

1 Paul Andrew Mitchell, B.A., M.S.  
2 c/o Trustee  
3 P.O. Box 3097  
4 Winston 97496  
5 Oregon, USA  
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7 *In Propria Persona*  
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United States District Court  
Western District of Missouri  
Southern Division / Springfield

United States ) Case No. 14-3506-CV-S-MDH-P  
ex relatione )  
Paul Andrew Mitchell, ) **VERIFIED CRIMINAL COMPLAINT,**  
) **ON INFORMATION:**  
Civil Cross-Plaintiff, )  
) 18 U.S.C. 4, 241, 242, 1341;  
v. ) OR Rev. Stat. 135.733; and,  
) FREV Rule 201(c)(2).  
Nancy Dell Freudenthal, )  
Stephan Harris, )  
L. Robert Murray, )  
Linda Sanders, )  
Scott W. Skavdahl )  
Kelly H. Rankin, )  
Christopher Crofts, and )  
Does 5 thru 100, )  
)  
)  
Civil Cross-Defendants. )  
\_\_\_\_\_ )

37 Comes now the United States *ex rel.* Paul Andrew Mitchell, B.A., M.S.,  
38 Citizen of Oregon State (expressly not a federal citizen), Private  
39 Attorney General under the Civil RICO statute at 18 U.S.C. 1964 and  
40 Agent of the United States as *Qui Tam* Relator under the False Claims  
41 Act at 31 U.S.C. 3729 *et seq.*, to request mandatory judicial notice by  
42 this honorable Court of the instant VERIFIED CRIMINAL COMPLAINT, ON  
43 INFORMATION, pursuant to Rule 201(c)(2) of the Federal Rules of  
44 Evidence ("FREV"), and to provide formal notice of same to all  
45 interested Party(s), whereby Relator formally charges:

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1       **Peter A. DeFazio** with:

2       (1)   commission of a felony, during the ten (10) years commencing  
3           March 1, 2007 A.D., by placing in a post office, or in an  
4           authorized depository for mail, matter to be sent and delivered  
5           by the Postal Service, for the purposes of executing a scheme or  
6           artifice to defraud and of obtaining money by means of false and  
7           fraudulent pretenses, representations or promises, after having  
8           devised or intended to devise said scheme or artifice to defraud  
9           and to obtain money by means of false and fraudulent pretenses,  
10          representations or promises, in violation of the Federal criminal  
11          statute at **18 U.S.C. 1341** (one or more counts);

12  
13       (2)   commission of a misdemeanor by willfully subjecting Relator to  
14          the deprivation of His Fundamental Rights to officers and  
15          employees of the United States who are bound by Oath or  
16          Affirmation to support the Constitution for the United States of  
17          America, as required by **Article VI, Clause 3** in said Constitution  
18          and by the Federal statute at **5 U.S.C. 3331**, and to be free from  
19          unlawful attacks on His honor and reputation and to the  
20          protection of the law against all such attacks, as guaranteed by  
21          the Universal Declaration of Human Rights and the International  
22          Covenant on Civil and Political Rights, all under color of laws,  
23          statutes, ordinances, regulations or customs, in violation of the  
24          Federal criminal statute at **18 U.S.C. 242** (one or more counts)  
25          and **Oregon Revised Statutes section 135.733** (2015) (one or more  
26          counts);

27

1 (3) commission of a felony by conspiring with one or more of the  
2 others charged in related Docket #14-3460-CV-S-MDH-P to injure,  
3 oppress, threaten or intimidate Relator in the free exercise and  
4 full enjoyment of His Fundamental Rights to officers and  
5 employees of the United States who are bound by Oath or  
6 Affirmation to support the Constitution for the United States of  
7 America, as required by **Article VI, Clause 3** in said Constitution  
8 and by the Federal statute at **5 U.S.C. 3331**, and because of His  
9 having so exercised and attempted to exercise the same Rights,  
10 and to be free from unlawful attacks on His honor and reputation  
11 and to the protection of the law against all such attacks, as  
12 guaranteed by the Universal Declaration of Human Rights and the  
13 International Covenant on Civil and Political Rights, all in  
14 violation of the Federal criminal statute at **18 U.S.C. 241** (one  
15 or more counts) and **Oregon Revised Statutes section 135.733**  
16 (2015) (one or more counts).

17  
18 **AFFIDAVIT OF PROBABLE CAUSE**

19 On or about August 15, 2016 A.D., I received an email message from one  
20 of the two (2) Trustees of my private estate. That email message  
21 stated in pertinent part: *"Paul just received this in the mail ...."*  
22 Attached to that email message was a digital photograph of a letter  
23 dated August 12, 2016 and signed by PETER DeFAZIO [sic] Member of  
24 Congress. The latter letter stated in pertinent part:

25 *"Reputable online media resources state ... Paul Andrew Mitchell*  
26 *was found mentally incompetent to go to trial and federal charges*  
27 *were dismissed."*

1 **INCORPORATION OF ATTACHED DOCUMENTS**

2 In support of the instant VERIFIED CRIMINAL COMPLAINT, ON INFORMATION,  
3 Relator hereby attaches a true and correct copy of the following  
4 documents, and incorporates same by reference to all Attachments  
5 *infra*, as if set forth fully here:

- 6 (1) REQUEST FOR NEUTRAL ARBITRATION dated June 29, 2016 A.D.;
- 7 (2) Letter from Gary Leif to Congressman DeFazio dated July 26, 2016;
- 8 (3) Letter from PETER DeFAZIO [sic] Member of Congress to Paul  
9 Mitchell dated August 3, 2016;
- 10 (4) Press Release entitled "Oregon's Douglas County Commissioner-  
11 Elect Gary Leif Writes to U.S. Rep. DeFazio in Support of Federal  
12 Tort Claims" dated August 3, 2016 A.D.;
- 13 (5) Privacy Act release signed by Paul Mitchell on 8/8/2016;
- 14 (6) Letter from Trustee, Estate of Paul Andrew Mitchell, B.A., M.S.  
15 to Peter DeFazio, dated August 15, 2016 A.D.;
- 16 (7) Press Release entitled "IRS Office of Chief Counsel Now  
17 Obstructing a Federal Tort Claim after Protecting Lois Lerner"  
18 dated September 21, 2016 A.D.;
- 19 (8) Set of documents with cover page entitled "EVIDENCE: DO NOT  
20 DESTROY" date-stamped "RECEIVED Oct. 5, 2016 Peter A. DeFazio  
21 M.C., Eugene, OR";
- 22 (9) Letter from Paul Andrew Mitchell, B.A., M.S., Damaged Party, to  
23 Mr. DeFazio dated 10/8/2016 A.D.;
- 24 (10) "JW Obtains IRS Documents Showing Lerner in Contact With DOJ  
25 about Potential Prosecution of Tax-Exempt Groups," dated April  
26 16, 2014; and,
- 27 (11) "ELEMENTS OF LIBEL IN OREGON," by Cynthia Hodges, J.D. LL.M, M.A.  
28 (as quoted in full *supra*).

1 **PARTIAL MEMORANDUM OF LAW**

2 Relator now incorporates the following short article entitled  
3 "ELEMENTS OF LIBEL IN OREGON," by Cynthia Hodges, J.D., LL.M, M.A., as  
4 published at the following Internet address:

5 <http://cynthiahodges.com/law/pages/libel.html>

6 The Oregon Bar defines libel as "communicating a defamatory  
7 statement by writing or picture." Oregon State Bar, "Libel and  
8 Slander" at <http://www.osbar.org/public/legalinfo/1186.htm>.

9  
10 Likewise, case law has defined libel as "a malicious defamation,  
11 made public either by printing, painting, writing, signs or  
12 pictures, tending to blacken the ... reputation of one who is  
13 living, and to expose him to public hatred, contempt or  
14 ridicule." *Willetts v. Scudder*, 72 Ore. 535, 541 (Or. 1914).

15  
16 The elements for libel in Oregon appear to be that the plaintiff  
17 must prove:

- 18  
19 (1) a false and defamatory statement about the plaintiff was  
20 made;  
21 (2) which was an unprivileged publication to a third party;  
22 (3) the defendant acted intentionally or negligently; and  
23 (4) damages.  
24

25 **False and defamatory statement**

26  
27 The Oregon State Bar defines defamation as "a false statement  
28 communicated to another person that damages [one's] reputation by  
29 exposing [one] to hatred, contempt, or ridicule from other  
30 people." Oregon State Bar, "Libel and Slander" at  
31 <http://www.osbar.org/public/legalinfo/1186.htm>. "A communication  
32 is defamatory if it tends so to harm the reputation of another as  
33 to lower him in the estimation of the community or to deter third  
34 persons from associating or dealing with him." *Beecher v.*  
35 *Montgomery Ward & Co.*, 267 Ore. 496, 499-500 (Or. 1973).  
36

37 **Published to a third party**

38  
39 "Publication is an essential element of the tort of libel."  
40 *Morrow v. II Morrow, Inc.*, 139 Ore. App. 212, 218 (Or. Ct. App.  
41 1996). "'Publication,' ... includes any communication by the  
42 defendant to a third person." *Morrow v. II Morrow, Inc.*, 139  
43 Ore. App. 212, 220-221 (Or. Ct. App. 1996).  
44

45 "The plaintiff is entitled to recover if he can show the  
46 defamatory words were understood as referring to him by persons  
47 who knew him, or if the words are such that the world would apply  
48 them to the plaintiff." *Patzer v. Liberty Communications, Inc.*,  
49 58 Ore. App. 679, 682 (Or. Ct. App. 1982).  
50

1                   **Intentional or negligent action**

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3                   "Publication of defamatory matter is its communication  
4 intentionally or by a negligent act to one other than the person  
5 defamed." *Morrow v. II Morrow, Inc.*, 139 Ore. App. 212, 218 (Or.  
6 Ct. App. 1996).

7  
8                   A "presumption of malice and of general damage to reputation  
9 arises from the making of the defamation alone, and direct proof  
10 of culpability on the part of the defendant is unnecessary."  
11 *Bank of Oregon v. Independent News*, 65 Ore. App. 29, 31 (Or. Ct.  
12 App. 1983). "The standard of care for those allegedly defamatory  
13 statements that require proof of negligence should be ordinary  
14 negligence ..."  
15 *Bank of Oregon v. Independent News*, 298 Ore.  
16 434, 445 (Or. 1985).

17                   **Damages**

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19                   "In a libel claim, the plaintiff need not allege or prove special  
20 damages. 'If the communication was capable of a defamatory  
21 meaning and was so understood by the recipients, damage is  
22 assumed although no special harm or loss of reputation results  
23 therefrom.'" *C.A.R. Tow, Inc. v. Corwin*, see also 76 Ore. App.  
24 192, 195 (Or. Ct. App. 1985), *Balsiger v. American Steel & Supply*  
25 *Co.*, 254 Ore. 204, 210 (Or. 1969). Courts are "committed to the  
26 rule...[that] 'One who falsely, and without a privilege to do so,  
27 publishes matter defamatory to another in such a manner as to  
28 make the publication a libel is liable to the other although no  
29 special harm or loss of reputation results therefrom.'" *Beecher*  
30 *v. Montgomery Ward & Co.*, 267 Ore. 496, 501 (Or. 1973), see also  
31 *Harley-Davidson Motorsports, Inc. v. Markley*, 279 Ore. 361, 364  
32 (Or. 1977).

33  
34                   **VERIFICATION**

35 I, Paul Andrew Mitchell, B.A., M.S., *Sui Juris*, Citizen of Oregon,  
36 Private Attorney General and Agent of the United States as a *Qui Tam*  
37 Relator, hereby verify under penalty of perjury, under the laws of the  
38 United States of America, without (outside) the "United States"  
39 (federal government), that the above statements of facts and laws is  
40 true and correct according the best of my current information,  
41 knowledge and belief, so help me God, pursuant to 28 U.S.C. 1746(1):  
42 the Constitution, Law and Treaties of the United States (federal  
43 government) are the supreme Law of the Land. See Supremacy Clause.  
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45 Dated: February 27, 2017 A.D.

46 Signed: /s/ Paul Andrew Mitchell

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48 Printed: Paul Andrew Mitchell, Relator/Petitioner In Propria Persona  
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**PROOF OF SERVICE**

I, Paul Andrew Mitchell, *Sui Juris*, hereby certify, under penalty of perjury, under the laws of the **United States of America**, without the "**United States**" (federal government), that I am at least 18 years of age, a Citizen of ONE OF the **United States of America**, and that I personally served the following document(s):

**VERIFIED CRIMINAL COMPLAINT, ON INFORMATION:**

18 U.S.C. 4, 241, 242, 1341;  
OR Rev. Stat. 135.733; and,  
FREV Rule 201(c) (2)

by placing one true and correct copy of said document(s) in first class United States Mail, with postage prepaid and properly addressed to the following:

**Clerk of Court**

U.S. District Court  
400 East Ninth Street, Room 1510  
Kansas City 64106  
Missouri, USA

**Nancy Dell Freudenthal**

c/o Clerk of Court  
2120 Capitol Avenue, Room 2131  
Cheyenne 82001-3658  
Wyoming, USA

**Scott W. Skavdahl**

c/o Clerk of Court  
2120 Capitol Avenue, Room 2131  
Cheyenne 82001-3658  
Wyoming, USA

**Kelly H. Rankin**

c/o Clerk of Court  
2120 Capitol Avenue, Room 2131  
Cheyenne 82001-3658  
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**Stephan Harris**

c/o Clerk of Court  
2120 Capitol Avenue, Room 2131  
Cheyenne 82001-3658  
Wyoming, USA

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**L. Robert Murray**  
c/o Office of U.S. Attorney  
Post Office Box 668  
Cheyenne 82003-0668  
Wyoming, USA

**Christopher Crofts**  
c/o Office of U.S. Attorney  
Post Office Box 668  
Cheyenne 82003-0668  
Wyoming, USA

**Linda Sanders**  
c/o Office of Warden  
U.S. Medical Center for Federal Prisoners  
1900 West Sunshine Street  
Springfield 65807  
Missouri, USA

[Please see USPS Publication #221 for "addressing" instructions.]

Dated: February 27, 2017 A.D.

Signed: /s/ Paul Andrew Mitchell

Printed: Paul Andrew Mitchell, Relator/Petitioner *In Propria Persona*