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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF IDAHO

UNITED STATES OF AMERICA,) Case No.: CR-04-0127-C-RCT
)
Plaintiff,)
vs.) AFFIDAVIT OF ROLAND C. HINKSON IN
) SUPPORT OF MOTION FOR TEMPORARY
DAVID R. HINKSON,) RELEASE OF DEFENDANT INTO
) APPROPRIATE PRETRIAL HOUSING
) (and Request for Evidentiary Hearing)
Defendant) FILED UNDER SEAL

STATE OF COLORADO)
ss.
COUNTY OF OURAY)

Affiant, upon oath deposes and states as follows:

1. At 7:30 PM on April 7th, 2003, I was notified by a call from my son, David Roland Hinkson that he had been arrested by FBI Agent William Long in Kooskia, Idaho on April 4, 2003, and jailed in Coeur d'Alene, Idaho.
2. David was not provided a blanket even though he requested one and was very cold from a draft of wind caused by a small open window near his cell. He was refused water, even though he was very thirsty, and refused food, even though he was very hungry.
3. I learned that after the fifth day of incarceration, the draft of wind into his cell was finally shut off in the middle of the night.
4. The next day I drove from my home in Ouray, Colorado, via Missoula Montana to a pretrial release violation hearing or a detention hearing, beginning at 10:30 am on April 9, 2003, in Coeur d'Alene.
5. At the hearing, FBI Agent William Long testified, under oath, that David had admitted to him that he was guilty of soliciting murder for hire, which we later learned was a complete fabrication.
6. Also, at the hearing no real evidence was presented, only speculation and hearsay was by Agent Long, who was permitted to tell all manner of lies and falsehoods about David.
7. After the hearing, David was chained and taken outside, where a large contingent of news media representatives (who had been tipped off) had gathered with their cameras aimed at David with the sound of their shutters repeatedly snapping hundreds of pictures while the agents paused to let them to take photos of David – David did not hide his face in shame, like so many who are hauled away from a courthouse – then, David was hauled away in a van to Bonner County Jail.

8. After getting a copy of the transcript of the hearing and a copy of the recorded tape, it was clear that Agent Long had willfully lied to the Court, defendant was not affiliated with any militia, had no followers and was not plotting to kill anyone.
9. After the hearing I went to the FBI office in Coeur d'Alene. At 11:30 on Friday April 11, 2003, I went to the FBI offices in Coeur d'Alene and met with Agent Long. He told me: "I don't believe that David is capable of hurting anyone, but given the types of people he lets into his life, someone may take him serious and, in fact, kill Judge Lodge." This was proof that David never offered anyone money to kill a judge or anyone else. However, based on Will Long's testimony, David has been in jail for the past 20-months.
10. After two weeks on incarceration, on April 22nd at 3:30 p.m., David told me that the conditions at the Bonner County Jail in Sand Point, were very poor; (1) an inmate, Dustin (who worked in the kitchen), said they have fresh fruit in the kitchen but they don't give any to the inmates; (2) mattresses are only two inches thick to be laid on a cold steel plank and were very uncomfortable; (3) the guard staff are mean spirited; (4) lights are too bright to allow anyone to sleep; (5) the recreation area did not allow them to play basketball as the hoop had bars over the ceiling; (6) there was no opportunity for rehabilitation, or to study and learn something positive, nothing but boredom for the inmates; (7) they took away David's ear plugs so he could not sleep; (8) the only distraction for the other inmates, which did not interest Dave, was one TV and cards.
11. Dave took pity on a few of his impoverished cell mates who were freezing all the time because they did not have the money to buy jail-house long underwear and asked me to contribute \$50 for each of them on his account, and \$100 for a third. This I did. Also I interviewed the Sheriff, Phil Jarvis, who I concluded was a fair and decent man, who was attempting to do his best to provide proper care for the inmates; it seemed he did not know what was going on in side of his own facility.
12. I received a call from Sand Point that the Federal Marshals had taken David away to Moscow, where he was placed in the Latah County Jail. He was put in a cell with 3 other inmates. The cell was 14X14 SF -- Dave said the size of the cell was like solitary confinement and they were kept locked up for 23 hours per day. On the door of the cell the guards had placed a sign on the door that read "Killer," which made the jail personnel and the other inmates hostile toward David.
13. We learned in paperwork filed by the government that the reason AUSA Wendy Olson (who replaced Nancy Cook) gave for moving David to the Latah County Jail in Moscow was that the U.S. Attorneys assumed that David was hiring inmates to be hit men because he had given money to a few inmates so they could buy underwear to stay warm. Based on other equally absurd reasoning about David having "followers," the Court granted a change of venue to Ada County in Boise, and David was transferred to the Ada County Jail.
14. On May 7, 2003 David was transferred to Boise, ADA County. An inmate at the Latah County Jail called to say "they're taking Dave away, but no one knows where." During all this time, the U.S. Attorney's Office had been feeding the media very negative and false, accusations against David.
15. At Ada County Jail, David was placed in the general population area at ADA County, but tagged as a "CHO-MO" (Child molester) because of the clever way he was categorized by the jail personnel. He became a pariah to the staff and other inmates, who hated him. He was then placed in Solitary Confinement and the official reason given was for his own safety, but we understood it was a part of a generalized plan to torment David.
16. On May 14, 2003 he expressed how depressing it was to have to wear a yellow jail suit that classified him as a #3 danger (#10 is the least dangerous) and categorized him as a CHO-MO. At

the same time he complained that he wasn't getting his mail. Mail had been sent early to ensure he had messages from home. Then he asked me to find out who was responsible for shutting down his phone connection. On May 18, I called Ada County Jail speaking with SGT Toby Maes. He told me that "the U.S. Marshals have a hold on David; he's in a single cell [solitary confinement]," and they are all aware of his civil rights and nothing was going to change. David was refused the opportunity speak on the phone or see his lawyer, Mr. Brit Groom.

17. Sgt. Glenn of Ada County talked with me for an hour saying there was a communications gap about letting Brit Groom see him. He explained that they put Dave in another tank. Sgt. Glenn told me that Dave was traumatized by one very dangerous inmate. I told Sgt Glenn "I'm going to hold you personally responsible if anything happen to Dave because he told me he's scared for his life. I was informed that within an hour, Dave had been moved into solitary confinement, that they'd try to find a safe place for him.
18. The above conditions for David have not changed much over the past year and a half of confinement at Ada County Jail. He has been moved from dorm life and a lower security status to medium security, to maximum security all as a result of the demands of the federal government. It did not matter if David was well situated, such as in the dorm, when the feds decided that David should be housed in a different setting, he was immediately moved to accommodate government demands.
19. Cleverly, by classifying David as a maximum security risk, after his conviction for white-collar crimes in May of 2004, David was cut off from personal visits from his family. The U.S. Marshal made sure that Dave had one last visit with his wife and mother, then, he was sent to the gulag of Idaho.
20. I wrote a letter to the Idaho governor, both congressmen and senators about jail conditions. The oppression has only become worse, with the jail placing David in solitary confinement just to torment him. Jail conditions and the food became intolerable. David has been hungry all the time and when he eats the improper, non-diet food, he gains weight. The government insisted that David's gluten-free diet was a privilege, so it was terminated by a nurse, even though it had been prescribed by a doctor. To supplement the loss of protein in his diet, David was eating food bars purchased from the commissary, until the Federal government insisted that his commissary privileges be revoked. Now, the Commissary sells peanut butter, a source of protein, however, David is not allowed to purchase such items as government punishment and retribution.
21. Before the trial on the white-collar offenses, David was being housed with convicts and treated like a criminal, contrary to Federal law pertaining to pretrial detainees. His medically-prescribed diet was twice arbitrarily revoked by non-medical jailers as retaliation for speaking up against jail conditions, and he has been subject of many indignities, such as body cavity searches after visits from his lawyer, in spite of the presumption of his innocence.
22. In my letter to the political officials, I identified three primary care areas that were in dire need of their attention, prisoner food, health/hygiene and legal access, I my letter to the governor I explained some of the conditions and the fraud used by Ada County to cover-up the fraud, I wrote:

"Food

"The nutritional value of the food served to the prisoners delivers about one-half of the daily calories required by law, as substantiated by a dietitian. While we have been aware of this situation for months, I have monitored the type and quantity of food being served at the Jail for the past three weeks by talking directly to prisoners. Each day, the prisoners report the abysmal type, quantity and qualities of food actually served and tell me they are CONSTANTLY HUNGRY. Our son's body now shakes continually from the effects of malnutrition.

“Apparently in response to other complaints, Boise Channel 6 recently did an investigative report concerning the food being served to prisoners at the Ada County Jail. We were flabbergasted and found it to be extremely deceptive when the Sheriff’s Department “staged” a meal unlike any the prisoners had ever had when the camera crew arrived last week. The prisoners were served a fish dinner with nutritional accompaniments in a restaurant-style meal, causing the caloric value to jump from the typical 1200 calories per day derived from bologna sandwiches and corn flakes to the required 2500.

“Because of this “charade”, Channel 6 reported on the Sunday night news, February 29, 2004, that the food at the jail is equivalent to local area restaurants! We point out that it was clearly an attempt to ‘cover up’ the poor conditions when jail officials claimed publicly that the meal served on the day that the Channel 6 News team visited was typical. (See attached *Memorandum on Denial of Human Rights and Improper Jail Conditions*.) This ongoing lack of nutrition in the prison population has caused serious health issues for many, including one instance of starvation-induced diabetes because of malnutrition.

Health/Hygiene

“Prisoners are given little pieces of cloth called shoes with no real substance or arch support. Sheets and clothing often come back from the laundry dirtier than when it went, apparently because no detergent is used. (Another money saver?) Because food is brought into the area where prisoners congregate, rather than them going to a dining hall, food is spilled on the carpet and never cleaned, causing an ongoing stench and health hazard. Prisoner’s opportunity for exercise in the small exercise yard has been inhibited by poor footwear and starvation.

Legal Access

“There is a pervasive lack of access for prisoners to the legal system, research and attorney-client privileged communications. Calls and visits from our son’s attorney have been recorded or monitored, which has a chilling effect on any attempts at communication. The law library is often closed when it is David’s time to use it. He is restricted to one hour of use twice per week, which is usually cut arbitrarily to 20 minutes. The law books are not current nor are there complete sets of books, as the jail quit purchasing law books several years ago for the stated reason that all the ‘law is now on the internet’; however, inmates are denied access to computers and the internet -- clearly, a “catch 22.” Our son has a paid-up Lexis Nexus account, but has been denied the opportunity to use his own laptop for legal research. An innocent man should be allowed to participate in the defense of his case, and provision should be made for him to use the internet if an adequate law library is not available.

“While the public has been given the impression that the prisoners are being decently treated, they are being abused. It appears to us that Ada County is saving money on food, shoes, detergent and other ‘life necessities’ in order to build a jail addition to house more Federal prisoners to obtain more revenue from the Federal Government. Please take note of the attached *Memorandum on Denial of Human Rights and Improper Jail Conditions* with attached *Inmate Grievance Forms*, several of which have been signed by as many as thirty-seven prisoners. We are deeply concerned about the mistreatment of our son and the generalized abuse of all prisoners at the Ada County Jail. These *Inmate Grievance Forms* have been treated dismissively by the jail authorities, and the jailers have retaliated.

“We ask you, as governor of the State of Idaho, to personally inquire into the matters set forth herein, as we fear that more retaliation may come from the jailers if your office does not address the problem properly. Please do a formal investigation and apply your influence to correct this mistreatment. Best wishes to you and your staff in their conscientious endeavors to restore justice.

Sincerely yours,

Faye and Roland Hinkson”

23. In the last few weeks, David has again been recently placed in solitary confinement for his “own safety” because allegedly other inmates were jealous that he was allowed to have a special privilege when he talked to his lawyer on the telephone during a time when the other inmates were denied phone access. The jail had control over David’s placement, and if the place where he used the phone was a problem for other inmates, it should have moved him, rather than depriving him of his rights.
24. At approximately 11:00 p.m. on Friday, November 26, 2004, David was ordered to take an injection in preparation for the U.S. Marshal’s Office to transport him on Tuesday, November 30, 2004 and Sgt. Olson would not say where. David was told that if he failed to accept the injection (supposedly a TB test) he would be placed in solitary confinement in the medical unit until he did.
25. David’s telephone access to his attorneys has repeatedly been interrupted over the past three weeks probably in response to the U.S. government.
26. The jail responds to the demands of the U.S. government and tells us so. Then, the jail finds out that it is not supposed to let us in on the secret that the U.S. government is demanding the changes in housing, privileges, medical or diet and the jail blames it on themselves and concocts reasons why things had to be done to deprive David of his rights.

Further Affiant Sayeth Naught.

Submitted under penalty of perjury this ___ day of December, 2004.

Roland C. Hinkson