**Affidavit by Brian Aberle**

Regarding "Obstruction of Justice" charges filed on October 5, 2013.

On September 30, 2013, a group of men with guns came searching for me through a neighborhood in Smyrna Georgia. The group had markings of US Marshalls and Georgia Parole Officers, however Georgia Parole never confirmed that this was a legitimate and authorized hunt for me. This "official looking" group of men scared one person in the neighborhood that must have thought I was a criminal, when in fact I am not.

On Saturday October 5, 2013 at about 4:00pm - I was visiting with a friend in this neighborhood to help him get a laptop setup. A fearful neighbor called the police and told them that a fugitive was in the area. Smyrna police started to gather out front and I went out the back, with a quickness like I was running for my life.

Police were already behind the building - because they know I run - and Smyrna Police have never been able to catch me. In one previous escape about a month ago where I had a better head start, police hunted for me hours while I watched from the safety of a trench behind a fence that held in a dog that stopped barking at me after I was silent and motionless for a few minutes. When Smyrna came stomping through all the neighbors backyards with their growling Akita attack dog(I could hear it growling), they figured their dog was barking at the dog behind me which they had stirred up. They were 10 feet from me, but I was only visible from people about 5 feet away. Smyrna's police dog is not a hound dog to humanely track humans. It is a trained attack dog that will attack people who are not police when commanded. The dog was growling audibly and on a long leash. I remember being a bunkmate to Jovan Jones in Bartow County jail after he was attacked by the Bartow Police dog for getting an uninjured a crack addict who he had caught stealing from him out of his hotel room with a butter knife. Jovan was in bad shape with large flesh tears - much worse than gunshot wounds.

I gave the police a chance to chase me or shoot me in the back as they threatened to. I ran down a creek that no police got their feet wet in. I hid under a thick brush and could hear the police radio. The police couldn't find me. I could only see bits of police movement through the brush so I knew that if I lay still they could not see me. I was wearing black and camouflage clothing.

After some time, maybe 10 minutes, I heard them call for the dog on the police radio. It was too late to go up a tree without police seeing me. My would be attacker was on the way.

I stood up and yelled out with my hands up. "Here I am. Don't shoot me."

I was ordered to march through an impossible thicket without using my hands to push away any branches. They saw that it was an impossible order but yelled all the louder that I hurry it up and all guns were on me. I didn't see a non-police witness anywhere, so they had me in the likeness of "a dark alley." After a terrible bloody struggle through the briars grabbing at my clothes that I could not use my hands to free I emerged and slowly gave them hands to cuff. The police insisted that I lay face down on the rocks and dirt with my hands behind my back to be handcuffed or they would shoot me. I did as they commanded to avoid the bullet after I went so far to avoid the dog. Once they had all calmed down and had me handcuffed and standing - Smyrna police were decent to me. They backed the cuffs up and locked them so they were less painful. They were not pushing me in and out of cars and trying to provoke me like some police have.

There was so much blood that I was taken to the hospital to wipe it all off and see that there was no serious injury. Mostly just scratches. [[Picture 1](https://fhdy4a.blu.livefilestore.com/y2pUonKhj9yi0Gn4HGy-nPAFw1M19qPWksW4bs5qwqrEyRV4M7oGmti0gb-NUApiAaE7TmTtLYFzEI5oXBBpiASXStfRUGw0wUnjMq0Tx_iO4k/Scratches1.JPG?psid=1) and [Picture 2](https://fhdy4a.blu.livefilestore.com/y2pB36oejOnLQiLusW_3HS8KSNyYip6sOr2gwAkrE0FLpJ-li3oVD2f-nV18DdqAw7FJjc6M7e698zWIzayDP0koOcGGgvawCZ5jklrELEsbbo/Scratches2.JPG?psid=1)] I was taken back to the Smyrna jail where police continued to be decent to me while awaiting my transport to Cobb County Jail for some unknown charge that I had a hold for. They dried my wet clothes.

The Cobb County intake is very cold. Police wear coats or multiple shirts and long pants. It was almost as cold as the Bartow County Isolation cell that I was in for 3 weeks with no clothes. Smyrna Police dried my clothes and I was thankful for that while I waited for a typical 8+ hours in the booking freezer. During this time, I discovered that my hold was for running away from police on June 1, 2003. I had been charged with "Obstruction of Justice", and therefore I had an unknown warrant from Cobb County since then. Nobody told me about it.

This was happening on a Saturday night in a large county jail with a high flow of new arrests. I was just a piece of paper in the pile, charged with 2 misdemeanors - both "Obstruction of Justice".

To my surprise, possibly by oversight, I was [[bondable for $9240](https://fhdy4a.blu.livefilestore.com/y2pU2qwOQFIPi2OI5G0pmaCrrPPd4BcW6LWGalYbN144lv2mxznRIEQpqOJH-rRZP_XsSVG5EupHuNLuOeMioXicLBwuRaPsYz92H75UQDDDTw/%249240%20Bond.JPG?psid=1)]. I wanted to hurry up and do whatever was necessary to make bond as I suspected the bond would not exist in the morning when the authorities who hate me know I am in custody. With support from friends and family I was bonded out and back on the street at about 3:00am. Now I have a court date. Why can we set a court date for this so fast when I have been waiting so long for a new trial court date in the Superior Court, and for a court date for my 1983 civil suit in Federal Court?

The last sentence in the first paragraph of [[count one](https://fhdy4a.blu.livefilestore.com/y2plXMimLFwLE9RL_qG9FnsKD5uLQHvfRjWohDkFIZSX5SFn2IBzgnQ4NlVonXwUz5fPW9oruYxgyEGNVZd4tuBwuaFRrSajTic5O0tppAWbGU/Count%20One.JPG?psid=1), and [count two](https://fhdy4a.blu.livefilestore.com/y2pFaUdbaxFxUW3vwuekTbqYsnR35k4J4dHBj9eNG3fNEHim_zao-au-eeE2zwYmKLvQ5jaZNs2L770Zg4FVjL0J-n8zV10aKbvzffr0eiq-dU/Count%20Two.JPG?psid=1)] had notes about my Parole hold dated March 13, 2013 and the fact that US Marshalls were trying to apprehend me. Possibly in the busy booking department someone did not read all the fine print on my paperwork? Maybe the jail was full and they were not trying to collect misdemeanor prisoners if they could make bail? Maybe the US Marshalls called off the hunt in the last day or two? The police computers don't go to sleep at 3:00am so it seems that I don't have any other legitimate holds or warrants or the computer would have prevented my release. I am free if the police will honor the Bond Order issued by the magistrate court. This would seem to suggest that the Officers/Agents from the "Fugitive Recovery Team" are indeed rogue agents that are acting outside the law. Why won't their commanding superiors at the Atlanta Board of Pardons and Paroles confirm that the team was sent by them?

<https://skydrive.live.com/redir.aspx?resid=D7EC275E76D295CF!965>

How can I be guilty of "Obstruction of Justice" when I obstruct injustice? I expect any honorable judge to agree. Judge Frank Cox is the chief magistrate judge in Cobb County. I was curious what I will be dealing with. I don't know Judge Cox. I hope he judges fairly and is not influenced by my prosecutors like judge Carey Nelson was. Carey Nelson presided over the first trial that I have been granted a New Trial for. There is more than a little bit written about Judge Cox on the Internet.

http://www.justiceforwandaspann.com/evidence.html

http://mdjonline.com/view/full\_story/20854821/article-Chief-Magistrate-Cox-urges-county-to-save-money-by-eliminating-a-State-Court-seat

I spoke with people in the neighborhood who told me my arrest was a loud scene of police running through their backyards and yelling. Several neighbors were interrogated by the police after my arrest. After determining that one man had no involvement with me other than having his laptop setup, the police ran his name for a warrant check to see if there was some other reason they could arrest him. There was not.

Since it all worked out that I am free right now - with nothing but a few scratches - running was the right thing to do - every time I had to do it. I could be avoiding knife fights in prison right now. I'd rather be avoiding unwarranted arrest.

All pictures and this document are online at:

<https://skydrive.live.com/?cid=d7ec275e76d295cf> under "Book" open "Obstruction of Injustice 2013".

There were witnesses to much of this, the names available upon request. Mostly they are witness to orders yelled by police. One woman claims she saw the police "beating" me during the handcuffing and came back crying. As a person who has honestly been beaten by police - this was not a beating. In Antioch California August 2002 I was fully beat by police with 40+ baton hits, close fist face hits, a flashlight, and kicks from boots. Antioch police thought I was a drug dealer. This little deal in Smryna Georgia was just a rough arrest. They were all kind to me once the arrest was over with. That's worth a lot - kindness gets a long way with me. Barking orders at me generally does not work - unless I know the dogs are on the way to do as the pigs say, to stop a cat-like getaway, all loud I say, same spit every day.

Under penalty of perjury, I swear that this is a true and factual statement.

Brian Aberle

October 7, 2013 (Final paragraph added on October 8, 2013)