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Direct from the "UFO Capital," Rachel, Nevada.

**Issue #19. December 7, 1994**

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**PSYCHOSPY NOTE: Skip this issue. Boring.**

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!!!!!!!!!!!! NEWS FLASH !!!!!!!!!!!

## **Court Rejects All Motions in Campbell Case**

### **Special Prosecutor to be Appointed**

Pahranaagat Valley Justice of the Peace Nola Holton yesterday effectively rejected all pre-trial motions submitted by Glenn Campbell in his obstruction case, on the grounds that they were not printed in the proper format. This unusual decision, rendered almost a month after the first motion was submitted, calls into question the fairness of Campbell's upcoming Dec. 21 trial.

Campbell was arrested on July 19 during the seizure by Sheriff's deputies, without a warrant, of the video tapes of a KNBC-TV news crew near the border of the secret Groom Lake base. [See DR#12.] Although the TV crew says they did not photograph the secret base, they were stopped by two deputies, one of whom told them he would have to search their vehicle and confiscate all of their tapes. The crew offered to show the deputy their tapes in the camera viewfinder to prove they had not photographed the base, but the deputy refused, and he and his partner approached their unoccupied vehicle to conduct the search. Campbell, who was accompanying the crew, was arrested when he reached into the vehicle from the other side and pushed down the door locks, temporarily delaying the seizure.

Four of the five tapes taken from KNBC have still not been returned and are apparently being held by the U.S. Air Force. The Lincoln County Sheriff's Department has a contract with the Air Force to respond to calls by the anonymous security force at the border of the Groom facility. Neither the Sheriff nor the Air Force will comment on the details of the contract or the special relationship between the two organizations.

Campbell was charged with Obstruction of a Public Officer, a misdemeanor charge. He has chosen to represent himself, with the assistance of a Nevada attorney, Tracie Lindeman. Campbell has requested a jury trial, the first in this small-town Justice Court since around 1987.

Campbell had submitted several pre-trial motions to the court. On Nov. 9, he filed a motion requesting specific discovery materials, and on Nov. 22 he filed another seeking a ruling on defense strategies. When the court and District Attorney failed to respond, Campbell filed a motion asking the court to dismiss the charge. Still receiving no response, Campbell filed a motion requesting an immediate ruling on the previous ones. In most courts, the prosecution has ten days to respond to motions by the defense, and if no agreement can be reached, a pre-trial hearing is held to obtain a

ruling. In this case, however, neither the prosecution nor the court responded until a Dec. 6 letter to Campbell from Justice Holton. Holton stated that the motions submitted by Campbell could not be considered by the Court or D.A. because they were not in the "proper form."

Campbell concedes that he submitted the motions in letter form and did not number each line or use the header format that is standard in legal documents. Campbell insists, however, that the text of his motions was legally proper and was reviewed by Lindemann prior to submission. Furthermore, Campbell says that Holton previously accepted his Oct. 14 motion to change the trial date, which was also not printed in the proper legal format.

In his Nov. 9 motion for additional discovery materials, Campbell requested a Nov. 16 hearing, and the last line of the document said, "Please let me know if this request is insufficient." Holton informed Campbell of the format problem only on Dec. 6, eleven business days before the trial and only one day before the deadline for the issuing of subpoenas.

"It sounds like the weakest excuse in the book," said Campbell. "I have never been on trial or defended myself before, so it's a learning process for me. I have made a great effort to adhere to all the legal procedures, but I am bound to make some minor errors. For the court to reject my motions because they are not formatted correctly, and to wait almost a month to tell me so, is unconscionable."

At an Oct. 19 hearing on the change of trial date, Justice Holton told Campbell he was free to file pre-trial motions regarding evidence and discovery and that any conflicts would be resolved in pre-trial hearings. Holton said that she wanted all questions about the admissibility of evidence to be resolved before the trial date so that the trial itself would not be delayed by them. The Justice appears to have changed her position in her Dec. 6 letter, which effectively disallows any pre-trial motions or hearings. "Any and all motions will be heard prior to Trial on December 21, 1994," Holton wrote.

"As it stands, I must go into this trial without the slightest idea about what kind of evidence the court will allow or disallow." Campbell said. "I directly asked the court for pre-trial advice, and it was denied to me. I directly asked the District Attorney for documents and information that could lead to evidence critical to my defense, and both he and the court dealt with my requests by not responding at all. It doesn't help to have a ruling on these matters on the day of the trial because then I don't have any time to subpoena evidence or assemble a defense based on the court's ruling."

"It is like the old Soviet system of justice," said Campbell. "You are allowed to mount a defense only as long as it is ineffective. If your defense is solid and runs the risk of embarrassing the authorities, the court will change its mind and disallow it."

One practical effect of Holton's decision to delay all rulings until the trial date is that Campbell must now subpoena more witnesses and evidence than would usually be required. Since he cannot know what evidence and which defense strategies will be allowed by the court and has had no response to basic information requests, he must subpoena all witnesses and evidence that might possibly have any bearing on the case. This may mean that Campbell will be forced to subpoena the Sheriff and Undersheriff as well as officials of Nellis Air Force Base. Campbell is also expected to subpoena the video tapes taken from the KNBC crew and all the documents that would have otherwise been requested in the discovery process.

Also in the Dec. 6 letter, Holton said that the D.A. had informed her that "a special prosecutor will be appointed to handle this case." The reasons for this action and the name of the special prosecutor have not yet been revealed. It is also unclear why the D.A. has waited so long to make such a move--almost five months after the arrest and only two weeks before trial.

[See update in [DR#21](#)]

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## **Background: Justice of the Peace**

Dating from the days of Judge Roy Bean, the Justice of the Peace has been a trademark of the American West. The

position was originally created to serve the needs of isolated rural communities where a full-time judge was not needed and no trained lawyers were available to serve. A Justice of the Peace needs to have no law degree, and there are no prerequisites for the job except to be elected by the community. In Nevada, the Justice of the Peace is empowered to hear misdemeanor cases but not felonies and deals primarily with traffic violations. The maximum fine the Justice may impose is \$1200 and six months [?] in jail.

Justice Holton does not have a law degree, but she was recently reelected by local voters by a wide margin. In Alamo, the Justice of the Peace shares a suite of offices with the Sheriff's Dept. substation, which consists of the two deputies who arrested Campbell. One of these deputies, Sgt. Lamoreaux, also serves as the court's bailiff.

Nola Holton presided over a 1988 trial of four activists who were arrested for trespassing in the Groom Mountain Range shortly after its controversial withdrawal by the Air Force. Holton convicted the four, rejecting their defense that they were working a valid mining claim staked while the land was public. This conviction was later overturned by a higher court on appeal.

Justice Holton also authorized the search warrant served on an ABC News television crew on April 8, 1994. Like KNBC, ABC was accused of photographing the secret Groom Lake base but denied doing so. The warrant authorized not only the seizure of the crew's video tapes, but also every piece of their equipment, including the camera, microphones, radio equipment, sound equipment and cables. All equipment and video tape were returned to ABC about a week later, with no explanation or apologies. Indeed, when their story aired, ABC showed no pictures of the secret base except the one printed on the cover of the March 1993 Popular Science.

Holton has sentenced four of the seven trespassers who accidentally drove across the unfenced border on Jan. 2, 1994. Three who originally pleaded "No Contest" were sentenced to a \$250 fine each. Another member of the group, William Fitzgerald, chose to fight the charges but later agreed to a plea bargain with the D.A. The D.A. agreed to recommend a \$100 fine in exchange for a "No Contest" plea. Justice Holton, however, chose to disregard the D.A.'s recommendation and imposed a fine of \$500 (plus a \$100 clerical fee). Such an excessive penalty--five times the recommendation--is within the court's legal discretion, but it destroys the D.A.'s credibility in future negotiations. Since the D.A.'s recommendation seems meaningless to the court, he can no longer engage in effective plea bargaining.

A fifth member of the group, Connie Ruiz, agreed to the same plea agreement as Fitzgerald, but she has not yet been sentenced because the court has not received the written plea agreement from the D.A. This four month oversight in the delivery of routine paperwork appears to reinforce the D.A.'s local reputation as an unreliable official given to unnecessary delays.

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## **Motion To Compel Discovery**

Summary: The Nov. 9 "Motion to Compel Discovery" asked the court to require the District Attorney to provide documents to the defense concerning the handling of the KNBC tapes after they were confiscated from the TV crew. The motion is based on Campbell's Oct. 28 written request to the D.A. asking for the receipts and other paperwork signed by representatives of the Air Force and Sheriff's Dept. whenever this evidence changed hands. In most police departments, these documents are routine and required, and they should be of special concern when evidence is confiscated without a warrant.

The D.A. failed to respond to Campbell's Oct. 28 request, even to deny it, so the Nov. 9 motion was filed to compel his reply. The motion requested a Nov. 16 hearing if necessary, and the last line said to Holton, "Please let me know if this request is insufficient."

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## **Motion to Clarify Defense Strategies**

[Below is the full text of the Nov. 22 motion.]

Nov. 22, 1994

The Honorable Nola Holton  
Pahrnagat Valley Justice Court  
P.O. Box 449  
Alamo, NV 89001

Dear Justice Holton:

Regarding: Case #P55-94

### MOTION TO CLARIFY THE ADMISSIBILITY OF VARIOUS DEFENSE STRATEGIES

The Defense hereby asks the Court to provide its opinion as to the validity of various defense strategies that might be used during the course of the upcoming trial. I regard these strategies as straightforward and self-evident, but my discussions with the D.A. suggest that he would protest them as "irrelevant." In order to streamline the trial process and the obtaining of pre-trial information, I ask the Court to confirm or refute the general validity of each of these possible strategies....

1) The accounts of the police officer or officers in the case are directly refuted by other witnesses who say that the events leading up to the arrest are different than described by the officers. The Defense can argue to jury that the difference in testimony suggests that the officer's memory is unreliable and the defendant's actions and intent were different than what the officers claim.

2) At the time the defendant allegedly obstructed the officer, the officer was engaged in an illegal act or an act that was outside his properly delegated authority. The Defense may point out to the jury that to prove that obstruction took place, the State must show that the act that was obstructed was fully legal and properly delegated.

3) Prior to the alleged offense, the Defendant had had extensive experience in similar situations with the same officer whose action he is accused of obstructing. In the prior cases, illegal or improper acts were committed by the officer or his department-- for example, the illegal deprivation of personal property without due process--forming a clear and pervasive pattern of criminal activity or abuse of authority. The pattern was further emphasized to the defendant by the accounts of others, who claimed to also have suffered similar abuses. This information entered into the Defendant's state of mind at the time of the alleged obstruction, leading him to conclude that, if the officer's action was allowed to proceed, it would result in a similar illegal act.

4) The Sheriff's Dept. is not neutral in this matter but is seeking to silence or harass a vocal political opponent. Testimony is presented suggesting prior animosity by the Sheriff's Dept. against the Defendant for his political activism. Testimony is also presented that, as a result of publicity generated by the defendant, the Sheriff's Dept. has suffered significant public embarrassment for its questionable policies. If supported by the evidence, the Defense may suggest to the jury that the authorities are not seeking to uphold the law but instead are seeking to "get" the Defendant to address past grudges.

In this motion, I am only requesting the Court's permission to pursue any of these general strategies and seek relevant evidence; I am not yet seeking the Court's ruling on the admissibility of any specific piece of evidence, which may be addressed later. The aim of this motion is to save the time of both the Defense and State in allowing them to pursue only that evidence which has a possibility of being admitted.

Since the further conduct of the discovery process depends on the Court's response to this motion, I ask that the Court rule on it as quickly as possible to preserve the Dec. 21 trial date. If a hearing must be held regarding this motion, Nov. 30 is requested.

SINCERELY

GLENN CAMPBELL

cc: Thomas Dill, District Attorney  
Tracie Lindeman, Co-Counsel

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## Motion to Dismiss

[Below is the full text of the Nov. 29 motion.]

Nov. 29, 1994

The Honorable Nola Holton  
Pahranagat Valley Justice Court  
P.O. Box 449  
Alamo, NV 89001

Dear Justice Holton:

Regarding: Case #P55-94

### MOTION TO DISMISS

I hereby ask the Court to dismiss the obstruction charge against me on the grounds of repeated and unwarranted delays by the State in prosecuting this case and responding to my reasonable discovery requests. These delays have effectively blocked my legitimate defense.

Procrastination seems to mark every action of the District Attorney's office. In the pending case, even the simplest request or court action has been unreasonably strung out, including...

-- Delay, without explanation, of my arraignment from Aug. 3 to Aug. 24--over one month after the July 19 arrest. The delay might have been justified for a complex, multiple count felony charge, but not a simple, single count misdemeanor.

-- Delay, without explanation, of delivery of initial discovery materials, arriving over two weeks after a written request and a month and a half after the first verbal request. The written request was made Sept. 27, after multiple verbal requests in Aug. and Sept. in which the D.A. told me directly he would send the materials but did not. After the written request, two additional verbal requests were required before the materials were finally sent to me, postmarked Oct. 11.

-- No response--after over a month--to my Oct. 28 written request to the D.A. for additional discovery materials. Since other requests and motions are dependent on the D.A.'s response, this unwarranted delay has made it virtually impossible for me to prepare an adequate defense for our agreed upon Dec. 21 trial date.

At the Oct. 19 hearing, I agreed, in good faith, that the Dec. 21 trial date would be final and that no further delays would be necessary. I understood, however, that the D.A. would also make a good faith effort to respond to my discovery requests. In keeping with legal practice elsewhere, I expected that replies--at least negative ones--would come back to me within a few days of each request, then I would file motions on points of contention and hearings would be held promptly. I did not anticipate that a single very basic additional discovery request would eat up most of the time before trial.

Although I have waived my right to a trial within 60 days, I have not consented to indefinite delays to accommodate the State's procrastination. As the trial date and discovery process is stretched out longer and longer from the arrest, the memories of witnesses fade and the obtaining of evidence becomes more

problematic. Although I have waived my 60-day right, that does not give the State the right to delay the tools of my defense and thereby stretch out the trial date to the State's advantage.

Even if the trial was again continued, it seems unlikely that the State's performance would improve. My own limited observation of local court cases and county business suggests that inexcusable delays are routine for the D.A.'s office. Even the simplest actions and responses, some requiring little more than the D.A.'s signature, are routinely delayed for up to four months or are never completed at all. At the Court's request, I can provide a lengthy list of such unwarranted delays in even the most straightforward situations, suggesting that NO trial date, no matter how far in the future, will allow the assembly of a reasonable defense in a complex case like this.

To all appearances, the charge against me is trivial and politically motivated. I was arrested for allegedly interfering with the highly questionable and widely publicized seizure of a news crew's video tape, executed by a Sheriff's deputy without a warrant. The charge against me could be seen as an attempt by the Sheriff's Dept. and D.A. to save face. My opposition to the county's secret dealings with the Air Force is well known, and the continued pursuit of this groundless case must be seen as political harassment.

I hereby petition the Court to dismiss the misdemeanor charge against me.

SINCERELY  
GLENN CAMPBELL

cc: Thomas Dill, District Attorney  
Tracie Lindeman, Co-Counsel

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## Motion to Submit

Summary: The Dec. 2 "Motion to Submit" requested Holton's immediate ruling on the above motions, based on the D.A.'s failure to respond and the rapid approach of the Dec. 21 trial date.

"Since the defendant is innocent until proven otherwise, the burden is on the State to actively defend its position throughout these proceedings. Since the State has failed to offer an objection to the first two motions within a reasonable period, I petition the court to issue an immediate ruling in favor of the Defense."

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## The Court's Response

[Below is the letter by Justice Holton to Campbell. It is the only response from either the court or D.A. to any of the motions above.]

Pahranagat Valley Justice Court  
P.O. Box 449  
Alamo, NV 89001  
Phone: (702) 729-3357

December 6, 1994

Glenn Campbell  
HCR Box 38  
Rachel, NV 89001

Dear Mr. Campbell;

I am in receipt of the numerous communications which have been sent to this Court. Before these written motions can be answered by the District Attorney, or considered by the Court, they must be submitted in proper form.

Please consult with co-counsel regarding the required format. Also discuss with her the scope of discovery which the District Attorney must provide.

Any requests for dismissal of this action will be considered only after the Court has listened to verbal arguments from both sides. Any and all motions will be heard prior to Trial on December 21, 1994.

Also for your information, the District Attorneys office has advised that because of a possible conflict, a special prosecutor will be appointed to handle the case. The Court will receive written notification tomorrow and a copy will be forwarded to you.

Sincerely,

Nola Holton  
Justice of the Peace

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