

OREGON's Juridical Small Sacrifices

US Top Model Case of Professional Judicial Ethics regarding (Elizabeth) Diane Downs Synopsis by Franz Kurz (March 2016)

This case is riddled with judicial misconduct and legal error. To date the facts of this case have not come to light in an unbiased court of law. This synopsis provides oversight to this claim.

1) State's procedures, and involved authorities

a) Code of Professional Conduct:

According to Article IV of the Oregon Constitution, **the Governor appoints vacancies** in Circuit Court Judges, Court of Appeals Judges, Supreme Court Justices, Justices of the Peace, and District Attorneys.

As early as three weeks after the crime (May 1983) in which one child died and Ms. Downs, although having been shot herself, took her injured children to the hospital, **Juvenile Court Judge Gregory Foote** took these children from Diane Downs and their grandparents and placed them in questionable state care. There they stayed until a year later that self-same Judge Foote had been **transferred to the Criminal Court** and thereupon took on that criminal case as his first case on his new job, although it represented a conflict of interest, and a **violation of the legal integrity** of a civilized country.

Own annotation: From the notorious People's Court (Volksgerichtshof) in German's past: With almost no exceptions, cases in the People's Court had predetermined guilty verdicts. Considering the fact that Judge Gregory Foote meets the requirements of the above judicial code, he should have disqualified himself of this case but did not. This conflict of interest has prevented this case from going forward in a lawful manner. A remedy is hereby requested and required by law. (*See Appendix*)

U.S.A.: "The integrity and independence of judges depend in turn on their acting without fear or favor. Although judges should be independent, they must comply with the law and should comply with this Code. Adherence to this responsibility helps to maintain public confidence in the impartiality of the judiciary." "Disqualification of justice, judge, or magistrate judge," provides that a federal judge "shall disqualify himself in any proceeding in which his impartiality might reasonably be questioned." "The section also provides that a judge is disqualified "where he has a personal bias or prejudice concerning a party, or personal knowledge of disputed evidentiary facts concerning the proceeding"; when the judge has previously served as a lawyer or witness concerning the same case or has expressed an opinion concerning its outcome; or when the judge or a member of his or her immediate family has a financial interest in the outcome of the proceeding." (Wiki)

b) Lane County District Attorney Pat Horton and the Wild Bunch

Pat Horton, Prosecutor Fred Hugj's boss, known in the [drug] scene as "Snortin' Horton" had an obvious interest in eliminating Diane Downs and had found out about it: "James Claire Haynes was paid \$25,000 by then LCDA Horton to shoot the Downs family.

<http://www.manipulatedtrial.de/Horton%20Wild%20Bunch%208311.pdf>

Prosecutors undermined fair trial by **Withholding Evidence** above 15 years!

http://www.manipulatedtrial.de/DD_I_page_7.htm

c) Governor of Oregon Ted Kulongoski (from 2003 to 2011)

In 1982, he made his first bid for governor. He was the Attorney General of Oregon from 1993 to 1997 and an Associate Justice on the Oregon Supreme Court from 1997 to 2001. He did not respond to letter to the Governor 5th February, 2009 or any other, Deborah Frisch, Ph.D. August 4, 2009; and Diane Downs parents later then.

http://www.manipulatedtrial.de/DD_I_start.htm

2) Minor witness brainwashing by authorities

A further incredible facet of this case was the consequent adoption of these children by Attorney Fred Hugj, who was prosecuting this case, and whose wife could not have children.

Moreover, this involves the only eye witness to the crime, Christie Downs, who at the time of the crime was eight years old, and who testified against her mother after what must be assumed to have been brainwashing by the authorities.

Psychologist Deborah Frisch commented on this as follows:

"The only non-circumstantial evidence in support of the allegation that Ms. Downs shot her children was the testimony of Christie Downs, who was coached for almost a year by former Lane County District Attorney Fred Hugi. [Note: It is not clear why Mr. Hugi continued to prosecute Ms. Downs on behalf of Lane County District Attorney Harclerod after he decided he wanted to adopt Christie and Danny Downs. The unbelievable conflict of interest that existed when former Lane County Deputy District Attorney Hugi prosecuted the mother of the children he wanted to adopt is beyond the scope of this letter.]"

3) Institutional Blackmailing:

Confess to the crime and we, the OR Governor, release act of grace. Inmate's fair response: "I did not shoot my children and I won't say I did just to get out of prison. I will stay here in prison and rot rather than say I shot my children." As early as 2007, there was an unsuccessful attempt at blackmail by Judge Malcolm F. Marsh, who stated: "Notably, Downs has not accepted responsibility for her crimes of conviction, and maintains to this day that the state authorities framed her."

In CIA and governmental circles this is known as 'plausible deniability' the legal definition of which is as follows: Plausible deniability refers to circumstances where a denial of responsibility or knowledge of wrongdoing can not be proved as true or untrue due to a lack of evidence proving the allegation. This term is often used in reference to situations where high ranking officials deny responsibility for or knowledge of wrongdoing by lower ranking officials. In those situations officials can "plausibly deny" an allegation even though it may be true. It also refers to any act that leaves little or no evidence of wrongdoing or abuse.

Own annotation: The demand for an admission of guilt is illegal, be it before or after conviction! Otherwise we would be finding ourselves transported back to the time of the Spanish Inquisition and torture. How, by all means, should National Register of Exoneration show truth if US wonderful justice system is fond of Institutional Blackmailing? Late Justice Scalia said : „What kind of a legal system is this where we're going to design our rules to encourage guilty people to plead - or innocent people to plead guilty? It's crazy."

(WIKI: United States law professor Daniel Medwed says convicts who go before a parole board maintaining their innocence are caught in a Catch-22 which he calls "the innocent prisoner's dilemma". A false admission of guilt and remorse by an innocent person at a parole hearing may prevent a later investigation proving their innocence. Manipulator refuses to admit doing something wrong .)

February 9, 1999, The Oregonian: "US District Judge Ancer Haggerty dismissed several of the nine claims Downs raised for procedural reasons, including an argument that Downs was improperly denied the services of attorney Melvin Belli at the original trial".

(Wiki: Melvin Mouron Belli (July 29, 1907 – July 9, 1996) was a prominent American lawyer known as "The King of Torts" and by insurance companies as "Melvin Bellicose". He had many celebrity clients, including Zsa Zsa Gabor, Errol Flynn, Chuck Berry, Muhammad Ali, The Rolling Stones, Jim Bakker and Tammy Faye Bakker, Martha Mitchell, Lana Turner, Tony Curtis, and Mae West. He won over \$600,000,000 (U.S.) in judgments during his legal career. He was also the attorney of Jack Ruby, who shot Lee Harvey Oswald for the assassination of President John F. Kennedy.)

Final annotation: An event that originated in the drug scene and ended in criminal behavior on the part of state jurists sacrificial confidence and reliability from cop to top.

Other -resulting- case facts:

- **Diane Downs Never Held a Weapon, How Could She Have Shot Her Kids**

<http://www.salem-news.com/articles/may202013/diane-downs-series-tk.php>
<http://www.dianedowns.com/> + www.dianedownsisinnocent.com

- **Crimes of the Century on Black Talk Radio**

When Perception Trumps Science:

A Consideration of Flawed Forensics Used to Convict Diane Downs -- For their November 14, 2013 broadcast, your "Crimes of the Century" co-hosts will consider the high profile murder case against Oregon mother Diane Downs. Multiple accounts of what happened in May 1983 suggest an ironclad case was made against Diane when she was convicted in 1984 of killing her youngest daughter and attempting to murder her two other children. But Diane and her family insist that the accounts are at best theories reinforced in part by false evidence as well as Diane's calm demeanor and seeming lack of grief due to mental and emotional disorders. COC co-host Dr. Andrew D. Jackson will track us through the questionable forensics in Diane's case, aided by Diane's brother, Mr. James Frederickson.

https://www.facebook.com/CrimesOfTheCentury?ref=stream&hc_location=stream

- BIG SACRIFICES: A Consideration of Flawed Forensics Used to Convict Diane Downs

(AUDIO) on: <http://www.salem-news.com/articles/november182013/diane-downs-cc.php>

<http://www.salem-news.com/articles/april172013/diane-downs-tab.php>

http://www.manipulatedtrial.de/DD_1_start.htm

- Richard E A Dwyer Esq. 11-25-14 Was Convicted Killer Diane Downs Really Guilty?

<https://www.youtube.com/watch?v=LusoFIYwVlg>

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Appendix:

1) In a recent *Washington Times* op-ed, two former state supreme court chief justices argue that a state supreme court justice who, as district attorney, had authorized the capital prosecution of a defendant, should not have later participated as a judge in deciding an appeal in that case. **Gerald Kogan**, former chief justice of the Florida Supreme Court, and **Michael Wolff**, former chief justice of the Supreme Court of Missouri, joined a number of other [former judges who had been prosecutors](#) and [former appellate court jurists](#) in filing briefs supporting the position of Philadelphia death-row prisoner **Terry Williams** in the upcoming U.S. Supreme Court case, [Williams v. Pennsylvania](#). The case, which the Court will hear on February 29, concerns the participation of Pennsylvania Supreme Court Chief Justice Ronald Castille in the prosecution's appeal of a trial court ruling that had overturned Williams' death sentence because of prosecutorial misconduct. The appeals court reversed the trial court and reinstated Williams' death sentence. Kogan and Wolff say that Castille should have recused himself from hearing the appeal. "We, along with many other former judges, have urged the Supreme Court to find that Chief Justice Castille's prior relationship to the case created an impermissible risk of bias," they say. "As the former district attorney, Chief Justice Castille personally, in a handwritten note, authorized seeking the death penalty for Mr. Williams. Moreover, he used the Williams death verdict to support his campaign for the Supreme Court seat. And finally, considering the case required Chief Justice Castille to evaluate a court's finding of misconduct against the office over which he formerly presided." <http://deathpenaltyinfo.org/>

2)

Capital case

Questions presented

1. Whether the Constitution dictated disqualification of a state supreme court justice because of his brief administrative involvement in the case as an elected district attorney 29 years earlier.
2. Whether the Constitution invalidated the votes of every other justice in the unanimous decision below.

<http://www.scotusblog.com/wp-content/uploads/2016/01/15-5040-bs-reprint.pdf>

3)

Requiring remorse is unconstitutional, judge panel says

Sunday, March 13, 2011 By Michael A. Fuoco, Pittsburgh Post-Gazette

<http://www.post-gazette.com/pg/11072/1131661-455.stm>