Exhibit 3

SUPERIOR COURT OF CALIFORNIA
COUNTY OF RIVERSIDE
Minute Order/Judgment

Case No.: 003226 Date: 11/29/01 Dept: 06
Case Name: PEOPLE VS KEITH HENSON
Case Category: Appeal from Judgment - CRIMINAL
Hearing: Ex Parte Hearing re ORDER TO SHOW CAUSE RE: DISMISSAL.

****
Honorable SHARON J. WATERS, Presiding

Clerk: F SONKSEN

Court Reporter: NONE

Appellant's request for appointment of counsel is denied. Further, appellant is ordered to show cause within twenty days of the date of this order as to why this appeal should not be dismissed on the grounds that appellant is a fugitive and therefore has forfeited his right to appeal. (See, e.g., People v. Perez (1991) 229 Cal.App.3d 302; People v. Brych (1988) 203 Cal.App.3d 1068; People v. Redinger (1880) 55 Cal. 290.).

Clerk's Certificate of Mailing re: ORDER TO SHOW CAUSE RE: DISMISSAL

Notice sent to DISTRICT ATTORNEY -RIVERSIDE on 11/29/01

Notice sent to MT SAN JACINTO JUDICIAL DIST - HEMET on 11/29/01

Notice Sent to KEITH HENSON

Exhibit 4

H. Keith Henson
2237 Munns Ave.
Oakville, ON L6H 3M9 Canada
905-844-6216
hkhenson@cogeco.com

December 17, 2001

Judge Sharon Waters
Riverside County Courthouse
Appeals Division
4100 Main Street.
Riverside, CA 92501

Re People of the State of California v. Keith Henson
Appellate No. 003226, Case No. HEM014371

Dear Judge Waters:

This is in reply to your Nov. 29, 2001 ORDER TO SHOW CAUSE RE: DISMISSAL:

> "Appellant's request for appointment of counsel is denied. Further, appellant is ordered to show cause within twenty days of the date of this order as to why this appeal should not be dismissed on the grounds that appellant is a fugitive and therefore has forfeited his right to appeal. (See, e.g., People v. Perez (1991) 229 Cal.App.3d 302; People v. Brych (1988) 203 Cal.App.3d 1068; People v. Redinger (1880) 55 Cal. 290.)."

I looked up the first two cases:

People v. Perez (1991) 229 Cal.App.3d 302 is an interesting case to read, but fails to have any points in common with the appeal at hand. It is about reversing a speedy trial dismissal on a murder charge based on the person staying out of the reach of the California courts for over 8 years. The person was not a fugitive at the time of the *state's* appeal to reverse the trial court's order granting dismissal.

People v. Brych (1988) 203 Cal.App.3d 1068 is also odd case to cite since it is a situation where an attorney was representing a client who had served a six-year sentence and had left the country just ahead of being deported. The appellant had severed all contact with his attorney and apparently did not want the appeal to go forward. The case seems to have virtually nothing in common with the case at hand again because (among other things) the person appealing was not a fugitive. (It is, however, instructive as to how long an appeal can take.)

I found one reference to People v. Redinger (1880) 55 Cal. 290, but not the case itself.

. Of the three cases cited by Mr. Abelson in his letter only the first is about an appeal of a fugitive, Molinaro v. New Jersey (1970) 396 U.S. 365, 90 S.Ct. 498 I was unable to find, this case, but one of the cases (Sixth Circuit Court of Appeals) that cited it can be found at: http://www.michbar.org/opinions/us_appeals/1999/080599/4754.html

> "The power of an American court to disentitle a fugitive from access to its power and authority is not jurisdictional in nature, see Molinari v. New Jersey, 396 U.S. 365, 366 (1970) ("[S]uch [fugitive status] does not strip the case of its character as an adjudicable case or controversy...."), nor does it implicate constitutional privileges, see Ortega-Rodriguez v. United States, 507 U.S. 234 (1993). Rather, the doctrine is an equitable one, see United States v. Sharpe, 470 U.S. 675, 681 n.2 (1985) . . . "

"Equitable" according to a law dictionary means, "just, based on fairness and not legal technicalities." As I understand it, it means that if the opposing party comes to the court with "unclean hands" it is unable to invoke the "equitable" doctrine of disentitlement.

It is unclear to me who the opposing party is. The court on its own initiative vacated the date for the appeal brief and sent the case to the financial division for a determination of my financial condition (which is dire, I live on charity). Presumable my financial status was analyzed (though I have not seen a determination) for the court rejects its own motion. On the other hand, the argument for disentitling me was contained in the Nov. 2, 2001 letter to this court by Mr. Abelson and seems to have either been taken as a motion by the court or it inspired the court to make the disentitlement determination sui sponte. So the possible opposing parties are: the Scientology cult (the real party of interest represented by Mr. Abelson), the District Attorney's office with Mr. Abelson acting for them, and the Riverside Courts.

"Fortunately" there is evidence showing all three have unclean hands, particularly Scientology. Samuel Rosen (one of several Scientology lawyers who worked with the DA) stated on September 13, 2001 before Federal Bankruptcy Judge Weissbrodt that RTC (a Scientology shell) had spent $2 million in legal fees on me. This is believable since an image of a check dated Sept. 2, 2000 for $46,034.49 for a month's legal fees to one of the four law firms (not the most expensive one) opposing my bankruptcy was recently posted on the net. At that time, a rough calculation indicated they had spent more than $800,000 litigating against a bankrupt person worth at best a small fraction of that. An Arizona case, Crackel v. Allstate Insurance Co., No. C-329946 recently set a precedent that such "scorched earth" litigation was an abuse of process.

The question of unclean hands turns on the facts of the case and the prosecution of the case. The facts are that I was engaged in First Amendment protected activities of peaceful picketing and public debate (net postings) about matters that are political in nature. Judge Walker said as much before recusing himself on request from the DA's office over the issue of Judge Walker knowing Deputy Greer, a *prosecution* witness.

The law under which I was convicted, California Penal Code 422.6 has been tested in the courts. After failing to pass muster in the courts the legislature added to Section (c) the following language:

> "However, no person shall be convicted of violating subdivision (a) based upon speech alone, except upon a showing that the speech itself threatened violence against a specific person or group of persons and that the defendant had the apparent ability to carry out the threat."

(Section b is about property damage.)

The key issue on appeal was that there *was no threat.* The law simply cannot be applied to these facts.

Even if my technical comment on someone else's posting about French missiles could be considered a threat, it is beyond reason to claim "apparent ability to carry out the threat." An individual of modest means, or even immodest means, cannot obtain weapons costing millions of dollars that are closely guarded by a handful of national governments. And yet the word "missile" (referring to strategic or tactical kinds) appears over 50 times in the court transcript. Even if I had worked in missile guidance (as falsely claimed by a Scientology witnesses) a missile guidance engineer is no more likely to personally control a missile than an aircraft engineer is to own a Boeing 747. Further, there is no history of a cruise missile or an ICBM/IRBM ever being fired by a private individual.

In a story in Wired magazine by Declan McCullagh on April 27, 2001 (Exhibit 1, http://www.wired.com/news/politics/0,1283,43420,00.html.)

> "It was not just the postings themselves," said Deputy District Attorney Robert Schwarz. "He had been engaged in other odd behavior -- chasing down buses, taking down license plate numbers."
>
> "Schwarz, who prosecuted the case, said that Henson also followed people he knew to be Scientologists from their homes to Golden Era Studios: "He would hang over the fence and yell at them and do other weird behavior."

I was taped incessantly but no evidence in the form of videotape or audiotape was introduced to support this accusation. It should be noted that following buses and writing down license numbers is not a crime or even a tort. (I wrote down and reported dozens of license numbers during the summer of 2000, mostly the cars of a dozen of Scientology's private investigators who were following *me*.)

There is an extremely simple explanation for following buses to Golden Era Studios. We were both going to the same place on the same roads at about the same time. I usually tried to get there before the buses so I could display my picket signs to them as the buses went in but if I was a little late the buses were ahead of me.

Hanging over the fence would have been extremely uncomfortable given the spikes and razor wire on the fence. Had I yelled at people typically 50 to 100 yards away it is not likely they would have even heard me over the road noise made by the 500 cars per hour that pass along the road where I was picketing.

While Golden Era makes the claim to be a film studio, they have produced only a few hours of film or tape in the last decade. It is a cover for the headquarters and intelligence center for an armed and dangerous cult as shown in the 1994 affidavit of Andre Tabayoyon http://wpxx02.toxi.uni-wuerzburg.de/~krasel/CoS/aff/aff_at.html.

DECLARATION OF ANDRE TABAYOYON

I, ANDRE TABAYOYON, declare as follows:

[deleted]

SCIENTOLOGY IS ARMED AND DANGEROUS

28. In 1991 I had to prepare the base so that it could be defended against the possibility of being taken over by the authorities in a time of crisis. There are approx. 750 people at the base. I was in charge of a project designing the base security system, the perimeter fence, the ultra razor barriers, the lighting of the perimeter fence, the electronic monitors, the concealed microphones, the ground sensors, the motion sensors and hidden cameras which were installed and all over the area -- even outside the base.

29. Church monies were used to purchase semi-automatic assault rifles (HK 91 assault rifles capable of firing 300-350 rounds of ammunition a minute, 45 caliber pistols, .380 automatic weapons and twelve gauge shotguns were stockpiled. These weapons were not registered. Church monies were also used to buy the ammunition.

30. Church monies were also used to purchase a large amount of pounds of gunpowder for the construction of various types of explosive devices to be used in the defense of the base.

31. The motorcycle guards were trained to carry loaded cocked 45 caliber pistols. The eagle scout, mounted high above the base, was trained to carry a high powered rifle with a telescopic scope. There is also a 1,000 millimeter telescope up with 'eagle'.

As applied here, 422.6 has had the effect of chilling, limiting, and interfering with my constitutionally protected speech and conduct.

Further, I was charged and prosecuted in a court where irregular practices involving the DA's office were rife, starting with not being properly notified about an arraignment conveniently set on the same day as a deposition in a case (Hurtado) concocted by Scientology lawyer Kendrick Moxon against my lawyer Graham Berry. See letter of

April 14, 2001 signed under penalty of perjury to the Riverside Grand Jury (Exhibit 2), Motion to Disqualify District Attorney (Bates 45), Declarations of Keith Henson (Bates 54 and 66).

The Hemet judges were desperate to distance themselves from the case. According to my lawyer Mr. James Harr, Judge Albert J. Wojcik expressed frank fear of the cult in chambers (in a situation involving a car breakdown near Golden Era).

When the case came to trial, Judge Wallerstein gutted arguments allowed in several other California courts in his in limine rulings on motions clearly written by Scientology lawyers. (See, e.g., Allard v. Church of Scientology **342 *889 (1976) 58 Cal.App.3d 439, 444, 129 Cal.Rptr. 797 [former church member falsely accused by Church of grand theft as part of "fair game" policy, subjecting member to arrest and imprisonment].) Also see Wollersheim v. Church of Scientology, 212 Cal.App.3d 872 who was also subjected to "fair game." "Appellant argues these 'fair game' practices are protected religious expression." Other cases where "fair game" was admitted are Hart v. Cult Awareness Network (1993) 13 Cal.App.4th 777 [16 Cal.Rptr.2d 705], Church of Scientology v. Wollersheim (1996) 42 Cal.App.4th 628 [49 Cal.Rptr.2d 620], and Church of Scientology v. Armstrong [232 Cal.App.3d 1060]. These are just California cases.

The right of a person to *not* have a jury trial is not settled in law, I requested a judge trial after losing all the motions in limine. It was not granted and is also an appeal issue.

To provide this court background on fair game:

HUBBARD COMMUNICATIONS OFFICE
Saint Hill Manor, East Grinstead, Sussex

HCO Policy Letter of 18 October 1967,
Issue IV

[Part deleted for copyright reasons]

ENEMY SP Order. Fair game. May be deprived of property or injured by any means by any Scientologist without any discipline of the Scientologist. May be tricked, sued or lied to or destroyed.

LRH:jp
Copyright (c) 1967
by L. Ron Hubbard
ALL RIGHTS RESERVED

L. RON HUBBARD
Founder

The following excerpts on fair game and related are from a declaration by Dr. Stephen A. Kent for a case in Kentucky: http://xenu.ca/court/kent-declaration.html.

A. USE OF THE LEGAL SYSTEM AS PART OF SCIENTOLOGY'S FAIR GAME HARASSMENT OF PERCEIVED OPPONENTS

5. A crucial document for understanding Scientology's harassing legal strategy is the Hubbard Communications Office Policy Letter [HCOPL] (23 December, 1965), "Suppressive Acts[,] Suppression of Scientology and Scientologists[,] The Fair Game Law." This document can be found on pp. 552-557 of L. Ron Hubbard, The Organization Executive Course, HCO Division 1, Copenhagen: Scientology Publications Organization, 1970.

[deleted]

A. USE OF THE LEGAL SYSTEM AS PART OF SCIENTOLOGY'S FAIR GAME HARASSMENT OF PERCEIVED OPPONENTS

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D. THE AMERICAN LEGAL COMMUNITY'S UNDERSTANDING OF SCIENTOLOGY'S 'FAIR GAME' PRACTICES

41. Taking a broad perspective on the issues in this case, American legal scholars are aware of the kind of harassment that Mr. Padgett has experienced. An article by J. P. Kumar entitled, "'Fair Game': Leveling the Playing Field in Scientology Litigation" appeared in The Review of Litigation 16 No. 3 (1997): 747-772. Kumar correctly reveals that, "[m]uch to the Church [of Scientology]'s chagrin, opponents frequently cite its own founder, L. Ron Hubbard, for the 'fair game doctrine,' a revealing statement that may explain the ferocity and zeal of the organization's litigation stance" (p. 748). Soon afterward he added, "[w]hatever the Church's official policy on perceived enemies and actual opponents, there is little question that the Church has practiced a confrontational litigation strategy that has frustrated judges as well as opponents" (p. 748). In the context of the case in which Mr. Padgett currently is embroiled, he can count himself as sharing good company with his frustrations.

42. Under a section of the article entitled, "Litigation Tactics," Kumar identified "Relentless Litigation." About this strategy he wrote, "[p]erhaps the most obvious feature of the Church of Scientology's use of the legal system is the sheer volume of litigation initiated by the Church in both offensive and defensive situations" (p. 749). Mr. Padgett's insistence, therefore, that he has been the victim of vexatious litigation is

in accordance with what members in the legal community already have identified in other circumstances.

43. Later in that same section, Kumar identifies another tactic as "Attacking Credibility." He concluded: [f]inally, one of the most controversial features of Scientology litigation is the Church's vehement attacks on the credibility and character of lawyers, even judges. According to a number of Scientology critics, these attacks have run the gamut from legal avenues, such as formal allegations of bias or misconduct or courtroom accusations against parties and witnesses, to extralegal activities such as picketing, paid advertising, and private investigations of opponents. One common tactic is to uncover or accuse individual adversaries of criminal activity (p. 755). Mr. Padgett, it seems, has been on the receiving end of a predictable Scientology attack, the basic dimensions of which are well-known to the legal community.

44. As Kumar realized, solutions to Scientology's use of 'fair game' in legal settings raises difficult issues for the courts. His concluding advice, however, may have bearing on this case. [T]rial judges possess the power to maintain control of their courtrooms, to broadly construe and vigorously police the requirement of good faith, and to safeguard the integrity of the legal process. In the event of misconduct, they must be willing to exercise that power without hesitation or fear of reflexive reversal. Instead of turning to sweeping reforms, litigants, the legal system and the public must rely on trial judges to preserve fairness, equity, and order in their domain (p. 772) . . . .

In Judge Wallerstein's court I was not permitted to defend myself by even telling the jury why I was picketing Golden Era (recent deaths of two young women) or to introduce or even enquire into the witnesses experience with TR-L, Scientology's training routine to lie under oath: http://www.skeptictank.org/gs/sci438.htm (There are over 20 web sites, many transcripts of court testimony, found with "outflow false data" by Google.)

INTELLIGENCE SPECIALIST TRAINING ROUTINE - TR L

Purpose: To train the student to give a false statement with good TR-1.
To train the student to outflow false data effectively.

The court also did not permit mention of the judicially recognized practice of "fair game" is applied to "enemies" or "suppressive persons." I was identified as an enemy of Scientology before a court in Florida by a Scientology security guard Feb. 11, 2001, see the April 18, 2001, Motion to Reconsider, the Declaration of Frank Oliver and the attached inch thick exhibits in the case file (left out of the appeal record by error or more sinister reasons). See particularly the material under Tab 17. Frank Oliver, recognized as an expert on Scientology by courts in Florida was not permitted to testify as my expert witness.

In short, I was not permitted to present an alternate theory that the "fear" the witness had of missiles was a concocted acting job (tears and all).

Judge Wallerstein confiscated the jury questionnaires (given the lack of objections from Robert Schwarz, I would not be surprised if a Scientology representative got to read them). He informally sequestered the parts of the court record that are in conflict with his minute order of April 19, 2001. (Declarations of Keith Henson November 27, 2001. Exhibits 3 and 4) This part of the record is also of great importance to be able to introduce Scientology's "fair game" and other policies on appeal.

The in limine motions forbidding mention of Scientology policies and practice denied me even the ability to confront outright perjury by Mr. Hoden on page 208, line 12 of the transcript as is discussed in the Henson declaration of May 6, 2001 found on Bates page 258 in the Clerk's Transcript on appeal.

Rather than "shot Helen, bullet went through her shoulder, through her baby's head in her womb," baby Bridget was--according to a newspaper story from Portland--born safely Feb. 14 1997. (Exhibit B, Bates 264) Mr. Hoden deliberately misled the court and the jury by failing to note the fact that it was a Scientologist who did the shooting.

As is also discussed in the May 6, 2001 Declaration at Bate page 258 the same in motions in limine denied me the ability to discuss the origin of "destroy them utterly, " a common minor corruption of a mad L. Ron Hubbard Scientology policy often used in jest by critics rather than any kind of threat. (Exhibit D, Bates 266, 267) The motion in limine prevented me from explaining this because it is a Scientology policy.

Further at the end of the trial, Judge Wallerstein acknowledged knowing Mr. Abelson who openly directed the prosecution. There were jury members obviously friendly with Mr. Abelson (waving to him and making vicious comments to my wife in the courtroom).

The obvious influence of a cult referred to as "classically terroristic" by Time Magazine (1991) on the court and the DA's office did not leave me with a lot of trust in the local prison system--particularly in light of Scientology's penetration of prisons with their "Criminon" branch.

There is actually a great deal of communication (though about a 4th grade level) between the critics of Scientology and Scientology itself on the Usenet news group alt.religion.scientology. (Scientology's attacks on this news group have had the perverse effect of making it one of the top ten groups with a readership in the hundreds of thousands.) Most of the critics are people with real identities. Most of the representatives of corporate Scientology are rotating anonymous accounts. Readers of the group can rapidly sort out the corporate scientology posters. It was clear from what some of them said, particularly the identity "Gwen Summerfield" (19 posts total, one posting attached) that my deciding to stay in Canada after speaking with an immigration lawyer about refugee status was a bitter disappointment to corporate Scientology. They had spent a large amount of money aiding the district attorney in prosecuting me. (Scientology lawyer Elliot Abelson was at DDA Robert Schwarz's elbow throughout the trial and pre hearings and Scientology lawyer Rosen spent a week or more at $500 an