

A-JR 44

Incident of March 28, 2012

Attempt to seek media attention and draw the attention of political influence to assist in exposing my situation in Australia.

Political Plea
through media exposure.

Details of incident and

includes actual message
originally painted on roof
of prison directed to Julia
Gillard, Prime Minister of
Australia.

Aside from being angry and disillusioned over the unjust treatment I had experienced by the Australian Legal System (i.e. arrested on an accusation alone with no evidence of a crime, held in custody, refused a lawyer, standing trial without legal representation, etc) I had also attempted to initiate an appeal of conviction following the trial, which was a continuation of the same obstacles and apathy I had experienced from the start.

I was originally to be sentenced on September 30, 2011. However, at that time I refused to face anymore court without legal representation and told the judge this. The judge apologized to those who had come to see me sentenced and adjourned the sentencing until October 13, 2011.

On October 12, 2011, at approximately 4 PM, I received a call at Hakea from a lawyer, David Fort, who informed me that he had been assigned to represent me for sentencing that following morning. This conversation was recorded and lasted approximately 7-10 minutes. During this conversation Mr Fort asked me if I had any instructions for him at this point. I told Mr Fort that the only instruction I had for him was to begin an appeal of conviction, as I wanted and deserved a fair trial.

Mr Fort assured me that he would begin the appeal process, and agreed that I should not have been in such a trial without legal representation.

The following morning in court (October 13, 2011), I met with Mr Fort briefly before sentencing began. Mr Fort explained that he had only received my case documents the previous afternoon and had not had the opportunity to go through the documents to familiarize himself with the case and circumstances. However, he explained that as we were filing an appeal of conviction, the sentencing was irrelevant anyway.

After sentencing I met briefly again with for approximately 10 minutes where I explained my situation in a more detail, whereas I was refused legal representation and stood trial alone in a foreign court and that the evidence I

requested to be secured from the arresting officer and prosecutor was disregarded, compromising my defense even further than it had already been due to circumstances. Mr Fort agreed it was an unfair situation and assured me that he would begin the appeal process straight away.

I know now that Mr Fort was simply telling me what t wanted to here, inciting false hope, and had only been quickly appointed to my case to satisfy my request to be resented for sentencing.. He was a token lawyer. He had not reviewed my case and had only given a token speech. Further, the judge had already made up her mind concerning sentencing and had prepared her statement prior to September 30, 2011. Naturally, nothing was going to be altered due to the token appearance of Mr Fort.

Two weeks passed and I had not heard from Mr Fort concerning the process of the appeal. I was told that I only had 21 days after sentencing to an appeal.

I then called Mr Fort (recorded) who told me that he had sent an email to the appeals office at legal aid, but did not know the outcome. Mr Fort also told me that he had only been funded to appear for sentencing and nothing more. I contacted tegat aid who assured me that Mr Fort was, in fact, assigned as my lawyer. I returned a call back to Mr Fort and explained what legal aid had told me. However, Mr Fort insisted he was not my lawyer beyond sentencing, nor could he act on my behalf without funding.

Returning a call to legal aid I was again told that Mr Fort was the lawyer assigned to me, and that if I had any grievances I should file complaint against Mr Fort through the proper channels.

Angry and frustrated I called the US Consulate (October 26, 2011) and explained the situation and that I only had a few days left to lodge an appeal. The US Consulate contacted legal aid and spoke to Sheila Amsden, Barrister. On October 31, Sheila Amsden made an official visit to me in Hakea where I explained all that had occurred concerning my case since arrest on July 2nd, 2010. I explained that I was punished for holding a full time job as a responsible member of the community and refused legal aid, and that all other lawyers I had approached required upwards of \$40,000 up front to take on my case - which, in the end, left me to face trial alone without any legal knowledge or assistance.

Ms Amsden told me that I never should have been allowed to stand trial alone or self-represented in such a serious and sensitive case, and especially whereas I was a foreign national alone without any support or help. The legal and judicial system was too complex and my case required a lawyer specialized in criminal defense concerning such cases. Ms Amsden started the appeal application and filed for extension due to the lateness of the date.

In November, 2011, I was informed via letter that funding for my appeal had been granted. In the first week of December 2011 I contacted the appeal lawyer assigned to my case, Kristine Warman of Talbot Otivier. Ms Warman informed me that while she had received approval to go forward with the appeal process, she was going on holiday until January 16, 2012 and would not be able to begin until after she returned. When Ms Warman returned in January, I contacted her to discuss the appeal issues. Ms Warman informed me that she required the transcripts from the trial in order to search for grounds for appeal.

I did not have the transcripts, as being alone in trial without any knowledge, I did not know the importance of the transcripts, but rather believed they were meant as a record of what had transpired during trial. Thus, I did not place them with my important trial-related documents. They were left stacked upon the kitchen counter of my rental residence, separately.

After being convicted I was granted an extension of bail to collect my belongings and send them back to the USA. However, bitter that I could not show my evidence, that evidence had been blocked by the prosecutor, and being helpless to defend myself in trial, I then began to post the evidence to my server in the USA (AmericanDownunder.com). I was shattered by the conviction and could prove the accusations were fabricated, but did not stand a chance in trial of getting this evidence across to the jury. My only hope left, as I was alone in Australia, was to publish the evidence to my server and tell of the atrocity of justice I had endured in Australia as a US Citizen.

However, after seeing my intentions on my website, the prosecutor arranged with the judge to revoke my bail and thus I was locked up in prison to prevent me from exposing the truth and the dirty deeds of the legal system of Australia.

Being then incarcerated, my supervisor, along with the landlord, began packing up my belongings. The transcripts became lost or misplaced. Ms Warman then told me that she would have to submit to have the transcripts replaced, if granted.

On February 15, 2012, I called Ms Warman again to learn the status of my appeal and if the transcripts had been granted to her. Ms Warman told me that while she did now have the transcripts it would take some length of time to go through them to search for grounds for appeal. Naturally, as I had no money to pay a lawyer, I was put on the back burner.

I was relocated from Hakea prison to Acacia Prison on December 5th, 2011. In February or March 2012, I was alerted to a prisoner who had climbed to the roof of the prison (Oscar Block) and was protesting about his living arrangement (exact date unknown). Channel 9 News and Channel 7 News both sent helicopters to investigate. While Channel 9 hovered briefly before returning to Perth, Channel 7 remained for much longer. I observed the situation and the response of the prison officials. The guy on the roof had breeched prison rules only to show off and make an ass of himself. Nonetheless, the news ran a brief spot on the evening news.

I was desperate to get a message out to the media and to the public exposing the abuse of human rights and procedural fairness I had endured, naturally leading to an easy wrongful conviction. I was innocent and could prove the accusations were fabricated but was never afforded the chance. The appeal was one obstacle after another, just as the proceedings had been in this case since July 2, 2010. If that guy could get to the roof of the prison, so could I. However, Oscar block was easy. J block - where I was located - was much more difficult, but I knew that I would find a way to get to the roof. My life, family and children depended on this, and fighting this system through any means available. Public exposure of the abuse of the rights of a US citizen would be best.

During this period, I received a letter from legal aid telling me that my funding for the appeal lawyer (Talbot Olivier) had been cancelled due to the money having to go towards payment of the replacement transcripts. I'd had enough. The Australian legal system is, from my experience, a write-off, designed to fail justice and society at every level.

In March I called my parents to learn that my beloved nephew had been gunned down protecting his father from an assault on their family shop back home in Utah. I had only just seen him while visiting America in 2010 after ten years away - just before my wife put me in jail. He had bright future. We are a close family. His mother, my sister, had recently suffered a heart attack and now had lost her son. My parents were shattered. They, too, had lost their only son to the injustices and selfishness of a foreign government that railroaded me to prison by stripping me of my rights. I needed to be home to help the family - I am the eldest in the family after my father. Somewhere beyond the razor wire fence and fog of injustice was my Australian-born daughter for whom I had originally come to Australia to have with her mother a decade prior. I had not seen her since her mother used the accusations to ensure I had no rights to her. She was still frozen in my mind that last evening I saw June 30th 2010 when I kissed her goodnight and told her to dream of going fishing on the weekend. She never saw her daddy again. I could only imagine her sobbing face when her callous mother told her daddy was never come back again. Utter contempt and bitterness had built up inside me as I planned my stunt on the roof of the prison. I believed the stunt to be the only way to draw attention to the case, to cause questions to be asked, especially from America concerning the abuse of an American citizen's rights abroad.

I learned that Julia Gillard would be in Seoul, Korea on March 28, 2012 for a nuclear summit. Equally important, my president - Obama - would also be there. I chose

Wednesday, March 28 for this reason, and because it was the day after 'spends' day in J block. The prisoners would be locked down while I was on the roof. This would reduce tensions in the prisoners, making it lockdown easier to bear and more manageable for the prison officers. As coincidence would have it, it was also the day off of work for my daughter in America. My stand was not against Serco, nor for such petty things as living conditions or food. It was a stand for my rights, for justice, for my children and family - for my daughter somewhere in Australia. It was a stand for my life. I'd had enough.

I had spent two months slowly collecting small dabs of blue paint from whomever I could find that could spare it, adding it to an empty coffee can I kept in my cell. I had previously arranged to have permission for cell-based hobbies, in case the paint was discovered I would have an excuse. Late at night, on the top bunk in my cell, in the dim glow of a semi-covered wall lamp, I hand painted a US Flag on a piece of scrap canvas another prisoner had thrown in the trash. Painting the stars and stripes was painstaking slow but important. When the flag was complete I wrote a letter to my children on the bottom white stripe about the values of our Constitution and what the symbol of our flag represented and to never take it for granted.

From my perspective, I was in prison in a foreign country for crimes I didn't commit, stripped of my rights and railroaded to bias, prejudice conviction alone and vulnerable. I had no idea what to expect when I finally climbed to the roof- legally out of bounds and in breach of prison rules. There was no easy way up to the roof of J block. But there was a way. Over the two months planning I studied everything building and structure, the caged area, garden, cameras and movements and routines of the guards. I had measured the height of the cage enclosure by counting bolts that held it together, then measure myself against them to determine my height. I would have to climb to one smaller building, a demountable, then jump across to the upper part of the cage grabbing the grill. I knew how far the jump would be. I knew what muscles were required to successfully make it to the roof with my gear. I tested my shoes and if they would grip the bolts and fit through the grill. I calculated everything and went over it in my mind every day. I found that my shoes from Hakea were too soft to firmly grip the bolts and too wide to fit through the mm grill of the cage. I changed to Acacia shoes, which worked well enough. I had also spent every afternoon at the gym working out, losing weight, strengthening my arms and legs and back muscles. I needed to grasp the cage grill when I leaped from the roof of the demountable, then step on one bolt for support before climbing the remaining distance to the roof.

I intended on staying on the roof until the Channel 7 news helicopter arrived, even it meant staying up for a few days. I saved small plastic containers for food, and collected 3 empty cordial bottles for water. I knew what food I would bring and had frozen the water in the bottle to prevent it from leaking out when I through them with gear to the roof. I had a dozen large garbage bags for rain and a pad of paper and pen to write messages and communicate between myself and the consulate if required. I had an envelope with a letter and requests to the consulate, along with all my statements and proof of fabrication of accusations against me. All of this was put into a doona cover that I used as a bag - which, being prison green like everything else, looked more like a prop from the Grinch Who Stole Christmas.

I had observed every movement and routine of the guards as close as I could and how they had responded to the guy on the roof months before. I knew the nature of which crew by which crew was on duty, when they opened the gates, and whether a meeting or short of staff would delay the opening of the gates. If there was no cell inspection, it was likely that they would be late in opening the gates. The gate to the cage had to

be open. This led to the outside garden area and to demountable and the section I needed to be in. I had noticed shoes on the top outside of the cage and enquired of them. Someone else had once climbed up to the roof and was subsequently relocated to Casuarina prison as a result. I expected I would be too. As a result of his climb, the prison had installed a wall of corrugated steel around the cage preventing anyone from climbing up the cage, but above the corrugated steel, near the top the cage, about 600mm of grill was left exposed. This was what I would

have to jump to. If I missed, or if my fingers slipped, it would be a long drop to the concrete below. I'd gone over everything in my mind too often, and even fallen asleep going over it after kissing the photos of my children and family. There was too much at stake - my parents, children, family all who had lost enough. I simply wouldn't miss the jump.

My daughter in America was waiting for a phone call. I had told her to keep her mobile phone on her at all times because the Ambassador or Consulate would call her on that day, which was still Tuesday, March 27 in Nevada. I explained that she

was waiting for an important call. I could not tell her the truth because the prison calls were monitored. I had to rely on my daughter responding to instructions from a pre-written letter that would be read by a random prisoner after I made contact with her. There was no other choice but to do it this way in case the phone conversation was being listened to. Had I informed my daughter on what I was intending, what I needed her to do, the guards could secure the gate before I was on the outside of the cage. All my preparation would have been for nothing. I absolutely had to be outside the cage while the instructions to my daughter were being read by the random prisoner. I could only hope that 1) my daughter would be able to understand the sometimes hard Australian accent, and 2) that the random prisoner I selected could read at all.

On the morning of March 28, 2012 I waited until after cell inspection before packing the doona. Everything appeared to be normal in the cell, but it was prepared so that I could pack it all in around 60 seconds or so. I had collected a loaf of bread, jelly and the frozen bottles of water as soon as the cell doors were opened at 6.30 AM. In the weeks leading up to March 28 I had butterflies in my stomach, but on this morning I was calm, focused and certain. Cell inspection had passed but the gates had not been unlocked. I couldn't risk calling my daughter until the gates were open. Even then, they had lately been opening them for only ten minutes to let the workers out, then locking them shut again. 10 minutes was more than I needed.

While I waited for the gates to be opened I called my son in Ohio and told him how much I loved him and how proud of him I am and told him to give my new grandson a big cuddle for me. I called my parents and thanked them for their support, and how sorry I was for the death in the family and the heartache they had been through. I told them I loved them and to keep an eye on the news. There was always a chance it could all go bad and something tragic occur with this stunt.

At around 8.00 AM the gate was opened. I knew the routine of the guard. He would then wander around to the other units and unlock the gates on their cages too. With the gates opened into the garden area I made the call to my daughter, who answered with a couple rings. I told her that this was the important call she had been waiting for - the most important call she would likely ever make. I told my daughter how much I loved her and missed her and to find her little Aussie sister and tell her the truth about what happened to her daddy - why he never came back to take her fishing that weekend. I told her that if anything happens to me sue the Australian government and release everything I gave her to the media, post it all to my web site, for it was the policies and disregard for human rights, natural justice and fair treatment that caused a man to be arrested off the street on accusations without evidence and railroaded to prison. Telling my daughter, I loved her one last time I then grabbed a passing prisoner, handed him a pre-typed letter and told him to read it clearly to my daughter on the phone. As he took the phone and began reading into the receiver, I took my bag from cell 30 and walked out the door into the caged area. Passing through the caged area I grabbed an empty trash can and a mop handle and walked out through the open gate setting them down beside the door to the demountable. I needed the trash can to stand on in order to reach the roof of the

demountable first. I threw the green doona with supplies to the roof of the demountable along with the mop, then followed them by standing on the can, upon onto the fence and then to the demountable roof. My calculations in distances had been close enough. From the demountable I tossed the bag and mop even higher to the top of the cage roof. I took a deep breath and with a couple of quick steps I leaped to the exposed region of the cage, locking my fingers into the grill. The bolts were conveniently placed and allowed me to stabilize my jump while I climbed the remaining distance to the roof. From cell to roof only took approximately 2 minutes.

Other prisoners had caught onto what I was doing and congregated below, some cheering; some understandably angry. After all, this stunt was going to cause the prison to go into lock-down for the day - or more. I couldn't blame them, but they had no way of knowing that I had at least the courtesy to wait until after spends so that they had their tobacco.

The first thing I did was remove the hand-painted American flag from the bag and unrolled it, then taking the tie-lace from the waist of my prison pants I secured the flag to the top of the mop handle. A few of the disgruntled prisoners had collected below yelling up slurs and throwing rocks from the garden. I suppose they could only believe that this was just another prisoner climbing the roof to protest food or living conditions. Mine was not so petty. Acacia would be, in my opinion, a humane prison. The food was fair with multiple choices for dinner that catered to all religious beliefs and diets. You can earn money and buy eggs, meat, and lollies or whatever. Considering the crimes that some had committed they should feel extremely fortunate. There were also those whose crimes didn't warrant prison, but which sentence only served to the detriment of any rehabilitation. Then there are those who are innocent. It is the latter two for whom Acacia's system of incarceration is most beneficial. It could be a lot worse.

I protected the American flag and the letter written to my children, shielding it from the rocks with my body. once the flag was secure I took the bag of gear and the flag and moved out of visual range of anyone below. From the bag I removed the coffee can of bright blue paint I had spent two months collecting. I had added white floor polish to increase the content - the white pigment absorbed the color without diluting it. The floor polish, when dry, would also be permanent. As a paint brush I modified two shaving brushes and tied them tight together making one brush about 70mm wide.

Around ten minutes had passed it was discovered that a prisoner was out of bounds on the roof. The alarm sounded and all prisoners throughout the prison were ordered to their cells. I knew that the guards would be responding now and that I may have little time to paint my message to Julia Gillard, which I hoped would be seen also by my president, Obama, in the news. The message in the letter had been delivered to my daughter in America and I could only hope she could understand it, and the magnitude of the situation and respond to it with no obstacles. It would have all come as a complete shock to her, I knew. I also knew she would be confused and upset. I had hoped also that channel 7 news would keep her on the phone giving

an exclusive to my situation and why I was doing what I was doing. If she had managed to make the call, and if the helicopter was available, it would likely arrive within 30-45 minutes.

John Victor Ramses

Statement of Incident of March 28

With the makeshift paintbrush I painted my message across the roof in large letters while the guards moved into strategic positions below. They called up to me but I remained focused on painting the message before engaging them. The guards had no idea why I was on the roof nor what I was doing. I had selected a section of the roof that was only visible from helicopter, and not from below. What I was writing indeed this stand - was of no other prisoner's concern. It was between myself and the Australian government on behalf of myself and my children and family.

The message I painted in large blue letters across the roof of J Block was:

To Julia Gillard:
I Am an Innocent US Citizen.

Where is Fair Treatment and Natural Justice?

Granted No
Lawyer. Stood
Trial Alone.
Why?

Above this message to the upper left of the roof I wrote:

Daddy Is Here!



followed by my symbol, 'Disparage', which is a symbol one-and-the-same as "John Victor Ramses.

If my Australian daughter saw the symbol on the news she would know her father's symbol and where I was. I knew too that the news editing department would not know what the symbol meant, nor that it had been an integral part of the trial evidence used to wrongly convict me, and would not think to blur it out. I only wanted and needed my little girl to see her father's symbol and know I was ok and where I was at. This was to me, perhaps more important than the message to the Prime Minister. My daughter never saw me again after that fateful last night together returning home after McDonalds with a promise to go fishing with the new poles I had bought us for her birthday five days before.

My Symbol is widely known and was a product brand as well as being incorporated into almost everything I created. It was part of the book series I was writing called 'Disparage' and 'LYBI'. Many people knew this symbol as representing John Victor Ramses from the days of Ghost Radio and hopefully would start chatter about it on the internet after seeing it on the news beside the plea to the PM. Someone knew something about the lies that were told against me, and I hoped they would come forward. I was convicted because of this symbol, falsely misrepresented to the police by a disgruntled ex-wife who, for me, had become the epitome of 'hell hath no fury as a woman's scorn'.

With the message painted I could do no more but wait for the channel 7 helicopter. No one from ground level would ever see it. I now had to address the officers below who had been calling up to get my attention.

Crouching on the edge of the roof I answered the officer below me. Several other officers stood by in strategic positions, one taking note of what was being said between myself and the negotiator.

(Close approximation of conversation)

"Why are you on the roof"

"TO deliver a message to your Prime Minister, Julia Gillard concerning breach of human rights and procedural fairness resulting in wrongful imprisonment of a United States Citizen"

"Does this having anything to do with Serco?"

"I have no grievance with Serco. Your prison just got in the way between me and my freedom and my daughter"

"What did you write up there"

"A message to Julia Gillard"

"You need to come down now and we can discuss your concerns"

"I demand to speak in person with the United States Consulate and that the Ambassador, Jeffrey Bleich, is notified of this situation"

"Come down and we can address this"

"I demand that the US Consulate be on premises before I descend down. I have a letter to deliver in person to the Consulate. This is not negotiable"

"Will you come down if the US Consulate is notified and is confirmed in route?"

"When this is confirmed and the US Ambassador is notified of the situation, then I agree to come down, but only if the US Consulate is in route and that I can speak to them in person upon arrival and deliver this written letter directly to them"

Fifteen minutes passed and the negotiator confirmed that the US Consulate was in route to the prison. He confirmed that I would have a personal audience with them. At this point I had no choice but to keep my word to the negotiator. The message was painted and the channel 7 news helicopter would see it whether I was on the roof or not. The prison was in lock down and limited in its functionality. In essence the prison was my hostage, but I knew this also posed complication in operations that could endanger someone if there was a situation or if someone needed

emergency medical attention. I began to collect the gear I had brought to the roof. The can of blue paint had spilled out on the doona and roof. I was stained in blue paint.

As I collected the gear to the edge of the roof the negotiator explained the procedures in situations as this, and what to expect when I came off the roof. Prison protocols had to be followed. As I rolled up the American flag the negotiator sarcastically asked, "Did you paint the correct number of stars per state?" to which I sarcastically replied, "Yes sir. 51 - including Australia"

The prison officials followed protocol to the letter. I was arrested and handcuffed and led across the oval to the detention unit, stripped, searched, given clean clothes and placed in a small cell with no power or lights - only a camera for observation. Because of the emotional phone calls I had previously made to my parents and children there was some concern that I was suicidal. Nothing could be farther away from my mind, but only I knew that. One of the officers had taken the American flag from me. I had requested that the flag be taken back with the US Consulate and from there mailed to my daughter in the USA. The prison kept the flag and in spite of repeated requests to see it and mail it to my daughter, I have never seen it again.

After a short period, and after assessing that I was not a danger to myself or anyone else, the US Consulate was escorted directly into my cell, which was something that had not occurred before. I explained to the Consulate the purpose of my stand on the roof and demanded that my rights be observed and granted, according to the UN charter on Human rights and Equal Opportunity Act (1986), Article 14. The Consulate confirmed to me that the letter I had written to them had been delivered to them, which included my instructions to mail the flag to my daughter in America. The Consulate left the cell. I was charged for breach of prison rules and punished with loss of grates and 17 days in solitary. On April 13, 2012 I was released and returned back to J Block. The punishment could have been much worse, including being transferred to Casuarina Maximum. The relative leniency was not due to being a US citizen, nor the presence of the US Consulate, but an understanding that my act was purely political with good cause and not some random subordinate act of a prison inmate dissatisfied with his cell mate.

I apologized to the prison Director for the inconvenience and cost to his roof, but not for the act itself. However, I gave him my word that in future attempts to seek publicity to my situation I would not use his prison to do so, but that they also still held an innocent US citizen in Acacia.

The US Consulate called the appeal lawyer to enquire why funding had been dropped. The lawyer assured that they were still working on the appeal but that it would still take time.

For whatever reason the channel 7 news helicopter never arrived, and immediately after descending from the roof the message to Julia Gillard - and to my daughter was quickly painted over.

On May 18th I finally received notice of grounds for appeal from the Lawyer, who also announced in her letter that she was resigning from law. However valid the grounds are, I had since studied law books and found more grounds - not least of

which was being forced by policies within the Australian government to have to stand trial alone in an Australian court with no legal advice nor knowledge.

It has been two years now since I was first arrested on July 2, 2010 on a accusation alone amid a bitter separation with my ex-wife with custody issues at the center. It is now July 2012, 9 months after I initially instructed my lawyer David Fort to begin the appeal process, which he - of course - neglected to do after making false promises.

John Victor Ramses

A handwritten signature in black ink that reads "John Victor Ramses". The signature is written in a cursive style and is positioned above a horizontal line.

July 20,
2012 My son's
birthday.