IN THE UNITED STATES DISTRICT COURT FOR

THE NORTHERN DISTRICT OF WEST VIRGINIA

Jason Steven Kokinda,	:	Case No. 3:21-CV-154
Plaintiff,	:	Hon. Judge Johnston
V.	:	(specially appointed)
Elkins City Police Dep't., et al.,	:	
Defendants,	:	

AFFIDAVIT OF TRUTH IN SUPPORT OF RESPONSE IN OPPOSITION TO DEFENDANTS' (C. BOATWRIGHT AND T.H. FOSTER) MOTION FOR SUMMARY JUDGMENT (ECF DOC. 216)

Plaintiff, Jason Steven Kokinda (hereinafter "Mr. Kokinda"), hereby deposes and avers the following facts in support of his Response in Opposition to Defendants' (C. Boatwright and T.H. Foster) Motion for Summary Judgment, and testifies the following:

Unlawful Seizure Fourth and Fourteenth Amendment Violations:

1. In a video interview presented to Mr. Kokinda prior to sentencing, a 12-year-old girl, known as P.M., and her friend K.L. of about the same age, claimed that they had met Mr. Kokinda at the Elkins City Park on or about September 13, 2019.
2. They claimed that Mr. Kokinda was asking them about the Forest Festival. And then it is alleged that P.M. had given him a fake screenname for SnapChat after conversing a bit with him by the swing set.
3. Thereafter, it was alleged that Mr. Kokinda somehow had found their actual screennames by some investigative process and kept bothering them.
4. And then it was alleged that he was by them at the Elkins City Park on September 29, 2019, whereabouts he claimed that she had a leaf on her butt, which she then claimed did not actually exist, while emphasizing that she was seated on the swing seat and thereby inferring that he could not contact her actual buttocks.
5. It was alleged that P.M.'s brother was with them on September 13th when she had met him and that her father was always at the park when she was there.

6. P.M. had admitted that she had consented to Mr. Kokinda pushing her on a swing five seconds at Elkins City Park on September 28, 2019.
7. Her cousin Kimberly Butcher, whom she had claimed was her babysitter to Mr. Kokinda, said in her written statement that she had told Mr. Kokinda to "get the f**k away" from them after Ms. Bell observed him pushing her on the swing and that somehow he had made contact with her butt on a final swing push.
8. At sentencing, Ms. Bell later changed her story to overcome the assertion by attorney David Frame that the lower part of the back would not be considered part of the buttocks and that the swing seat would have logically covered her posterior, thereby invalidating any criminal theory.
9. Ms. Bell admitted that she had consulted with the prosecutor prior to the sentencing hearing regarding her testimony.
10. When confronted with the fact that her photograph inferred she was in front of Mr. Kokinda and could not logically see any contact with P.M.'s buttocks, Ms. Bell capriciously claimed that she had relocated to a side view and saw Mr. Kokinda palm P.M.'s butt, a cheek in each hand, on two final swing pushes before she jumped off.
11. When asked why P.M. was sitting in such an awkward position, Ms. Bell capriciously asserted that adolescent girls often swing in such manner with their butts hanging off the seats.
12. In context, Ms. Bell had notably penned, in extensive detail, how Mr. Kokinda's computer use was merely a ruse to stare at young girls, (not boys,) for hours at the park in her original 2019 statements and her supposed observations of him, yet she had only vaguely alleged he had touched P.M.'s butt while pushing her on the swing in original statements.
13. At trial, Ms. Bell had testified that she had observed Mr. Kokinda for an hour or two, up to three times per week, at the park in Elkins during the August 26th to September 29th period in the indictment and had given him a look that she watching him and incredulously that he had tried to talk her about his girlfriend.
14. The police warrants vaguely stated that Mr. Kokinda had "grabbed or touched P.M.'s buttocks" in some uncertain context to support the 3rd° Sexual Abuse charge and warrants to search his vehicle.
15. However, they did not allege that such clothed contact occurred for a fleeting moment during a swing push that P.M. consented to him doing.
16. In the interview, P.M. said the police told her father that Mr. Kokinda had sexually assaulted a ten-year-old girl in a foreign country, an allegation that is patently false and creates a reasonable inference that the police tried to coerce the false allegations by defaming and villainizing Mr. Kokinda.
17. Police admitted that P.M. was working with police and trying to lure Mr. Kokinda to the park on September 29th so that police could arrest him.
18. T.H. Foster had written the affidavit of probable cause in support of the arrest warrant and engaged in unlawful "puffing" by alleging that Mr. Kokinda had asked P.M. for nudes and to shower at her house, also vaguely that he had touched her butt,

unparticularlized allegations they knew to be patently false or could verify to be false by checking her cellphone.

19. T.H. Foster further alleged that Mr. Kokinda had walked away from him in an open field after he observed him talking to P.M. on the college campus and only stopped (seconds later) when he told Mr. Kokinda that he would use his taser if he didn't stop.
20. T.H. Foster omitted the fact that he had told Mr. Kokinda to provide his first, middle, and last name.
21. When Mr. Kokinda stated that he was "the authorized representative of Jason Steven" (or as T.H. Foster heard, "Stevens,") – providing his first and middle names, – it was admitted that he asked for permission to contact an attorney and did not want to answer any questions until then because he was a sovereign American and did not want to contract with him.
22. At trial, Ptlm. K.A. Shiflett alleged that the need for Mr. Kokinda's name was only to check for outstanding warrants, since P.M., Kimberly Butcher, and her father were physically present to identify Mr. Kokinda in person. Mr. Kokinda did not have any outstanding warrants in any state rendering the issue moot.
23. After Mr. Kokinda was taken to the Randolph County State Police barracks and fingerprinted, he agreed to let the police identify him using his driver's license that was signed UCC 1-308 and told the officer there that his blue 1999 Ford Contour was in the college parking lot where he was arrested.
24. Ptlm. Boatwright had subsequently obtained a warrant to unlawfully search Mr. Kokinda's vehicle based upon the same statements alleged by T.H. Foster. He had simply added that Mr. Kokinda was not registered and categorically was required to register as a sex offender in WV, an unparticularized allegation.
25. Two HP laptops, two thumb drives, and two additional cellphones (a non-functioning Samsung Galaxy 4E and an operable Alcatel) were seized. The police took extensive photos of Mr. Kokinda's vehicle and the suitcase in it.
26. The Elkins police had tried to unlock the iPhone 6s that Mr. Kokinda had at time of arrest by forcing the biometric sensor onto his thumb while he was handcuffed but were unsuccessful. They later attached it to a cracker without notifying him and triggered the factory reset feature that Mr. Kokinda had activated, wiping the data entirely.
27. Mr. Kokinda was then detained in Tygart's Valley Regional Jail in Belington, WV, from September 29, 2019, till release on December 18, 2020, and then from January 29, 2021 till about October 21st, 2022.

Information Uniquely Known to Mr. Kokinda (Original 2007 stings)

28. Mr. Kokinda was lured into a popular fantasy/role-play cybersex chatroom on the IRC UnderNet at some uncertain time prior to January of 2007.
29. The chatroom was a massive due process entrapment that the Innocent Images division of the FBI was using to "round up all the pedophiles" as he had read about on the official UnderNet website bulletin board.

30. Mr. Kokinda had obtained a Freedom of Information Act inquiry proving that Innocent Images was conducting investigations on the chatrooms.
31. Mr. Kokinda was shocked by some of the things that the people were saying and the unusual chatrooms dedicated to the mass dissemination of child pornography that were unique to this particular network.
32. Other IRC networks shut down such chatrooms. This one used the other thousands of chatroom themes to generate leads and draw people into this bizarre, hidden cybersex channel like a black hole at the center.
33. Circumstantial and direct evidence presented that Mr. Kokinda was not interested in pornography and was suffering from severe sexual dysfunction, a common side-effect of the severe OCD he suffered at that time.
34. Mr. Kokinda began to irrationally investigate people on the chatroom because he felt a calling to evangelize people after being miraculously cured of severe anxiety that made him feel as though he was choking to death any time he ate over a five-year period due to teenage cannabis/LSD use.
35. The irrational mechanism was linked to his OCD. He would have agitating thoughts about the things that people said and could only resolve those annoying thoughts by ritualistic and obsessive conduct, (i.e., typing excessively and investigating the identity of anonymous persons, hoping they are nice women like the decoys who showed up at places but never wanted to engage).
36. Mr. Kokinda carefully studied the laws because perfectionism is a key feature of severe OCD.
37. He knew it was illegal to turn fantasy into planning by taking steps to carry out a logical criminal plan and stated this to the undercover cop before arrest in a January 2007 New Jersey sting.
38. He was always careful to ensure participants said they were over 18 and had no criminal plans until it occurred to him that it was unnecessary in the setting, ruined the game, and was illogical that he could speak with someone lawfully online but not meet the exact same actor in person.
39. The FBI had a password-protected channel on this network and by inference were coordinating cybersex stings with law enforcement from all over the nation. Two states had stacked up stings from this specific chatroom.
40. Mr. Kokinda's conduct of record was distinguishable from other participants because (1) he never discusses masturbating in the chats; (2) he wasn't taking live photos of himself; (3) he was a virgin and moraled; (4) he had reported activity to police; (5) he was carefully studying the laws rather than acting out mindless lust; (6) he had medical records proving his lack of sexual capacity at the time. Police ultimately had to lie and frame him after failing to induce criminal acts.
41. Mr. Kokinda was framed in two stings by Pennsylvania and New Jersey, and he hereby asserts that they compounded their stings to create a joint sentencing entrapment, *inter alia*.

42. The police were profiling individuals and then trying to work them over by using the unlawful mirroring techniques that Innocent Images had previously used to entrap in the famous *Jacobson v. United States*, 503 U.S. 540 (1992).
43. The *Jacobson* case (that held "fantasy was beyond the reach of Govt.") noted how the FBI Innocent Images division had targeted a man for two and a half years trying to induce him into purchasing an illicit magazine by blurring the line of criminality and saying it was protected by freedom of speech.
44. Control of this #0!!!!!!!!!!younggirlsex chatroom was maintained by Unix bots that had the nicknames Fizz, Fazz, FBI, DEA, CIA, etc.
45. The police agents therein created teenaged female role-play characters that were given a +v authorization, a voice to speak in the main chatroom and solicit free cybersex (similar to phone sex) from men. No one else could chat in the main chatroom and had to chat in private.
46. Official published court opinions prove that the title of the chatroom was "Fantasy chat for Older Men and the Young Girls who Love Them", and the young girl characters would advertise that they wanted to role-play particular ages and to message them in the chatroom itself.
47. Mr. Kokinda investigated these people by playing along superficially without using any obscene chat and just sending them to visit his online website which provided free information against drug use and fornication.
48. Eventually, Mr. Kokinda felt like a failure and was still uncertain if these were all old men pretending, as his friend had told him, or if there were some nice women on there like him that he could counsel and help or may be attracted to him because he looks young. His OCD liked the attention and liked to obsess over unmasking participants.
49. He was at a vulnerable period in his life and needed a social outlet because all of his best friends had become heroin addicts, and he never had used the drug and loathed the idea.
50. Mr. Kokinda responded to a sting created by Bergen County, NJ, police officer Chad Malloy, yet it was only after Mr. Kokinda told other characters (agents) profiling him that he did not believe any real women were on the channel and that it was all old men from his investigations.
51. So, the police had an actual woman call Mr. Kokinda in New Jersey after baiting him into proving that he was not a cop by sending images that he believed were "at best ambiguously illicit" nude photos of two girls.
52. He hereby alleges that he was unable to draw a true sexual inference because of his severely diminished sex drive and believed that images may be in the range of legal. It was only the angle that made the images illegal by esoteric nuances of U.S. law.
53. He made a hasty decision that it was for some greater good and police would understand, even though he had no interest in pornography. The NJ cop was presenting herself as a child abuser and triggering suspicion about "a tip of the iceberg" of crime in channel.
54. He had incidentally received the unsolicited photos, he later sent, from another character (likely a cop) that he moments later deleted, knowing that the penalty per image was potentially ten years or more if he was wrong, and he regretted his reckless decision.

55. Yet, considering the lawless atmosphere that the police had created, he did not believe that such photos were illegal or was at least confused. He thought, why would police target him of a million egregious perverts when these other participants were openly trading and collecting this content and were not likely virgins?
56. He had reported the channels to the International World Federation that were supposedly monitoring the chatrooms and was led to believe that these weren't worth their time in even investigating.
57. Mr. Kokinda had quickly clarified that he had no actual interest in young girls and that he was merely engaging in rhetorical fantasy chats. Thereafter, the NJ cop woman no longer wanted to meet him or even chat with him.
58. Mr. Kokinda began to take medications for his OCD almost immediately after and no longer understood why he even went on the chatroom because it was no longer irrationally linked to his concentration and the debilitating ego-dystonic thoughts.
59. Mr. Kokinda had poor insight into his mental disorder, but he had stopped going on the chatroom altogether and was focused on his German Car Repair business whereat he was earning up to $5,000 a day and busy.
60. Mr. Kokinda had stopped taking medication many months and had moved his business to a Berks County, Topton, Pennsylvania, location that he had beautifully painted with a large German-flag-colored stripe to be an icon in the area. This shop had 3 bays, a hydraulic lift, wash bay, office, etc.
61. Thereafter, Mr. Kokinda began to contact the woman from New Jersey again who was actually officer Chad Malloy, aside from the one phone call. And he started to go on the chatroom again because he was under stress and suffering ego-dystonic thoughts again.
62. It seemed that these women on this chatroom were the only ones giving him any attention. He was a stranger in a new area and merely wanted to talk to a woman to reduce stress and agitating thoughts.
63. Because the New Jersey January sting was too weak, the Bergen County police coordinated with Pennsylvania agents to create a sentencing entrapment and stack up charges to prevent adversarial testing.
64. So, they removed the title (disclaimer) noting that the chatroom was a fantasy role-play theme and that the young girl characters were just role-playing and not literally minors.
65. Then they worked with various search engines to scrub the internet of almost all the content historically proving that the chatrooms were advertised as such.
66. Finally, they used an innocent, virgin character that conveniently lived nearby in Pennsylvania to frame Mr. Kokinda because they knew he was religious from their profiling and wanted to mirror his assertions that he was a virgin.
67. Mr. Kokinda had no doubt that it was obviously an adult role-playing. The character was whimsical and dull. And it was a role-play channel context. It was nothing remotely like Facetime with an actual minor who undoubtedly was underage and facially incredulous.
68. It first said that it was 13 and lived in Pittsburgh; then it said it was in Allentown and that he should talk to its 12-year-old friend there. This age variation was used as a sentencing entrapment to double the maximum penalty from 6 to 20 years into a range of 12 to 40 years and force a plea deal.

69. The Pennsylvania Office of the Attorney General (OAG) Child Predator Unit was inferably under pressure to produce demagogue propaganda for Attorney General Tom Corbett to help clean up his image for a gubernatorial campaign.
70. Corbett's best friend, Jerry Sandusky, was involved in a scandalous serial molestation of mentally challenged boys at his Last Mile charity.
71. Corbett was under public suspicion of covering up the allegations and handling the situation improperly or was believed to be a molester himself by the public.
72. Corbett used these role-play stings to grandstand on public TV and rant how all these predators were engaging in graphic sexual chats with minors minutes after entering these [role-play] chatrooms.
73. Corbett was standing in front of a giant wall-of-shame photo montage that featured Mr. Kokinda's mugshot at the top and a dozen other men.
74. Therefore, Mr. Kokinda reasonably believes that these Penn. OAG agents were willing to work with Chad Malloy in fabricating the ideal entrapment even if it required perjury and epic violations of Mr. Kokinda's due process and civil rights while other prior agents would not risk it.
75. There is evidence to infer agents believed Mr. Kokinda was mentally ill based on the fact that he was on social security disability when he was 17 years old and was civilly committed a few times around that period for drug-induced psychosis.
76. They likely believed that he was schizophrenic based on public records and were willing to test the waters to see if they could oppress him. It was useful to create demagogue propaganda by going into local schools near his car shop and preaching stranger danger after arresting him.
77. Berks County was a swing county that was an important campaign grounds for Corbett. The agents did, thereafter, go into the local schools and preach their stranger-danger predator safety agenda to look like heroes. His iconic main street car shop was used as a constant reminder.
78. It is alleged that all the officials, the defendants involved in the malicious prosecutions in Penn., WV, and Vermont violated Title II of the ADA by targeting Mr. Kokinda due to his perceived disability and assuming that they could wrongfully convict him without worrying about liability.
79. It is alleged that the officials, including prosecutor Michael Sprow, used "fraud on the court" to frame Mr. Kokinda's role-play chatlogs as undeniable attempts to solicit sex from 13 and 12-year-old girls in an ordinary chatroom, total Hocus Pocus.
80. It is pled that Mr. Kokinda's paid attorney, freemason, Dennis Charles, had conspired with the prosecution to discredit Mr. Kokinda further by saying that he had *imagined* he was on a fantasy/role-play chatroom because he was a paranoid schizophrenic and was legally insane.
81. It is also pled that when Mr. Kokinda started to study the law and filed his post-conviction petition in Pennsylvania, the courts began to engage in rampant "fraud on the court" under the influence of Gov. Tom Corbett.

82. Corbett had promoted prosecutor Michael Sprow immediately after obtaining the "guilty but mentally ill" plea in the middle of trial. And the agents were, likewise, promoted to better jobs.
83. Then president Superior Court judge Correale Stevens (Philip Yoon's professor) and panel judge Sallie Mundy were appointed to the Pennsylvania Supreme Court after Mr. Kokinda's direct appeal on his PCRA petition was obstructed and denied under their watch. By no coincidence, panel judge Panella is now the chief judge.
84. Even Mr. Kokinda's former elementary school friend, the prodigious Philip Yoon, was promoted to chief staff attorney after veiled threats to turn a blind eye as his classmate (who scored higher in the Junior SATs in mathematics) was thrown under the bus.
85. The Superior Court had backdated the judgment order to deny the appeal on or about December 13, 2012, and denied Mr. Kokinda the opportunity to seek further appellate review even though he proved by prison mail logs that he never received notice, similar *modus operandi* as the tricks used to obstruct the 2nd Amended Complaint in the instant case.
86. Mr. Kokinda was denied his case-file and trial transcripts at the trial court level. He was provided with his trial transcripts only on appeal to attempt development of claims in vain, since claims weren't possible to adequately preserve below.
87. The reasonable inference is that the court proceedings were completely subverted to ensure the Child Predator Unit's 100% conviction rate and indemnification of all the crony capitalism officials involved.
88. Mr. Kokinda subsequently filed a petition in the U.S. Supreme Court to disqualify habeas corpus judge Jan E. DuBois from presiding in his 5:13-CV-2202, *Kokinda v. Gilmore, et al.*, (E.D.P.A.) § 2254 federal habeas corpus proceedings.
89. Judge Jan E. DuBois was obstructing the claims from the gate because he would not even direct the trial attorney to provide the case-file to correct the unlawful procedures in the state courts as required by Prof. Conduct Rule 1.16(d).
90. Finally, the judge agreed to compel production of the case-file, perhaps from an informal Supreme Court notice, but the proceedings were suspiciously drawn out for months.
91. And William R. Stoycos, head of the Child Predator Unit, and respondent in the habeas petition and PCRA, was allowed to engage in *ex parte* communications with trial counsel to coordinate the transfer.
92. Mr. Kokinda was then retaliated against in the SCI-Greene prison where he was housed.
93. He had noted in grievances that the prison guards began putting him under *hyperscrutiny* following his petition in the Supreme court regarding bias of DuBois in failing to compel production of case-file.
94. Merely using puns on other inmates names (e.g., cellmates [Lorraine] Bobbett and Dingle[berry]) strangely made the Unit Manager, Ms. Mankey, hostile. And the CO's suddenly became hostile and hypersensitive if he would play his keyboard at what other inmates agreed to be inaudible levels, all of them searching for a Segway to send him to the RHU.
95. Then in early 2015, Mr. Kokinda was thrown in the RHU as part of what he inferred to be a retaliation for his litigation.

96. They said he was “circulating petitions,” when it was clear that he was instead lawfully gathering “affidavits” to support his lawsuits.
97. The prison and William R. Stoycos then, by inference, had coordinated with trial counsel, Dennis G. Charles, to transfer the case-file and obstruct receipt during this specific period of time, the only time Mr. Kokinda was ever in the RHU for a misconduct in his entire 8-year bid.
98. And Mr. Kokinda proved with his subsequent habeas “status updates” that the legal mail log for the GC unit, where he was held, had a large blacked out entry around the date the case-file supposedly arrived Fed-Ex, the <u>only</u> such redaction in the voluminous logbook.
99. Then Mr. Kokinda proved with an inventory sheet that he had received during transfer to SCI-Greene from SCI-Fayette, months earlier, that he had an excess of property and was forced to send legal boxes home already in his possession per policy.
100. William R. Stoycos claimed that Mr. Kokinda had instead sent the case-file home and had received it merely because the tracking number provided by Dennis G. Charles said that it was delivered to the prison.
101. Then two deputy attorney general agents had come to the prison, soon after, and threatened to retaliate against Mr. Kokinda by filing a charge against him for terroristic threats simply for quoting the Bible in habeas filings, [sic] “The wages of sin is death, and the rich man is wise in his own eyes.”
102. Mr. Kokinda reasonably believes that the deputies used the absurd threat of prosecution as a basis to visit the jail on the Govt.’s dime and pick up the confiscated case-file as if official work.
103. Mr. Kokinda also was given the $3^{rd\circ}$ for writing that the case would end as a “Greek tragedy” for William R. Stoycos but then demonstrated that the courts themselves use this same metaphor to describe litigation.
104. After Mr. Kokinda underwent a psych evaluation, the OAG repented from its position, inferably because he did not appear weak enough as they had assessed him at the time of filing the original prosecution based on his perceived disability.
105. Prior to this retaliatory detainment in the RHU, Mr. Kokinda had also reported C.O. Pegram for staring at his crotch area when walking past cells and looking inside. In retaliation they moved him closer to Pegram’s desk.
106. Mr. Kokinda had also filed a lawsuit against Dr. Jin for denying him a medically required soy-free diet after years of being forced to live on commissary junk food to avoid the soy-rich foods.
107. It is alleged that the totality of the circumstances proves that these grievances and the lawsuit made the prison officials more eager to cooperate, but they were not the sole proximate cause.
108. Mr. Kokinda asserts that these prison officials are not smart enough themselves to decide to steal a case-file and would fear legal liability if not for the direction of the Penn. OAG sanctioning the theft.
109. The case-file was an important piece of evidence to receive a hearing and *de novo* review of habeas corpus claims. Theft of the case-file severely weakened the claims and

dramatically limited the gateway standards for relief to *objectively unreasonable* applications of watershed Supreme Court rulings.

110. Mr. Kokinda knows that it was harmful to the OAG because it proved that the mental health tests used were weak/unreliable and that the role-play defense was strong/undefeatable, also how little work was put into the case.

111. Jan E. DuBois and Magistrate Lynn A. Sitarski later committed "fraud on the court" by fraudulently stating that Mr. Kokinda had not provided *any* evidence that the #0!!!!!!!!!!younggirlsex chatroom was in fact a fantasy/role-play chatroom to an older man/younger girl cybersex theme.

112. The record proves that Mr. Kokinda had, however, submitted the *Cote*-Exhibit proving that another man was setup on this chatroom prior to Mr. Kokinda, (a case he could not have been aware of at the time of arrest when he told agents it was a role-play chatroom,). *Cote* had independently claimed it was such a role-play/fantasy chatroom as did Mr. Kokinda.

113. Mr. Kokinda had also provided an independent news review from an online UK paper called "The Register" noting the nature of feds doing stings there and that there were advertisements of role-playing teen-sex fetish stuff.

114. The agents had merely lied and said that they did not see the disclaimer, which was not dispositive of the question or of any reliable weight compared to Mr. Kokinda's seamless circumstantial and direct evidence regarding the title/content.

115. The New Jersey PCR courts committed "fraud on the court" by evading and misconstruing Mr. Kokinda's claims of being entrapped and forced to plead guilty because of the malicious sting in Pennsylvania and suppression of Discovery.

116. The PCR courts instead framed the claims as if he thought he was immune from prosecution simply because the #0!!!!!!!!!younggirlsex channel was a fantasy/role-play channel, which the prosecutor admitted it being at the PCR hearing.

117. Jan E. DuBois had also misconstrued and evaded claims, the same "fraud on the court" tricks used by all the other courts before and since, including Judge Kleeh in West Virginia, (particularly in evading discussion of *Nichols v. United States*, 136 S. C.t 1118 (2016) since arraignment).

118. Mr. Kokinda reasonably believes that the hegemony of Gov. Tom Corbett and the Penn. OAG compounded with his perceived mental defect weakness created an improper influence on the court that completely subverted proceedings to ignore his claims in lawsuits and post-conviction proceedings in all cases since.

119. Mr. Kokinda was denied the opportunity to present a strong claim for habeas relief to overturn his patently wrongful conviction. It is alleged that *Heck* does not bar relief in these cases and therefore the Penn. officials were very afraid of Mr. Kokinda's lawsuits and desperate to retaliate and stop him.

120. Judge Jan E. DuBois compounded the fraud by using tangential reasoning to negate the gravamen of the officer "assuming the identity of a minor", an *actual and literal* minor under the rules of statutory construction.

121. The DuBois habeas opinion concludes that because Mr. Kokinda sent a nude photo of himself and had driven to meet the person behind the chats that he could not use a fantasy/role-play defense.

122. Of course, this conclusion ignores the fact that an officer plainly doesn't "assume the identity of a minor" when he presents himself as someone who is not a minor but merely role-playing a minor for rhetorical effect in a chatroom advertised to such theme.

123. It is alleged that a paradoxical belief that someone on role-play chatroom is not role-playing cannot logically be proven beyond a reasonable doubt. And Mr. Kokinda never confessed to any belief it was an actual minor, even in plea colloquy, and had all along contested such theory.

124. Extremely popular books written by Richard Laymon and Charlee Jacob, among others, feature graphic sex scenes with underage characters. Millions of Americans, therefore, have an interest in such child erotica and are predisposed to sexual assault under the rationale of the string theory as applied to Mr. Kokinda.

125. The Innocent Images division of the FBI and state law enforcement were attempting to blur the line of criminality by using the bandwagon-effect, mirroring techniques, and positive reinforcement to make participants develop aggressive characters, so they could frame them with criminal conduct or induce them into actually committing crimes.

126. This was Mr. Kokinda's chief moral concern. He believed that these young girl characters were the true problem (and likely cops or old men) and that they could corrupt any man into possibly kidnapping a teenager from a local chatroom on that network or raping their daughter and sending pictures.

127. Mr. Kokinda had told his mother of one particular sick character that said they were babysitting children and then giving them AIDS.

128. All of these things were meant to illicit a non-sexual interest in Mr. Kokinda's conscience and to provoke him into developing a dark and aggressive character because that was all that police would respond to, and cops would ignore him when he preached or sent them to anti-drug websites.

129. Of note, Mr. Kokinda did not say anything perverted on phone call to the female cop in the New Jersey sting. Instead, he tried to talk to her about getting tested for diseases and concerns that she was addicted to drugs.

130. In the Pennsylvania sting, he talked about his lack of sexual function/desire from his mental illness in the chats with the agents.

131. Mr. Kokinda was never found to be in possession of *any* pornography. And before arrest in New Jersey, he had reported a child pornography website posted on the channels to the IWF (International World Federation), a law enforcement agency supposedly in charge of such internet crimes working with the FBI.

132. Mr. Kokinda herein asserts that pornography agitates his OCD symptoms and haunts him with disgusting thoughts and that he has no prurient interest in it at all.

133. These sting cases all took words out of context and fragments to demonize Mr. Kokinda and frame him for the political fame of Tom Corbett and the statistical quotas of the Bergen County police and prosecutors.

134. It is alleged that these are intolerable and unreliable sting methods that can frame anyone, especially someone vulnerable and suffering from a degree of mental illness.

Information Uniquely Known to Mr. Kokinda (post-release Nov. 1, 2015)

135. The day after Mr. Kokinda was released, his mother was driving him to stay at a hotel and find an apartment in Delaware where the laxer laws could not be used to retaliate against him.

136. When Mr. Kokinda began to drive through Harrington, DE, a black man in a white Ford Contour, (the same model the Penn. OAG knew Mr. Kokinda would soon be driving based on recorded prison phone calls,) began to drive aggressively in a road rage incident.

137. The man slammed on his brakes in front of the car his mother, Jill Wong, was driving. He swerved and came close to hitting the car. Then the man pulled into the next populated gas station Mr. Kokinda and his mother could find and stared hard at them (like he might shoot them) before driving away.

138. Mr. Kokinda reported the man to the police and subsequently his license plate, after seeing the same man creeping around the car wash across from his hotel the next day, and they did not even respond to the complaint.

139. Mr. Kokinda reasonably infers that this man was some informant working with police who had targeted him. The unusual timing of the incident and the ability of police to track Jill Wong's cellphone in real-time with ping warrants make it plausible.

140. Mr. Kokinda helped a prisoner named Brian Lyon in Tygart's Valley Regional Jail with his legal work and observed that Brian's Discovery packet revealed that his cellphone was being tracked with ping warrants by Pennsylvania police after being released from Fayette County jail.

141. Tracking suspects after release with general ping warrants and other general warrants has become routine.

142. The Penn. OAG had threatened a retaliation and mentioned "subliminal threats" in regard to Mr. Kokinda on the day he is released.

143. Mr. Kokinda reasonably inferred that the timing, symbolic reference to his Contour, extremely rare one-off nature of the incident, ignorance of police, desire to scare Mr. Kokinda away from Delaware and its lax laws, and technology tools that would allow plan, altogether spelled out coordinated retaliation, a "subliminal threat" to stop suing.

144. Because of the Penn. OAG threats, Mr. Kokinda could not even send anything to them in the mail despite court rules requiring informational filings be sent to them.

145. They were trying to build off the recently announced *Elonis* precedent by stating that they felt threatened by Mr. Kokinda's informational filings in the courts.

146. They wanted to construe the filings to subjectively mean whatever they wanted to charge him after receipt on the *Elonis* premise that he was notified of their interpretation of filings as personal letters and true threats.

147. Following the road rage incident, Mr. Kokinda thereafter felt police presence that he was being shadowed at all times.

148. And when he moved to Vermont, about 6 months later, he was being pulled over by police without cause, up to three times a day, immediately after registering there with state authorities.

149. The malicious harassment did not end until a Homeland Security (DHS) agent, Dan Riodan, and his family moved into a condo next door to Mr. Kokinda about three weeks after he arrived.

150. This Homeland Security agent set up cameras all around and had his children shovel the snow off Mr. Kokinda's vehicle nearly every day to inferably ensure his whereabouts.

151. Mr. Kokinda's condo door was hung backwards and was easy to pick with a simple credit card, giving Dan Riodan limitless access when he was away. The Riodans had come to Mr. Kokinda's door several times with excuses to justify it, such as inviting him out or telling him about a festival or a burger.

152. Dan Riodan said he was from Arizona, and his wife had license plates from AZ.

153. When Mr. Kokinda had met a woman in Burlington, VT, who said she was in town to teach the U.S. district judges civil rights updates in the law, she said she was from Arizona and that her name was *Jennifer*, the same name as Mr. Kokinda's sister. And oddly enough, he had met her on September 18th, 2016, the anniversary of his sister's birthday.

154. Mr. Kokinda had then read how a Homeland Security (DHS) agent did a one-year stakeout in cooperation with local VT state police to bust a man on federal child pornography charges.

155. This condo was an off-season ski resort condo that was way below the paygrade of this Homeland security agent and his luxury SUVs. The agent also bragged of traveling all over the country and having another place in New York.

156. Mr. Kokinda later met a prisoner named Roderick King in FCI-Otisville who was arrested in Pennsylvania after an alleged investigation by Homeland Security (DHS) working in tandem with the Penn. Office of the Attorney General to charge him with interstate commercial sex trafficking, creating clear *modus operandi* evidence.

157. Mr. Kokinda was then retaliated against in Vermont with false allegations. The police and Dan Riodan were inferably profiling Mr. Kokinda through his cellphone and internet usage.

158. They knew that Mr. Kokinda liked to receive friendly hugs from college women and tourists when he was in Burlington, VT, where he frequently traveled to go to the gym, because he had bragged about how he'd asked them and was always warmly received.

159. They had tried to use a mentally ill prostitute junkie with an Idyllic memory to investigate and keep tabs on Mr. Kokinda.

160. This Jewish woman had stopped Mr. Kokinda while walking down Champlain street soon after he had moved to Vermont and said he looked like a lawyer, and she

needed help with legal problems and wanted to read the Bible as ruse to lure him into her house.

161. Then she became sexually aggressive with him, yet he rebuffed her attempts to seduce him.

162. He later learned that this woman had herpes and was addicted to heroin. She was trying to compel him to have sex with her without a condom and said she was just tested in jail and had no diseases and then provided a sheet showing she was given a Valtrax shot.

163. Police officers were suspiciously at the store near her house at that time when he stopped to get a snack, as though monitoring the situation.

164. She said that she was friends with all the police and had spoken to the local Chittenden County prosecutor and gave a good review regarding him.

165. Apparently, her adult daughter (who was also a junkie) was provided with more premium public housing near the waterfront in return for her cooperation.

166. It is asserted that police notoriously use prostitutes as informants because they require protection from their johns and immunity from going to jail. Plus, they generally know all the transients and underworld figures of interest to police as this woman clearly did in Mr. Kokinda's observations of her.

167. Mr. Kokinda noticed that these women were being informed any time that he came near to town and kept showing up to accidentally bump into him and see what was on his mind.

168. He refused to give them any money or anything, since they would immediately convert it into heroin, and he merely had provided charity to discuss the bible and offer some chocolates at one time.

169. After profiling Mr. Kokinda and receiving messages from the U.S. Marshals in Pittsburgh named in this lawsuit, the police set up a sting operation in front of the mall that Mr. Kokinda frequents.

170. They used Ms. Vermont to offer Mr. Kokinda a free Magic Hat Brewery glass souvenir to match his bottle-opener Magic Hat keychain.

171. The Vermont SOR notes at 05/23/2017 entry explicitly prove that the marshals were first seeking an "affidavit" to support charging Mr. Kokinda with a violation of 18 U.S.C. § 2250(a), Failure to Register as a Sex Offender, because "JASON HAS BEEN IN PA DISRUPTING THE JUDGES AND COURT PROCEEDINGS LATELY. US MARSHALS MAY SEEK AN AFFIDAVIT FOR JASON NOT BEING IN COMPLIANCE WITH THE VERMONT SOR" [sic], but it was logically all due to his major civil rights lawsuits because he had never stepped foot in Pennsylvania.

172. (Mr. Kokinda observed that the Marshals frequently communicate over the phone when they are trying to make cases against sex offenders traveling interstate. He thereby reasonably infers that a lot of communications in relation to the above email were over the phone and not available).

173. The Vermont SOR notes prove that the police responded by affirming that Mr. Kokinda was at his condo and that they had no basis to file a § 2250(a) charge against him.

174. Nevertheless, days later, on May 27, 2017, they did provide an “affidavit” from Detective Chenette stating that he had served a citation on Mr. Kokinda for one count of Lewd and Lascivious (L&L) conduct and that they were working on getting a stalking charge against him as well.

175. About June of 2017, Mr. Kokinda was entering the Burlington, Church Street, mall as he usually would before or after going to the gym. There was Ms. Vermont, Erin Connor, an adult woman trying to offer him a free Magic Hat glass if he were to take a selfie with her.

176. Mr. Kokinda had at first refused and went into the mall. When Mr. Kokinda was coming out, Ms. Vermont hugged Mr. Kokinda and then took a selfie with him, wherein she is smiling, while he was allegedly dry humping her with an erection and feeling up her butt downtown in broad daylight.

177. At this time, by no coincidence, a particular song that Mr. Kokinda had just looked up the lyrics to online began to play from a DJ booth that was right across from the display Ms. Vermont set up to hand out glasses and brochures of the local downtown businesses.

178. This was no doubt a paid gig for Ms. Vermont to help police as a symbolic state actor, and the song was presumably played to induce him into letting down his guard. The familiar glass was also used to ease him in.

179. Mr. Kokinda had given Ms. Vermont his business card encouraging her to read his Apocalyptic Christian Bible describing the interpretations of various apocalyptic prophecies, *inter alia*.

180. Mr. Kokinda recalls that he did nothing remotely inappropriate and was actually suffering from sexual dysfunction more severely than usual because he had taken Cnidium pills containing soy (triggering his verified IgE allergy) a few days before that caused total impotence.

181. Ms. Vermont was smiling in the photo when she had allegedly froze up, her excuse for not saying anything at the time.

182. Similar allegations were made against Mario Batali in New York at a restaurant and discredited and dismissed by the smiling photos. In Discovery, they cut out Ms. Vermont’s face to cover up the fact she was smiling.

183. Mr. Kokinda believes that the police were monitoring his mail and were compelled to believe that he was particularly dangerous because he had ordered pills to cure sexual dysfunction (compounded by his supposed mental illness/insanity), and they were eager to make a case against him as goaded into the plan by phony 2007 sting records.

184. Mr. Kokinda knew that he was being retaliated against for his lawsuits and therefore filed a Complaint in the Vermont U.S. District Court at No. 2:17-CV-98 and later at 2:18-CV-98.

185. Vermont uses something called community supervision to effectuate its registry.

186. And Mr. Kokinda had noticed that businesses had treated him disrespectfully for no reason by not timely providing food he ordered or security guards entering when he’d arrive to chase him away.

187. Also, women just fell in love with Mr. Kokinda and would melt in his arms if he met them on the streets. If he met anyone in a store, then he'd soon after face false accusations of impropriety, at the mall, vitamin store, gym, at Walmart, several times for no other inferable reason. This is the same *modus operandi* after police contacted him informally in the Elkins park.

188. He had met a woman whose father worked at the Burlington mall, prior to the Ms. Vermont sting, and she had accused him of stalking her after her father had noticed that she was friends with him and that he wore these unique univisor polarized Oakley sunglasses.

189. She then had her brother threaten Mr. Kokinda on Church Street, which drew a crowd of spectators, when Mr. Kokinda said that he didn't understand why she thought he was stalking her.

190. Then the woman and her brother turned and said they were going to report him to the police and began to walk towards the police station.

191. Mr. Kokinda never heard anything about this report but logically linked this by inference to the "stalking" allegation against Ms. Vermont being symbolic for all women in Vermont.

192. Mr. Kokinda reasonably believes that the janitor at the mall was given information by security and warned of Mr. Kokinda and that he told his daughter about Mr. Kokinda and tried to scare Mr. Kokinda away by reason of the character assassination.

193. Mr. Kokinda had bumped into her only a few times, and she was extremely friendly before this and talked to him about joining his gym.

194. A security guard at the mall had previously chased him out of the sunglass store after he had helped the female sales rep. make a sale the day before and became of interest to the owners.

195. The allegation that Ms. Vermont saw Mr. Kokinda while she was jogging somewhere in South Burlington was particularly unusual and sent another "subliminal threat" message because a strange woman had approached Mr. Kokinda when he was at Staples in South Burlington on or about that day.

196. The woman had said, "People are evil." And Mr. Kokinda said, "yeah, those freemasons are devil worshippers," thinking she was talking about the freemason-symbol-emblazoned black SUV conspicuously parked in front of the Staples store. Mr. Kokinda was just reading about freemasons online.

197. But then the woman said, "No, someone hacked my allergy tablet," and wandered off.

198. Additionally, Mr. Kokinda noticed that police would show up quickly to do a spot check on him and his whereabouts whenever he would remove tinfoil from his iPhone. Tinfoil disrupts the signal and prevents ping and GPS data location warrants from tracking his location.

199. Police began to tail Mr. Kokinda on various occasions and for long periods of time after the Ms. Vermont citation.

200. Mr. Kokinda reasonably infers that this statement by the woman in front of Staples meant that the police had hacked his electronics (tablet, phone, laptop) and were monitoring him as a result of his soy allergy lawsuits, inter alia.

201. Mr. Kokinda believes that they wanted him to know he was being retaliated against to scare him from litigating his claims.

202. Mere weeks after filing his federal Complaint against neighbor Dan Riodan, inter alia, Mr. Kokinda's condo rental was suspiciously burned down on August 3, 2017.

203. Many of the residents had noted that the electrician appeared guilty and suspicious at the time of the fire. Everyone else was trying to save their belonging while the electrician ran to the bar to dull his senses.

204. This electrician was good friends with the property manager, Peter Fina, and had just moved in above the apartment where the fire marshals concluded that an electrical issue in the ceiling fan was the proximate cause of the fire that demolished the building.

205. That condo beneath him was also empty before he had moved in and would have been easy to access to rig the conditions for a fire.

206. Mr. Kokinda had smelled gas on the day before the fire and reasonably believes that they had created a gas leak to act as an accelerant near his condo.

207. Mr. Kokinda's case-file from the lawsuits and evidence were significantly damaged by smoke and water. His condo was demolished. And he was thereby forced to leave the state entirely when he was unable to secure new housing in Vermont and moved to Albany, NY.

208. Mr. Kokinda reasonably believes that this plan to burn down the condo was concocted to induce the "interstate" travel element of the § 2250(a) charge originally sought by the Penn. U.S. Marshals in the Vermont SOR notes.

209. The condo property manager had additional reasons to burn it down for the insurance money. For one, the roof had collapsed over the neighbor's condo during the winter. And Mr. Kokinda overheard the property manager saying that he couldn't find anyone willing to go up on the roof and fix it properly.

210. Yet, like the Penn. prison retaliations having multiple proximate causes, it is reasonably inferred that they would fear liability if it wasn't expressly sanctioned by Dan Riodan and district courts as an indemnification, a but-for proximate cause.

211. August 3rd was the particular day that Mr. Kokinda received his direct deposit money for his severe OCD disability that made it difficult for him to work in a typical work environment at that time. They knew he wouldn't be home on this day to save his stuff because he'd be out shopping.

212. Mr. Kokinda later met Kumar, a man from India, at FCI-Otisville who burned down several multi-million-dollar investment properties that were structurally failing and believes that property managers from India may frequently resort to arson when their investments fail more than typical Americans because it may be a common solution in their country that is harder to detect.

213. When Mr. Kokinda moved to Albany, NY, with a German immigrant of old age named Anke Battle, she threw his property out on the sidewalk after a similar electrical fire started in her other house on the two-month anniversary of the fire in Vermont.

214. Ms. Battle believed that the mafia or someone was after Mr. Kokinda and was afraid to have him in her home even though she had a sex offender who did housework and odd jobs for her. Mr. Kokinda had a friendly relationship with her prior to this and had even fixed her car and garage door without charge.

215. In retrospect, her friend was a fireman and may have checked out Mr. Kokinda's story about his condo burning down and tried to scare him away with similar fable.

216. The Vermont Complaint incredulously alleged that Ms. Vermont had located Mr. Kokinda by searching the registry in order to promote the virtues of having such registries, at a time when many states were seeking to scrap registries for cost/false security, etc. Mr. Kokinda lived hours away from Burlington, VT, and didn't match his mugshot.

217. It is alleged that circumstantial evidence reasonably infers the sting narrative to be a nod to Wendy Perreault, the recipient of the retaliatory plan, who works for the Vermont division administratively overseeing the registry and investigation of infractions.

218. As a result, Mr. Kokinda felt compelled to avoid registration to the extent the law allows it. He believed that he would pose a danger to anyone he stayed with and had to keep moving around.

219. For religious reasons, Mr. Kokinda left the country entirely to visit Israel for his birthday. He wound up losing his wallet soon after arriving and had to catch a flight his mother paid for to go to her hacienda in Peru and wait for replacement credit/bank cards to arrive.

220. Mr. Kokinda stayed there for a year and noticed that he was being put under scrutiny when he went to stores, as if he were shoplifting, and noticed more police presence near his apartment after filing his 2:18-CV-95 lawsuit and continuing to litigate his other Penn. Lawsuits through the ECF system.

221. Mr. Kokinda then left, on or about December 3rd, 2018, to spend his birthday in Isreal again. Thereafter, Mr. Kokinda was traveling to Poland to marry a Ukranian woman (he had met in Israel) when he was told that his passport was invalid.

222. By reasonable inference, it is asserted that the feds had coordinated with Israel airport security to let Mr. Kokinda travel to Poland on an invalid passport so that he would not have extradition rights to challenge deportation back to the U.S.

223. Since he was between borders when the passport was recognized as invalid, he was not officially in any country and was simply refused re-entry.

224. Mr. Kokinda's passport was confiscated upon entry to the Newark airport by a U.S. Marshal without notice or opportunity to contest that his offense was "covered" by International Megan's Law, a law which required such due process procedures before requiring a new marked passport.

225. Mr. Kokinda was first held in the Essex County Jail in Newark, NJ, and then was extradited to Vermont. Whereafter, he posted bail days later and was released.

Information Known Uniquely to Mr. Kokinda (Post-Release from Vermont)

226. Mr. Kokinda did not have a home after the condo fire and felt compelled to simply travel to the extent the law allowed because staying in one place made him vulnerable to retaliations through the registry being weaponized against him.

227. Mr. Kokinda carefully studied all the state and local registry laws and was aware that he was free to travel under federal law as reinforced by New York police telling him he did not have to provide any information of where he was moving to after deregistering in NY and leaving.

228. Mr. Kokinda was on a mission to make money with his freelance journalism and to complete the Apocalyptic Christian Bible proofreading to publish, educate, and heal the world in fulfilment of the prophecy in the gospel of John that the bronze serpent (the Word of God) must be raised up to heal the world.

229. Mr. Kokinda did not like his name lingering on registries with false information of where he lived. Therefore, he had filed a motion in Delaware to remove his name and had contacted the DHS and told him he was traveling and not registered anywhere and that their registry was not accurate. He also expressed his belief the mafia was after him or something.

230. Mr. Kokinda's travels became complicated by the fact his brand-new tires were starting to wear unevenly and prematurely due to a bend in the rear axle beam of his rebuilt 1999 Ford Contour.

231. As a result, the only place he could obtain a replacement was in Erie, Penn. Therefore, he planned to have the vehicle fixed in West Virginia because the mechanics in Morgantown had previously fixed his A/C for only $35 when a shop in KY wanted thousands.

232. Mr. Kokinda thus stayed in campgrounds in Maryland and Virginia, while commuting to Elkins, WV, to stay in perfect shape at the 24/7 Fitness gym that allowed him to use anonymous day passes for only $5 or $10 a day. Most gyms wanted ID and memberships.

233. Mr. Kokinda attempted to avoid giving people any identification because he believed that police could misuse it as a Segway to retaliate against him. Mr. Kokinda noticed in his travels that he was still being closely stalked and shadowed by police.

234. They would conspicuously park sideways in places that he set as the destination on his cellphone GPS map, such as TGI Friday's and especially plazas that had cellphone stores. They were inferably concerned that he'd get a new burner phone and be harder to track.

235. Mr. Kokinda had bought a burner phone before at an AT&T store in Cincinnati, OH, and traveled covertly to Nashville, TN, whereat he had an unbelievable time and was kissed and hugged by hundreds of consenting college women in these bars.

236. Mr. Kokinda had emailed the Vermont District Court and bragged how he had evaded their tracking systems and had a great time in Nashville after using a burner phone to escape their oppressive tracking.

237. After using his credit card at a hotel nearby, the whole town was on virtual lockdown with a cold atmosphere of hostility, and the party was over.

238. Police would tailgate him to make sure he actually turned into hotels he booked and would show up at stores, restaurants, and even gas pumps as soon as he used them.

239. When Mr. Kokinda stayed at a campground, the people camping next to him were frequently federal agents, correctional officers, sheriffs, and law enforcement. They suspiciously acted fake friendly and fake cool.

240. Mr. Kokinda did not believe this was a coincidence and noticed that people treated him with hostility whenever they had forewarning of his arrival like another world. He also noticed suspicious phone calls to hotels when he'd arrive and that they'd always house him near a security camera.

241. Mr. Kokinda notices the same unusual conduct and destination checks at the halfway house. Whenever he is unable to use a phone or is unavailable for an extended period of time, a cop shows up and lets him use his cellphone to contact the halfway house. The other people at the halfway house don't experience this type of masonic all-seeing-evil-eye surveillance.

242. The Vermont SOR notes prove that they were tracking him all over the world. Wendy Perreault was trying to make up phony registration requirements to provide a basis to fund investigations and track him in coordination with the Vermont U.S. District Court defendants Michael Barron and others.

243. Agent John Hare was admittedly in contact with U.S.M. Michael Barron in Vermont. And a draft indictment was originally proposed for Vermont to file the § 2250(a) SORNA charge requested by Penn. Marshals Andy Balint, Henry (Doe), and Nikki (Doe) in 2017 Vermont SOR Notes.

244. Wendy Perreault kept harassing Mr. Kokinda to fill out Vermont registration forms long after Mr. Kokinda had permanently left Vermont and deregistered. Mr. Kokinda repeatedly warned her about harassing him and how he did not work or live in Vermont.

245. Wendy Perreault was using the mere fact that Mr. Kokinda had a business license at the home address which was burned down as a basis to usurp legal fictions of jurisdiction over him.

246. Mr. Kokinda had canceled the business license and had long gotten rid of his digital mailbox in Vermont that simply forwarded his mail and digitized it and had nothing to do with the elements requiring registration.

247. The reasonable inference is that the Vermont U.S. District Court defendants were in conspiracy with the U.S. Marshals in Pennsylvania and Wendy Perreault and were filing general warrants with Mr. Kokinda's cellphone providers wherever he traveled, just looking for an opportunity to charge him with the long-sought-after § 2250(a) charge.

248. Mr. Kokinda had begun to use his credit cards sparingly and only in isolated areas to mislead the police on where he was staying because he noticed they were tracking him based on purchases and bank records.

249. Therefore, Mr. Kokinda did not use his credit or debit cards much and had switched to relying primarily on cash by the time he realized that using a VPN prevented police from tracking his location in real-time and stalking him. The bank records reflect this.

250. Mr. Kokinda had contacted a woman online who said she lived nearby him when he was camping in southern WV. When Mr. Kokinda was driving to meet her, she started to infer that she was a prostitute and that he had to pay her a $100 for an hour of her time.

251. She specifically said to let her know when he gets within the city limits. When Mr. Kokinda said he wouldn't pay her anything, she started to demand money, saying she had a contract and that her father was the local judge and she would report him.

252. Mr. Kokinda reasonably believes that the Govt. is stalking him to such a degree and is so infatuated with obstructing justice after destroying his life for political gain that they are looking for any contact with females to transform it into a malicious sex crime allegation.

253. Mr. Kokinda was similarly solicited, very aggressively, by a prostitute in downtown Albany after he had deregistered there and was passing through. This woman wanted $20 to give him oral sex and was likely working with police.

<u>Information Uniquely Known to Mr. Kokinda</u> (Elkins, WV)

254. About mid-September 2019, Mr. Kokinda decided to take his Ford Contour to Miller's Modification Station in Elkins to have the axle beam repaired. At first, they had quoted him a cheap price of about $220 but then had charged much more (about $600) when he picked up the vehicle.

255. Mr. Kokinda had to rent a pickup truck to get the axle beam from Erie, Penn., and then he had to rent a Toyota Corolla to drive as he waited for them to finish the repair.

256. It is alleged that he never drove any of these vehicles for more than a few days and had no duty under the law to register them and would not have a duty to update a registry with this info even if he was on the registry and a resident in West Virginia.

257. Mr. Kokinda's Ford Contour used fuel sparingly at about 29 mpg. Most of the transactions on the bank records were gas purchases at Kroger's that Judge Kleeh erroneously concluded to be grocery shopping with absolutely no proof to decide.

258. One feature Mr. Kokinda remembers about Elkins is that he ate at the El Gran Sabor restaurant on the day he first visited because he loved his Venezuelan fiancé's cooking who wanted him to return to be with her in Peru or elsewhere, but he usually drank vegetarian Kosher protein shakes as a meal replacement and ate salads.

259. Photos of Mr. Kokinda's relationships with gorgeous women in foreign countries is one of the factors that destroyed the Vermont case because Ms. Vermont wasn't nearly as attractive, so why would she accuse an attractive man like Mr. Kokinda of impropriety even if it occurred.

260. Elkins was also one of the few places that he could access a gym anonymously at a day-pass cash rate. And photos prove that Mr. Kokinda had very defined abs during this time and was serious about working out.

261. Mr. Kokinda used the electric connections at the Elkins park gazebo and many other parks in his travels to charge his laptop and limit draw on his car battery. The way that the sun would shine forced him to face towards the playground area to avoid glare.

262. Furthermore, women who visited the park often sat in that area and were friendly with Mr. Kokinda, attracting his attention.

263. Mr. Kokinda had trouble avoiding noise at the library, and agonizing screeching kids at the park forced him to glance up at times, but he could not do much work at either place on proofreading his Apocalyptic Christian Bible.

264. The other gazebo in the park was frequented by a lot of noisy and mentally ill homeless people who were unpleasant to be around. One man had bragged to Mr. Kokinda about getting a prostitute for his birthday and of murdering a man. He had baseball cards of naked women and was uncouth and seemed to be mentally challenged.

265. The reasonable inference is that Mr. Kokinda would not have reasonably been targeted and demonized with his clean-cut and youthful looks by Ms. Bell absent pretextual police conspiracy considering the volume of unsavory homeless characters who looked disheveled and lived in the park.

266. Mr. Kokinda was being bothered by children who wanted him to stop typing and play ball with them. Mr. Kokinda had occasionally met and spoke with mothers in the park who were friendly towards him and had no gripes with him being there.

267. Mr. Kokinda did not start visiting the park (after going to the gym in Elkins) until the week he had frequented Yokum's. And it was September 13th, 2019, that Mr. Kokinda had met K.L. and P.M. in the park.

268. By the time that Mr. Kokinda began to rent the red Ram truck with an electrical connection inside (the last week of September 2019), he was parking in various business lots after he would go to the gym to access his computer and stopped going to the park entirely.

269. His new laptop had developed a short in the charging wire that he took as harbinger of the police fabricating a flakey case on him and that he shouldn't go to the park.

270. Because the other kids in the park were always trying to talk to him and be friendly, he had no concerns in asking P.M. and K.L. about the Forest Festival signs he had seen up. The police had broken down his reluctance by coordinating with people to talk nicely to him.

271. Some college women whom he had before met at the park had given him their phone numbers and were trying to hustle him out of his money, asking him to pay them to do TikTok videos for him to get views.

272. And he wasn't interested and believes in retrospect that they may have been working with police and trying to entrap him in a sting of some sort as well.

273. They had told him that 16 was the legal age of consent in WV and were trying to get him to date their 17-year-old friend.

274. When Mr. Kokinda expressed that he had a fiancé and that he wasn't interested and began to preach to them about the bible, they blocked him from calling. Mr. Kokinda also emphasized that he did not want to talk to any of their college friends unless they were over 18.

275. However, one of the women had told him to lay low and that the police may be investigating him after he told her about his observations following the strange events at the park on September 14th, 2019, and onward.

276. On that September 13, 2019, P.M. and K.L. had asked Mr. Kokinda to hold their cellphone for them to help them record videos of P.M. doing backflips and dancing. Mr. Kokinda was impressed and had never seen anyone do backflips in such a manner and politely agreed to check out her videos on TikTok.

277. Mr. Kokinda did not typically use social media and believed that police were tracking his cellphone, so he had made up the accounts right at that time.

278. Mr. Kokinda began to have religious faith that the Lord would bless him and that he had Liberty in Christ to speak with minors even though he may be stoned to death like St. Stephen if the police somehow got involved and tried to coerce them into retaliating against him like Ms. Vermont.

279. P.M. and K.L. had lied and said that they were 16 years old. Mr. Kokinda felt more comfortable talking to them under these circumstances. West Virginian adolescents tend to look much larger than girls the same age in Mr. Kokinda's region of Pennsylvania where the women are more petite.

280. The girl in photo taken by Ms. Bell looked to be of a stature similar to Mr. Kokinda's, not a tiny girl.

281. So, Mr. Kokinda wasn't sure to tell by looking at them. He did not expect that these girls would send him messages that day and act so friendly towards him. Mr. Kokinda explained that he had a fiancé and was not interested in them after they had said they were not 16 the following day.

282. They began to accuse him that he had tapped K.L. on her shoulder when he was looking at the dance videos on their cellphone. Mr. Kokinda then blocked them after strange artificial intelligence started to hijack the chats. He thought maybe they were trying to extort money out of him with threats of false accusations.

283. Mr. Kokinda told this college woman whom he was still conversing with that these girls were acting strangely and how people had begun using an accusatory tone, also how the police had tried to speak with him informally on the day after he met K.L. and P.M.

284. Then one day, Mr. Kokinda was charging his laptop after going to the gym and leaving when he began to think of his Venezuelan fiancé and thought about eating at Venezuelan restaurant, El Gran Sabor. So, he asked some adolescent girl there to take his photo for him to send her.

285. Then, all of a sudden, her mother came and a whole bunch of kids on bikes and some girl saying she was K.L.'s friend and accusing Mr. Kokinda of touching K.L.'s shoulder. And the mother said she wasn't allowed to take any photos, although it is common courtesy for tourists to take pictures.

286. The kids were gathering around and threatening to call the police with a cellphone in hand. And Mr. Kokinda said that it was legal for the girl to take a photo of him and even if he had touched K.L.'s shoulder.

287. He showed them that there was no one else around that he could reasonably ask and had failed to set up the cellphone to get a shot of himself in the environment with a timer. His fiancé was sending him topless photos a few days before.

288. Combined with the informal attempt of an admittedly off-duty law enforcement officer trying to speak with Mr. Kokinda about his proofreading work on his laptop on September 14th, it was clear that they were trying to fabricate a case against him.

289. Mr. Kokinda reasonably inferred that his cellphone was being monitored, as he had all along believed, and that the police were trying to coerce P.M. and K.L. into falsely accusing him of something as opportunity presented itself by his faith in God to let down his guard a bit.

290. It would not be any different than women he met at stores in Vermont or the setup with Ms. Vermont. Anything the police could sink their teeth into, they'd try to twist into some sort of defamatory accusation. Historically, men since ancient times were killed by jealous kings who wanted to steal their wives as recounted in the book of Genesis.

291. Alternatively, Mr. Kokinda reasoned that the police had merely heard rumors and were using the one kid, who had kept bothering Mr. Kokinda and was friends with P.M., to circulate rumors among parents that he was under investigation for sexual crimes.

292. As a corollary, when Mr. Kokinda arrived near the park on September 29, 2019, the kids were all chanting "molester" and screeching before P.M. crossed the street to talk to him and the police arrived.

293. Despite later allegations that Mr. Kokinda had touched P.M.'s butt on the swing, P.M.'s family sent her across the street alone with her 6-year-old cousin to meet him and talk to him.

294. The reasonable inference is that they knew Mr. Kokinda didn't do anything and were coerced by police to make false statements.

295. It can be reasonably inferred that the police decided to create a controlled sting situation with Ms. Bell present in an attempt to keep luring Mr. Kokinda to the park, or to stay in West Virginia for a genuine registry violation, or to message her something sexually explicit to arrest him.

296. The police waited just long enough so that they could say he was present in West Virginia for at least 30 days by transaction records.

297. A reasonable inference is that Mr. Kokinda wasn't arrested on September 28, 2019, because the WV defendants had to discuss and decide on a certain plan to meet § 2250(a) registry violation elements.

298. All these kids had gathered round to falsely accuse Mr. Kokinda at the park, the cop had tried to question him informally, and some other woman had asked him, "Do you know these girls," as he passed by them without a word to charge in his laptop.

299. Therefore, Mr. Kokinda was pretty certain the police were trying to stack up charges on him to hold him in legal limbo and wanted him to travel elsewhere to make an even stronger setup and complicate detainment with extradition laws.

300. Mr. Kokinda therefore studied the laws even more carefully and was certain that he had done nothing unlawful. He did not want to be in this situation, but he had to wait

for his Ford Contour to be repaired, however, before he could travel far from West Virginia and further south to warmer weather.

301. Mr. Kokinda had talked to this strange Mennonite woman at the laundry mat who was oddly talking about babysitting some girl as if trying to illicit some perverted interest in Mr. Kokinda. Then the worker told Mr. Kokinda he should get breakfast at the Lunchbox restaurant by the cinema.

302. When Mr. Kokinda went to the Lunchbox, he ordered steak & eggs, medium done, and noticed this older man at the table facing him on the other aisle ordering the exact same meal, medium done. Mr. Kokinda was led by the waitress to sit right in front of a camera that could see the screen of his cellphone.

303. When Mr. Kokinda would turn his cellphone to ensure that the camera did not record his passcode, the old man suspiciously said, "We're gonna have a problem if you keep pointing that at me," to which Mr. Kokinda responded that he was not recording the man and he must be crazy.

304. In retrospect, Mr. Kokinda believes he was also working with police, and they were trying to find a way to figure out his cellphone password.

305. Finally, Mr. Kokinda received his vehicle back and got the new tires aligned. However, the shop had sabotaged his sparkplug by cross threading it.

306. And when Mr. Kokinda had left the park on September 28, 2019, after being threatened by Ms. Bell acting crazy about him pushing P.M. on a swing, the sparkplug had popped out. Luckily, he had tools to quickly repair it.

307. Mr. Kokinda did not realize that the car shop had damaged his vehicle, however, and that this was a more serious issue until his sister's boyfriend began to drive the vehicle after he was in jail already.

308. But Mr. Kokinda was planning to leave the Five Rivers Campground in Tucker County on Monday, September 30, 2019, the day following his arrest. He had not reserved the campsite for any length of time and was merely waiting to leave once his car was repaired.

309. It was too cold at night for him to camp out there anymore, and there were no other tent campers.

310. Mr. Kokinda reasonably infers that the car shop was working in conspiracy with police to create a Segway to pull him over and/or keep him in West Virginia and strengthen evidence for a registry violation like the Vermont car shop that had sabotaged his brakes in Vermont as retaliation.

311. Mr. Kokinda decided to unblock K.L. and P.M. as a result of their supposed friend accusing him of tapping K.L. on the shoulder. Mr. Kokinda thought maybe they were upset with him that he had rejected them and were spreading rumors about him as childish girls may do.

312. Mr. Kokinda had tried to explain to them that he did not want to even be around them because they could make false allegations and that people would get jealous and try to infer something, and he had a gorgeous fiancé and did not want to get in trouble for such nonsense.

313. After unblocking them, they were both extremely friendly and were trying to get Mr. Kokinda to hang out with them at the park and meet their adult friends.

314. When Mr. Kokinda went to the park, on or about September 25th, K.L. was there and she had some older boys with her who claimed they were 22 years old. She touched Mr. Kokinda's shoulder and was treating him friendly.

315. P.M. came and asked Mr. Kokinda for money to buy her and her friends Italian Ice from Jamaica Jays. Mr. Kokinda gave her $20 and refused to let them come to his car to help him retrieve the money.

316. In retrospect, Mr. Kokinda believes they were trying to fabricate an attempted kidnapping charge.

317. After P.M. quickly left and said she was going to the movies, Mr. Kokinda overheard her adult guy friends saying that Mr. Kokinda was going to be arrested soon.

318. Then one of the guy's friends came and sat by Mr. Kokinda and left. The guy talking about him being arrested was present on the day Mr. Kokinda was arrested in Elkins.

319. When P.M. again invited Mr. Kokinda to come to the park on September 28, 2019, the adolescent boy, who Mr. Kokinda suspected was spreading rumors about him (because he'd been giving him dirty looks while talking to moms in the park,) was present and quickly took off after talking to P.M.

320. P.M. again asked Mr. Kokinda for money, and he agreed to give her money but believed that she was working with police.

321. He had noticed how there was a police vehicle nearby with its lights on at the previous get together at the park and all the other evidence of them building a phony case against him.

322. So, Mr. Kokinda knew that the police would not like him making contact with their confidential informant even if it was nothing remotely criminal.

323. Therefore, Mr. Kokinda said he would only give her the money after she let him push her on the swing and promised not to push her too high.

324. Then her face changed and she seemed very distraught because by reasonable inference it contradicted her no-contact jail-rules instructions.

325. Mr. Kokinda had noticed that P.M. and K.L. had transformed from acting warm and friendly to acting cold, guarded, and nervous.

326. P.M. was previously sending videos asking Mr. Kokinda to push her on the swing when he had met her, but he refused and tried to distance himself and left the park.

327. Finally, P.M. agreed to the swing push and said that Mr. Kokinda should only push her five times, however. Mr. Kokinda thought she was joking about this specific limit.

328. About 10 minutes prior to this, P.M. had introduced Mr. Kokinda to her cousin, Kim Butcher, whom she said was merely her babysitter and not her cousin, before asking for the money.

329. P.M. first had said that she wanted Mr. Kokinda to push Kimberly Butcher, instead, whom she said was 22 or about that age.

330. Mr. Kokinda refused because he believed she was working with police quite firmly from overhearing her friend the other day.
331. Mr. Kokinda used this as a Lithmus test to determine the involvement of police trying to fabricate something against him and bring it to a conclusion.
332. And when Ms. Bell started acting dramatically and said, "Do you know these girls," and threatened to call the police merely because he pushed her on the swing, he knew 100% that it was a setup and conspiracy similar to the Ms. Vermont sting.
333. The other woman in the park had previously used the same phrase and asked if he was investigating her, saying "Do you know these girls," for no apparent reason since he was merely walking past them without a word.
334. By principle, Mr. Kokinda does not talk to irrational people who make such crazy accusations and had a premonition of the demon Kali (Hindu goddess with six arms, symbolic of a conspiracy of three people) behind it.
335. P.M. and Kim Butcher were suddenly acting like they didn't know Mr. Kokinda, which created additional concerns, although they said nothing to him before or after P.M jumped off the swing.
336. Mr. Kokinda heard Kim Butcher say, "Go ahead, call the police," as he was walking away and distant.
337. Mr. Kokinda just walked away and was not really concerned about being falsely accused or falsely arrested by police because he believed that if P.M. was working with police that she may confess it and somehow that this all would provide evidence of the Vermont citation also being malicious and support his lawsuits.
338. In any regards, he had faith in the Lord that he would be blessed even if he were a martyr like St. Stephen. He also believes that he is predestined according to the Bible and cannot make any wrong choices when his heart was right with the Lord.
339. Mr. Kokinda thought P.M. must be joking when she said only five swing pushes, and he pushed her six times before she jumped off the swing.
340. Mr. Kokinda had gently pushed P.M. by her shoulder blades and never went anywhere near her bottom or any other part at any time ever.
341. P.M. was lean and did not have much of a posterior at all. She would have been hanging by her knees painfully if she had been in some awkward position with her butt hanging off the swing seat.
342. P.M. had sent a photo of her sitting on a swing the next day when she was trying to lure Mr. Kokinda back to the park, and it was apparent that she would not be able to hang her butt off the swing even if she wanted to do it.
343. On the day Mr. Kokinda had first met her, she was trying to send him videos asking him to push her on the swing, but he had distanced himself and went to eat at the El Gran Sabor, instead.
344. The police allowed or directed her to scrub her cellphone of any evidence that may be used to show her working with police, attempted inducements, and that may undermine the allegations.

345. The Granville Police Dep't. forensic experts and prosecutors never provided the Discovery of the cellphone, nor did they give notice or allow a defense expert to supervise extractions or interview in any manner.

346. Mr. Kokinda then desired to prove in his motion to dismiss that it would be impossible for Mr. Kokinda to make any contact with P.M.'s butt while pushing her on a swing.

347. The reasonable inference is that he was prevented from timely challenging the evidence because it was a pretextual retaliation.

348. It is alleged that no one would reasonably obtain the gravamen of "sexual gratification" from fleeting contact with a clothed bottom during athletic exertion, in any regard, thereby creating more reasonable inferences that the arrest was a pretextual retaliation for Pennsylvania lawsuits like the Vermont setup.

Material Facts Alleged at Trial

349. At the October 14-16, 2021, petit jury trial, the prosecutor merely presented evidence of vague bank and credit card statements to prove that Mr. Kokinda was regularly commuting to or passing through Elkins, WV.

350. Mr. Kokinda himself had admitted that he commuted to the gyms in Elkins, WV, from rural areas and campgrounds he was staying at much further away.

351. Mr. Kokinda recalled staying at the Goony Creek Campground near Front Royal, Virginia, and at Huckabee's Campground in Accident, Maryland, during the period in the indictment.

352. In Mr. Kokinda's first *pro se* Motion to Dismiss, he had attached exhibits proving that there were significant holes in the financial statements and certain transactions proving that he was in Charleston, Erie, and Virginia during the period of the indictment.

353. Furthermore, Mr. Kokinda demonstrated that he was now relying primarily on cash and was spending money at other places, making the records unreliable for proving his whereabouts through the day.

354. The bank records also failed to prove the times of any transactions and commonly left gaps of two or three days between possible purchases.

355. In addition, the records did not specify if Mr. Kokinda was buying groceries or merely gas at Kroger's supermarket in Elkins and passing through.

356. The only other evidence presented by the Govt. was spotty eyewitness testimony of a campground owner in Yokum's, Pendleton County, WV, who said he saw Mr. Kokinda's Ford Contour and New Jersey license plates at the campground on a few occasions during the two-week period of reservation.

357. The reservation was an expendable $56 per week fee and creates reasonable inference that he could have changed his mind without any hurt on his wallet and stayed anywhere at any time, also considering that gas to travel anywhere from that Seneca Rocks rural area and back could exceed the costs of a much nicer accommodation elsewhere.

358. Mr. Kokinda was making about $5,000 a month to spend and was not hard up for cash. Instead, he was planning to even have his vehicle painted for thousands of dollars the following month in Virginia.

359. Mr. Kokinda notably was driving other rental vehicles during the second week of the campground reservation that the Yokum's owner never mentioned.

360. The owners of the Five River Campgrounds in Tucker County claimed that they saw Mr. Kokinda on occasion and that he only paid for a few days at a time. They believed he was camping there for the last week before his arrest in Elkins and had his tent, sleeping bag, etc. still there.

361. Mr. Kokinda later learned from an inmate on his block who knew the owner, John, that he was a meth addict.

362. The owner had admitted that the weather was changing and few campers remained, reasonably inferring that Mr. Kokinda would not have been able to continue camping out in WV much longer.

363. Mr. Kokinda admitted that the witnesses likely saw him when they saw him, but he could not remember specifically everywhere he was staying during the five-week period in the indictment.

364. Mr. Kokinda noted that he never stayed in any WV county for more than fifteen continuous days to avoid any allegation that he was residing there and had a duty to register. The record of transactions supports this testimony.

365. Mr. Kokinda's bank records proved that his travels were truly mercurial and far more transitory than even a long-haul trucker. Some bank record entries proved that he'd be in Charleston, WV, and New York, NY, on the same day. He was traveling throughout the northeastern U.S. randomly since his release from jail in Vermont, six months earlier.

366. Mr. Kokinda admitted that he had visited the libraries in Elkins, WV, and in Tucker County, WV, as he had stopped in numerous libraries throughout his travels since his return to the U.S. It is asserted that these facts had no bearing on the question of establishing a residence.

367. Mr. Kokinda testified at sentencing hearing on October 13, 2022, that he had made visiting different campgrounds part of his career by doing reviews on campgrounds for an RV rental company online.

368. Therefore, there is a reasonable inference that he had incentive to travel and experience different places, and his travels were more mercurial than presumed.

369. Richard Walker had refused to acknowledge that *Nichols v. United States*, *supra*, had narrowed the reach of SORNA to exclude his alleged conduct in a watershed ruling.

370. Instead, Walker allowed the Govt. to use prolix regulatory guidelines that were heavily edited and distorted to reduce the Govt.'s burden of proof to merely demonstrating that Mr. Kokinda was at least partially present in WV because he regularly shopped at Elkins stores, even for a few hours or less, during five-week period.

371. Richard Walker also allowed the jury to decide the law and what they believed the proper interpretation of "habitually lives" sub-element to be because the material evidence wasn't really in dispute, aside from Ms. Bell's testimony.

372. Ms. Bell had sworn that she had seen Mr. Kokinda at the Elkins city park throughout September of 2019, for an hour or two, about three times a week.

373. Mr. Kokinda disputed this and alleged that he had not begun visiting the park until about the time he had first stayed at Yokum's, and he had previously visited the library to charge his laptop (where he could see the El Gran Sabor out the window and think of his fiancé) until it got too loud there.

374. Then Mr. Kokinda testified that he had stopped going to the park when people began to act hostile towards him and police were informally attempting to speak with him about his laptop work.

375. The Elkins police allowed P.M., Ms. Bell, and Kimberly Butcher to retain their cellphones and limit the amount of contextual exculpatory evidence available to Mr. Kokinda for his defense.

376. By allowing P.M. to delete her messages or conspiring with her to edit the chats, the Govt. was allowed to fill the gaps with inculpatory statements and inferences of what occurred without proof. It is alleged that this was a due process evidence violation.

377. In fact, the Govt. had admittedly directed the Granville Police Dep't., Craig Korkrean, to extract forensic data from numerous devices without notice to the defense to intervene or supervise the extractions with their own expert.

378. As a result, the Govt. was allowed to destroy the Alcatel cellphone and the exculpatory evidence on there of Mr. Kokinda's mercurial travels, research of registry laws, and statements about police shadowing him and stalking him as retaliation for his lawsuits.

379. The Govt. also directed Craig Korkrean to effectively destroy any data on the iPhone 6s by requesting him to use a password cracker. Mr. Kokinda was never provided notice, and as a result, the entire cellphone was wiped clean and reset to factory default. The Govt. is still trying to crack it in vain.

380. The cellphone contained location data of Mr. Kokinda's mercurial travels and other exculpatory evidence of how he had blocked P.M. and was not interested in her in any criminal manner, and also how she was the one aggressively soliciting him to meet her at the park with her adult friends and trying to sell herself as a social opportunity to meet friendly adults she knew.

381. Furthermore, the cellphones of Ms. Bell and Kim Butcher would likely have evidence of them working with police and communicating plans.

382. Mr. Kokinda learned from inmates in jail that Kim Butcher was likely the niece of Elkins city police officer Billy Butcher. This raises suspicions of whether P.M. and K.L. were working with police all along and trying to build a case by profiling and inducement. Remember the ***Jacobson*** case of the work feds put into entrapping people.

383. When Mr. Kokinda had sent the Govt. a Discovery Request for the cellphones to conduct forensic evidence, it is reasonably inferred that the prosecutor corruptly influenced Judge Kleeh to revoke Mr. Kokinda's *pro se* status for supposed duplicative filings to evade the request.

384. There is also a reasonable inference that the court was corruptly influenced to retaliate against Mr. Kokinda by the subtle *sua sponte* striking of Mr. Kokinda's

Memorandum of Law filed in Support of his first *pro se* Motion to Suppress filed at the arraignment.

385. Mr. Kokinda later provided the memorandum and alleged that the court had corruptly denied his suppression motion for failure to develop argument in a brief.

386. Then he proved that the court had struck the memorandum off the docket by notation therein, thereby creating a Catch-22 rationale to deny his meritorious "fruit of the poisonous tree" claims entirely, claims alleging a patent lack of probable cause in the Elkins state charges and grave misconduct.

387. The Govt. admitted at trial that they had no evidence of Mr. Kokinda staying even one night in Elkins or anywhere in Randolph County.

388. Therefore, the entirety of the evidence against Mr. Kokinda was vague bank transactions (possibly of stops to get gas and cashback), a few spotty eyewitnesses of campground owners, an expendable $56/week campground pass to Yokum's, and some other spotty eyewitness of Mr. Kokinda visiting libraries, parks, and gyms in the unique Elkins commerce hub he traveled through.

389. And this all occurred, without dispute by the Govt., while he was awaiting completion of emergency repairs on his vehicle and renting cars that noted very high mileage and inferred extensive traveling.

390. Evidence of a win-at-all-costs retaliatory agenda also manifested by the corrupt jury pool that was an eclectic mix of government officials, their friends, and their family.

391. Very few ordinary citizens were on the jury trial, making it difficult to find an unbiased panel even if jury instructions were corrected.

392. The way that the court and trial counsel had truncated Mr. Kokinda's testimony further evidenced that Judge Kleeh and his cohorts were pulling out every trick in the book in an attempt to stick the charge on him.

<u>Additional Material Facts Regarding Fabrication of Cellphone Evidence</u>

393. Mr. Kokinda was released on a personal recognizance bond on or about December 18, 2020, after psych evaluation proved that he had no mental illness.

394. Similarly, the prosecution in Vermont was dismissed on July 29, 2019, after the state psychiatrist, Dr. Cotton, had concluded that Mr. Kokinda had no mental illness.

395. Dr. Cotton had ridiculously stated that Mr. Kokinda may suffer from Sexual Sadism Disorder if the Vermont allegations proved true.

396. Similarly, the Randolph County Circuit Court did not dismiss the state failure to register charged filed by Cprl. Miller S.P. until after an evaluation by their state-appointed psychiatrist Dr. Fremouw concluded that Mr. Kokinda did not suffer from mental illness.

397. The content of Mr. Kokinda's jasonkokinda.com website may lead an uninitiated individual to believe out of ignorance that he, nonetheless, suffers from some sort of grandiose religious delusions of being a biblical prophet and martyr if they have preconceived stereotypes.

398. The district court and probation officer, Ben Ahmed, were particularly interested in Mr. Kokinda's website and harshly prohibited him from accessing his online website even though it fit well within his work and legal work as a presentation regarding his side of the case to counter the defamatory press of the Govt.

399. As a result of this website, Mr. Kokinda reasonably believes that the defendants decided to go through with the retaliatory prosecution by padding up the charges with a fabricated child pornography charge as an excuse to deprive Mr. Kokinda of his right of self-representation when the psych evaluation excuse failed.

400. Defendant's, Gary Weaver, January 28, 2021, Complaint intentionally or recklessly omitted the facts that the data was planted, that the forensic data lacked file structure and metadata, and that there was no timestamping or dates to authenticate when images were actually accessible on the cellphone if ever.

401. The affidavit failed to demonstrate how the "possession" gravamen was met as required by the well-defined contours of the law requiring "knowing access and control of the contraband images," not just possession of the inaccessible cellphone chip that may contain hidden data of them.

402. The affidavit instead applied the statute to evidence that Mr. Kokinda may have possessed an inoperable and data-corrupted cellphone that was possibly exposed to contraband images by some unknown act at some uncertain time and circumstances, likely in another country, before he obtained it or by police planting it.

403. The grand jury was similarly misled to indict Mr. Kokinda only because they were not given accurate instruction on what constitutes "possession" under the law.

404. It is alleged that a neutral and detached magistrate would not have found probable cause under the totality of the circumstances *if* the affidavit was properly written to accurately reflect the forensic evidence it was based upon and the contours of the offense were properly considered.

405. The allegation was that there were thirty images on the cellphone although only a few were described at the detention hearing. Of these images, it was said that there was actually only a few (perhaps three) and that the rest were merely duplicative.

406. On or about February of 2023, in FCI-Otisville's law library *Criminal Legal New*s newspaper, Mr. Kokinda found articles describing how people who traffic in child pornography will change a single pixel to duplicate images and change hash values to evade software detection systems.

407. Mr. Kokinda reasonably believes that Brandon Flower directed Chief Craig Korkrean of the Granville Police Dep't. to fabricate and plant forensic evidence on the chip and to corrupt the data by intentionally holding the chip over heat for certain period of time to cover up timestamping that image data was planted.

408. At the motion to dismiss hearing, the Govt.'s forensic expert, Chief Craig Korkrean, admitted that he had extracted data from thousands of chips using the chip-off method that requires destroying the cellphone to remove the chip.

409. Craig Korkrean admitted that heat corrupts the data on the chips and causes the file system and metadata information to disappear.

410. It is reasonably believed that Craig Korkrean had attempted to plant data and alter data on the Alcatel cellphone before planting data on the Samsung chip.

411. No one would collect such duplicated files or post/access them on a website or compressed file, and Mr. Kokinda plainly lacked the tools or collection to duplicate them.

412. An expert knowledgeable of current practices, such as Craig Korkrean, however, could easily fabricate them to match one with national database hash values and expand the warrant scope unlawfully.

413. Mr. Kokinda swears that the Alcatel cellphone was fully operational before it was seized by Elkins police and that the expert is lying that he was unable to turn the cellphone on and had to use the chip-off method on it.

414. Mr. Kokinda had even provided his password to the Alcatel cellphone through Hilary Godwin, soon after his January 2020 arraignment, to expedite his acquittal and prove that he was not involved in anything illegal and had committed no registry violation.

415. Mr. Kokinda's due process rights were, nevertheless, violated when the Govt. failed to preserve crucial forensic evidence and allowed their expert Craig Korkrean to alter the devices using the risky procedure without supervision by the defense's expert or notice of an opportunity to object to the method.

416. Mr. Kokinda swears that the Samsung cellphone was reparable and merely required the right type of battery.

417. The Samsung cellphone died and had stopped functioning shortly after he had returned to the United States on bogus Vermont warrant.

418. Mr. Kokinda had attempted to purchase a battery that fit the model immediately after his release from jail in Vermont and after being flown back from Israel. However, the cellphone would not operate with the U.S. batteries that were slightly different.

419. Mr. Kokinda had testified that the cellphone was his Peruvian cousin's and that it was originally sold new to someone in Peru and that he had used the cellphone in Peru but also other cellphones because the Samsung battery was weak and died after brief use.

420. The forensics of the SD card revealed that there was certainly a previous owner in Peru and that Mr. Kokinda was not the original owner. Peru is infamously known as a sex tourism capital because of the legal prostitution and cocaine trafficking.

421. Mr. Kokinda was in Peru because he had family there and because his mother owned a house there. And he situationally needed to stay at one place without cost to wait for his credit cards to be replaced after losing them in Israel.

422. Mr. Kokinda reasonably believes, however, that the corrupted data of the images was more likely than not planted on the chip because the scope of the search warrant was not to find such images.

423. Therefore, for thirty images to be on the cellphone and trigger a hash value match in the national database, it would seem highly unlikely in a situation where the images were intentionally altered with novel hash values to avoid detection by such databases.

424. Furthermore, it appears bizarre and too convenient that a .pdf file, supposedly found on the chip, would have an internal date that places a list of keywords for an illicit

website within the timeframe Mr. Kokinda used the cellphone and produced a timestamped, non-sexual video of himself.

425. The .pdf file looks like an unreliable substitute for evidence that Mr. Kokinda possessed and used the cellphone when the images were exposed to the cellphone in hopes of confusing the petit and grand juries.

426. And the .pdf replaces *authentic* evidence of keyword searches that would have a verifiable timestamp with a list of keywords that have no verifiable dates or search query action behind them.

427. The reasonable inference is that it's simply too Hollywoodesque that the Govt. would have such luck in finding images on an unconstitutional search and seizure by matching hash values from a few images that were altered using a method to evade detection by such databases, images that were outside the scope of the original warrant.

428. Furthermore, it seems too convenient that this .pdf file would exist of uncertain origins and authenticity to place Mr. Kokinda's usage of the cellphone in the timeframe of when images may have been exposed to it.

429. Adding to the implausibility, the charges were not filed until Mr. Kokinda had passed the psych evaluation and only the threat of more serious charges and the need for expert witnesses would force Mr. Kokinda to accept representation despite his competence to represent himself.

430. Even more concerning, the images were then used to enhance the penalty on the retaliatory SORNA prosecution to triple the sentence and justify a lifetime of supervision retaliations after the supposed witnesses of the Elkins park charges failed to cooperate and the case looked flimsy.

431. And finally, none of Mr. Kokinda's original laptop devices that worked and were not corrupted by the Granville Police Department had even a shred of evidence that he had any sexual interests or criminal proclivities.

432. More troubling, Mr. Kokinda's original sting charges from 2007 were a saint of circumstance situation when he suffered severe mental illness and hardly proved any genuine interest in pornography of any sort.

433. And experts have said that people generally start to collect child pornography only because they have become acclimated to ordinary pornography and are simply looking for something different.

434. The other problem was that the Govt. did not have any evidence, despite all its fabrication and manipulation, that Mr. Kokinda had accessed or intended to import such images into the United States.

435. It is asserted that the federal law prohibiting possession of such child pornography does not apply to foreign jurisdictions, such as Peru, unless there is evidence of the person's intent to import those images into the United States.

436. There is no evidence that Mr. Kokinda's Samsung cellphone was operational beyond a few days after release from jail in Vermont.

437. And he had no intent to return to the United States whatsoever but was instead involuntarily forced to return against his will.

438. It is alleged that no one would reasonably know of such residual data being stored on their cellphones, and no one except police would have the forensic tools to access it, assuming *arguendo* it wasn't planted by them.

Retaliatory Origins of the West Virginia Charges Uniquely Known to Mr. Kokinda

439. Mr. Kokinda reasonably infers that Brandon Flower, Sarah Wagner, and their cohort defendants in the West Virginia state and federal courts had a total disregard for the rule of law in filing a dozen charges against Mr. Kokinda because it was a retaliatory prosecution, a parallel construction.

440. It is alleged that as a result of the retaliatory prosecutions, Mr. Kokinda was obstructed from appealing decisions by the U.S. Court of Appeals for the Third Circuit or moving for rehearing despite promptly updating his address.

441. Mr. Kokinda was instead timebarred by trickery in deciding the appeals and failing to provide notice, the same trick used to timebar Mr. Kokinda's PCRA appeal from further review in Pennsylvania.

442. The lawsuits pending in the Third Circuit appellate court were for millions of dollars and were well presented by Mr. Kokinda who is a professional writer, certified paralegal, and accomplished litigant who has freed numerous prisoners of serious charges.

443. The Penn. soy lawsuit was a dead lawsuit wherein the defendants admitted lying to Mr. Kokinda that there was no soy in the prison diet, and Mr. Kokinda subsequently proved that he had a verified IgE soy allergy, the most serious type, after release from prison.

444. The corrupt circuit panel entered their opinion on a symbolic date, October 31, 2019, the satanic holiday preceding Mr. Kokinda's prophesied release on All Saint's Day in 2015.

445. There is evidence that federal court officials and attorneys like to send retaliatory messages with particular numbers, dates, and such that may trigger pattern recognition in the defendants and have a profound meaning.

446. The Aunt of Matthew Perna spoke out regarding how the D.C. U.S. district court maliciously scheduled hearings on the anniversary of the day the defendant's mother died, inter alia, and filed trumped up charges to induce his suicide.

447. Mr. Kokinda made similar claims about the courts using various personalized dates for psychological intimidation in his U.S. Supreme Court cert. petition for review of the Corbett sting prosecution.

448. Mr. Kokinda's recent 4th Circuit habeas appeal, likewise, was filed under case no. "6697," the mirror image of the last four digits of the number he called his sister on at prison.

449. It seems to be more than a coincidence that the Vermont case was dismissed on July 29th, 2019, and the subsequent arrests of Mr. Kokinda were on September 29th, 2019, and January 29, 2021. This is repetition of the number *29* creating an esoteric and symbolic link to the conspiracy and continuation of the Vermont case.

450. A lot of government officials are freemasons, and freemasons habitually try to align objects with celestial constellations and incorporate numerology into things for satanic power. It sends a creepy stalking message of an all-seeing eye watching them.

451. After Mr. Kokinda accidentally received Discovery of the Vermont SOR notes explicitly asking for officials to file retaliatory prosecutions against him, the district court and Penn. OAG decided to allow him a potential settlement in his remaining 2:17-CV-217, *Kokinda v. Penn. Dep't. of Corr., et al.*, lawsuit pending in the Pittsburgh U.S. District Court.

452. Mr. Kokinda had filed for the recusal of Chief Judge Mark Hornak and Chief Magistrate Cynthia Reed Eddy, providing the Vermont SOR exhibit as compelling evidence to allege that the judges were behind the retaliatory WV and Vermont prosecutions after similarly misconstruing and evading his lawsuit claims to obstruct justice.

453. Mr. Kokinda is unable to draw any other reasonable inferences of why their direct subordinates, the Pittsburgh U.S. Marshals, were asking Vermont to file false charges against him for causing problems with the courts and judges other than his belief that judges Hornak and Eddy had conspired and directed them to do it.

454. These judges had obstructed Mr. Kokinda at every level in his meritorious lawsuits and would systematically evade or misconstrue claims, a form of "fraud on the court," to subvert legal proceedings.

455. Mr. Kokinda reasonably infers that (former Penn. Attorney General and Governor) Tom Corbett still has contacts in the Pittsburgh district court where he formerly worked as a U.S. Attorney and was able to obtain some favors to incentivize "fraud on the court" tactics to subvert legal proceedings and obstruct Mr. Kokinda's strong lawsuits by promoting the judges to chief judge positions.

456. Mr. Kokinda infers this conclusion because Tom Corbett should be reasonably afraid of Mr. Kokinda obtaining money and exposing the injustice in the 2007 sting cases.

457. And if he were to obtain relief, Corbett could be held liable for millions of dollars in damages at the going rate for wrongful imprisonment damages.

458. It is alleged that this creates a reasonable inference of motive. And Corbett certainly had opportunity because of his political clout and deep-state contacts.

459. Furthermore, Mr. Kokinda reasonably believes that Corbett is involved in crony capitalism and has a lot to hide because he helped pass $28 billion dollars in tax breaks for the fracking industry after they sponsored his gubernatorial election.

460. Mr. Kokinda sees a lot of parallels to the large case in Ohio where a failing nuclear energy company (First Energy) had bribed and sponsored numerous officials, including Larry Householder, who as a contingency were required to change the laws to create profits for the nuclear energy plant. *See* https://grist.org/politics/how-a-60-million-bribery-scandal-helped-ohio-pass-the-worst-energy-policy-in-the-country/

461. Shortly before his December 18, 2020, release, Mr. Kokinda had predicted that Judge Kleeh would, likewise, be promoted to *chief judge* as compensation for helping Pennsylvania retaliate against him for his grievous lawsuits in court filings.

462. It is unusual that former chief judge Gina M. Groh would step down from the position when she had not even attained the age of seniority and that she'd simply hand it over to Judge Kleeh.

463. The benefit of being chief judge is that the chief judge has the power to hire court staff such as court reporters.

464. Mr. Kokinda noticed that many of his transcripts were materially altered which reasonably infers that the court reporters and clerks were pressured and corrupted by Judge Kleeh.

465. Particularly, the grand jury transcripts of the third indictment were altered by omission to cover up the fact that the grand jury was misled to believe that simply staying three days at a hotel or campground triggered a duty to register under federal law.

466. Judge Kleeh was appointed to chief judge on March 22, 2022, shortly after Mr. Kokinda's motions for acquittal were filed, verbose arguments that left plenty of wiggle room for Kleeh to continue evading and misconstruing the claims without losing sleep over the perceived corruption and facial incredulity of his rulings.

467. Mr. Kokinda reasonably believes that the retaliatory prosecutions in West Virginia were a natural progression of targeted govt. conduct against Mr. Kokinda as exposed by the Vermont SOR notes and his previous civil rights lawsuits.

468. He is unable to conceive any other explanation for why so many charges would be filed without probable cause and endow his adversaries, who carried out similar acts prior, with such luck in obstructing his major lawsuits.

469. All of Mr. Kokinda's previous civil rights lawsuits were denied and obstructed from development upon the premise that he is mentally ill and delusional without addressing the merits.

470. Mr. Kokinda, however, passed three psych evaluations from 2019 to 2020 and one even recently that have determined he has no mental illness.

471. Mr. Kokinda reasonably believes, like most of America, that the entire political system is being corrupted by big energy and dark money.

472. The politicians are put into office by these corporations and expected to carry out certain benefits to their sponsors, crony capitalism.

473. This may include removing regulations or even covering up the corruption of a prior candidate who did the corporation donors favors.

474. The Democratic and Republic candidates are then connected to a network of other officials sponsored by big energy and a network of conservative billionaires who help them carry out key objectives.

475. For this reason, Mr. Kokinda reasonably inferred that Koch Industries and/or the Koch family were pressuring Corbett to retaliate against Mr. Kokinda to cover up wrongdoing and image problems associated with their key player in effectuating Act 13 in Pennsylvania.

476. He had thus named the Kochs in his various lawsuits.

477. The evidence is compelling that the Kochs are corrupting the Govt. A July 5th, 2023, report on MSNBC disclosed that the Kochs were discreetly sponsoring all the recent watershed decisions that had come before the U.S. Supreme Court in hypothetical

situations (legal fictions) that overturned decades of precedents contrary to popular opinion of what the law should be.

478. It is also condemning that the recent conservative justices who helped decide these cases and sway the majority were appointed by Donald Trump, who was the figurehead installed for name recognition in Mike Pence's presidential bid.

479. Mike Pence is a notorious member of the Koch's Friends Network and had obvious access and influence over Trump, who may now be a target of dozens of novel prosecutions, like Mr. Kokinda, because he did not do what he was instructed and thought he was the kingpin.

480. Or he was simply used as a patsy and fall guy who did exactly what he was told like Kathleen Kane after she helped cover up and vindicate inferences of wrongdoing in the Penn State/Jerry Sandusky scandal and attacked the Pennsylvania Supreme Court in a pornography scandal to obtain corrupt leverage.

481. It is asserted that the Koch family's Koch Industries, Inc. is a nationwide corporation and a but-for proximate cause liable for evidence of their dark money network creating a corrupting influence on government, like First Energy, and inducing Tom Corbett to misuse his position to effectuate these retaliations for their mutual whitewashed Act-13 image benefit.

482. It is further asserted that Koch Industries and its cohort titan corporations and billionaire elitists have hijacked the government to make everything the 99.9% do an *arguable* crime as a scapegoat to maintain power and distract the public away from their oligarchies and crony capitalism agendas shaping the laws and world order contrary to and adversarial to the interests of the common man.

<u>Official Liability</u>

483. It is alleged that the out-of-state defendants were *active* conspirators who were reasonably aware that the retaliatory civil rights violations would be carried out against Mr. Kokinda in West Virginia, thereby making them liable.

484. Mr. Kokinda reasonably infers that Vermont officials, Wendy Perreault and DUSM Michael Barron were evidently involved in the retaliatory investigations and planning the malicious prosecutions with the objective of helping Pennsylvania defendants file the <u>§ 2250(a)</u> charge against Mr. Kokinda where opportunity presented itself.

485. It is alleged that Wendy Perreault had willingly used legal fictions (misinterpretations of VT registry laws) to fabricate official records that may justify funding and extended cooperation with DUSM Michael Barron in obtaining general warrants to track, profile, and frame Mr. Kokinda with retaliatory prosecutions.

486. It is alleged that DUSM Michael Barron was in contact and conspiracy with Senior Agent John Hare in West Virginia prior to any charges being filed against Mr. Kokinda there as inferred by the totality of available evidence and pleadings herein that

this was a pretextual retaliation emanating from instructions to Wendy Perreault from Pennsylvania U.S. Marshals Andy Balint, Nikki (Doe), and Henry (Doe), etc.

487. It is further alleged that the actions of Wendy Perreault and Michael Barron are a but-for proximate cause of injuries accrued in West Virginia because Mr. Kokinda would never have traveled interstate or returned back to the U.S. absent their malicious investigations and coordinated operations with other jurisdictions and Vermont police.

488. John Hare was admittedly in contact with DUSM Michael Barron and was involved in planning how the SORNA charge would be presented by first drafting an indictment in Vermont based on predicate state law standards and then West Virginia using a *per se* 3-day rule after the evidence failed to support original draft of indictment.

489. It is alleged that the state charges lacked probable cause and that Mr. Kokinda was being eased into various situations that became the predicate for charges supported by friends and family of local Govt. officials.

490. It is further alleged that there is no presumption of regularity under the law in such cases and instead highly valuable circumstantial evidence of external pressure on the prosecutors and retaliatory causation.

491. Mr. Kokinda does not reasonably believe that the police officers would risk liability unless prosecutors had assured them they would be indemnified as Pennsylvania is attempting to settle lawsuits on behalf of the Penn. DOC in pending lawsuits to indemnify the officials themselves.

492. It is further alleged that the state officers were instructed to unethically and unlawfully file charges against Mr. Kokinda by the prosecutor co-conspirators (Lekta Poling, Jane Doe assistant, Michael Parker) who were in turn authorized by the judges during investigative stages as handed down by Agent Hare on behalf of co-conspirators, Ptlm. Boatwright, Judge Kleeh, Michael Aloi, Brandon Flower, Sarah Wagner, Bill Powell, and Stephen Warner.

493. It is alleged that the totality of evidence creates a reasonable inference that all of the officials involved in the state and federal prosecutions had come into agreement to cooperate before any arrest was made in Elkins to ensure that no weak link in the chain may let Mr. Kokinda escape the plan.

494. It is alleged that Elkins City police officer, Ptlm. Boatwright has federal certifications and that he was a key conduit in coordinating cooperation between the state and federal agents among his workforce.

495. It is alleged that Jan E. DuBois is an *active* conspirator because of the pending 2:17-CV-217 lawsuit against him and fear that Mr. Kokinda may obtain justice under Rule 60(b) "fraud on the court" and that he may be held liable in some manner for the coordinated theft of the case-file in Pennsylvania.

496. It is alleged that William R. Stoycos was heavily involved in protecting his colleagues and OAG overseer, Tom Corbett, in PCRA and habeas proceedings and that Stoycos himself may be liable under Mr. Kokinda's lawsuits if vindicated in the 2007 Pennsylvania sting cases.

497. It is alleged that Josh Shapiro is liable under supervisory liability because the Pennsylvania OAG operates under a "win at all costs policy" as disclosed by disgraced

AG Kathleen Kane on live television and that this was a but-for proximate cause of why these retaliations were being sanctioned against Mr. Kokinda no-holds-barred style.

498. It is alleged that there is no other reasonable explanation for why the Pittsburgh U.S. Marshals were instructing Wendy Perreault to coordinate retaliatory prosecutions against Mr. Kokinda other than being directed by Mark R. Hornak and Cynthia Reed Eddy in their personal capacities.

499. It is alleged that the conduct of Jan E. DuBois, Mark R. Hornak, and Cynthia Reed Eddy in coordinating conspiratory retaliatory prosecutions of Mr. Kokinda and theft of case-file in other jurisdictions are not judicial acts for which judicial or sovereign immunity applies.

500. It is alleged that the most reasonable explanation for the retaliatory prosecutions (lacking probable cause) filed in West Virginia is that Pennsylvania officials had long sought a § 2250(a) charge against Mr. Kokinda and were able to fabricate the idealized situation to charge him in West Virginia, and that the state charges were filed merely as fodder to enhance the penalty at sentencing and detain him excessively.

501. It is further alleged that Mr. Kokinda's perceived disability from misleading Pennsylvania records was used in violation of Title II of the ADA as a but-for proximate cause to induce the other official and civilian defendants (Tammy Summerfield, P.M., K.L., Kim Butcher, Christopher Mahoney, Roseanne Bell, David Parker) to retaliate against him by making him look like an easy target, public danger, and schizophrenic in need of help, civil commitment.

502. The fact that various prosecutions were aborted after Mr. Kokinda passed psych evaluations creates a reasonable inference that the status of Mr. Kokinda's mental health was a but-for proximate cause in the conspiracy cooperation and that this factored heavily into cooperation.

503. It is alleged that the retaliatory prosecutions violated Mr. Kokinda First, Fourth, Fifth, and Fourteenth Amendment Rights by the officials misusing their positions to deter a person of ordinary firmness from filing further lawsuits by the consequence of oppressive detainment.

504. Mr. Kokinda was also defamed by press releases that relied upon unparticularized allegations and obscurantism to make him appear dangerous and as if he were involved in nefarious sex trafficking of children and whatever the reader could imagine.

505. It is further alleged that Ptlm. K.A.Shiflett Elkins City police officer had told P.M.'s father that Mr. Kokinda had sexually assaulted a ten-year-old in a foreign nation to coerce and obtain cooperation from Tammy Summerfield, Kimberly Butcher, P.M., K.L., and Christopher Mahoney in filing false allegations. It has also become common practice to pay such confidential informants to overcome their reluctance.

506. This is by reasonable inference that Shiflett claims he arrived on the scene on September 28, 2019, whereafter P.M. and her family admittedly began to cooperate with police.

507. However, if Discovery reveals that Billy Butcher is blood relative of Kim Butcher, a more likely inference may be that Billy Butcher instructed Kim, P.M., and

family to engage in vigilante type sting operations to target Mr. Kokinda on behalf of his co-conspirators for secret payments/favors.

508. It is further alleged that Brandon Flower is liable for instructing the Granville Police Dep't., Chief Craig Korkrean, to fabricate cellphone evidence and mishandle forensic evidence with no notice to the defense, in violation of constitutional evidence preservation rules guaranteed by due process rights.

509. Craig Korkrean did not testify that it is standard procedure to destroy evidence and carry out chip-off extractions without notice to the defense. If he testifies to this fact, this would create evidence of an unconstitutional custom behind the due process violations, making the Granville Police Dep't. liable.

510. The Granville Police Dep't. is also liable for failure to train and supervise its employees regarding the contours of due process protections and ethics in forensic extractions and proper handling and preservation of forensic evidence.

511. It is further alleged that Brandon Flower tampered with witnesses and, by reasonable inference, had coerced Ms. Bell to change her story and bear false witness to counter attorney David Frame's theory that the swing push could not have involved contact with the actual buttocks area.

512. It is further alleged that Ms. Bell's father, David Parker, had a motive to pressure his daughter Ms. Bell to cooperate and concoct stories so that he could maintain respect or promotions in his position. It is also likely they received *quid pro quo* payments or promises of rewards.

513. It is well-established in case-law that civilians generally cooperate and are afraid of going against the wishes of police officers and are easily commandeered into doing whatever police ask.

514. It is asserted that Bill Powell was a necessary conspirator and but-for proximate cause in the retaliation because Brandon Flower, Sarah Wagner, and Stephen Warner did not have authorization to file any charges without supervisor approval.

515. It is further alleged that Cprl. Miller S.P. had affirmative evidence that Mr. Kokinda did not violate the WV state registry law because the testimony of Ms. Bell at trial only alleged spotty sightings in September.

516. And Cprl. Miller S.P. knew that transactions in bank records placed Mr. Kokinda elsewhere throughout 2019.

517. Cprl. Miller S.P. also knew that Mr. Kokinda only had rented vehicles a few days and that they would not require registration even if he had to update a state registry.

518. A neutral and detached magistrate would not have found probable cause and bound the case over.

519. It can be reasonably inferred by a jury that Cprl. Miller S.P. and his co-conspirators had pressured prosecutors and judges to hold Mr. Kokinda on excessive bail of $75,000 cash-only and had used the bogus charges as a pretextual placeholder for federal prosecution by the *timing*, *inter alia*.

520. Mr. Kokinda was about to bail out when he had served more time than the 3rd° Sexual Abuse charge carried, 45 days with good time credit, and his bail was naturally reduced to $25,000 cash bail.

521. Cprl. Miller S.P. and his co-conspirators had access to Mr. Kokinda's communications in the jail and knew he was planning to bail out right after bail was reduced.

522. The proximate *timing* of filing the three retaliatory registry charges on Nov. 14, 2019, days after bail reduction, provides evidence that Mr. Kokinda's due process and Eighth Amendment rights to reasonable bail rights were compounded into a grievous dual violation.

523. It is also asserted that Agent John Hare, likewise, violated Mr. Kokinda's Eighth Amendment and due process rights by pressuring and conspiring with magistrate Michael Aloi and Judge Kleeh to hold Mr. Kokinda without probable cause, highlighted by his false testimony regarding the state law registry standards and misrepresenting the unparticularized nature of the state charges repeatedly as valid offenses.

524. It is alleged that direct evidence of a conspiracy is rare and that the reasonable inferences that tie all of the defendants into a unified, pretextual, and documented objective of obstructing Mr. Kokinda's lawsuits and oppressing him by filing a § 2250(a) charge, provide adequate evidence of an epic and ongoing retaliatory conspiracy.

525. Mr. Kokinda had witnessed his mentally challenged NJ cellmate, Robert Grant III, retaliated against daily by the guards at Southwoods State Prison for filing a lawsuit after they pretended that they were electrocuting him in a non-functioning electric chair.

526. Mr. Kokinda had regularly witnessed retaliatory conduct systematically employed to protect prison employees who often feel justified by security and punishment principles in violating civil rights, especially against the mentally ill.

527. When Mr. Kokinda was thrown in the RHU in Pennsylvania on retaliatory misconducts for "circulating petitions," Ms. Mankey, the Unit Manager had threatened all of the people who signed the confiscated affidavits that they would also be thrown in the RHU if they did not recant their support for the affidavit and claims of prison abuse.

528. This lawsuit was very strong because the Penn. DOC had just been investigated by the DOJ for guards at SCI-Cresson cheering on suicidal inmates and encouraging them to hang themselves.

529. Mr. Kokinda was placed on a mental health specialized unit and had noticed how the officials had made mere pretences to change the *status quo* and were still treating inmates badly and taking advantage of their mental illness.

530. Mr. Kokinda witnessed an incident where an inmate had cut off his own testicle and handed it in a Styrofoam cup to one of the guards. He also witnessed Paul Kimble being entirely denied treatment for his chronic illness and cancer and soon after dying.

531. He also witnessed many other inmates develop cancer from being held at SCI-Fayette where a fly ash dump contaminated the water and air near the prison and had poisoned the nearby town of LaBelle with near 100% saturation cancer rates in residents and pets. One of his jail friends, Pete-o developed stomach cancer and died in months.

532. The Penn. DOC has an extremely bad reputation in *Prison Legal News* coverage for using their billion-dollar annual budget of a huge prison industry to retaliate against inmates, kill, injure, and rape them and then obstructing or limiting damages to mere peanuts even if someone dies.

533. Mr. Kokinda found on Christmas day of 2023 that his chief witness in the Penn. RHU retaliation, Joel Snider, was retaliated against in like manner with phony misconduct allegations that he was brewing hooch in his cell and rumors spread by guards that he was a snitch after winning a lawsuit against the Penn. DOC.

534. Joel Snider was named as a key witness in Mr. Kokinda's pending lawsuit over theft of case-file during retaliatory, pretextual RHU confinement described above and was suspiciously found hanging in his cell after all these retaliations.

535. The Penn. DOC officials and Corbett fear the backlash and changes that may come about if a skilled and intelligent litigant, like Mr. Kokinda, were to succeed in his litigation and had a vendetta to correct injustices, expose the corrupt flaws, and lead people to hold them accountable.

536. It is difficult for officials to fill correctional officer jobs in both state and federal systems.

537. A recent study estimated that it costs a million dollars to simply acquire one qualified officer in the federal system. Therefore, the reasonable inference is that there is an active agenda to cover up any misconduct and civil rights violations they commit.

538. The justice system cannot operate without jails and prisons to detain defendants. Therefore, it's reasonable to infer that some unwritten *quid pro quo* customs are in place to keep the jail beds filled to capacity. The state system is subsidized by federal money.

539. It is alleged that the United States, itself, is liable in the instant case because the case-law has held that conduct, such as tampering with witnesses and fabricating evidence, is not the type of conduct that sovereign immunity was designed to cover.

540. The instant case does not plead mere abuses of discretion in filing malicious prosecutions and false arrests against Mr. Kokinda, but instead an epic retaliatory conspiracy to oppress him and his speech because he is innocent of all wrongdoing and must be silenced to protect those responsible for his grievous injuries.

541. Mr. Kokinda lost nearly four million dollars in just a few stock trades that he had researched as a result of the retaliatory false arrest on January 29, 2021. He had been researching meme stocks, such as AMC, and biotech stocks, such as Ocugen and Vaxart, and was timing his trades to multiply his capital quickly.

542. Had Mr. Kokinda been able to execute his strategy, he would have likely found other stocks as well and made a fortune on just these few stocks he had thoroughly researched and invested in.

543. Mr. Kokinda was in the middle of trading pump-and-dump stocks and moving money into Vaxart when he was arrested.

544. Instead of capitalizing on the doubling or tripling of Vaxart's value over the weekend, he was unable to access and sell the stock and lost nearly all his money after Ben Ahmed unlawfully confiscated his cellphone during false arrest.

545. Mr. Kokinda was, likewise, telling everyone to put $50,000 in Ocugen and that they would become millionaires when he anticipated the next press release in February regarding its contracts and testing trials.

546. Mr. Kokinda was heavily following Ocugen's corporate newsletter, had invested in it and made money before, and witnessed it skyrocket about the time he was invested but was unable to execute his strategy because he was wrongfully detained in jail.

547. Sure enough, Ocugen had skyrocketed again by nearly 8 times its value and would have turned Mr. Kokinda's capital of about $20,000 into a half million after tripling it with the Vaxart stock and obtaining a 20% additional increase on the Virgin Galactic stock he was invested in.

548. Mr. Kokinda experienced a grave loss of pleasure in living and had bleakness and nothing to look forward to in the mundane, insipid prison environment, which is exactly the opposite of his fun lifestyle of constant travel, dating gorgeous models, and enjoying the natural wonders of life.

549. Mr. Kokinda's ceramic inlays were also damaged in the prison environment because he was unable to get his three dental implants (needed because of crowns that had deteriorated) to support the repairs and exposed them to excessive pressure.

550. Mr. Kokinda had long filed his UCC-1 financing statement in Vermont and West Virginia and made it public record.

551. The filing provides fair warning to public officials that they can be held liable for a pricelist of damages if they carry out such conduct pursuant to contract law and commercial tort theories.

552. The filing is an *in persona* agreement separate from *in rem* violations of civil rights and was sealed and certified by numerous government officials.

553. Brandon Flower, Sarah Wagner, and Bill Powell had entered into an implied-in-fact contract by maliciously prosecuting and wrongfully imprisoning Mr. Kokinda and by their conduct are contractually liable for the million-dollars-a-day damages for wrongful imprisonment, *inter alia*.

554. It is alleged that the United States is liable for these contractual damages because it has waived its immunity regarding contracts other than the specific claim of "interference with contracts" and has consented to being sued under state contract law as a private individual rather than a corporation or sovereign.

555. The United States would also be liable as a private individual for failure to supervise and negligent hiring practices in allowing Judge Kleeh and his co-conspirators to engage in such egregious malfeasance against Mr. Kokinda in sum total.

556. Mr. Kokinda was also denied loss of consortium and was inflicted with severe emotional trauma when his step-father, Adolfo Wong, Jr., had unexpectedly passed away from a heart attack on June 24, 2022.

557. Judge Kleeh refused to release Mr. Kokinda even temporarily so that he could attend the funeral and comfort his family and friends.

558. Adolfo Wong, Jr., had driven all the way from New Jersey to pick up Mr. Kokinda's vehicle from the West Virginia impound after his original arrest in Elkins on September 29, 2019, and was willing to put up $25,000 in gold converted into cash to bail him out before Cprl. Miller S.P. filed malicious charges to jack up bail as a placeholder for retaliatory federal prosecution.

559. Mr. Kokinda asserts that this reasonably infers how the officials are sociopaths who have little compassion for others and that they are merely robots carrying out a pre-scripted agenda for their own selfish gain, a true danger to the community and freedom in America.

560. Mr. Kokinda further asserts that studies by psychologists demonstrate that officials who take high power positions, such as judges and lawyers, tend to be sociopaths who think the world revolves around them and treat others with contempt. *See* Snakes in Suits by Paul Babiak and Robert D. Hare.

561. Mr. Kokinda asserts that the City of Elkins itself is liable because they have inadequate training, hiring, and supervision of their police force and have implemented an unconstitutional policy of stacking and puffing up charges in other cases that Mr. Kokinda is aware of.

562. When Mr. Kokinda was in the magistrate court to dismiss his cases, a man was there and charged with stealing electricity for admittedly plugging his cellphone in for a charge in an abandoned property.

563. A reasonable officer would not charge someone with theft of electricity in this situation, considering that it would not even register a single click on a meter and is a common courtesy available at any location.

564. This was merely used to pad up a questionable breaking & entering charge and was used to induce a plea deal, a common practice in police departments that are improperly trained on ethics, procedure, and improperly supervised.

565. Another inmate named Andy Bennet that was housed with Mr. Kokinda also alleged that he was charged with false obstruction charges for merely walking away from police.

566. A more thorough investigation is necessary via Discovery, but at this point the claim is more than plausible that a but-for proximate cause of Mr. Kokinda's false arrests and malicious prosecutions was an unconstitutional custom compounded by failure to train city police, negligent hiring and supervision.

567. It is unclear without depositions how much training the police receive and why they engaged in the unconstitutional conduct, absent the conclusion that they were directed to target Mr. Kokinda specifically by the chain of command and corrupt judicial authority.

SORNA and Registry Laws Are Unconstitutional as Applied

568. The perverse and retaliatory manner that the government is misusing the registry laws to retaliate against Mr. Kokinda makes them unconstitutional as applied to him.

569. It has been held that when law enforcement shadow someone, they direct and control where they go and therefore hold them in a form of false imprisonment.

570. Mr. Kokinda was unable to go anywhere without the police tracking him and attempting to insert their presence to force him elsewhere.

571. Furthermore, the registry was being used as a Segway to fraudulently commandeer civilians to cooperate in the retaliations.

572. In addition, the registry was being used to stigmatize Mr. Kokinda and justify malicious investigations to profile and fabricate cases against him.

573. Beyond that, the registry laws are designed to punish any business that hires sex offenders and any residential property that leases to them by lowering the socio-economic status of the area due to what are often fraudulent, sensationalized, tangential, or obscure summaries of their criminal acts. There is only the whole truth, nothing in between.

574. In Mr. Kokinda's case, it is asserted that the actual facts underlying the charges completely negate the criminality implied by the label of the charges which exists merely by "fraud on the court" evading defects and misconstruing his solid claims for acquittal.

575. The facts pled demonstrate that the registry is being weaponized against Mr. Kokinda and is punitive and in violation of *ex post facto* clause.

576. In addition, the registry laws violate the *equal protection clause* because the they irrationally lump together all offenders in broad categories with very little regard for the actual facts of the case (THE WHOLE TRUTH) or actual dangerousness.

577. The registry laws are not based upon limiting the proven capacity of an offender to harm the public but are instead based upon gross speculations of what the offender may categorically do in some imaginary worst-case scenario.

578. Registry laws offer illusory protections and actually pose a danger to the community because the offender can simply travel away from home, work, or school for a few minutes and commit a crime or get a fake identity. Furthermore, they ostracize and oppress offenders and make them more likely to offend.

579. Even tracking of computers, email accounts, and cellphones is illusory because the offender can merely use someone else's cellphone or computer to commit his crimes.

580. It is asserted that the true objective of sex offender registries is to destroy the offender's socio-economic status, prevent rehabilitation, and to create Segways through profiling to send offenders back to prison as opportunity allows.

I, Jason Steven Kokinda, certify under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information, and belief.

Executed:________________________________ X_____________________________________

Jason S. Kokinda, All Rights Reserved

*This hardcopy document was truncated to conform with the spirit of the **Paper Reduction Act** of 1995 (44 U.S.C. chapter 35) and meet the heightened pleadings standards unlawfully imposed by the courts due to its self-serving hostility against *judicial accountability* litigation.