are invited. In addition, people teaching in the various academies should be encouraged to read more widely and to draw in outside experts whenever possible. Such on-going collaboration would have the benefit of acquainting the two communities with each other so that each would be better prepared for cooperation in a time of crisis.

Most concretely, it is essential that federal law enforcement develop an expanded list of experts on which it can call. These people need not be on contract. They simply need to be people the agencies already know to be legitimate, reliable, and willing to cooperate with them. The sorts of activities I am suggesting above would aid in the development of such a list. In addition, the various professional associations could also be helpful. It is essential that persons in federal law enforcement use this occasion to think pro-actively about the kinds of situations they are likely to encounter in the future and to seek out now the expertise they will need in confronting those situations.

VI. A last word.

Finally, the presence of expert knowledge is of no use if behavioral scientists are kept marginal to the actual decision-making being done. For knowledge about human behavior to have any effect, scientists must be involved early and often. They must have at least as much "clout" in a situation as the person commanding the firepower. And, it is my sense that it may be important for the behavioral scientists to have some autonomy, to be something of an outside eye. Once a team of enforcement persons has begun to formulate a plan for dealing with a group, that plan is likely to take on a life of its own. The same dynamics that hold the religious group together also hold the enforcement group together. They are as determined to stick together against their "enemy" as is the group they are facing. Having a built-in "yellow flag" can sometimes avoid catastrophe.

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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

JASON SCOTT,

Plaintiff,

vs.

RICK ROSS, a/k/a RICKEY ALLAN
ROSS, MARK WORKMAN, CHARLES
SIMPSON, CLARK ROTROFF, CULT
AWARENESS NETWORK, A California
Non-Profit Corporation, AND JOHN
DOE 1 - JOHN DOE 20,
Defendants.

CASE NO.

C94-0079

JURY DEMAND

COMPLAINT FOR DAMAGES FROM
VIOLATION OF CIVIL RIGHTS

Plaintiff, JASON SCOTT, alleges:

Jurisdiction and Venue

1. Jurisdiction of this Court is invoked pursuant to
(a) 28 U.S.C. § 1343(a)(1) and this Court's supplemental
jurisdiction over six related state law claims pursuant to 28
U.S.C. § 1367(a); and (b) 28 U.S.C. § 1332(a). Venue is proper
under 28 U.S.C. § 1391(b) in that a substantial part of the
events giving rise to plaintiff's claims occurred in this
district.

2. This action is to recover damages pursuant to 42
U.S.C. § 1985(3) which prohibits conspiracies to deprive any
person or class of persons of the equal protection of the laws of

1 the United States or of the equal rights, privileges and
2 immunities of a citizen of the United States. Further, it is an
3 action between plaintiff, a citizen of the State of Washington,
4 and defendants, citizens of the States of Arizona and Illinois.
5 The amount in controversy in this dispute exceeds \$50,000.

6 NATURE OF THE ACTION

7 3. This action arises out of the kidnapping-for-hire,
8 abduction, restraint and unlawful confinement of plaintiff Jason
9 Scott ("Scott") by defendants, for the purpose of forcing Scott
10 to renounce his religious beliefs. As hereinafter alleged in
11 full, in January, 1991, defendants forcibly abducted Scott from
12 Kirkland, Washington; transported him, bound and gagged, to Ocean
13 Shores, Washington; held Scott captive for 5 days and 5 nights,
14 in a room with barred windows and guards at the doors; and
15 subjected Scott to a nearly-constant barrage of verbal abuse
16 intended to force Scott to renounce his faith. Scott's captors
17 intended to transport Scott from the State of Washington to
18 Albany, Ohio, to continue the abuse; Scott managed to escape from
19 his kidnappers only by convincing them that he had been
20 "persuaded" by their physical and mental abuse to give up his
21 freely-chosen religious beliefs.

22 PARTIES AND VENUE

23 4. Plaintiff Jason Scott is, and at all times relevant to
24 this complaint was, over the age of 18, a citizen of the United
25 States and a resident of Bellevue, Washington. Scott is a member
26 of a Christian religious organization known as The Life
27 Tabernacle Church, and, as such, believes in its principles and
28 teachings. The Life Tabernacle Church is a member of the United

1 Pentecostal Churches.

2 5. Defendant Rick Ross, a/k/a/ Rickey Allan Ross, is a
3 resident of Phoenix, Arizona and is engaged in the business of
4 "deprogramming," ie., the kidnapping, abduction, restraint and
5 confinement of individuals, in an attempt to force them to
6 renounce their religious beliefs, and to adhere to different
7 religious beliefs acceptable to defendants.

8 6. Defendant Mark Workman is a resident of Flagstaff,
9 Arizona. At all times mentioned herein, defendant Workman acted
10 as an agent and accomplice of defendant Ross and assisted him in
11 committing the acts hereinafter alleged.

12 7. Defendant Charles Simpson is a resident of Phoenix,
13 Arizona. At all times mentioned herein, defendant Simpson acted
14 as an agent and accomplice to defendant Ross and assisted him in
15 committing the acts hereinafter alleged.

16 8. Defendant Clark Rotroff is a resident of Flagstaff,
17 Arizona. At all times mentioned herein, defendant Rotroff acted
18 as an agent and accomplice of defendant Ross and assisted him in
19 committing the acts hereinafter alleged.

20 9. Defendant Cult Awareness Network ("CAN") is a
21 corporation organized and existing under the laws of the State of
22 California with its principal place of business in Barrington,
23 Illinois. CAN attempts to conceal the location of its principal
24 place of business in Barrington, Illinois by using as its address
25 a maildrop in Chicago, Illinois.

26 10. Defendant CAN defines itself in its articles of
27 incorporation as an educational, non-profit corporation. In
28 fact, however, it is a hate group, a propaganda and lobbying

1 machine which has the actual purpose of destroying those
2 religious groups with which it disagrees and which it disparages
3 as "destructive cults." CAN's definition of "destructive cult"
4 is broad enough to encompass virtually any group and would
5 embrace within its terms groups such as the United States Marine
6 Corps and virtually any football team. CAN's list of such
7 "cults" includes literally hundreds of minority religions of
8 which the present leaders of CAN disapprove. CAN disparages the
9 Life Tabernacle Church as a "destructive cult."

10 11. To achieve its true purpose of destroying religions
11 with which CAN's hierarchy does not agree, CAN has sought by
12 every possible means, legal or not, to eliminate from society
13 religious organizations it deems to be "destructive cults." CAN
14 engages in media and lobbying campaigns to publicize false and
15 malicious statements which are designed to deceive the general
16 public about the hundreds of minority religions which it has
17 branded "destructive cults." CAN-affiliated "deprogrammers"
18 including, inter alia, defendant Ross, will, for a hefty fee,
19 charged to a family terrified by CAN's propaganda, kidnap or
20 otherwise detain a member of a minority religion and attempt to
21 "persuade" him or her, using tactics such as kidnapping,
22 violence, false imprisonment, and quasi-hypnotic repetition of
23 disinformation supplied by CAN, to renounce his or her faith.
24 All of these tactics, and more, were used on Scott.

25 12. At all times herein mentioned, defendant Ross acted as
26 an agent of defendant Cult Awareness Network, and in committing
27 the acts hereinafter alleged, acted with the full and complete
28 authorization, knowledge, consent and ratification of defendant

1 Cult Awareness Network.

2 13. Defendants John Doe 1 - John Doe 20 participated along
3 with the named defendants in the conduct alleged herein.

4 Plaintiff will amend this complaint to allege their true names
5 and capacities when ascertained. Plaintiff is informed and
6 believes and therefore alleges that each of these fictitiously
7 named defendants is responsible in some manner for the
8 occurrences herein alleged, and each of them proximately caused
9 plaintiff's injuries as herein alleged.

10 Background Facts

11 14. Plaintiff is informed and believes and therefore
12 alleges, that in or about January, 1991, Kathy Tonkin, mother of
13 plaintiff Scott, and a practicing member of the Life Tabernacle
14 Church, was persuaded by representatives of CAN that she should
15 leave the Life Tabernacle Church and denounce it as a "cult."
16 Ms. Tonkin's three sons, including plaintiff, were not initially
17 persuaded by CAN's propaganda. Plaintiff is informed and
18 believes and therefore alleges, that CAN's representatives
19 thereafter advised Ms. Tonkin to contact Rick Ross, and urged her
20 to hire him. The CAN representatives were aware that Ross had in
21 the past used force, abduction, kidnapping, and imprisonment to
22 "persuade" persons to denounce their faiths. These
23 representatives knew or should have known that, by recommending
24 Ross to Ms. Tonkin, they were ensuring that plaintiff would
25 suffer the harm hereinafter alleged. Frightened and convinced by
26 CAN's negative disinformation, Ms. Tonkin agreed to pay, and did
27 pay, defendants \$27,000 to commit the tortious and illegal acts
28 set forth below.

1 15. In or about January, 1991, defendants, and each of
2 them, made plans to, and did in fact travel from Arizona to
3 Washington, for the purpose of kidnapping and abducting plaintiff
4 Scott.

5 16. After arriving in the State of Washington, defendants,
6 and each of them, traveled to a house located at 12908 N.E. 78th
7 Place in Kirkland, Washington, where they waited for plaintiff
8 Scott to arrive on January 18, 1991.

9 17. When plaintiff arrived at the house in Kirkland,
10 Washington in the early evening of January 18, 1991, defendants
11 Workman, Simpson and Retroff jumped on plaintiff and wrestled him
12 to the ground. They dragged plaintiff inside the house, down a
13 set of stairs, and restrained him with handcuffs. Then, at the
14 direction of defendant Ross, Workman, Simpson and Retroff dragged
15 plaintiff outside through the sliding back door of the house,
16 across a cement patio, and into a waiting van. When plaintiff
17 resisted entering the van, defendant Ross helped the other three
18 individual defendants to shove plaintiff into the back of the
19 van, tearing plaintiff's hands off of the door handle to which
20 plaintiff clung in a desperate attempt to resist abduction.

21 18. Inside the van, defendants, and each of them,
22 restrained plaintiff face down. Roughly ordering plaintiff to
23 shut up and stop praying, they tied plaintiff's ankles with a
24 nylon strap, and gagged him by placing a 2-inch wide strip of
25 duct tape across his face from ear to ear.

26 19. Defendants, and each of them, transported plaintiff in
27 the van for some hours, preventing plaintiff from ascertaining
28 his travel route by pinning him to the van's floor and blocking

1 his view out either the back or front window. Enroute,
2 defendants treated the bewildered and terrified plaintiff to
3 horrifying Vietnam "torture stories." Plaintiff felt his hands
4 go cold and numb from the tight pressure of the handcuffs. His
5 back, legs and upper body were bruised and sore from the dragging
6 he had enduring across floors, stairs and a cement patio.

7 20. Eventually the van stopped, at an isolated location
8 unknown at the time to plaintiff, but which he later learned was
9 located in Ocean Shores, Washington. Plaintiff was threatened
10 not to make any "stupid moves," and his ankle restraints were
11 loosened just enough to permit him to walk into the isolated
12 house, with one defendant holding the nylon strap as a "leash"
13 and another holding tightly to the handcuffs which held
14 plaintiff's hands and arms pinned.

15 21. Inside the house, defendants, and each of them, forced
16 plaintiff up the stairs and into a bathroom. Plaintiff was
17 restrained in a stall shower. His handcuffs were loosened,
18 leaving dark, swollen rings around his wrists. Plaintiff was
19 forced by defendants to sit in the bathroom's shower or bathtub
20 while another room was "prepared" for him.

21 22. When defendants escorted plaintiff into the room they
22 had prepared, he found himself in a room containing two double
23 beds, dressers, and nightstands. All of the drawers had been
24 removed from the dressers and nightstands. Thick nylon straps
25 had been placed over the windows in a mesh-like pattern. The
26 room contained no telephone. When plaintiff took off his shoes,
27 they were confiscated. The room had two doors, but each was
28 guarded by one of the defendants.

1 23. Defendant Ross informed plaintiff that he had been
2 kidnapped for the purpose of forcing him to leave the Life
3 Tabernacle Church by "changing his mind." Ross told plaintiff
4 that the process of forcibly changing plaintiff's mind would be
5 as hard as plaintiff chose to make it. Plaintiff demanded that
6 he be permitted to call the police. Ross refused, and threatened
7 that if plaintiff "caused any trouble," he would be handcuffed to
8 the bed. Plaintiff's assertion that he was eighteen and entitled
9 to choose his religious beliefs was ignored. Ross then proceeded
10 to ridicule plaintiff about plaintiff's beliefs, his church, his
11 pastor. Ross then began verbally assaulting plaintiff, degrading
12 plaintiff's chosen methods of worship, the doctrinal beliefs of
13 the Life Tabernacle Church, and plaintiff's beliefs in God, the
14 Bible, salvation, holiness and baptism. Ross's verbal assault
15 continued until late into the night. When plaintiff was finally
16 permitted to sleep, a guard slept in front of each of the room's
17 two doors to prevent any escape.

18 24. From January 18, 1991 until January 23, 1991,
19 defendants held Scott prisoner in the Ocean Shores room without
20 any opportunity for escape. Scott was not permitted to leave the
21 room, except to go to the bathroom. When he went to the
22 bathroom, three of the defendants accompanied him: two were
23 stationed outside each door to the bathroom, and a third joined
24 plaintiff in the bathroom. Whenever plaintiff was awake, he was
25 subjected to verbal ridicule and abuse by defendant Ross, or was
26 forced to watch an endless succession of videotapes, which
27 plaintiff is informed and believes and therefore alleges were
28 provided to Ross by defendant CAN, which ridiculed and degraded

1 many minority religions. Plaintiff was humiliated, degraded and
2 abused by defendants with no hope of relief. He decided to feign
3 acquiescence, in the hope that his captors would become careless,
4 and give him an opportunity to escape.

5 25. On or about January 22, 1991, in the early evening,
6 plaintiff convinced his captors that he was ready to renounce his
7 faith. His captors permitted him to leave the room in which he
8 had been imprisoned, play cards, watch television, and play ping
9 pong. But plaintiff was never left alone; at least one of
10 defendants was always present to guard him, and prevent his
11 escape. The night ended with Scott sleeping in his prison,
12 guards at the doors.

13 26. On January 23, 1991, plaintiff remained cooperative
14 with his captors, still hoping to escape. He spent the day
15 forced to watch still more videos, this time about "New Age"
16 religions, and channeling. He developed nausea and diarrhea. He
17 overheard his captors making plans to fly him to Ohio for further
18 instruction, but continued his efforts to convince them that he
19 had fully renounced his religion. His ploy succeeded.
20 Defendants suggested that they all go out to dinner. Defendants,
21 and each of them, drove plaintiff to a restaurant in Montesanto,
22 Washington. At his earliest opportunity, plaintiff excused
23 himself to go to the men's room. He ran out of the front door of
24 the restaurant, and called the police from a telephone across the
25 street.

26 27. After committing the acts alleged in paragraphs 13 -
27 25, supra, defendants Ross, Rotroff, Simpson and Workman were
28 arrested by local authorities and were released on bail on or

1 about January 24, 1991. They promptly departed the State of
2 Washington and have not returned since that time, except for
3 brief periods to attend legal proceedings.

4
5 FIRST CAUSE OF ACTION
6 (Conspiracy to Violate Civil
7 Rights Under 42 U.S.C. § 1985(3))

8 28. Plaintiff incorporates by reference the allegations in
9 paragraphs 1 through 27, supra, and realleges said paragraphs as
10 though set forth fully herein.

11 29. In or about January, 1991, defendants CAN, Ross,
12 Workman, Retroff, Simpson and John Doe 1 - John Doe 20, acting
13 out of an irrational hatred and invidiously discriminatory class-
14 based animus toward the Life Tabernacle Church, and other
15 minority religions, and with the deliberate design, purpose and
16 intent to harm and injure plaintiff in his person and to deprive
17 him of his right to interstate travel, entered into a conspiracy
18 to deprive plaintiff of the equal protection of the laws of the
19 United States and the equal rights, privileges and immunities of
20 a citizen of the United States solely because of plaintiff's
21 membership in the Life Tabernacle Church, and for no other
22 reason. Pursuant to and in furtherance of the foregoing
23 conspiracy, defendants committed overt acts in furtherance
24 thereof, as specifically alleged in paragraphs 14 through 27,
25 supra.

26 30. As a direct and proximate result of the foregoing acts
27 of defendants, and each of them, plaintiff sustained grave and
28 severe injuries to his person and was deprived of the equal
protection of the laws of the United States and of the rights,

1 privileges and immunities guaranteed to all citizens of the
2 United States, including, but not limited to, the right to
3 interstate travel and to practice and believe in the religion of
4 his choice, namely the Life Tabernacle Church, free from force,
5 violence, threats, retaliation or intimidation.

6 SECOND CAUSE OF ACTION
7 (Assault and Battery)

8 31. Plaintiff incorporates by reference the allegations in
9 paragraphs 1 through 27, and 29 through 30, inclusive, and
10 realleges said paragraphs as though set forth fully herein.

11 32. From January 18 through January 23, 1991, inclusive,
12 and continuously during that time, defendants and each of them
13 committed numerous and repeated batteries upon plaintiff by
14 handcuffing him, taping his mouth with duct tape, shackling
15 plaintiff's legs with nylon cord, seizing plaintiff, dragging
16 plaintiff down stairs and across cement, forcing him into a
17 vehicle, confining and restraining plaintiff in a building for
18 five days, using force and violence upon plaintiff to prevent him
19 from leaving the premises and by inflicting multiple cuts and
20 bruises upon his body.

21 33. Defendants' actions alleged in paragraphs 14 - 27 above
22 intended to cause and did cause harmful or offensive contact
23 and/or apprehension by plaintiff of such contact.

24 34. As a direct and proximate result of defendants' above-
25 alleged conduct, plaintiff sustained physical injury, pain,
26 suffering and mental anguish. Plaintiff also incurred expenses
27 for necessary medical treatment and lost wages for the period
28 that he was unable to work because of his confinement by

1 defendants and/or his injuries suffered.

2 THIRD CAUSE OF ACTION
3 (False Imprisonment)

4 35. Plaintiff incorporates by reference the allegations in
5 paragraphs 1 through 27, 29 through 30, inclusive, and realleges
6 said paragraphs as though set forth fully herein.

7 36. From January 18 through January 23, 1991, inclusive,
8 defendants and each of them, willfully, intentionally,
9 deliberately and unlawfully confined plaintiff, first in a van,
10 then in a building located in Ocean Shores, Washington, and
11 prevented and restrained him from leaving through force, threats
12 of force, violence and intimidation, handcuffing plaintiff,
13 gagging his mouth with duct tape, locking the windows and doors
14 of the building and keeping plaintiff under 24-hour surveillance.

15 37. As a direct and proximate result of defendants' above-
16 alleged conduct, plaintiff sustained physical injury, pain,
17 suffering and mental anguish. Plaintiff also incurred expenses
18 for necessary medical treatment and lost wages for the period
19 that he was unable to work because of his confinement by
20 defendants and/or his injuries suffered.

21 FOURTH CAUSE OF ACTION
22 (Outrage)

23 38. Plaintiff incorporates by reference the allegations in
24 paragraphs 1 through 27, 29 through 30, 32 through 34 and 36
25 through 37, inclusive, and realleges said paragraphs as though
26 set forth fully herein.

27 39. As a direct and proximate result of the acts of
28 defendants alleged herein, plaintiff has suffered, and will
continue to suffer severe and extreme pain, anguish, distress,

1 shock, fright, humiliation, fear and grief.

2 40. The conduct of defendants, and each of them, as alleged
3 herein was so outrageous in character and extreme in degree, that
4 it exceeded all possible bounds of decency and is to be regarded
5 as atrocious and utterly intolerable in a civilized community.

6 FIFTH CAUSE OF ACTION
7 (Violation of Civil Rights,
8 RCW 49.60.10 et seq.)

8 41. Plaintiff incorporates by reference the allegations in
9 paragraphs 1 through 27, 29 through 30, 32 through 34, 36 through
10 37 and 39 through 40, inclusive, and realleges said paragraphs as
11 though set forth fully herein.

12 42. Defendants, and each of them, undertook the actions
13 described, depriving plaintiff of his personal freedom,
14 imprisoning him, and assaulting his person, entirely because of
15 plaintiff's religious beliefs, with which defendants disagreed.
16 This discriminatory conduct is despicable, and is barred by RCW
17 49.60.10 et seq.

18 43. As a direct and proximate result of the foregoing acts
19 of defendants, and each of them, plaintiff sustained grave and
20 severe injuries to his person and was deprived of the equal
21 protection of the laws of the State of Washington and of the
22 rights, privileges and immunities guaranteed to all citizens of
23 the State of Washington and of the United States, including, but
24 not limited to, the right to move freely in places of public
25 accommodation and to practice and believe in the religion of his
26 choice, namely the Life Tabernacle Church, free from force,
27 violence, threats, retaliation or intimidation.

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SIXTH CAUSE OF ACTION
(Negligence)

44. Plaintiff incorporates by reference the allegations in paragraphs 1 through 27, 29 through 30, 32 through 34, 36 through 37, 39 through 40 and 42 through 43, inclusive, and realleges said paragraphs as though set forth fully herein.

45. Defendant CAN holds itself out as a group which provides information to the public and which refers the public to persons who will allegedly aid them in their efforts to understand the religious practices and beliefs of others.

46. Defendant CAN negligently, and without regard for the safety and well-being of plaintiff, recommended to plaintiff's mother, Kathy Tonkin, that Tonkin hire defendant Ross to "deprogram" plaintiff, knowing that Ross's "deprogramming" was likely to include the tortious and illegal acts alleged herein, and without regard for plaintiff's health or well-being.

47. As a direct and proximate result of CAN's above-alleged negligence, plaintiff sustained physical injury, pain, suffering and mental anguish. Plaintiff also incurred expenses for necessary medical treatment and lost wages for the period that he was unable to work because of his confinement by defendants and/or his injuries suffered.

SEVENTH CAUSE OF ACTION
(Civil Conspiracy)

48. Plaintiff incorporates by reference paragraphs 1 through 27, 29 through 30, 32 through 34, 36 through 37, 39 through 40, 42 through 43, and 45 through 47, inclusive, and realleges those paragraphs as though fully set forth herein.

1 jurisdictional amount for this court.

2 3. Awarding plaintiff punitive and exemplary damages in an
3 amount to be established at the time of trial.

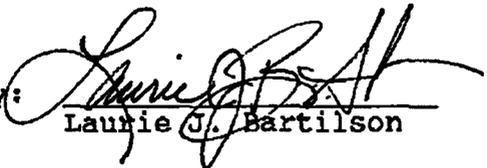
4 4. Awarding plaintiff his statutory costs and attorneys'
5 fees incurred in this action.

6 5. Granting plaintiff such other relief as is just and
7 proper.

8 Date: January 14, 1994

BOWLES & MOXON

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By: 
Laurie J. Bartilson

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Attorneys for Plaintiff
JASON SCOTT

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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

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SEP 29 1995

JASON SCOTT,

Plaintiff,

v.

RICK ROSS, a/k/a RICKEY ALLEN
ROSS, MARK WORKMAN, CHARLES
SIMPSON, CULT AWARENESS NETWORK,
a California nonprofit corporation,
and JOHN DOE 1-JOHN DOE 20,

Defendants.

AT SEATTLE
CLERK OF DISTRICT COURT
BY WESTERN DISTRICT OF WASHINGTON
DEPUTY

CASE NO. C94-0079C

VERDICT FORM

1. Do you find that any of the Defendants were negligent and that such negligence was a proximate cause of injury to the Plaintiff?

	Yes	No
A. Defendant Rick Ross	<input checked="" type="checkbox"/>	<input type="checkbox"/>
B. Defendant Mark Workman	<input checked="" type="checkbox"/>	<input type="checkbox"/>
C. Defendant Charles Simpson	<input checked="" type="checkbox"/>	<input type="checkbox"/>
D. Defendant Cult Awareness Network	<input checked="" type="checkbox"/>	<input type="checkbox"/>

ORDER -- 1

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1 2. If you answered yes to question number 1, what percentage of the total combined negligence
2 is attributable to each Defendant whose negligence was found in question number 1?

- 3 A. Defendant Rick Ross 70 %
- 4 B. Defendant Mark Workman 10 %
- 5 C. Defendant Charles Simpson 10 %
- 6 D. Defendant Cult Awareness Network 10 %

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3. Do you find that any of the Defendants were involved in a conspiracy to deprive Plaintiff of his civil rights of freedom of religion or freedom of interstate travel and that such conspiracy caused injury to the Plaintiff?

	Yes	No
A. Defendant Rick Ross	<input checked="" type="checkbox"/>	<input type="checkbox"/>
B. Defendant Mark Workman	<input checked="" type="checkbox"/>	<input type="checkbox"/>
C. Defendant Charles Simpson	<input checked="" type="checkbox"/>	<input type="checkbox"/>
D. Defendant Cult Awareness Network	<input checked="" type="checkbox"/>	<input type="checkbox"/>

ORDER -- 3

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4. Do you find that any of the Defendants committed the tort of outrage against the Plaintiff?
That is, do you find that any of the Defendants intentionally or recklessly acted in a way that is
so outrageous in character and so extreme in degree as to go beyond all possible bounds of
decency and to be regarded as atrocious and utterly intolerable in a civilized community?

	Yes	No
A. Defendant Rick Ross	<input checked="" type="checkbox"/>	<input type="checkbox"/>
B. Defendant Mark Workman	<input checked="" type="checkbox"/>	<input type="checkbox"/>
C. Defendant Charles Simpson	<input checked="" type="checkbox"/>	<input type="checkbox"/>
D. Defendant Cult Awareness Network	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

1 5. If you have answered yes to any of the questions above, what do find to be the total amount
2 of the Plaintiff's damages?

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26 ORDER -- 5

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6. If you have found that any of the Defendants conspired to deprive Plaintiff of his civil rights (question number 3), what amount of punitive damages, if any, should be awarded?

- A. Defendant Rick Ross \$ 2,500,000
- B. Defendant Mark Workman \$ 250,000
- C. Defendant Charles Simpson \$ 250,000
- D. Defendant Cult Awareness Network \$ 1,000,000

Jerry E. Harris 9/29/94
Foreperson's Signature and Date

ORDER -- 6

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NOV 29 1995

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

AT SEATTLE
CLERK U.S. DISTRICT COURT
DEPUTY

JASON SCOTT,

Plaintiff,

v.

RICK ROSS, et al.,

Defendants.

CASE NO. C94-0079C

ORDER

This matter comes before the Court on the following motions:

- (1) defendant Cult Awareness Network's (hereinafter "CAN") motion for judgment as a matter of law, a new trial, or a new trial conditioned on a remittitur;
- (2) CAN's and defendant Rick Ross' motions to stay execution of judgment;
- (3) defendant Rick Ross' motion for a new trial or amendment of judgment; and
- (4) plaintiff Jason Scott's motion for an award of attorney's fees.

I. PROCEDURAL BACKGROUND

In January 1994, Mr. Scott filed this action requesting a jury trial on a variety of claims against CAN, Mr. Ross, Mr. Mark Workman, Mr. Charles Simpson and Mr. Clark Retroff.¹ Each of the

¹Prior to trial, plaintiff entered into a settlement agreement with Mr. Retroff for an undisclosed sum.

ORDER -- 1

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1 claims stemmed from the abduction and involuntary religious
2 deprogramming of Mr. Scott. Prior to trial, the Court narrowed the
3 claims to conspiracy to violate Mr. Scott's civil rights under 42
4 U.S.C. § 1985(3) (hereinafter "§ 1985(3)"), the tort of outrage,
5 and negligence.

6 At the close of trial, the jury returned a verdict against each
7 of the defendants on virtually all the remaining claims.³ The
8 jury awarded compensatory damages in the amount of \$875,000.00.
9 Pursuant to the civil rights claim, the jury awarded punitive
10 damages in the amount of \$1,000,000.00 against CAN, \$2,500,000.00
11 against Mr. Ross, and \$250,000.00 each against Mr. Simpson and Mr.
12 Workman.

13 Mr. Ross and CAN now challenge the jury's findings and move the
14 Court for an order staying execution of the judgment.

15 II. STANDARD OF REVIEW: JUDGMENT AS A MATTER OF LAW AND NEW TRIAL

16 On a motion for judgment under Fed. R. Civ. P. 50, the Court
17 must determine "whether the evidence, considered as a whole and
18 viewed in the light most favorable to the nonmoving party,
19 reasonably can support only a verdict for the moving party."
20 Gillette v. Delmore, 979 F.2d 1342, 1346 (9th Cir. 1992) (emphasis
21 in original). If substantial evidence supports a verdict for the
22 non-moving party, judgment as a matter of law is inappropriate.
23 Id. "Substantial evidence" requires a showing of "such evidence as

24 _____
25 ³In the only exception, the jury found that CAN's actions did
26 not constitute the tort of outrage.

1 a reasonable mind might accept as adequate to support a
2 conclusion." Los Angeles Land Co. v. Brunswick Corp., 6 F.3rd
3 1422, 1425 (9th Cir. 1993).

4 Under Fed. R. Civ. P. 59, a new trial may be granted "if the
5 verdict is contrary to the clear weight of the evidence, or...to
6 prevent, in the sound discretion of the trial judge, a miscarriage
7 of justice." Murphy v. Long Beach, 914 F.2d 183, 187 (9th Cir.
8 1990) (citations omitted). In making this determination, the Court
9 may simply weigh the evidence and need not view it from the
10 perspective most favorable to the non-moving party. Air-Sea
11 Forwarders, Inc. v. Air Asia Co., 880 F.2d 176, 190 (9th Cir.
12 1989).

13 III. CAN'S TRIAL MOTIONS

14 CAN asserts that the evidence produced at trial does not
15 support the jury's findings that CAN acted negligently or conspired
16 against Mr. Scott under § 1985(3). CAN also challenges the award of
17 punitive damages and the amount assessed against it. The Court
18 shall consider each claim separately.

19 A. NEGLIGENCE

20 CAN claims the evidence on negligence did not support a finding
21 that Ms. Shirley Landa acted as CAN's agent with respect to the
22 events in question. See Nordstrom Credit, Inc. v. Department of
23 Revenue, 120 Wash.2d 935, 940, 845 P.2d 1331 (1993) (agency must be
24 established with respect to the particular transaction out of which
25 the injury arises). CAN asserts that the most the evidence shows

26 ORDER -- 3

1 is that Ms. Landa generally acted as a contact person and volunteer
2 for CAN on other occasions.

3 The Court concludes that the evidence supports the jury's
4 finding on the negligence claim against CAN. CAN's attempt to
5 distance itself from Ms. Landa's actions and Mr. Scott's
6 deprogramming through the use of phrases such as "contact person"
7 and "volunteer" belies the great weight of the evidence. For
8 example, there was an abundant showing that Ms. Landa was an active
9 member of CAN, the contact person for CAN in Washington during the
10 time of the events in question, and under CAN's control and
11 supervision during this time.³ Further, evidence also showed that
12 Ms. Landa acted in accordance with CAN practices by distributing
13 information on cults and referring Mr. Scott's mother, Ms. Kathy
14 Tonkin, to Mr. Ross for deprogramming. This combination of
15 factors, along with the rest of the evidence contained in the
16 record, makes judgment as a matter of law or a new trial on the
17 negligence claim unwarranted.

18 B. CONSPIRACY TO VIOLATE CIVIL RIGHTS

19 CAN asserts that the evidence at trial was also insufficient to
20 support a finding that CAN took part in a conspiracy to deprive Mr.
21 Scott of his civil rights under § 1985(3). As a basis for this
22

23 ³The Court notes that the main support for the CAN's argument
24 that Ms. Landa was acting for another organization comes from Ms.
25 Landa herself. Given the numerous illustrations of Ms. Landa's bias
and hostility, as well as the inconsistencies in her testimony, the
Court finds that the jury was entitled to disregard this testimony.

1 argument, CAN reasserts that the evidence does not support a
2 finding that Ms. Landa acted as CAN's agent. CAN also claims that
3 the record does not show that Ms. Landa, or anyone else at CAN,
4 knowingly participated in the plan to abduct Mr. Scott, deprogram
5 him, and deprive him of the right to interstate travel.

6 Again, the Court concludes that the evidence sufficiently
7 supports the jury's determination that CAN knowingly participated
8 in the decision to abduct Mr. Scott and deprive him of the right to
9 interstate travel. Moreover, the evidence conclusively established
10 that the decision was motivated by a discriminatory animus towards
11 his religious affiliation.⁴ For example, the evidence showed that
12 Ms. Landa referred Ms. Tonkin to Mr. Ross, met with the
13 deprogramming "team" during their initial trip to Washington, and
14 met with her sister and Ms. Tonkin to discuss any legal recourse
15 for removing Mr. Scott from his church.⁵ There was also
16 substantial testimony that the conspiracy included a clear goal to
17 hold Mr. Scott against his will, prevent him from pursuing a
18 mission outside the country, and transport him to across state
19 lines to a retreat for ex-members of religious groups.

20 Accordingly, judgment as a matter of law or a new trial on the
21 civil rights claim against CAN would be inappropriate.

22 ⁴The Court has already rejected CAN's contention regarding Ms.
23 Landa's agency status.

24 ⁵The Court also notes that further evidence in the record
25 linked CAN to the conspiracy in a number of ways unrelated to Ms.
Landa's actions alone.

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C. PUNITIVE DAMAGES

On the award of punitive damages, CAN asserts that: (1) it cannot be held liable for punitive damages stemming from Ms. Landa's conduct; (2) the record does not support a finding of the type of motive necessary for punitive damages; and (3) the amount of the award was unreasonable. CAN also argues that the award was prompted out of the passion of an inflamed jury.

In order to sustain a finding of punitive damages against a principal for the acts of its agent, it must be found that the agent acted in a managerial capacity or that the principal authorized or ratified the acts of the agent. Mitchell v. Keith, 752 F.2d 385, 389-91 (9th Cir. 1985). This authorization or ratification must be made with knowledge that the agent acted out of ill-will, spite, for the purpose of injuring, or with complete indifference to the plaintiff's safety and rights. Id., Jury Instruction No. 29.

If punitive damages were appropriately assessed, the amount must still comport with standards of due process. In determining whether an award violates due process, the Ninth Circuit has endorsed a three stage process. Morgan v. Woessner, 997 F.2d 1244, 1256 (9th Cir. 1993). First, the Court must determine whether the jury was adequately instructed. Id. Second, the Court must review the award for excessiveness. Id. The third stage is appellate review. Id.

1 CAN does not object to the adequacy of the jury instructions on
2 punitive damages. Rather, CAN asserts that the award is excessive.
3 In reviewing for excess, the Court must look to factors bearing on
4 reasonableness. Id. at 1257. These reasonableness factors
5 include, but are not limited to: (1) whether there is a reasonable
6 relationship between the harm caused and the award; (2) the degree
7 of reprehensibility of the conduct as well as the conduct's
8 duration and frequency; (3) the profitability to the defendant; (4)
9 the financial position of the defendant; (5) all costs of
10 litigation; (6) the imposition of criminal sanctions against the
11 defendant; and (7) the existence of other civil awards versus the
12 defendant for the conduct. Pacific Mut. Life Ins. Co. v. Haslip,
13 499 U.S. 1, 21-22, 111 S.Ct. 1032, 1045 (1991).

14 The Court finds that there is sufficient evidence to support
15 the jury's finding that Ms. Landa's actions were authorized or
16 ratified by CAN. Again, by way of example, CAN admitted to its
17 control and supervision of its contact persons. CAN officials
18 stated that these persons could be removed for violation of policy.
19 However, Ms. Landa was not removed for her actions and remains a
20 CAN contact person.

21 As noted above, testimony also established that Ms. Landa,
22 acting in accordance with CAN's practices, disseminated
23 inflammatory information on cults and referred Ms. Tonkin to a
24 known "involuntary deprogrammer." As the evidence demonstrated, it
25 was within the knowledge of CAN and Ms. Landa that these practices

26 ORDER -- 7

1 would lead to Mr. Scott's abduction in this case. Thus, the Court
2 finds that the evidence also supports the jury's determination that
3 CAN's ratification of Ms. Landa's acts was done with knowledge of
4 their malicious nature as well as the deliberate disregard to Mr.
5 Scott's rights.

6 Finally, the Court concludes that the amount of punitive
7 damages awarded against CAN was reasonable, within the boundaries
8 of due process, and not improperly prompted by passion. CAN's
9 argument against the award relies most heavily on the fact that it
10 is a non-profit corporation and was forced into bankruptcy by this
11 judgment. However, these financial factors are not necessarily
12 determinative and are heavily outweighed by other factors in this
13 case.

14 Initially, the Court notes that the reprehensibility of CAN's
15 conduct goes far to justify the amount of the award. The continued
16 use of euphemisms such as "involuntarily deprogramming" does not
17 alleviate the fact that the actions in furtherance of the
18 conspiracy involved the forceful abduction and retention of an
19 adult against his will. Nor do the references to the goal of
20 "educating" the public answer the virtually undisputed evidence
21 that materials on "cults" will be negative and highly inflammatory
22 by definition. The evidence showed that without regard to this
23 fact, and despite an admitted lack of personal knowledge of Mr.
24 Scott's church or his ability as an adult to rationally choose his
25 own religion, Ms. Landa sent these "cult" materials to Ms. Tonkin.

26 ORDER -- 8

1 Other factors tend to show the reasonableness of the award as
2 well. For instance, the evidence illustrated that the defendants'
3 actions caused Mr. Scott to suffer physically. More importantly,
4 the evidence firmly supports a finding that the entire
5 deprogramming episode shook his emotional stability and rendered
6 his family life non-existent. Finally, it is undisputed that CAN
7 does not face criminal charges or further civil liability for its
8 actions. Thus, having carefully considered these and the rest of
9 the relevant factors, the Court concludes that the amount of the
10 punitive damages assessed against CAN was reasonable and
11 appropriately supported by the evidence.

12 IV. MR. ROSS' MOTION FOR A NEW TRIAL

13 Mr. Ross claims that a new trial is warranted due to error in
14 the jury instructions, failure to exclude Mr. Scott's counselor's
15 testimony, and lack of evidence supporting damages. If the Court
16 is unwilling to grant a new trial on the merits, Mr. Ross argues
17 that a new trial should be held on the damages issue alone. Again,
18 the Court shall discuss the specific issues separately.

19 A. JURY INSTRUCTIONS

20 Mr. Ross claims that a new trial is warranted due to error in
21 the Court's instructions to the jury. He asserts that the
22 instructions should have included language that the § 1985(3) claim
23 required an element of "invidiously discriminatory class-based
24 animus." Griffin v. Breckenridge, 403 U.S. 88, 102, 91 S.Ct. 1790,
25 1798 (1971). He also claims that the instructions improperly

1 allowed the jury to consider whether the defendants' actions
2 violated Mr. Scott's First Amendment right of freedom of religion.
3 United Brotherhood of Carpenters & Joiners, Local 610 v. Scott, 463
4 U.S. 825, 830, 103 S.Ct. 3352, 3357 (1983).

5 Mr. Ross' reliance on the language in Breckenridge is
6 misplaced. Although class-based discriminatory animus is
7 undoubtedly required, the Supreme Court has not given the term
8 "invidiously discriminatory class-based animus" the type of
9 talismanic effect suggested by Mr. Ross. In the present case, the
10 Court finds that Jury Instruction 21 contained the proper § 1985(3)
11 discriminatory standard based upon Mr. Scott's religious
12 affiliation. Specifically, the instruction stated that "there must
13 be some intentional purpose to discriminate against plaintiff's
14 religion as the basis for the conspirators' action. The
15 conspiracy, in other words, must have been aimed at depriving
16 plaintiff because of his religion, members of plaintiff's religion,
17 or other similar religions equal enjoyment of the rights secured by
18 law to all persons." Jury Instruction 21; Cf. Sever v. Alaska Pulp
19 Corp., 978 F.2d 1529, 1536 (9th Cir. 1992) (stating that the classes
20 protected under § 1985 include those who have been singled out by
21 the Court's as "suspect" or "quasi-suspect").

22 Similarly, the Court finds that Mr. Ross' objection that the
23 instructions improperly allowed the jury to consider Mr. Scott's
24 freedom of religion does not justify a new trial. As stated above,
25 Jury Instruction 21 identified the type of discriminatory animus

1 required under the law. Indeed, such instruction was necessary to
2 ensure that the jury did not consider whether the conspiracy was
3 aimed at Mr. Scott personally or simply at depriving him of the
4 right to interstate travel. This instruction was immediately
5 followed with instructions stating Mr. Scott's assertion on the
6 right to interstate travel, clearly designating this assertion as
7 an element of the conspiracy claim, and stating that Mr. Scott
8 needed to prove all elements of the § 1985(3) claim by a
9 preponderance of the evidence.'

10 The Court also concludes that the decision to instruct the jury
11 on the claims of negligence against the individuals does not
12 warrant a new trial. The need for instructions on the individual
13 negligence claims was clear to the parties prior to trial. The
14 Court had previously held that the complaint sufficiently stated a
15 claim of negligence against the individual defendants. As such,
16 the Court finds that instructing the jury and allowing Mr. Scott's
17 counsel to submit supplemental instructions did not unfairly
18 surprise or prejudice any of the defendants. In this regard, it is
19 worth noting that Mr. Ross did not object to the content of the
20 negligence instructions on individuals.

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 'With regard to the amount of proof on these elements, the
24 Court again notes that there was ample evidence supporting the
25 finding that Mr. Ross acted with the purpose to deprive Mr. Scott
of the right to interstate travel due to discriminatory feelings
towards his religious affiliation.

26 ORDER -- 11

1 Accordingly, the Court orders Mr. Scott's counsel to submit
2 documentation of this settlement amount.

3 As to punitive damages, Mr. Ross also argues that the award was
4 excessive. Specifically, Mr. Ross asserts that the damages bear no
5 relation to the harm suffered or to the amount necessary to deter
6 his future conduct. The Court disagrees.

7 The Court concludes not only that there is a sufficient
8 relationship between the harm and Mr. Ross' conduct, but that the
9 remaining reasonableness factors also weigh heavily towards
10 upholding the jury's punitive damages award. As noted above, the
11 evidence supported the large award of compensatory damages.
12 Moreover, Mr. Ross' use of terminology cannot avoid the
13 uncontradicted evidence that he actively participated in the plan
14 to abduct Mr. Scott, restrain him with handcuffs and duct tape, and
15 hold him involuntarily while demeaning his religious beliefs.'

16 A large award of punitive damages is also necessary under the
17 recidivism and mitigation aspects of the factors cited in Haslip.
18 Specifically, the Court notes that Mr. Ross himself testified that
19 he had acted similarly in the past and would continue to conduct
20 "deprogrammings" in the future. Further, Mr. Ross faces no future
21 criminal or civil liability for his conduct.

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24 With regard to Mr. Ross' role in this affair, the Court notes
25 that there is no credible support for the contention that he was
26 merely another participant in a plan wholly developed and
controlled by Ms. Tonkin.

ORDER -- 13

1 Finally, the Court notes each of the defendants' seeming
2 incapability of appreciating the maliciousness of their conduct
3 towards Mr. Scott. Rather, throughout the entire course of this
4 litigation they have attempted to portray themselves as victims of
5 Mr. Scott's counsel's alleged agenda. Thus, the large award given
6 by the jury against both CAN and Mr. Ross seems reasonably
7 necessary to enforce the jury's determination on the oppressiveness
8 of the defendants' actions and deter similar conduct in the future.
9 Accordingly, the Court finds that both the compensatory and
10 punitive damages awards were reasonable and well founded in the
11 evidence.

12 V. MOTION TO STAY JUDGMENT

13 Both CAN and Mr. Ross moved the Court for an order staying the
14 exercise of the judgment in this matter until after the decision on
15 the Rule 50 and Rule 59 motions. These motions are moot.

16 VI. MOTION FOR ATTORNEY'S FEES

17 Mr. Scott requests attorney's fees in the amount of
18 \$225,915.00. This request is made pursuant to 42 U.S.C. § 1988
19 which provides that a Court may award attorney's fees to a
20 prevailing party in a § 1985 claim. 42 U.S.C. § 1988(b).

21 In response to the request for fees, defendants CAN and Mr.
22 Ross notified the Court that they have declared bankruptcy since
23 the entry of judgment. As such, they correctly contend that any
24 decision on the award of attorney's fees against them is
25 automatically stayed under bankruptcy law. 11 U.S.C. § 362(a). In

26 ORDER -- 14

1 order to ensure the ability to make adequate factual findings on
2 the fees and prevent potential prejudice arising from any award
3 against defendants Mr. Workman and Mr. Simpson, this Court shall
4 stay consideration of the attorney's fees issue until the
5 discontinuation of or relief from the automatic stay in CAN's and
6 Mr. Ross' bankruptcy proceedings.

7 VII. CONCLUSION

8 In summation, the Court hereby ORDERS as follows:

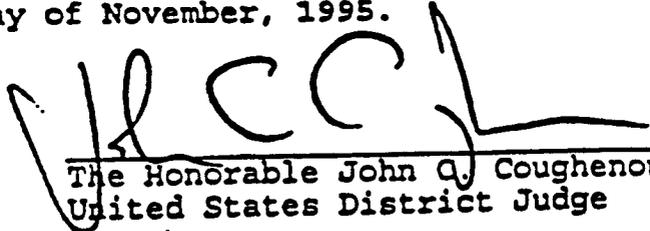
9 1) CAN'S Motion for a Judgement as a Matter of Law or a New
10 Trial is DENIED;

11 2) Mr. Ross' Motion for a New Trial or for Reduction in Damages
12 is DENIED in part, and GRANTED in part. Attorneys for Mr. Scott
13 are ORDERED to submit verification of the amount of the settlement
14 with Mr. Clark Retroff. The award of compensatory damages shall be
15 offset in the amount of this settlement;

16 3) CAN'S and Mr. Ross' Motion for Stay of Judgment is MOOT;

17 4) Mr. Scott's Motion for Attorney's Fees is STAYED from
18 consideration in this Court pending the discontinuation of or
19 relief from the automatic stay in the CAN and Rick Ross bankruptcy
20 proceedings.

21 SO ORDERED this 29 day of November, 1995.

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23 
24 The Honorable John Q. Coughenour
25 United States District Judge
26

ORDER -- 15

BANKRUPTCY CASE CLOSING REPORT

DISTRICT OF ARIZONA, PHOENIX DIVISION

Debtor : ROSS, RICK ALAN

Trustee : VUCUREVICH

1) District	-	0970	
2) Office	-	2	
3) Docket #	-	9509523	
4) Reopen Code	-		
5) Judge	-	A303	
6) Trustee	-	RVUC	
7) Disposition	-	1 - GRANTED	
8) Chapter	-	1	
9) Chapter Pln. Cnf.	-		
10) Chapter 11 Percent	-		
11) Future Ch. 11 Payments	-	0	
12) Dateclose	-	970305	
13) Cash Receipts	-		0.00
14) Total Trustee Comp.	-		0.00
15) Trustee Attorney Fee	-		0.00
16) Other Professional Fee and All Other Expenses	-		0.00
17) Secured Creditors	-		0.00
18) Priority Creditors	-		0.00
19) Unsecured Creditors	-		0.00
20) Equity Security Holders	-		0.00
21) Payments to Debtor	-		0.00
22) Other Distributions (excluding to debtor)	-		0.00

CASE CLOSED

If you do not transmit data electronically, forward this form (BC100B) to:

Administrative Office of U.S. Courts
ATTN: Statistics Division
Washington, DC 20544

FILED
FROM OVERNIGHT BOX

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF ARIZONA

DEC 15 1995

In re:

ROSS
RICK ALAN

CHAPTER 7

CASE NO. 95-09523-PHX-GBN

O'BRIEN
UNITED STATES
BANKRUPTCY COURT
DISTRICT OF ARIZONA

TRUSTEE'S REPORT OF
NO DISTRIBUTION

Debtor(s)

I, ROBERT VUCUREVICH, having been appointed trustee of the estate of the above named debtor(s), report that I have neither received any property nor paid any money on account of this estate; that I have made a diligent inquiry into the financial affairs of the debtor(s) and location of property belonging to the estate; and that there is no property available for distribution from the estate over and above that exempted by law or that has been abandoned pursuant to the provisions of 11 U.S.C Section 554 and/or Section 725.

Pursuant to FRBP 5009, I hereby certify that the estate of the above-named debtor(s) has been fully administered.

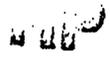
I request that this report be approved and that I be discharged from any further duties as trustee.

DATED: 12-13-95


ROBERT VUCUREVICH
Trustee

PAID





1 UNITED STATES BANKRUPTCY COURT
2 DISTRICT OF ARIZONA

3 In Re:

Chapter 7
NO. 95-09523-PHX-GBN
Filed 10/18/95

4 ROSS, RICK ALAN
5 ROSS, RICKY ALAN

FILED
FROM OVERNIGHT BOX

NOV 04 1995

6 Debtor(s)

7
8 APPOINTMENT OF INTERIM TRUSTEE
9 AND DESIGNATION OF REQUIRED BOND

UNITED STATES
BANKRUPTCY COURT
FOR THE DISTRICT OF ARIZONA

10 ROBERT VUCUREVICH of PHOENIX, ARIZONA,

11 is hereby appointed Interim Trustee for the estate(s) of the above named
12 debtor(s) as of the filing date referenced above. Unless a trustee is
13 elected at the meeting of creditors to be called pursuant to Section 341
14 of Title 11, United States Code, in the above referenced case, the
15 Interim Trustee shall serve as Trustee.

16 This case is covered by the blanket bond for Chapter 7 case Trustees,
17 a copy of which is on file with the United States Trustee.

18
19 ADRIANNE KALYNA
20 UNITED STATES TRUSTEE

21 November 3, 1995
22 Dated

mm
23 MICHELE R. HANKINS
24 ASSISTANT UNITED STATES TRUSTEE
25
26

4
07

United States Bankruptcy Court
District of Arizona

In re RICK ALAN ROSS

Case No. 95-09523-PHX-GBN

Debtor

Chapter 7

STATEMENT OF FINANCIAL AFFAIRS

This statement is to be completed by every debtor. Spouses filing a joint petition may file a single statement on which the information for both spouses is combined. If the case is filed under chapter 12 or chapter 13, a married debtor must furnish information for both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed. An individual debtor engaged in business as a sole proprietor, partner, family farmer, or self-employed professional, should provide the information requested on this statement concerning all such activities as well as the individual's personal affairs.

Questions 1 - 15 are to be completed by all debtors. Debtors that are or have been in business, as defined below, also must complete Questions 16 - 21. If the answer to any question is "None," or the question is not applicable, mark the box labeled "None". If additional space is needed for the answer to any question, use and attach a separate sheet properly identified with the case name, case number (if known), and the number of the question.

DEFINITIONS

"In business." A debtor is "in business" for the purpose of this form if the debtor is a corporation or partnership. An individual debtor is "in business" for the purpose of this form if the debtor is or has been, within the two years immediately preceding the filing of the this bankruptcy case, any of the following: an officer, director, managing executive, or person in control of a corporation; a partner, other than a limited partner, of a partnership; a sole proprietor or self-employed.

"Insider." The term "insider" includes but is not limited to: relatives of the debtor; general partners of the debtor and their relatives; corporations of which the debtor is an officer, director, or person in control; officers, directors, and any person in control of a corporate debtor and their relatives; affiliates of the debtor and insiders of such affiliates; any managing agent of the debtor. 11 U.S.C. § 101(30).

1. Income from employment or operation of business

State the gross amount of income the debtor has received from employment, trade, or profession, or from operation of the debtor's business from the beginning of this calendar year to the date this case was commenced. State also the gross amounts received during the two years immediately preceding this calendar year. (A debtor that maintains, or has maintained, financial records on the basis of a fiscal rather than a calendar year may report fiscal year income. Identify the beginning and ending dates of the debtor's fiscal year.) If a joint petition is filed, state income for each spouse separately. (Married debtors filing under chapter 12 or chapter 13 must state income of both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

AMOUNT	SOURCE (if more than one)
\$20,000.00	1995 (YTD) INCOME FROM EARNINGS
\$24,814.00	1994 INCOME FROM EARNINGS
\$41,813.00	1993 INCOME FROM EARNINGS

2. Income other than from employment or operation of business

State the amount of income received by the debtor other than from employment, trade, profession, or operation of the debtor's business during the two years immediately preceding the commencement of this case. Give particulars. If a joint petition is filed, state income for each spouse separately. ~~Married debtors filing under chapter 12 or chapter 13 must state income for each spouse whether or not a joint petition is filed,~~

None b. List all payments made within one year immediately preceding the commencement of this case to or for the benefit of creditors who are or were insiders. (Married debtors filing under chapter 12 or chapter 13 must include payments by either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

NAME AND ADDRESS OF CREDITOR AND RELATIONSHIP TO DEBTOR	DATE OF PAYMENT	AMOUNT PAID	AMOUNT STILL OWING
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4. Suits, executions, garnishments and attachments

None a. List all suits and administrative proceedings to which the debtor is or was a party within one year immediately preceding the filing of this bankruptcy case. (Married debtors filing under chapter 12 or chapter 13 must include information concerning either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

CAPTION OF SUIT AND CASE NUMBER	NATURE OF PROCEEDING	COURT OR AGENCY AND LOCATION	STATUS OR DISPOSITION
JASON SCOTT VS RICK ROSS, ET AL, C-94-0079	CIVIL LAWSUIT	SEATTLE	JUDGMENT

None b. Describe all property that has been attached, garnished or seized under any legal or equitable process within one year immediately preceding the commencement of this case. (Married debtors filing under chapter 12 or chapter 13 must include information concerning property of either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

NAME AND ADDRESS OF PERSON FOR WHOSE BENEFIT PROPERTY WAS SEIZED	DATE OF SEIZURE	DESCRIPTION AND VALUE OF PROPERTY
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5. Repossessions, foreclosures and returns

None List all property that has been repossessed by a creditor, sold at a foreclosure sale, transferred through a deed in lieu of foreclosure or returned to the seller, within one year immediately preceding the commencement of this case. (Married debtors filing under chapter 12 or chapter 13 must include information concerning property of either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

NAME AND ADDRESS OF CREDITOR OR SELLER	DATE OF REPOSSESSION, FORECLOSURE SALE, TRANSFER OR RETURN	DESCRIPTION AND VALUE OF PROPERTY
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6. Assignments and receiverships

None a. Describe any assignment of property for the benefit of creditors made within 120 days immediately preceding the commencement of this case. (Married debtors filing under chapter 12 or chapter 13 must include any assignment by either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

NAME AND ADDRESS OF ASSIGNEE	DATE OF ASSIGNMENT	TERMS OF ASSIGNMENT OR SETTLEMENT
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None b. List all property which has been in the hands of a custodian, receiver, or court-appointed official within one year immediately preceding the commencement of this case. (Married debtors filing under chapter 12 or chapter 13 must include information concerning property of either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

NAME AND ADDRESS OF CUSTODIAN	NAME AND LOCATION OF COURT, CASE TITLE & NUMBER	DATE OF ORDER	DESCRIPTION AND VALUE OF PROPERTY
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7. Gifts

None List all gifts or charitable contributions made within one year immediately preceding the commencement of this case except ordinary and usual gifts to family members aggregating less than \$200 in value per individual family member and charitable contributions aggregating less than \$100 per recipient. (Married debtors filing under chapter 12 or chapter 13 must include gifts or contributions by either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

NAME AND ADDRESS OF PERSON OR ORGANIZATION	RELATIONSHIP TO DEBTOR, IF ANY	DATE OF GIFT	DESCRIPTION AND VALUE OF GIFT
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8. Losses

None List all losses from fire, theft, other casualty or gambling within one year immediately preceding the commencement of this case or since the commencement of this case. (Married debtors filing under chapter 12 or chapter 13 must include losses by either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

DESCRIPTION AND VALUE OF PROPERTY	DESCRIPTION OF CIRCUMSTANCES AND, IF LOSS WAS COVERED IN WHOLE OR IN PART BY INSURANCE, GIVE PARTICULARS	DATE OF LOSS
--------------------------------------	--	--------------

9. Payments related to debt counseling or bankruptcy

None List all payments made or property transferred by or on behalf of the debtor to any persons, including attorneys, for consultation concerning debt consolidation, relief under the bankruptcy law or preparation of the petition in bankruptcy within one year immediately preceding the commencement of this case.

NAME AND ADDRESS OF PAYEE	DATE OF PAYMENT, NAME OF PAYOR IF OTHER THAN DEBTOR	AMOUNT OF MONEY OR DESCRIPTION AND VALUE OF PROPERTY
ROBERT L. DEVERS, ATTORNEY AT LAW 7207 N. 7TH ST. PHOENIX, AZ 85020		\$450.00

10. Other transfers

None a. List all other property, other than property transferred in the ordinary course of the business or financial affairs of the debtor, transferred either absolutely or as security within one year immediately preceding the commencement of this case. (Married debtors filing under chapter 12 or chapter 13 must include transfers by either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

NAME AND ADDRESS OF TRANSFERREE, RELATIONSHIP TO DEBTOR	DATE	DESCRIBE PROPERTY TRANSFERRED AND VALUE RECEIVED
UNKNOWN NONE	10/94	1994 SATURN--NET APPROXIMATELY \$6,000

11. Closed financial accounts

None List all financial accounts and instruments held in the name of the debtor or for the benefit of the debtor which were closed, sold, or otherwise transferred within one year immediately preceding the commencement of this case. Include checking, savings, or other financial accounts, certificates of deposit, or other instruments; shares and share accounts held in banks, credit unions, pension funds, cooperatives, associations, brokerage houses and other financial institutions. (Married debtors filing under chapter 12 or chapter 13 must include information concerning accounts or instruments held by or for either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

NAME AND ADDRESS OF INSTITUTION	TYPE AND NUMBER OF ACCOUNT AND AMOUNT OF FINAL BALANCE	AMOUNT AND DATE OF SALE OR CLOSING
FIRST INTERSTATE BANK 24TH ST & INDIAN SCHOOL PHOENIX AZ	CHECKING ACCT--\$600.00 BALANCE APPROXIMATELY	10/95
FIRST INTERESTATE BANK 24TH ST & INDIAN SCHOOL PHOENIX AZ	SAVINGS ACCT W/\$600 APPROXIMATELY	10/95

12. Safe deposit boxes

None List each safe deposit or other box or depository in which the debtor has or had securities, cash, or other valuables within one year immediately preceding the commencement of this case. (Married debtors filing under chapter 12 or chapter 13 must include boxes or depositories of either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

NAME AND ADDRESS OF BANK OR OTHER DEPOSITORY	NAMES AND ADDRESSES OF THOSE WITH ACCESS TO BOX OR DEPOSITORY	DESCRIPTION OF CONTENTS	DATE OF TRANSFER OR SURRENDER, IF ANY
FIRST INTERESTATE BANK 40TH ST & THOMAS PHOENIX AZ	MYSELF	PAPERS ONLY	

13. Setoffs

None List all setoffs made by any creditor, including a bank, against a debt or deposit of the debtor within 90 days preceding the commencement of this case. (Married debtors filing under chapter 12 or chapter 13 must include information concerning either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

NAME AND ADDRESS OF CREDITOR	DATE OF SETOFF	AMOUNT OF SETOFF
------------------------------	----------------	------------------

14. Property held for another person

None List all property owned by another person that the debtor holds or controls.

NAME AND ADDRESS OF OWNER	DESCRIPTION AND VALUE OF PROPERTY	LOCATION OF PROPERTY
---------------------------	-----------------------------------	----------------------

15. Prior address of debtor

None If the debtor has moved within the two years immediately preceding the commencement of this case, list all premises which the debtor occupied during that period and vacated prior to the commencement of this case. If a joint petition is filed, report also any separate address of either spouse.

ADDRESS	NAME USED	DATES OF OCCUPANCY
---------	-----------	--------------------

16. Nature, location and name of business

None a. If the debtor is an individual, list the names and addresses of all businesses in which the debtor was an officer, director, partner, or managing executive of a corporation, partnership, sole proprietorship, or was a self-employed professional within the two years immediately preceding the commencement of this case, or in which the debtor owned 5 percent or more of the voting or equity securities within the two years immediately preceding the commencement of this case.

b. If the debtor is a partnership, list the names and addresses of all businesses in which the debtor was a partner or owned 5 percent or more of the voting securities, within the two years immediately preceding the commencement of this case.

c. If the debtor is a corporation, list the names and addresses of all businesses in which the debtor was a partner or owned 5 percent or more of the voting securities within the two years immediately preceding the commencement of this case.

NAME AND ADDRESS	NATURE OF BUSINESS	BEGINNING AND ENDING DATES OF OPERATION
RICK ROSS CONSULTANT		3/86 TO PRESENT

17. Books, records and financial statements

None a. List all bookkeepers and accountants who, within the six years immediately preceding the filing of this bankruptcy case, kept or supervised the keeping of books of account and records of the debtor.

NAME AND ADDRESS	DATES SERVICES RENDERED
------------------	-------------------------

None b. List all firms or individuals who, within the two years immediately preceding the filing of this bankruptcy case, have audited the books of account and records, or prepared a financial statement of the debtor.

NAME AND ADDRESS	DATES SERVICES RENDERED
------------------	-------------------------

None c. List all firms or individuals who, at the time of the commencement of this case, were in possession of the books of account and records of the debtor. If any of the books of account and records are not available, explain.

NAME	ADDRESS
------	---------

RICK ROSS	AT RESIDENCE
-----------	--------------

None d. List all financial institutions, creditors and other parties, including mercantile and trade agencies, to whom a financial statement was issued within the two years immediately preceding the commencement of this case by the debtor.

NAME AND ADDRESS	DATE ISSUED
------------------	-------------

18. Inventories

None a. List the dates of the last two inventories taken of your property, the name of the person who supervised the taking of each inventory, and the dollar amount and basis of each inventory.

DATE OF INVENTORY	INVENTORY SUPERVISOR	DOLLAR AMOUNT OF INVENTORY (Specify cost, market or other basis)
-------------------	----------------------	--

None b. List the name and address of the person having possession of the records of each of the two inventories reported in a., above.

DATE OF INVENTORY	NAME AND ADDRESS OF CUSTODIAN OF INVENTORY RECORDS
-------------------	--

19. Current Partners, Officers, Directors and Shareholders

None a. If the debtor is a partnership, list the nature and percentage of partnership interest of each member of the partnership.

NAME AND ADDRESS	NATURE AND PERCENTAGE OF INTEREST
------------------	-----------------------------------

None b. If the debtor is a corporation, list all officers and directors of the corporation, and each stockholder who directly or indirectly owns, controls, or holds 5 percent or more of the voting securities of the corporation.

NAME AND ADDRESS

TITLE

NATURE AND PERCENTAGE
OF STOCK OWNERSHIP

20. Former partners, officers, directors and shareholders

None a. If the debtor is a partnership, list each member who withdrew from the partnership within one year immediately preceding the commencement of this case.

NAME AND ADDRESS

DATE OF WITHDRAWAL

None b. If the debtor is a corporation, list all officers or directors whose relationship with the corporation terminated within one year immediately preceding the commencement of this case.

NAME AND ADDRESS

TITLE

DATE OF TERMINATION

21. Withdrawals from a partnership or distributions by a corporation

None If the debtor is a partnership or corporation, list all withdrawals or distributions credited or given to an insider, including compensation in any form, bonuses, loans, stock redemptions, options exercised and any other perquisite during one year immediately preceding the commencement of this case.

NAME & ADDRESS
OF RECIPIENT,
RELATIONSHIP TO DEBTOR

DATE AND PURPOSE
OF WITHDRAWAL

AMOUNT OF MONEY
OR DESCRIPTION
AND VALUE OF PROPERTY

**United States Bankruptcy Court
District of Arizona**

In re RICK ALAN ROSS

Debtor

Case No. 95-09523-PHX-GBN

Chapter 7

SUMMARY OF SCHEDULES

Indicate as to each schedule whether that schedule is attached and state the number of pages in each. Report the totals from Schedules A, B, D, E, F, I, and J in the boxes provided. Add the amounts from Schedules A and B to determine the total amount of the debtor's assets. Add the amounts from Schedules D, E, and F to determine the total amount of the debtor's liabilities.

NAME OF SCHEDULE	ATTACHED (YES/NO)	NO. OF SHEETS	AMOUNTS SCHEDULED		
			ASSETS	LIABILITIES	OTHER
A - Real Property	Yes	1	500.00		
B - Personal Property	Yes	3	5,405.00		
C - Property Claimed as Exempt	Yes	1			
D - Creditors Holding Secured Claims	Yes	1		320.00	
E - Creditors Holding Unsecured Priority Claims	Yes	1		0.00	
F - Creditors Holding Unsecured Nonpriority Claims	Yes	3		3,172,958.00	
G - Executory Contracts and Unexpired Leases	Yes	1			
H - Codebtors	Yes	1			
I - Current Income of Individual Debtor(s)	Yes	1			1,880.00
J - Current Expenditures of Individual Debtor(s)	Yes	1			2,181.00
Total Number of Sheets of ALL Schedules		14			
Total Assets			5,905.00		
			Total Liabilities	3,173,278.00	

In re RICK ALAN ROSS

Case No. 95-09523-PHX-GBN

Debtor

SCHEDULE A — REAL PROPERTY

Except as directed below, list all real property in which the debtor has any legal, equitable, or future interest, including all property owned as a cotenant, community property, or in which the debtor has a life estate. Include any property in which the debtor holds rights and powers exercisable for the debtor's own benefit. If the debtor is married, state whether husband, wife, or both own the property by placing an "H," "W," "J," or "C" in the column labeled "Husband, Wife, Joint, or Community." If the debtor holds no interest in real property, write "None" under "Description and Location of Property."

Do not include interests in executory contracts and unexpired leases on this schedule. List them in Schedule G - Executory Contracts and Unexpired Leases.

If an entity claims to have a lien or hold a secured interest in any property, state the amount of the secured claim. (See Schedule D.) If no entity claims to hold a secured interest in the property, write "None" in the column labeled "Amount of Secured Claim."

If the debtor is an individual or if a joint petition is filed, state the amount of any exemption claimed in the property only in Schedule C - Property Claimed as Exempt.

Description and Location of Property	Nature of Debtor's Interest in Property	H W J C	Current Market Value of Debtor's Interest in Property, without Deducting any Secured Claim or Exemption	Amount of Secured Claim
CEMETERY PLOT		-	500.00	0.00

Sub-Total > 500.00 (Total of this page)

Total > 500.00

(Report also on Summary of Schedules)

0 continuation sheets attached to the Schedule of Real Property

Debtor**SCHEDULE B — PERSONAL PROPERTY**

Except as directed below, list all personal property of the debtor of whatever kind. If the debtor has no property in one or more of the categories, place an "X" in the appropriate position in the column labeled "None." If additional space is needed in any category, attach a separate sheet properly identified with the case name, case number, and the number of the category. If the debtor is married, state whether husband, wife, or both own the property by placing an "H," "W," "J," or "C" in the column labeled "Husband, Wife, Joint, or Community." If the debtor is an individual or a joint petition is filed, state the amount of any exemptions claimed only in Schedule C - Property Claimed as Exempt.

Do not list interests in executory contracts and unexpired leases on this schedule. List them in Schedule G - Executory Contracts and Unexpired Leases.

If the property is being held for the debtor by someone else, state that person's name and address under "Description and Location of Property."

Type of Property	N O N E	Description and Location of Property	H W J C	Current Market Value of Debtor's Interest in Property, without Deducting any Secured Claim or Exemption
1. Cash on hand	X			
2. Checking, savings or other financial accounts, certificates of deposit, or shares in banks, savings and loan, thrift, building and loan, and homestead associations, or credit unions, brokerage houses, or cooperatives.	X			
3. Security deposits with public utilities, telephone companies, landlords, and others.		REFUNDABLE RENTAL SECURITY DEPOSIT	-	125.00
4. Household goods and furnishings, including audio, video, and computer equipment.		STEREO, TV, APPLIANCES, 2 CHAIRS, DINETTE W/CHAIRS, LAMPS, 2 END TABLES, TV, FANS, BOOKCASE, SOFA AND LOVESEAT, 2 BOOKCASES, MICROWAVE, KITCHENWARE, SPEAKERS, MISC DECORATOR ITEMS	-	1,650.00
5. Books, pictures and other art objects, antiques, stamp, coin, record, tape, compact disc, and other collections or collectibles.		BOOKS (\$150), ART (\$200), CD'S (\$150), VIDEOS (\$50)	-	550.00
6. Wearing apparel.		CLOTHING	-	250.00
7. Furs and jewelry.		3 POCKET WATCHES	-	30.00
8. Firearms and sports, photographic, and other hobby equipment.		BIKE	-	50.00
9. Interests in insurance policies. Name insurance company of each policy and itemize surrender or refund value of each.		\$25,000 TERM LIFE POLICY W/HEALTH INSURANCE POLICY	-	0.00

Sub-Total > 2,655.00
(Total of this page)

2 continuation sheets attached to the Schedule of Personal Property

In re RICK ALAN ROSS

Case No. 95-09523-PHX-GBN

Debtor

SCHEDULE B — PERSONAL PROPERTY
(Continuation Sheet)

Type of Property	NONE	Description and Location of Property	H W J C	Current Market Value of Debtor's Interest in Property, without Deducting any Secured Claim or Exemption
10. Annuities. Itemize and name each issuer.	X			
11. Interests in IRA, ERISA, Keogh, or other pension or profit sharing plans. Itemize.	X			
12. Stock and interests in incorporated and unincorporated businesses. Itemize.	X			
13. Interests in partnerships or joint ventures. Itemize.	X			
14. Government and corporate bonds and other negotiable and nonnegotiable instruments.	X			
15. Accounts receivable.	X			
16. Alimony, maintenance, support, and property settlements to which the debtor is or may be entitled. Give particulars.	X			
17. Other liquidated debts owing debtor including tax refunds. Give particulars.	X			
18. Equitable or future interests, life estates, and rights or powers exercisable for the benefit of the debtor other than those listed in Schedule of Real Property.	X			
19. Contingent and noncontingent interests in estate of a decedent, death benefit plan, life insurance policy, or trust.	X			

Sub-Total > 0.00
(Total of this page)

Sheet 1 of 2 continuation sheets attached to the Schedule of Personal Property

Debtor

SCHEDULE B — PERSONAL PROPERTY
(Continuation Sheet)

Type of Property	N O N E	Description and Location of Property	H W J C	Current Market Value of Debtor's Interest in Property, without Deducting any Secured Claim or Exemption
20. Other contingent and unliquidated claims of every nature, including tax refunds, counterclaims of the debtor, and rights to setoff claims. Give estimated value of each.	X			
21. Patents, copyrights, and other intellectual property. Give particulars.	X			
22. Licenses, franchises, and other general intangibles. Give particulars.	X			
23. Automobiles, trucks, trailers, and other vehicles and accessories.		1987 TOYOTA TERCEL	-	1,800.00
24. Boats, motors, and accessories.	X			
25. Aircraft and accessories.	X			
26. Office equipment, furnishings, and supplies.		3 DESKS, 2 CHAIRS, FAX, COPIER, WORD PROCESSOR, FILE CABINET, LAMPS, MISC.	-	850.00
27. Machinery, fixtures, equipment, and supplies used in business.	X			
28. Inventory.	X			
29. Animals.	X			
30. Crops - growing or harvested. Give particulars.	X			
31. Farming equipment and implements.	X			
32. Farm supplies, chemicals, and feed.	X			
33. Other personal property of any kind not already listed.		LUGGAGE	-	100.00

Sub-Total > 2,750.00
(Total of this page)
Total > 5,405.00

Sheet 2 of 2 continuation sheets attached to the Schedule of Personal Property

(Report also on Summary of Schedules)

In re RICK ALAN ROSSCase No. 95-09523-PHX-GBNDebtor**SCHEDULE C—PROPERTY CLAIMED AS EXEMPT**

Debtor elects the exemptions to which debtor is entitled under:

[Check one box]

 11 U.S.C. §522(b)(1):

Exemptions provided in 11 U.S.C. §522(d). Note: These exemptions are available only in certain states.

 11 U.S.C. §522(b)(2):

Exemptions available under applicable nonbankruptcy federal laws, state or local law where the debtor's domicile has been located for the 180 days immediately preceding the filing of the petition, or for a longer portion of the 180-day period than in any other place, and the debtor's interest as a tenant by the entirety or joint tenant to the extent the interest is exempt from process under applicable nonbankruptcy law.

Description of Property	Specify Law Providing Each Exemption	Value of Claimed Exemption	Current Market Value of Property Without Deducting Exemption
BOOKS (\$150), ART (\$200), CD'S (\$150), VIDEOS (\$50)	ARS 33-1125(5)	250.00	550.00
CLOTHING	ARS 33-1125(1)	500.00	250.00
3 POCKET WATCHES	ARS 33-1125(6)	100.00	30.00
BIKE	ARS 33-1125(7)	500.00	50.00
1987 TOYOTA TERCEL	ARS 1125(8)	1,500.00	1,800.00
3 DESKS, 2 CHAIRS, FAX, COPIER, WORD PROCESSOR, FILE CABINET, LAMPS, MISC.	ARS 3301130(1)	2,500.00	850.00
REFUNDABLE RENTAL SECURITY DEPOSIT	ARS 33-1126(C)	1,000.00	125.00
REGULAR HOUSEHOLD FURNISHINGS	ARS 33-1123	4,000.00	1,650.00

0 continuation sheets attached to Schedule of Property Claimed as Exempt

Debtor

SCHEDULE D — CREDITORS HOLDING SECURED CLAIMS

State the name, mailing address, including zip code, and account number, if any, of all entities holding claims secured by property of the debtor as of the date of filing of the petition. List creditors holding all types of secured interests such as judgment liens, garnishments, statutory liens, mortgages, deeds of trust, and other security interests. List creditors in alphabetical order to the extent practicable. If all secured creditors will not fit on this page, use the continuation sheet provided.

If any entity other than a spouse in a joint case may be jointly liable on a claim, place an "X" in the column labeled "Codebtor," include the entity on the appropriate schedule of creditors, and complete Schedule H - Codebtors. If a joint petition is filed, state whether husband, wife, both of them, or the marital community may be liable on each claim by placing an "H," "W," "J," or "C" in the column labeled "Husband, Wife, Joint, or Community."

If the claim is contingent, place an "X" in the column labeled "Contingent." If the claim is unliquidated, place an "X" in the column labeled "Unliquidated." If the claim is disputed, place an "X" in the column labeled "Disputed." (You may need to place an "X" in more than one of these three columns.)

Report the total of all claims listed on this schedule in the box labeled "Total" on the last sheet of the completed schedule. Report this total also on the Summary of Schedules.

Check this box if debtor has no creditors holding secured claims to report on this Schedule D.

CREDITOR'S NAME AND MAILING ADDRESS, INCLUDING ZIP CODE	C D B T R	H W J C	DATE CLAIM WAS INCURRED, NATURE OF LIEN, AND DESCRIPTION AND MARKET VALUE OF PROPERTY SUBJECT TO LIEN	C N T I G U N L I Q	D I S P U N D	AMOUNT OF CLAIM WITHOUT DEDUCTING VALUE OF COLLATERAL	UNSECURED PORTION IF ANY
Account No. 50516-4							
COMMERCIAL CREDIT 9201 N 29TH AVE. #62 PHOENIX AZ 85051			PURCHASE MONEY SECURITY INTEREST VCR				
			Value \$ 75.00			320.00	245.00
Account No.							
			Value \$				
Account No.							
			Value \$				
Account No.							
			Value \$				

0 continuation sheets attached

Subtotal
(Total of this page)

320.00

Total

320.00

(Report on Summary of Schedules)

SCHEDULE E — CREDITORS HOLDING UNSECURED PRIORITY CLAIMS

A complete list of claims entitled to priority, listed separately by type of priority, is to be set forth on the sheets provided. Only holders of unsecured claims entitled to priority should be listed in this schedule. In the boxes provided on the attached sheets, state the name and mailing address, including zip code, and account number, if any, of all entities holding priority claims against the debtor or the property of the debtor, as of the date of the filing of this petition.

If any entity other than a spouse in a joint case may be jointly liable on a claim, place an "X" in the column labeled "Codebtor," include the entity on the appropriate schedule of creditors, and complete Schedule H - Codebtors. If a joint petition is filed, state whether husband, wife, both of them, or the marital community may be liable on each claim by placing an "H," "W," "J," or "C" in the column labeled "Husband, Wife, Joint, or Community."

If the claim is contingent, place an "X" in the column labeled "Contingent." If the claim is unliquidated, place an "X" in the column labeled "Unliquidated." If the claim is disputed, place an "X" in the column labeled "Disputed." (You may need to place an "X" in more than one of these three columns.)

Report the total of claims listed on each sheet in the box labeled "Subtotal" on each sheet. Report the total of all claims listed on this Schedule E in the box labeled "Total" on the last sheet of the completed schedule. Repeat this total also on the Summary of Schedules.

Check this box if debtor has no creditors holding unsecured priority claims to report on this Schedule E.

TYPES OF PRIORITY CLAIMS (Check the appropriate box(es) below if claims in that category are listed on the attached sheets.)

Extensions of credit in an involuntary case

Claims arising in the ordinary course of the debtor's business or financial affairs after the commencement of the case but before the earlier of the appointment of a trustee or the order for relief. 11 U.S.C. § 507(a)(2).

Wages, salaries, and commissions

Wages, salaries, and commissions, including vacation, severance, and sick leave pay owing to employees, up to a maximum of \$2000 per employee, earned within 90 days immediately preceding the filing of the original petition, or the cessation of business, whichever occurred first, to the extent provided in 11 U.S.C. § 507(a)(3).

Contributions to employee benefit plans

Money owed to employee benefit plans for services rendered within 180 days immediately preceding the filing of the original petition, or the cessation of business, whichever occurred first, to the extent provided in 11 U.S.C. § 507(a)(4).

Certain farmers and fishermen

Claims of certain farmers and fishermen, up to a maximum of \$2000 per farmer or fisherman, against the debtor, as provided in 11 U.S.C. § 507(a)(5).

Deposits by individuals

Claims of individuals up to a maximum of \$900 for deposits for the purchase, lease, or rental of property or services for personal, family, or household use, that were not delivered or provided. 11 U.S.C. § 507(a)(6)

Taxes and Certain Other Debts Owed to Governmental Units

Taxes, customs duties, and penalties owing to federal, state, and local governmental units as set forth in 11 U.S.C. § 507(a)(7).

Commitments to Maintain the Capital of an Insured Depository Institution

Claims based on commitments to the FDIC, RTC, Director of the Office of Thrift Supervision, Comptroller of the Currency, or Board of Governors of the Federal Reserve System, or their predecessors or successors, to maintain the capital of an insured depository institution. 11 U.S.C. § 507(a)(8).

In re RICK ALAN ROSS

Case No. 95-09523-PHX-GBN

Debtor

SCHEDULE F — CREDITORS HOLDING UNSECURED NONPRIORITY CLAIMS

State the name, mailing address, including zip code, and account number, if any, of all entities holding unsecured claims without priority against the debtor or the property of the debtor, as of the date of filing of the petition. Do not include claims listed in Schedules D and E. If all creditors will not fit on this page, use the continuation sheet provided.

If any entity other than a spouse in a joint case may be jointly liable on a claim, place an "X" in the column labeled "Codebtor," include the entity on the appropriate schedule of creditors, and complete Schedule H - Codebtors. If a joint petition is filed, state whether husband, wife, both of them, or the marital community may be liable on each claim by placing an "H," "W," "J," or "C" in the column labeled "Husband, Wife, Joint, or Community."

If the claim is contingent, place an "X" in the column labeled "Contingent." If the claim is unliquidated, place an "X" in the column labeled "Unliquidated." If the claim is disputed, place an "X" in the column labeled "Disputed." (You may need to place an "X" in more than one of these three columns.)

Report total of all claims listed on this schedule in the box labeled "Total" on the last sheet of the completed schedule. Report this total also on the Summary of Schedules.

Check this box if debtor has no creditors holding unsecured nonpriority claims to report on this Schedule F.

CREDITOR'S NAME AND MAILING ADDRESS INCLUDING ZIP CODE	C D B T R	H W J C	DATE CLAIM WAS INCURRED AND CONSIDERATION FOR CLAIM. IF CLAIM IS SUBJECT TO SETOFF, SO STATE.	C O N T I N G E N T	U N L I Q U I D A T E D	D I S P U T E D	AMOUNT OF CLAIM
Account No. 3728-850592-42002 AMERICAN EXPRESS P O BOX 630001 DALLAS TX 75363		-	CREDIT CARD				10,000.00
Account No. 5254-0211-5072-9422 BANK OF AMERICA COLLECTION DEPT P O BOX 52326 PHOENIX AZ 85072		-	CREDIT CARD				5,630.00
Account No. 4226-801-057-263 CHASE BANK 100 W UNIVERSITY ATTN COLLECTION SUPPORT TEMPE AZ 85281		-	CREDIT CARD				2,400.00
Account No. 4128-0031-9132-8692 CITICORP CENTRAL BANKRUPTCY 7920 NW 110TH ST KANSAS CITY MO 64153		-	CREDIT CARD				8,582.00
Subtotal (Total of this page)							26,612.00

2 continuation sheets attached

In re RICK ALAN ROSS
 Debtor

Case No. 95-09523-PHX-GBN

SCHEDULE F — CREDITORS HOLDING UNSECURED NONPRIORITY CLAIMS
 (Continuation Sheet)

CREDITOR'S NAME AND MAILING ADDRESS INCLUDING ZIP CODE	C	D	B	H	W	Y	C	DATE CLAIM WAS INCURRED AND CONSIDERATION FOR CLAIM. IF CLAIM IS SUBJECT TO SETOFF, SO STATE.	U	J	D	I	S	A	D	AMOUNT OF CLAIM
Account No. 61-667-896-7 DILLARDS P O BOX 52067 PHOENIX AZ 85072-2067								CREDIT CARD								1,110.00
Account No. ELIZABETH TURNER SMITH DEREK VANDERWOOD 7500-212TH ST SUITE 214 EDMUNDS WA 98026								ATTORNEY SERVICES								570.00
Account No. ETHEL ROSS 5110 N 31ST WAY #337 PHOENIX AZ 85016								LOAN								17,500.00
Account No. 572-431-697-0 J C PENNY 4580 PARADISE BLVD NW ALBUQUERQUE NM 87201								CREDIT CARD								461.00
Account No. JASON SCOTT, C/O KENDRICK MOXON, ESQ. MOXON & BARTILSON 6255 SUNSET BLVD SUITE 2000 HOLLYWOOD CA 90028								JUDGMENT ON LAWSUIT								3,125,000.00

Sheet no. 1 of 2 sheets attached to Schedule of Creditors Holding Unsecured Nonpriority Claims

Subtotal
 (Total of this page) **3,144,641.00**

In re RICK ALAN ROSS

Case No. 95-09523-PHX-GBN

Debtor

SCHEDULE F — CREDITORS HOLDING UNSECURED NONPRIORITY CLAIMS
(Continuation Sheet)

CREDITOR'S NAME AND MAILING ADDRESS INCLUDING ZIP CODE	C D B T R	H W Y C	DATE CLAIM WAS INCURRED AND CONSIDERATION FOR CLAIM, IF CLAIM IS SUBJECT TO SETOFF, SO STATE.	C N T G T	U N L I Q	D I S P D	AMOUNT OF CLAIM	
Account No. 3038-6038-1 NEIMAN MARCUS P O BOX 720848 DALLAS TX 75372-0848			CREDIT CARD				1,100.00	
Account No. 86-0086-7512 ROBINSON-MAY P O BOX 52098 PHOENIX AZ 85072-2098			CREDIT CARD				605.00	
Account No.								
Account No.								
Account No.								
Sheet no. <u>2</u> of <u>2</u> sheets attached to Schedule of Creditors Holding Unsecured Nonpriority Claims							Subtotal (Total of this page)	1,705.00
							Total (Report on Summary of Schedules)	3,172,958.00

In re RICK ALAN ROSS

Case No. 95-09523-PHX-GBN

Debtor

SCHEDULE I — CURRENT INCOME OF INDIVIDUAL DEBTOR(S)

The column labeled "Spouse" must be completed in all cases filed by joint debtors and by a married debtor in a chapter 12 or 13 case whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.

Debtor's Marital Status: Single	DEPENDENTS OF DEBTOR AND SPOUSE		
	NAMES None.	AGE	RELATIONSHIP
EMPLOYMENT: DEBTOR		SPOUSE	
Occupation	CONSULTANT		
Name of Employer	SELF-EMPLOYED		
How long employed	9 YEARS		
Address of Employer			

	DEBTOR	SPOUSE
INCOME: (Estimate of average monthly income)		
Current monthly gross wages, salary, and commissions (pro rate if not paid monthly)	\$ 2,000.00	\$ 0.00
Estimated monthly overtime	\$ 0.00	\$ 0.00
SUBTOTAL	\$ 2,000.00	\$ 0.00
LESS PAYROLL DEDUCTIONS		
a. Payroll taxes and social security	\$ 120.00	\$ 0.00
b. Insurance	\$ 0.00	\$ 0.00
c. Union dues	\$ 0.00	\$ 0.00
d. Other (Specify)	\$ 0.00	\$ 0.00
SUBTOTAL OF PAYROLL DEDUCTIONS	\$ 120.00	\$ 0.00
TOTAL NET MONTHLY TAKE HOME PAY	\$ 1,880.00	\$ 0.00
Regular income from operation of business or profession or farm (attach detailed statement)	\$ 0.00	\$ 0.00
Income from real property	\$ 0.00	\$ 0.00
Interest and dividends	\$ 0.00	\$ 0.00
Alimony, maintenance or support payments payable to the debtor for the debtor's use or that of dependents listed above	\$ 0.00	\$ 0.00
Social security or other government assistance (Specify)	\$ 0.00	\$ 0.00
Pension or retirement income	\$ 0.00	\$ 0.00
Other monthly income (Specify)	\$ 0.00	\$ 0.00
TOTAL MONTHLY INCOME	\$ 1,880.00	\$ 0.00
TOTAL COMBINED MONTHLY INCOME	\$ 1,880.00	\$ 0.00

(Report also on Summary of Schedules)

Describe any increase or decrease of more than 10% in any of the above categories anticipated to occur within the year following the filing of this document:

Debtor

SCHEDULE J — CURRENT EXPENDITURES OF INDIVIDUAL DEBTOR(S)

Complete this schedule by estimating the average monthly expenses of the debtor and the debtor's family. Pro rate any payments made bi-weekly, quarterly, semi-annually, or annually to show monthly rate.

Check this box if a joint petition is filed and debtor's spouse maintains a separate household. Complete a separate schedule of expenditures labeled "Spouse."

Rent or home mortgage payment (include lot rented for mobile home)	\$	<u>476.00</u>
Are real estate taxes included? Yes <u> </u> No <u>X</u>		
Is property insurance included? Yes <u> </u> No <u>X</u>		
Utilities: Electricity and heating fuel	\$	<u>0.00</u>
Water and sewer	\$	<u>0.00</u>
Telephone	\$	<u>250.00</u>
Other	\$	<u>0.00</u>
Home maintenance (repairs and upkeep)	\$	<u>0.00</u>
Food	\$	<u>300.00</u>
Clothing	\$	<u>75.00</u>
Laundry and dry cleaning	\$	<u>50.00</u>
Medical and dental expenses	\$	<u>30.00</u>
Transportation (not including car payments)	\$	<u>150.00</u>
Recreation, clubs and entertainment, newspapers, magazines, etc.	\$	<u>100.00</u>
Charitable contributions	\$	<u>50.00</u>
Insurance (not deducted from wages or included in home mortgage payments)		
Homeowner's or renter's	\$	<u>15.00</u>
Life	\$	<u>10.00</u>
Health	\$	<u>130.00</u>
Auto	\$	<u>70.00</u>
Other	\$	<u>0.00</u>
Taxes (not deducted from wages or included in home mortgage payments) (Specify)	\$	<u>0.00</u>
Installment payments: (In chapter 12 and 13 cases, do not list payments to be included in the plan.)		
Auto	\$	<u>0.00</u>
Other	\$	<u>0.00</u>
Other	\$	<u>0.00</u>
Alimony, maintenance, and support paid to others	\$	<u>0.00</u>
Payments for support of additional dependents not living at your home	\$	<u>0.00</u>
Regular expenses from operation of business, profession, or farm (attach detailed statement)	\$	<u>0.00</u>
Other <u>MIS BUSINESS COPIES, POSTAGE, TYPING, SUPPLIES, SERVICES, ETC.</u>	\$	<u>475.00</u>
TOTAL MONTHLY EXPENSES (Report also on Summary of Schedules)	\$	<u>2,181.00</u>

[FOR CHAPTER 12 AND 13 DEBTORS ONLY]

Provide the information requested below, including whether plan payments are to be made bi-weekly, monthly, annually, or at some other regular interval.

A. Total projected monthly income	\$	<u>N/A</u>
B. Total projected monthly expenses	\$	<u>N/A</u>
C. Excess income (A minus B)	\$	<u>N/A</u>
D. Total amount to be paid into plan each _____ (interval)	\$	<u>N/A</u>

92-9523PHX GBN

FORM I. VOLUNTARY PETITION

FILED
VOLUNTARY
PETITION

United States Bankruptcy Court
District of Arizona

Oct 18 3 49 PM '95

KEVIN E. O'BRIEN
CLERK
U.S. BANKRUPTCY
DISTRICT OF ARIZONA

IN RE (Name of debtor-if individual, enter Last, First, Middle) ROSS, RICK ALAN	NAME OF JOINT DEBTOR (Spouse) (Last, First, Middle) ROSS, RICK ALAN
ALL OTHER NAMES used by the debtor in the last 6 years RICKY ALAN ROSS	ALL OTHER NAMES used by the joint debtor in the last 6 years
SOC. SEC./TAX I.D. NO (If more than one, state all.) 527-94-6359	SOC. SEC./TAX I.D. NO (If more than one, state all.)
STREET ADDRESS OF DEBTOR (No. and street, city, state, and zip code) DEBTOR HAS HIGHLY VOLITAL PROFESSION WHICH CREATE HARM TO HIM IF DISCLOSED	STREET ADDRESS OF JOINT DEBTOR (No. and street, city, state, and zip code)
COUNTY of residence or principal place of business	COUNTY of residence or principal place of business
MAILING ADDRESS OF DEBTOR (If different from street address) P O BOX 32906 PHOENIX, AZ 85064	MAILING ADDRESS OF JOINT DEBTOR (If different from street address)
LOCATION OF PRINCIPAL ASSETS OF BUSINESS DEBTOR (If different from above)	VENUE (Check one box) <input checked="" type="checkbox"/> Debtor has been domiciled or has had a residence, principal place of business, or principal assets in the District for 180 days immediately preceding the date of this petition or for a longer part of such 180 days than in any other District. <input type="checkbox"/> There is a bankruptcy case concerning debtor's affiliate, general partner, or partnership pending in the District.

INFORMATION REGARDING DEBTOR (Check applicable boxes)

TYPE OF DEBTOR (Check one box) <input checked="" type="checkbox"/> Individual <input type="checkbox"/> Joint (Husband & Wife) <input type="checkbox"/> Partnership <input type="checkbox"/> Other <input type="checkbox"/> Corporation Publicly Held <input type="checkbox"/> Corporation Not Publicly Held <input type="checkbox"/> Municipality	CHAPTER OR SECTION OF BANKRUPTCY CODE UNDER WHICH THE PETITION IS FILED (Check one box) <input checked="" type="checkbox"/> Chapter 7 <input type="checkbox"/> Chapter 8 <input type="checkbox"/> Chapter 11 <input type="checkbox"/> Chapter 12 <input type="checkbox"/> Chapter 13 <input type="checkbox"/> Sec. 504 - Case Ancillary to Foreign Proceeding
NATURE OF DEBT (Check one box) <input checked="" type="checkbox"/> Non-Business/Consumer <input type="checkbox"/> Business (Complete A & B below)	SMALL BUSINESS (Chapter 11 only) <input type="checkbox"/> Debtor is a small business as defined in 11 U.S.C. §101 <input type="checkbox"/> Debtor is and elects to be considered a small business under 11 U.S.C. §1121(e). (Optional)
A. TYPE OF BUSINESS (Check one box) <input type="checkbox"/> Farming <input type="checkbox"/> Professional <input type="checkbox"/> Retail/Wholesale <input type="checkbox"/> Railroad <input type="checkbox"/> Transportation <input type="checkbox"/> Manufacturing/Mining <input type="checkbox"/> Stockbroker <input type="checkbox"/> Commodity Broker <input type="checkbox"/> Construction <input type="checkbox"/> Real Estate <input type="checkbox"/> Other Business	FILING FEE (Check one box) <input checked="" type="checkbox"/> Filing fee attached <input type="checkbox"/> Filing fee to be paid in installments (Applicable to individuals only.) Must attach signed application for the court's consideration certifying that the debtor is unable to pay fee except in installments. Rule 100B(b). See Official Form No. 3.
B. BRIEFLY DESCRIBE NATURE OF BUSINESS	NAME AND ADDRESS OF LAW FIRM OR ATTORNEY Petition prepared by Office of R. L. Davers 7207 N. 7th St. PHOENIX, AZ 85020 Telephone No. (602) 870-3328
	NAME(S) OF ATTORNEY(S) DESIGNATED TO REPRESENT THE DEBTOR NONE-PRO SE

STATISTICAL/ADMINISTRATIVE INFORMATION (28 U.S.C. § 504)
(Estimates only - Check applicable boxes)

Debtor estimates that funds will be available for distribution to unsecured creditors.
 Debtor estimates that, after any exempt property is excluded and administrative expenses paid, there will be no funds available for distribution to unsecured creditors.

ESTIMATED NUMBER OF CREDITORS	1-15	16-49	50-99	100-199	200-999	1000-over	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
ESTIMATED ASSETS (in thousands of dollars)	Under 50	50-99	100-499	500-999	1000-9999	10,000-99,000	100,000-over
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ESTIMATED LIABILITIES (in thousands of dollars)	Under 50	50-99	100-499	500-999	1000-9999	10,000-99,000	100,000-over
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
EST. NO OF EMPLOYEES (CH 11 & 12 ONLY)	0	1-19	20-99	100-999	1,000-over		
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
EST. NO OF EQUITY SECURITY HOLDERS (CH 11 & 12 ONLY)	0	1-19	20-99	100-499	500-over		
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		

THIS SPACE FOR COURT USE ONLY

Use

[Handwritten signature]

Name of Debtor ROSS, RICK ALAN

Case No. _____ (Court use only)

FILING OF PLAN

For Chapter 7, 11, 12 and 13 cases only. Check appropriate box.

A copy of the debtor's plan dated _____ is attached. Debtor intends to file a plan within the time allowed by statute, rule, or order of the court.

PRIOR BANKRUPTCY CASE FILED WITHIN LAST 5 YEARS (If more than one, attach additional sheet)

Location Where Filed - None -	Case Number	Date Filed
----------------------------------	-------------	------------

PENDING BANKRUPTCY CASE FILED BY ANY SPOUSE, PARTNER, OR AFFILIATE OF THE DEBTOR (If more than one, attach additional sheet)

Name of Debtor - None -	Case Number	Date
Relationship	District	Judge

REQUEST FOR RELIEF

Debtor is eligible for and requests relief in accordance with the chapter of title 11, United States Code, specified in this petition.

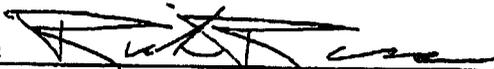
SIGNATURES

ATTORNEY

X _____
Signature _____ Date _____

INDIVIDUAL/JOINT DEBTOR(S)

I declare under penalty of perjury that the information provided in this petition is true and correct.

X 
Signature of Debtor RICK ALAN ROSS
10-16-95
Date

X _____
Signature of Joint Debtor
Date

CORPORATE OR PARTNERSHIP DEBTOR

I declare under penalty of perjury that the information provided in this petition is true and correct, and that I have been authorized to file this petition on behalf of the debtor.

Signature of Authorized Individual

Print or Type Name of Authorized Individual

Title of Individual Authorized by Debtor to File this Petition

Date

If debtor is a corporation filing under chapter 11, Exhibit "A" is attached and made a part of this petition.

TO BE COMPLETED BY INDIVIDUAL CHAPTER 7 DEBTOR WITH PRIMARILY CONSUMER DEBTS (See P.L. 98-353 § 322)

I am aware that I may proceed under chapter 7, 11, 12, or 13 of title 11, United States Code, understand the relief available under each such chapter, and choose to proceed under chapter 7 of such title.

If I am represented by an attorney, exhibit "B" has been completed.

X 
Signature of Debtor RICK ALAN ROSS
10-16-95
Date

X _____
Signature of Joint Debtor
Date

EXHIBIT "B" (To be completed by attorney for individual chapter 7 debtor(s) with primarily consumer debts.)

I, the attorney for the debtor(s) named in the foregoing petition, declare that I have informed the debtor(s) that (he, she, or they) may proceed under chapter 7, 11, 12, or 13 of title 11, United States Code, and have explained the relief available under each such chapter.

X _____
Signature of Attorney
Date

CERTIFICATION AND SIGNATURE OF NON-ATTORNEY BANKRUPTCY PETITION PREPARER (See 11 U.S.C. § 110)

I certify that I am a bankruptcy petition preparer as defined in 11 U.S.C. § 110, that I prepared this document for compensation, and that I have provided the debtor with a copy of this document.

Printed or Typed Name of Bankruptcy Petition Preparer

Social Security Number

Address
Tel. No. _____
Names and Social Security numbers of all other individuals who prepared or assisted in preparing this document:

If more than one person prepared this document, attach additional signed sheets conforming to the appropriate Official Form for each person.

X _____
Signature of Bankruptcy Petition Preparer

A bankruptcy petition preparer's failure to comply with the provisions of title 11 and Federal Rules of Bankruptcy Procedure may result in fines or imprisonment or both. 11 U.S.C. § 110; 18 U.S.C. § 156

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

NXIVM CORPORATION, Formerly Known as
EXECUTIVE SUCCESS PROGRAMS, INC. and
FIRST PRINCIPLES, INC.,

Plaintiffs,

- against -

THE ROSS INSTITUTE, RICK ROSS a/k/a
"RICKY ROSS", JOHN HOCHMAN and
STEPHANIE FRANCO,

Defendants.

Press Copy
Do Not Remove ORIGINAL FILED
U.S. DISTRICT COURT
N.D. OF N.Y.
AUG 06 2003
LAWRENCE K. BAERMAN, CLERK
ALBANY
Civil Action No. 03-CV-0976

03-CV-0976

TJM / DRH

Plaintiffs, NXIVM Corporation, formerly known as Executive Success Programs, Inc. and First Principles, Inc., by and through their attorneys, Tobin and Dempf, LLP, as and for a complaint against defendants The Ross Institute, Rick Ross, John Hochman, and Stephanie Franco, states and alleges the following:

Introduction

1. This is an action against the defendants for their wrongfully obtaining trademarked proprietary materials of plaintiffs in violation of the trademarks, pending patents and a written confidentiality agreement, and then utilized the materials in a false, deceptive and misleading manner to obtain commercial benefit to themselves and at the expense of plaintiffs.

Jurisdiction

2. This is an action of a civil nature in which the material causes of action and issues of law or fact are alleged under 15 U.S.C. §1121, et al., and this Court has original jurisdiction thereof.

3. Pursuant to 15 U.S.C. Section 1121, this case is properly within this Court pursuant to the original federal question jurisdiction of this Court. Jurisdiction of the New York State common law claims arise from the pendent jurisdiction of this court.

The Parties

4. At all times relevant hereto, plaintiff NXIVM Corporation, formerly known as Executive Success Programs, Inc. (hereinafter referred to as "Executive Success"), was a foreign corporation formed and existing under

the laws of the State of Delaware authorized to do business in the state of New York, with its principal place of business located at 455 New Karner Road, Albany, New York 12205.

5. At all times relevant hereto, plaintiff First Principles, Inc. (hereinafter referred to as "First Principles") was a foreign corporation formed and existing under the laws of the State of Delaware authorized to do business in the state of New York, with its principal place of business located at 455 New Karner Road, Albany, New York 12205.

6. Upon information and belief, and at all times relevant hereto, defendant The Ross Institute is a not-for-profit organization created and existing under the laws of the State of New Jersey.

7. Defendant The Ross Institute does business in the State of New York with respect to the materials subject to this claim, and knowingly disseminates from its website the materials subject to this litigation for distribution to the geographic confines of the Northern District of New York.

8. Upon information and belief, defendant Rick Ross (a/k/a "Ricky Ross") is an individual residing in the State of New Jersey.

9. Defendant Rick Ross has knowingly disseminated materials subject to this action within the jurisdiction of the Northern District of New York.

10. Upon information and belief, and at all times relevant hereto, defendant John Hochman was a licensed psychiatrist, with his principal place of business located at 9911 West Pico Boulevard, Suite 660, Los Angeles, California 90035.

11. Defendant John Hochman does business in the State of New York, and knowingly provides on the websites of defendants Rick Ross and The Ross Institute ("www.cultnews.com" and "www.rickross.com") materials subject to this claim for dissemination within the geographical confines of the Northern District of New York.

12. Defendant John Hochman knowingly authorized the dissemination of the materials subject to this litigation to be regularly accessed from the jurisdiction of the United States District Court for the Northern District of New York, and to be downloaded within the jurisdiction of the United States District Court for the Northern District of New York.

13. Upon information and belief, and at all times relevant hereto, defendant Stephanie Franco is an individual residing at 36 Darlington Road, Deal, New Jersey 07723, and committed the actions upon which this claim is based within the jurisdiction of the United States District Court for the Northern District of New York.

The Facts

14. Executive Success operates professional business training programs to train businesspeople at the highest level of their professions, or those seeking to advance within business organizations, to develop analytical tools, logical approaches to problem-solving, and other training and analysis techniques.

15. Executive Success presents business training programs throughout the United States, including Alaska, California, Colorado, Arizona and New York, and have provided executive training programs in Mexico.

16. Executive Success trains business managers and chief executives of nationwide companies and managers of state agencies with up to forty business professionals earning upwards of a million dollars per year at any one time participating in the program at one of the Executive Success training sites. Included in its business training have been Sheila Johnson, the co-founder of the Black Entertainment Network (BET), the leader of the largest business restructuring firm in the world, and the former first lady of Mexico.

17. Executive Success is currently building a 70,000[±] square foot facility in upstate New York, where it will center all of its programs, executive offices, and staff, which staff now number in excess of three hundred.

18. First Principles, Inc. has developed comprehensive trademark, copyright and proprietary written materials which, at all times pertinent hereto, have been exclusively licensed to Executive Success (hereinafter referred to as "protected materials").

19. The protected materials are all essential and material to the business of Executive Success and First Principles.

20. The principal protected materials for the training program is a written manual developed by plaintiffs and which is trademarked, copyrighted and proprietary in nature.

21. All enrollees in Executive Success programs are required to sign a Confidentiality Agreement agreeing to respect the confidentiality of the materials made available or provided to enrollees, and accede to the issuance of an injunction against the dissemination of those materials.

22. During a training program, Executive Success made available to defendant Stephanie Franco protected materials owned by First Principles and licensed exclusively to Executive Success that are protected by both trademark and copyright, and which were proprietary on the part of First Principles and Executive Success during the course of her participation in the Executive Success program in 2001.

23. Defendant Stephanie Franco signed a written confidentiality agreement with Executive Success agreeing that the materials were confidential and not to be disseminated.

24. Defendant Ross Institute and Rick Ross were individually or collectively paid to obtain the trademarked, copyrighted and protected materials of plaintiff from defendant Stephanie Franco.

25. Unknown to Executive Success, defendant Stephanie Franco breached the agreement that she had signed, and disseminated to Rick Ross and The Ross Institute a set of the protected materials.

26. In addition, the protected materials contained trademark and copyright notification pre-printed on all pages of the protected materials.

27. Defendant Rick Ross acknowledged in a July 29, 2003 Albany *Times Union* article and on the websites of defendants Rick Ross and The Ross Institute that he has obtained a set of the protected materials.

28. Despite knowing that the protected materials that it obtained from defendant Stephanie Franco were trademarked, copyrighted and subject to a confidentiality agreement, defendants Rick Ross and The Ross Institute obtained and utilized the protected materials for their own commercial purposes and disseminated the protected materials to defendant John Hochman, who, upon information and belief, was paid by Rick Ross and/or The Ross Institute to utilize, analyze and then disclose the protected materials or select portions of the protected materials of plaintiffs.

29. Defendant John Hochman obtained commercial benefit in obtaining the protected materials and disseminating the protected materials on the internet through Rick Ross and The Ross Institute to market themselves to the public.

30. Defendant John Hochman has specifically acknowledged that he obtained and utilized the plaintiffs' protected materials, which was done in violation of the trademark and copyright protections and the confidentiality agreement, and, upon information and belief, in awareness of the confidentiality agreement, and

prepared and issued a written report which utilized the protected materials, distorted the contents of the protected materials, misquoted and misdescribed the protected materials, and then provided said written report on the protected materials to The Ross Institute and Rick Ross which detailed these distortions on the internet.

31. Rick Ross and The Ross Institute, aware that the plaintiffs' materials were trademarked, copyrighted, proprietary and confidential, disseminated the Hochman analysis that defendants Rick Ross and/or The Ross Institute had funded on its website for distribution on the internet to obtain commercial benefit.

32. The Hochman report describing the protected materials that Rick Ross and The Ross Institute present on their website and which any individual accessing the website can obtain is false and misleading, and utilizes legally protected materials of plaintiffs in a distortive way and in violation of the trademark and copyright of plaintiffs, the agreement signed by defendant Stephanie Franco and the Lanham Act.

33. Defendants have placed false descriptions of plaintiffs' materials on a website owned by defendant Rick Ross called "cultnews.com" and characterized plaintiffs' business training program as "mind control" and "cult" activities, and included plaintiffs on an alphabetized list of organizations including the Arian Brotherhood, the Al-Qaeda and the Free Love Ministries.

34. Defendant John Hochman, Rick Ross, The Ross Institute and Stephanie Franco have conspired each with the other to breach the confidentiality agreement of defendant Franco, violate plaintiff's trademark and copyright, and utilize the proprietary materials of plaintiffs in violation of the Franco agreement, and to then distort the contents of the protected materials for commercial gain in violation of the Lanham Act.

35. Defendants Rick Ross and The Ross Institute obtain commercial gain using the protected materials to attract consumers and buyers to their website to purchase and utilize services and materials of The Ross Institute, Rick Ross and John Hochman.

36. Plaintiffs will be irreparably harmed by the utilization of its protected materials and information by defendants. A search under the internet search engine "Google" utilizing any number of combination of names including Executive Success produces Rick Ross and The Ross Institute as an internet portal to obtain false, distorted and protected information about Executive Success and the contents of its programs.

37. Anyone from the United States or overseas who would be interested in Executive Success who access the website of defendants Rick Ross and The Ross Institute will find proprietary information of plaintiffs, and there is no ability for plaintiffs to determine for certain the extent of which individuals who access the site have refused to utilize the services of or participating in Executive Success programs.

38. Individuals who have signed up for participation in the executive training program in the Albany, New York area have cancelled their registrations as a direct result of the dissemination of the false information by defendants and its inclusion on defendants' "cult" website.

39. Individuals have refused to associate their names with plaintiffs as a direct result of the dissemination of the false information by defendants. The townspeople where plaintiffs are seeking approval for their new building have contacted the Town Planning Board citing to defendants' websites and characterizing plaintiffs as a cult. Three prominent business and government leaders who had lent their names to plaintiffs for marketing have requested that plaintiff remove their names citing to defendants' website characterizations of plaintiffs as a "cult".

40. Competitors of plaintiffs, of which there are many in the field of professional development, would have the capability of accessing the site and obtaining the false materials and using what they obtain either as a criticism of plaintiffs or to duplicate certain aspects of plaintiffs' protected materials which are proprietary in nature or to use the misstatements to compete against the plaintiffs:

41. Plaintiffs will suffer irreparable harm by the actions of defendants Rick Ross, The Ross Institute, John Hochman and Stephanie Franco, and have no adequate remedy at law.

AS AND FOR A FIRST CAUSE OF ACTION AGAINST THE
DEFENDANTS, PLAINTIFFS STATE AND ALLEGE THE
FOLLOWING:

42. Plaintiffs repeat, reiterate and re-allege each and every allegation contained in paragraphs of this complaint designated "1" through "41", inclusive with the same force and effect as if hereinafter set forth in full.

43. Defendants The Ross Institute, Rick Ross, John Hochman and Stephanie Franco made false and misleading representations in writing about the nature, characteristics and quality of the plaintiffs' services.

44. The misrepresentations were made by defendants on the internet and newspapers in commerce in connection with plaintiffs' services.

45. The use of the internet by defendants resulted in the dissemination of the false materials to the purchasing public.

46. The misrepresentations were made as part of and in the context of commercial advertising and promotion of the defendants by the defendants.

47. The misrepresentations were made for the purpose of influencing consumers to buy services of the defendants.

48. The misrepresentations by defendants cause the plaintiffs to know that damages will result from the false representations influencing consumers to buy services of the defendants.

AS AND FOR A SECOND CAUSE OF ACTION AGAINST THE
DEFENDANTS, PLAINTIFFS STATE AND ALLEGE THE
FOLLOWING:

49. Plaintiffs repeat, reiterate and re-allege each and every allegation contained in paragraphs of this complaint designated "I" through "48", inclusive with the same force and effect as if hereinafter set forth in full.

50. Defendants The Ross Institute, Rick Ross, John Hochman and Stephanie Franco individually and collaboratively made false and misleading statements in writing about the nature, characteristics and quality of the plaintiffs' services.

51. That defendants willfully conspired and engaged in the aforesaid overt actions in furtherance of their conspiracy to harm plaintiffs.

52. That the above actions of defendants were in direct violation of 15 U.S.C. §1125.

53. The misrepresentations by defendants cause the plaintiffs to know that damages will result from the false representations influencing consumers to buy services of the defendants.

AS AND FOR A THIRD CAUSE OF ACTION AGAINST THE
DEFENDANTS, PLAINTIFFS STATE AND ALLEGE THE
FOLLOWING:

54. Plaintiffs repeat, reiterate and re-allege each and every allegation contained in paragraphs of this complaint designated "I" through "53", inclusive with the same force and effect as if hereinafter set forth in full.

55. Defendants The Ross Institute, Rick Ross, John Hochman and Stephanie Franco individually and collaboratively published portions of plaintiffs' protected materials of a proprietary nature.

56. That defendants willfully and knowingly utilized and published proprietary materials of plaintiffs in full violation of the trademark of plaintiffs.

57. That the above actions of defendants were in direct violation of 15 U.S.C. §1125.

58. The misrepresentations by defendants cause the plaintiffs to know that damages will result from the false representations influencing consumers to buy services of the defendants.

AS AND FOR A FOURTH CAUSE OF ACTION AGAINST THE DEFENDANTS, PLAINTIFFS STATE AND ALLEGE THE FOLLOWING:

Breach of Contract (Pendent Claim)

59. Plaintiffs repeat, reiterate and re-allege each and every allegation contained in paragraphs of this complaint designated "1" through "58", inclusive with the same force and effect as if hereinafter set forth in full.

60. That, at all times relevant hereto, the confidentiality agreement between defendant Stephanie Franco and plaintiff Executive Success was a legal and binding agreement between defendant Franco and plaintiff Executive Success.

61. Defendant Stephanie Franco breached the agreement in numerous and varied substantial ways including, but not limited to, providing defendants Rick Ross and/or The Ross Institute with a copy of plaintiffs' protected materials.

62. That by reason of the foregoing, the plaintiffs have sustained substantial damages for breach of contract.

AS AND FOR A FIFTH CAUSE OF ACTION AGAINST THE DEFENDANTS, PLAINTIFFS STATE AND ALLEGE THE FOLLOWING:

Conversion (Pendent Claim)

63. Plaintiffs repeat, reiterate and re-allege each and every allegation contained in paragraphs of this complaint designated "1" through "62", inclusive with the same force and effect as if hereinafter set forth in full.

64. That defendants Rick Ross and The Ross Institute, individually and in conspiracy with defendants Stephanie Franco and John Hochman, converted to themselves and others money and other specific property and value belonging to the plaintiffs or to which the plaintiffs maintained an interest superior to that of each of said defendants.

65. That the specific property converted by defendants included the trademarked, copyrighted, proprietary and confidential materials of plaintiffs.

66. That defendants' receipt and possession of the aforementioned protected materials was an unauthorized control over said materials belonging to the plaintiffs and/or to which the plaintiffs had a superior interest to defendants.

67. That each and all of the aforesaid actions were engaged in by defendants intentionally, wantonly and in flagrant disregard for the rights of the plaintiffs.

68. That by reason of the defendants' conversion of said protected materials, the plaintiffs have sustained substantial damages.

AS AND FOR A SIXTH CAUSE OF ACTION AGAINST THE
DEFENDANTS, PLAINTIFFS STATE AND ALLEGE THE
FOLLOWING:

Fraud (Pendent Claim)

69. Plaintiffs repeat, reiterate and re-allege each and every allegation contained in paragraphs of this complaint designated "1" through "68", inclusive with the same force and effect as if hereinafter set forth in full.

70. Defendants John Hochman, Rick Ross, The Ross Institute and Stephanie Franco have conspired each with the other to breach the confidentiality agreement of defendant Franco, violate plaintiff's trademark and copyright, and utilize the proprietary materials of plaintiffs in violation of the Franco agreement as detailed above.

71. That defendants knew and actively engaged in the aforesaid action, and did so with the intention to deceive and/or defraud the plaintiffs.

72. That the plaintiff was deceived by the actions of defendant Stephanie Franco and, as a result, have suffered substantial damages.

73. WHEREFORE, plaintiff seek to obtain a preliminary injunction for the following relief:

- a. a temporary and preliminary injunction order against defendants Rick Ross and The Ross Institute directing that said defendants remove from their websites www.rickross.com and www.cultnews.com and any website with which they have association any information pertaining to the NXIVM Corporation, Executive Success Programs, Inc. and First Principles, Inc.'s materials and information including, but not limited to, description of the program, description of program materials, statements about the program or program materials, use of the names NXIVM Corporation, Executive Success Programs, Inc. and First Principles, Inc., and any and all other information pertaining to NXIVM Corporation, Executive Success Programs, Inc. and First Principles, Inc. pending trial of this action;
- b. a temporary and preliminary injunction order against all of the defendants preventing all of the defendants from utilizing, displaying, relaying, describing, explaining, characterizing, disseminating, and/or commenting on any of the NXIVM Corporation, Executive Success Programs, Inc. and First Principles, Inc. materials, information, course descriptions or other information pertaining to any other person or party and through any means whether it be emails, conversations, websites, correspondence, statements orally or in writing, or any other method of communication;
- c. a temporary and preliminary injunction order against all of the defendants that the original and any and all copies of the NXIVM Corporation, Executive Success Programs, Inc. and First Principles, Inc. protected materials in the possession of all defendants be immediately returned to counsel for the plaintiff, and that any notes, writings or other documents pertaining to the materials in the possession of defendants be returned to plaintiff's counsel;
- d. that a preliminary injunction issue pending trial;
- e. compensatory damages in the sum of \$2,430,000.00 against the defendants on each cause of action;
- f. punitive damages in the sum of \$7,290,000.00 on each cause of action; and
- g. such other and further relief as this Court deems just, proper and equitable.

Plaintiffs hereby demand a jury trial with respect to both liability and damages.

Dated: August 5, 2003

TOBIN and DEMPE, LLP



Kevin A. Luibrand
Bar Roll No. I02083
Attorneys for Plaintiffs
Office and P.O. Address:
33 Elk Street
Albany, New York 12207
Telephone: (518)463-1177

Name: HARYANTO SOEDARPO

Address:

3039 NORTH 38TH STREET # 8
PHOENIX, AZ 85018

Sex: M

Height: 511

Eyes: BRO

Weight: 140

License: D00052211

DOB: 10/30/1967

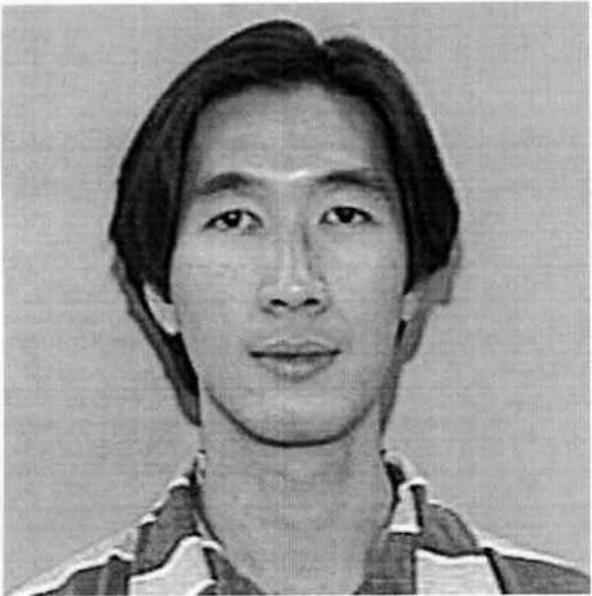


Image Date: 11/3/1998 9:57:46 PM

A handwritten signature in black ink, appearing to read 'Haryanto Soedarpo'. The signature is stylized and written in cursive.



This document is a certified duplicate of the information contained in the computer storage devices of the Department of Transportation, Motor Vehicle Division, in accordance with Arizona Revised Statutes section 28-444.

National SSN Header Search Results

This search cost: \$7.50

Client Reference: (none)

Query Information

Search Type: SSN

Bureau: Third Source

SSN: 527946359

Third Source Results

RICK A ROSS
PO BOX 32906
PHOENIX AZ 850642906
RPTD: 10-93 TO 7-03 2X

SS: 527-94-6359
DOB: 11/24/52
SP: P

20 RIVER CT APT 2211
JERSEY CITY NJ 073102211
RPTD: 7-02 TO 8-02 2X

321 8TH ST APT 4
JERSEY CITY NJ 073021921
RPTD: 7-01 TO 10-01

3039 N 38TH ST
PHOENIX AZ 850187031
RPTD: 8-99 TO 4-01 1X

4131 N 24TH ST STE C206
PHOENIX AZ 850166256
RPTD: 1-94

5122 N 31ST WAY UNIT 233
PHOENIX AZ 850164511
RPTD: 10-91 TO 10-93

3915 E CAMELBACK RD
PHOENIX AZ 850182633
RPTD: 5-96 TO 5-00

3039 N 33RD ST APT 8
PHOENIX AZ 85018
RPTD: 5-00

PO BOX 3996
PHOENIX AZ 85001

RPTD: 5-00

PO BOX 329
PHOENIX AZ 850010329
RPTD: 5-00

RICK ALAN ROSS, RICK ROSS, RICK A ROSE,
RICK ROSE, RICK F ROSS