

1 Tom Retzlaff  
2 PO Box 92  
3 San Antonio, TX 78291-0092  
4 Telephone: (210) 317-9800  
5 Email: Retzlaff@texas.net

6 Defendant, pro se

7 IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

8 IN AND FOR THE COUNTY OF MARICOPA

9  
10 STATE OF ARIZONA,

11 Plaintiff,

12 vs.

13 THOMAS CHRISTOPHER RETZLAFF,

14 Defendant.

Case No.: CR2021-001396-001

**DEFENDANT'S MOTION TO EXTEND  
TIME TO FILE MOTION TO REMAND  
UNDER RULE 12.9, ARIZ. R. CRIM. P.  
AND MOTION TO PRODUCE THE  
GRAND JURY TRANSCRIPT**

(ASSIGNED TO COMM. GARFINKEL)

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20 **For reasons as set forth in the Request, and good cause appearing,**  
21 **IT IS ORDERED** appointing the Office of Public Defense Services to  
22 **represent the Defendant. – June 2, 2021, Order of Comm. Garfinkel**

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24 **A. INTRODUCTION**

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26 1. The defense begs the Court's indulgence as there is a great deal to unpack  
27 here and it is vital that all the details be fully examined. Due to wrongdoing  
28 directly and unequivocally attributable to the State, Mr. Retzlaff has been

1 without benefit of counsel now for more than six months, having lost two  
2 different retained lawyers due to threats of violence and murder made by  
3 witnesses for the State and due to employees in the County Attorney's  
4 Office repeatedly leaking confidential documents and information to  
5 members of a violent white supremacist gang and a group of internet  
6 cyberstalkers, which have been used in a plot to assassinate the defendant  
7 and his attorneys and to conduct on online, scorched-earth defamation  
8 campaign to ruin their law practices and reputations. No other attorney is  
9 willing to take this case on. In the meantime, in a continuation of the  
10 prosecution's efforts since day one to prevent a fair trial from occurring, the  
11 State has taken unfair advantage of the loss of defense counsel to Mr.  
12 Retzlaff's detriment by filing what amounts to *ex parte* motions and  
13 obtaining orders prohibited Mr. Retzlaff from filing his own responsive  
14 pleadings – and getting the court to strike pleadings already filed. While at  
15 the same time, procedural deadlines have either approached or lapsed and  
16 the Court's March 29 and June 3 orders appointing the Office of Public  
17 Defense Serves to represent the defendant have gone utterly ignored. **This is**  
18 **a violation of fundamental Constitutional rights of due process and a**  
19 **fair trial that has hopelessly infected this entire proceeding such that a**  
20 **dismissal with prejudice is the only cure.**

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- 22 2. The defendant, Tom Retzlaff, is a 55-year-old married father who is a  
23 former state and federal law enforcement officer, and an honorably  
24 discharged US Army veteran, who stands accused by his 33-year-old,  
25 unemployed, mentally ill daughter of identity theft, forgery, and some kind  
26 of nonsensical “computer tampering” charge in an indictment recently  
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1 obtained by Deputy County Attorney Edward Leiter (despite an agreement  
2 he made with Mr. Retzlaff's former counsel not to do so.)<sup>1</sup>  
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12 <sup>1</sup> Without spending too much time beating a dead horse, Brittany Retzlaff is the epitome of  
13 a self-entitled, spoiled millennial child. At over 33 years of age, she still has yet to find gainful,  
14 full-time employment or even complete her basic education. She "earns" her money by  
15 engaging in "street preaching" on behalf of her religious cult, mooching off of her fellow co-  
16 religionists and/or what few family members still talk to her, as well as odd jobs she finds on the  
17 internet (some more disgusting than others).

18 In addition to not being gainfully employed, Brittany is a member of an anti-Government,  
19 end-of-the-world religious cult called "*The Watchtower*" that has long been involved in child  
20 sexual abuse controversies around the globe and the subject of numerous criminal probes.  
21 Brittany's supposed "husband", Daniel German Vasquez Saldana, is an Elder in this *Watchtower*  
22 child sex religious cult and he has been directly responsible for numerous acts of child sex abuse  
23 and the covering up of child sex abuse at *Watchtower* facilities here in Arizona and overseas.  
24 German Vasquez Lucano (his father) is a "Senior Overseer" of this sex abuse cult in Lima, Peru,  
25 who is suffering from diabetes, permanent blindness, and other severe, chronic health problems.  
26 He is the individual who arranged the "green card" phony marriage between Brittany Retzlaff  
27 and Daniel Vasquez Saldana expressly so as to help him and his family gain access to our county  
28 and its free medical benefits. (Brittany is also an apparent devotee of the *QAnon* genre of "deep  
state" type conspiracy theories involving "evil" chemicals placed in everyday products and  
government / *Big Pharma*-type conspiracies.)

24 The genesis of this all started over 14 years ago when Brittany joined an anti-  
25 government, doomsday religious cult called *The Watchtower* organization after a family dispute  
26 with her father, the defendant herein, which caused her to be removed as a beneficiary to various  
27 family assets to include her grandfather's Will. Brittany has told her father that she was "sent by  
28 God to lead the 144,000 into the millennium." Brittany believes that she is receiving spiritual  
revelations and visions to help her gather and prepare those chosen to live in the *New Jerusalem*  
after the *Great War* as prophesied in the *Book of Revelations*. As the Court well knows,  
throughout history, apocalyptic movements have often led people to do bizarre and even violent  
things, which explains the current rife between father and daughter.

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2 3. The reason why Mr. Leiter broke this agreement with defense counsel is  
3 patently obvious: Mr. Leiter did it so he could secure an unfair advantage  
4 over the now unrepresented Mr. Retzlaff during a time when he was placed in  
5 a vulnerable situation, not having an attorney through **wrongdoing that is**  
6 **directly and unequivocally attributable to the State.** As the Court well  
7 knows, Arizona defendants who face a preliminary hearing instead of a  
8 grand jury receive a greater level of judicial protection, including notice of  
9 charges, subpoena of witnesses, and the right of confrontation. See Ariz. R.  
10 Crim. P. 5.1 through 5.4; see also Sigmund G. Popko, *Arizona's County*  
11 *Grand Jury. The Empty Promise of Independence*, 29 ARIZ. L. REV. 667,  
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18 These phony allegations are the end result of her being disinherited by the family, in  
19 general, and her father, specifically, due to Brittany's poor life choices and spendthrift ways.  
20 From 2012 through 2018, Brittany had been living in Peru doing unpaid "missionary" work for  
21 her religious cult. **(You get one guess as to who helped finance this extended vacation!)** In  
22 March 2018, Brittany returned to the United States and took up residence in the family home,  
23 living in her old childhood bedroom with two semi-feral cats that she found on the streets of  
24 Lima, shacking up with some boy from the ghetto she met while Brittany spent six years living  
25 in Peru on her parents' dime. Neither of them ever paid any rent, helped out with the electric or  
26 water, all while eating up all the food in the house and taking 45-minute showers! Plus, she has  
27 a serious drinking problem, frequently hiding bottles of hard liquor and wine in her bedroom  
28 closet, under her clothes and inside shoes. Only after a final blow up with her mom and dad (the  
defendant) over Christmas 2019 did Brittany and this boy finally leave the family home – only to  
promptly move into government housing that is subsidized by the good taxpayers of Maricopa  
County.

There is an old saying that "The enemy of my enemy is my friend" and that has caused  
Brittany to become very good friends with an extremely bizarre cast of characters – all for the  
express purposes of making Tom's life as horrendous and difficult as possible. Forcing him to  
spend hundreds of thousands of dollars on attorney's fees and litigation expenses.

1 681-83 (1987) (recognizing that preliminary hearings provide defendants  
2 more protection).<sup>2</sup>  
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4 4. Notwithstanding the disparate level of protection between the two charging  
5 procedures or the clear advantages that the grand jury process affords to the  
6 State, our courts have held that a prosecutor has complete autonomy in his or  
7 her decision of whether to afford a defendant the more constitutionally  
8 protective procedure of presenting the matter via a preliminary hearing or  
9 through the less protective grand jury process. See *State v. Bojorquez*, 111  
10 Ariz. 549, 553, 535 P.2d 6, 10 (Ariz. 1975) (discussing the “unfettered  
11 discretion of the county attorney to alternatively prosecute by indictment or  
12 information”); *State v. Meeker*, 143 Ariz. 256, 265, 693 P.2d 911, 920 (Ariz.  
13 1984). Under Arizona law, the prosecutor’s *ex parte* role before the grand  
14 jury is both statutorily and practically a tremendous and largely unchecked  
15 one. The prosecutor attends all grand jury proceedings, participates in the  
16 selection of the grand jury panel, provides definitions of legal terms, acts as  
17 a legal advisor, instructs the grand jury, and most importantly, calls and  
18 examines witnesses. A.R.S. §§ 21-408 & 409; *Popko*, at 681-83 (1987).  
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22 <sup>2</sup> The prosecution clearly does not want the defense to question Wicevich under oath, and  
23 you can see this all the way back in the decision to go to a grand jury for an indictment and have  
24 him testify in secret instead of holding a preliminary hearing where the defense would be able to  
25 question him. Which is why Mr. Retzlaff will be demanding the Court order Wicevich (and the  
26 other 90+ witnesses that have been designed and listed) to appear for depositions, as provided by  
27 Ariz. R. Crim. P. 15.3. The fact that it now appears that staff for the MCAO and several of its  
28 witnesses have apparently been using the “Signal” messaging app (so as to communicate in  
secret to plot against Mr. Retzlaff and his attorneys), will need to be addressed by the Court at  
some point. ABC-15 investigative news reporter Dave Biscobing has uncovered numerous  
instances where MCAO employees have been using the Signal app to communicate with one  
another so as to circumvent state open records laws, MCAO document retention policies, and  
evade court discovery orders.

1 The grand jury’s reliance on the prosecutor from beginning to end creates a  
2 palpable dominance and an unfair advantage.  
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4 5. Given that it is the State’s unilateral choice to abandon the already scheduled  
5 preliminary hearing in the Direct Complaint case against Mr. Retzlaff (in  
6 Cause No. CR2020-136827-001 DT) and to seek an indictment in this new  
7 cause number, rather than to afford Mr. Retzlaff the protection of a  
8 preliminary hearing, our Supreme Court has held that Arizona prosecutors  
9 owe certain duties to a person under investigation to assure that the  
10 prosecutor does “not take advantage of his or her role as the *ex parte*  
11 representative of the state before the grand jury to unduly or unfairly  
12 influence it.” *Maretick v. Jarrett*, 204 Ariz. 194, 198, ¶ 10, 62 P.3d 120, 123  
13 (Ariz. 2003). (For reasons that will be further explained in the planned  
14 upcoming Rule 12.9 motion to remand, the State through Deputy County  
15 Attorney John Douglas Mangum (1) failed to correct misstatements and  
16 misrepresentations provided by its witness, (2) failed to adequately instruct  
17 the grand jury on all relevant law and applicable defenses (to specifically  
18 include applicable 1<sup>st</sup> Amendment defenses and the absolute immunity  
19 afforded by CDA Section 230), and (3) failed to communicate clearly  
20 exculpatory information to the grand jury.)  
21

22 6. This is an important issue because it is a well-documented FACT that the  
23 County Attorney’s office has a long history of presenting false and perjured  
24 testimony at grand jury proceedings – not just in Mr. Leiter’s previous  
25 phony *Phoenix Freeway Shooter* case (in which he and the MCAO paid a  
26 \$100,000 settlement for malicious prosecution on November 27, 2018 – see  
27 attached **Exhibit 1**), but most recently evidenced by the shocking ineptitude  
28 and gross misconduct displayed by Allister Adel and her assistants in the

1 recent *Black Lives Matter* protest cases, as well. Attached as **Exhibit 2** is a  
2 June 3, 2021, order from Maricopa County Superior Court Judge Jennifer  
3 Ryan-Touhill in *State v. Riley Morgan Behrens* (Case # CR2020-139581-  
4 006 DT). In her ruling, Judge Ryan-Touhill found that a key Phoenix police  
5 sergeant, Doug McBride, and the case’s lead prosecutor, April Sponsel,  
6 engaged in “egregious misconduct” and said portions of their case were  
7 “absurd,” “ridiculous,” “disingenuous,” and “baffling.” See June 3 Order at  
8 pages 13-15.

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- 10 7. According to the judge’s order: “Both Sgt. McBride and Ms. Sponsel  
11 colluded in their efforts to present the grand jury with false information  
12 regarding a non-existent gang.” June 3 Order at 13.
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- 14 8. This, of course, is not the first time in recent weeks that a Maricopa County  
15 prosecutor has colluded with law enforcement to present false information  
16 about nonexistent events to a grand jury.
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- 18 9. On November 17, 2020, Maricopa County Superior Court Judge Michael  
19 Blair dismissed cases against Donald Rourke and his mother, Tina Martin,  
20 with prejudice. This was a case involving phony allegations of a murder-  
21 for-hire plot in which two people were wrongfully incarcerated in pretrial  
22 detention for more than 4 years based solely on lies told to a grand jury by  
23 MCAO prosecutors. See *Prosecutor Who Charged Protesters as a Gang  
24 Also Botched Murder Case*  
25 [https://www.phoenixnewtimes.com/news/arizona-prosecutor-protesters-  
26 acab-april-sponsel-claim-rourke-11544703](https://www.phoenixnewtimes.com/news/arizona-prosecutor-protesters-acab-april-sponsel-claim-rourke-11544703)  
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1 10.MCAO prosecutors at the highest levels repeatedly ignored numerous  
2 discovery orders and flouted their ethical obligations. The MCAO is now  
3 facing another multi-million-dollar civil rights lawsuit.  
4

5 11.On June 15, 2021, in *State v. Jerry Sanstead*, Case No. CR2020-002249-  
6 001, Maricopa County Superior Court Judge Roy C. Whitehead found that  
7 the Maricopa County Attorney’s Office violated Mr. Sanstead’s procedural  
8 due process rights by presenting phony “evidence” and perjured testimony to  
9 a grand jury when prosecutors Tiffany Brady and Edward Paine falsely  
10 claimed that Mr. Sanstead was texting on his cell phone when his car  
11 collided with Salt River PD Officer Clayton Townsend in 2019. See  
12 attached **Exhibit 3** – June 8, 2021, Minute Entry at pg. 2. An attorney for  
13 Sanstead said in court earlier this month that Sanstead’s cell phone records  
14 show his phone was in sleep mode for two minutes before the crash and that  
15 he wasn’t using his phone – and the prosecution knew that, but totally lied  
16 about it anyways to the grand jury!! Instead, it turns out that the guy had  
17 some kind of seizure which caused the accidental crash. See  
18 [https://www.12news.com/article/news/local/valley/court-orders-grand-jury-](https://www.12news.com/article/news/local/valley/court-orders-grand-jury-to-reconsider-charges-for-suspect-in-officer-clayton-townsend-death-jerry-sanstead-maricopa-county-salt-river-police/75-fe4fc779-f552-4c3b-86d8-7c7c6b595bfb)  
19 [to-reconsider-charges-for-suspect-in-officer-clayton-townsend-death-jerry-](https://www.12news.com/article/news/local/valley/court-orders-grand-jury-to-reconsider-charges-for-suspect-in-officer-clayton-townsend-death-jerry-sanstead-maricopa-county-salt-river-police/75-fe4fc779-f552-4c3b-86d8-7c7c6b595bfb)  
20 [sanstead-maricopa-county-salt-river-police/75-fe4fc779-f552-4c3b-86d8-](https://www.12news.com/article/news/local/valley/court-orders-grand-jury-to-reconsider-charges-for-suspect-in-officer-clayton-townsend-death-jerry-sanstead-maricopa-county-salt-river-police/75-fe4fc779-f552-4c3b-86d8-7c7c6b595bfb)  
21 [7c7c6b595bfb](https://www.12news.com/article/news/local/valley/court-orders-grand-jury-to-reconsider-charges-for-suspect-in-officer-clayton-townsend-death-jerry-sanstead-maricopa-county-salt-river-police/75-fe4fc779-f552-4c3b-86d8-7c7c6b595bfb). See also news article announcing the dismissal of all charges  
22 against Mr. Sanstead.

23 [https://www.azcentral.com/story/news/local/scottsdale/2021/06/25/jerry-](https://www.azcentral.com/story/news/local/scottsdale/2021/06/25/jerry-sanstead-case-dropped-accused-texting-driving-fatal-crash-salt-river-officer-clayton-townsend/5353297001/)  
24 [sanstead-case-dropped-accused-texting-driving-fatal-crash-salt-river-officer-](https://www.azcentral.com/story/news/local/scottsdale/2021/06/25/jerry-sanstead-case-dropped-accused-texting-driving-fatal-crash-salt-river-officer-clayton-townsend/5353297001/)  
25 [clayton-townsend/5353297001/](https://www.azcentral.com/story/news/local/scottsdale/2021/06/25/jerry-sanstead-case-dropped-accused-texting-driving-fatal-crash-salt-river-officer-clayton-townsend/5353297001/)

26  
27 12.As a result of the dismissal of the dozen or so phony *Black Lives Matter*  
28 protest arrest cases and the recent filing of a “massive” civil rights lawsuit,



1 Sherry Leckrone, chief of the MCAO's First Responders Bureau, and  
2 Division chief Vince Goddard, were both summarily fired and are facing  
3 Section 1983 lawsuits and state bar disciplinary investigations. No doubt,  
4 many more heads will roll as the report by retired Superior Court Judge  
5 Roland Steinle goes public.<sup>3</sup>

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7 13. On January 11, 2021, retained defense counsel for the defendant (Robert  
8 Campos) filed a motion to withdraw from the case.<sup>4</sup> Without any notice or  
9 an opportunity to be heard by the defendant himself, on January 27<sup>th</sup> the  
10 Court signed an order granting the motion; thus, depriving the defendant of

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13 <sup>3</sup> For what it is worth, both Judge Steinle and Dave Biscobing of ABC-15 news have been  
14 kept fully informed about the developments in this case. The ownership of ABC-15, the *E.W.*  
15 *Scripps Company*, along with 40 of America's largest news media companies, recently filed an  
16 *Amicus* brief in support of Mr. Retzlaff in the U.S. Fifth Circuit Court of Appeals in that \$100  
17 million federal lawsuit involving Van Dyke.

18 <https://www.courtlistener.com/docket/7551747/jason-van-dyke-v-thomas-retzlaff/>

19 <sup>4</sup> Prior to Mr. Campos' withdraw, Mr. Leiter entered into an agreement with attorney  
20 Robert Campos in January to "pause" the case at the Direct Complaint / preliminary hearing  
21 stage until such a time as Mr. Retzlaff was able to obtain new counsel. Mr. Leiter also agreed to  
22 first allow Mr. Retzlaff an opportunity to establish his innocence to these BOGUS allegations  
23 before proceeding further. **Robert Campos is prepared to testify to this agreement.** Mr.  
24 Leiter's violation of this agreement appears to be a clear breach of his ethical duties as an  
25 attorney as outlined by Arizona State Bar Rules of Professional Conduct, Rule 8.4(c), (d). Mr.  
26 Leiter's conduct also appears to be a violation of the Maricopa County Attorney's Office's  
27 Prosecutorial Ethics & Professional Standards

28 [\(<https://www.maricopacountyattorney.org/183/Prosecutorial-Ethics-Professional-Standa>\)](https://www.maricopacountyattorney.org/183/Prosecutorial-Ethics-Professional-Standa). This  
is quite troubling in light of the fact that both Mr. Leiter and the MCAO recently paid out over  
\$100,000 to settle a malicious prosecution lawsuit based upon a completely false prosecution by  
Mr. Leiter of Leslie Allen Merritt Jr. (the so-called "Phoenix Freeway shooter")  
[\(<https://www.azcentral.com/story/news/local/phoenix/2018/11/29/leslie-merritt-jr-once-accused-interstate-10-shootings-2015-wins-settlement-maricopa-county-attorney/2142380002/>\)](https://www.azcentral.com/story/news/local/phoenix/2018/11/29/leslie-merritt-jr-once-accused-interstate-10-shootings-2015-wins-settlement-maricopa-county-attorney/2142380002/).

Furthermore, Mr. Leiter and the Court were both informed in a written pleading filed February 1  
that, should the State seek an indictment, Mr. Retzlaff was demanding his right to appear before  
the grand jury, either in person or via a *Trebus* letter, as provided by *Bashir v. Pineda*, 226 Ariz.  
351 248 P.3d 199 (App. 2011).

1 counsel during a critical stage of these proceedings – despite the fact that  
2 Arizona Rule of Professional Conduct 1.16 and Arizona Rule of Criminal  
3 Procedure 6.3 require notice to the defendant and an opportunity to be heard.  
4 (A fact acknowledged by the State in their May 28 motion asking the Court  
5 to appoint counsel for Mr. Retzlaff.)  
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7 14. In a tacit acknowledgement of the irreparable harm done to Mr. Retzlaff and  
8 his defense to this phony, ginned up criminal allegations made by his  
9 daughter, Comm. Terri Clarke ordered the appointment of the Public  
10 Defense Services to represent Mr. Retzlaff in a Minute Entry dated March  
11 29, 2021. See attached **Exhibit 4**.

12 15. However, Comm. Clarke's order went ignored by OPDS and no attorney  
13 from that office ever made an appearance on Mr. Retzlaff's behalf. Even  
14 worse, not once did the Court ever follow up to ensure that its lawful order  
15 was being obeyed!! Mr. Retzlaff made repeated complaints to the Court,  
16 only to have his pleadings stricken and threats of contempt of court and  
17 incarceration levied against him all because Mr. Retzlaff had the temerity to  
18 demand that his fundamental Constitutional rights be respected.  
19

20 16. After weeks of inaction on the part of the Court, Mr. Retzlaff was finally  
21 able to find and retain defense counsel on his own. Because of the fear of  
22 further harassment and threats of violence and murder, a decision was made  
23 to hold off filing the Notification of this hiring until the last possible  
24 moment. However, said efforts came to naught due to malfeasance and  
25 meddling on the part of the MCAO and witnesses for the State.  
26

27 17. Shortly after communicating with the prosecutor, Mr. Leiter, in a phone call  
28 just days before the May 26, 2021, arraignment, retained defense counsel for

1 the defendant (John Blischak) also withdrew from the case – again, without  
2 any notice or an opportunity to be heard by the defendant. Thus, forcing Mr.  
3 Retzlaff to appear at the arraignment all alone, without the benefit of  
4 counsel, appointed or otherwise. Despite Mr. Retzlaff’s request for a short  
5 continuance so as to find replacement counsel, Comm. Hinz decided to hold  
6 the hearing anyways. Minutes into the arraignment, Comm. Hinz decided to  
7 cut off the video and audio feed for Mr. Retzlaff and Houston, TX, attorney  
8 Jeff Dorrell (who was sitting in with Mr. Retzlaff as a courtesy); thus,  
9 depriving Mr. Retzlaff of the ability to be present and participate in this  
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1 critical stage of the proceedings and leaving him deaf, blind, and mute  
2 before the court.<sup>5</sup>  
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8 <sup>5</sup> With regards to the events and orders made at the May 26 arraignment, in *Rothgery v.*  
9 *Gillespie County*, 554 U.S. 191 (2008), the United States Supreme Court reaffirmed that the  
10 right to counsel attaches when “formal judicial proceedings have begun.” For over 60 years,  
11 arraignments are one of the types of proceedings that the Supreme Court has defined as a  
12 “critical stage” for which the right to counsel attaches. See *Hamilton v. Alabama*, 368 U.S. 52  
13 (1961). For reasons both baffling and without any legal support whatsoever, in his June 11  
14 Minute Entry, Comm. Hinz utterly ignores Mr. Retzlaff’s complaints that he was denied the  
15 assistance of counsel at this critical proceeding **due to misconduct directly attributable to the**  
16 **actions of the MCAO and its employees and witnesses for the State** (see Defendant’s 2<sup>nd</sup>  
17 Amended Notice Regarding Loss Of Defense Counsel, filed May 27, 2021). In any event, at the  
18 start of the arraignment, Comm. Hinz was informed about the circumstances of the last-minute,  
19 unexpected loss of retained counsel and Mr. Retzlaff requested a brief continuance so he could  
20 have time to obtain new counsel. See Mr. Retzlaff’s May 26 letter to Comm. Hinz. Shortly after  
21 the start of the Arraignment, both Mr. Retzlaff and his Texas-based attorney Jeffrey Dorrell (who  
22 was also in the video conference feed with Mr. Retzlaff simply as a courtesy and as an interested  
23 observer) had their audio and video feed summarily cut off by Comm. Hinz with no explanation  
24 and, thus, were not only not allowed to participate, but they were not even allowed to be present  
25 during this critical stage of the proceedings!! Thus, the orders of May 26 are not just voidable,  
26 but they are entirely **VOID** and Mr. Retzlaff – and his counsel – are entitled to a complete “do-  
27 over” as a denial of a defendant’s Sixth Amendment right to counsel is error and any subsequent  
28 conviction will be reversed. *State v. Moody*, 192 Ariz. 505, 509, 968 P.2d 578, 582 (1998)  
(holding that a “deprivation of a defendant’s Sixth Amendment right to counsel ‘infect[s] the  
entire trial process,’ it requires automatic reversal). Comm. Terri Clarke immediately recused  
herself from this case once she realized that she had literally blown up the State’s case against  
Mr. Retzlaff by repeatedly striking pleadings filed by the defense without any notice or an  
opportunity to be heard, and by allowing Mr. Campos to secretly withdraw without notice or an  
opportunity to be heard by Mr. Retzlaff after finding out that threats of violence and murder had  
been made against Mr. Retzlaff and his attorneys by the witnesses for the State and that the  
MCAO had been secretly providing confidential documents and information to the leader of the  
*Proud Boys* white supremacist gang and a revenge pornographer, which ensured that, no matter  
what happens at any eventual jury trial, the case will be summarily reversed on appeal due to the  
deprivation of Mr. Retzlaff’s right to counsel. Judging by Mr. Mangum’s recent filing asking  
the Court to immediately appoint counsel for Mr. Retzlaff, someone in the MCAO has finally  
woken up to this fact and is frantically trying to salvage this case. Of course, their efforts are  
doomed.

1 18. Despite Comm. Garfinkle's June 2 order appointing the Office of Public  
2 Defense Services to represent Mr. Retzlaff (attached as **Exhibit 5**), a month  
3 has passed and yet no counsel from that office has been appointed or  
4 appeared and Mr. Retzlaff is stuck in some kind of weird, bizarro-world  
5 limbo of not having any counsel representing him and not being allowed to  
6 defend himself. **This has been the case now for more than six months!!**  
7

8 19. Clearly both the Court and the State are well aware that there are several  
9 hard and fast deadlines approaching within which a defendant can file some  
10 kind of challenge to the grand jury proceedings, as well as other obligations  
11 that must be met.<sup>6</sup> Yet here we are, with the clock ticking, and no attorney  
12 has yet been appointed by the Office of Public Defense Services to represent  
13 Mr. Retzlaff!

14 20. Mr. Retzlaff respectfully requests to extend the deadline to file a motion to  
15 remand under Rule 12.9 of the Arizona Rules of Criminal Procedure from  
16 the current deadline of July 17 (45 days after the June 3 filing of the GJ  
17 transcript) to a date more than 45 days after a notice of appearance is filed  
18 by counsel for Mr. Retzlaff. The reason for this extension is that no counsel  
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22 <sup>6</sup> Among the several reasons for wanting to challenge the grand jury proceedings is the fact  
23 that the members of the grand jury that indicted Mr. Retzlaff are not racially diverse or a fair  
24 cross-section of the community, which is especially troubling in light of the George Floyd /  
25 *Black Lives Matter* protests, the Breonna Taylor grand jury controversies, and promised criminal  
26 justice reform by Ms. Adel, as well as applicable case law within the U.S. 9<sup>th</sup> Circuit. Further,  
27 despite being in the possession of clearly exculpatory information and evidence (and knowledge  
28 of Mr. Retzlaff's desire to inform the grand jury of this!), the State (through Mr. Leiter's  
assistant, Deputy County Attorney John Douglas Mangum) utterly failed to inform the grand jury  
members of this evidence. As the Court well knows, the prosecutor always has the duty to  
inform the grand jury of clearly exculpatory evidence, even if a defendant has not requested to  
appear or asked for information to be presented. See, e.g., *Trebus v. Davis*, 944 P.2d 1235,  
1237-39 (Ariz. 1997) and Ariz. Rev. Stat. § 21-412.

1 has been appointed to represent Mr. Retzlaff by the Office of Public Defense  
2 Services despite the Court's June 3 order that they do so. Further, Mr.  
3 Retzlaff is waiting on the prosecution to make its Rule 15 Arizona Rules of  
4 Criminal Procedure disclosures to demonstrate the denial of certain  
5 substantial procedural rights. The State utterly failed to provide Mr. Retzlaff  
6 with discovery on the date of the arraignment, in violation of Rule 15.1(a)  
7 and Rule 15.1(b). Further, the State has failed to make any responses to Mr.  
8 Retzlaff's May 26 Motion for Discovery, which is attached as **Exhibit 6**.<sup>7</sup>

9  
10 21. Mr. Retzlaff also requests that the Court order the immediate production of  
11 the grand jury transcript to the defense, as provided by Ariz. Rev. Stat. § 21-  
12 411. The prosecution has long had their copy; Mr. Retzlaff is entitled to his  
13 without delay.

14  
15 22. Lastly, Mr. Retzlaff requests that the Court conduct an evidentiary hearing  
16 into his allegations that the State and/or the State's witnesses have interfered  
17 with his right to the effective assistance of counsel. Mr. Retzlaff has direct  
18 evidence supporting his claims that prosecutor Ed Leiter and other

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19  
20  
21 <sup>7</sup> At some point before the July 7 pretrial conference, counsel for Mr. Retzlaff will likely  
22 need to file a motion for complex case designation, as provided by Administrative Order No.  
23 2010-090 of the Maricopa County Superior Court. The defense has designed over 97 witnesses,  
24 many of them out-of-state. This case is extraordinarily complex due to the State's reliance upon  
25 completely phony electronic "evidence" that was totally ginned up by a group of computer  
26 hackers lead by Round Rock, TX, based revenge pornographer James McGibney (a self-  
27 proclaimed member of the illegal hacking group *Anonymous*), and the involvement of a violent  
28 gang of white supremacists lead by the former leader of the *Proud Boys*, disgraced and  
suspended Texas attorney Jason Lee Van Dyke, along with nearly 8 years of constant, on-going  
SLAPP litigation and phony police reports filed by this group of cross-country lunatics and  
violent white supremacists all in an effort to discredit Mr. Retzlaff and to gain unfair advantages  
over Mr. Retzlaff in their \$100 million federal and state court "defamation" lawsuits.

1 employees of the Maricopa County Attorney’s Office have provided  
2 confidential documents and information to the leader of the *Proud Boys*  
3 white supremacist gang (Jason Lee Van Dyke) and a revenge pornographer  
4 in Texas (James McGibney) which were used in a plot to assassinate Mr.  
5 Retzlaff and his attorneys, as well as to help these individuals gain an unfair  
6 advantage over Mr. Retzlaff in their ongoing SLAPP litigation against him.<sup>8</sup>  
7 (Van Dyke is suing Mr. Retzlaff for \$100 million in federal court for  
8 defamation and McGibney has filed a series of SLAPP lawsuits across the  
9 country against Mr. Retzlaff and others seeking millions of dollars for the  
10 same thing. Mr. Retzlaff has suffered damages as a result of the actions of  
11 MCAO employees – said injuries are not covered by any form of  
12 prosecutorial immunity since the actions of Mr. Leiter and his staff in  
13 feeding documents and information to cyberstalking lunatics and leaders of  
14 white supremacists gangs are not intimately associated with the prosecution  
15 of this case.)

16  
17 23. Mr. Retzlaff is entitled to a full evidentiary hearing on this matter. When  
18 Mr. Leiter is called to the witness stand and placed under oath, he will be  
19 asked by the defense whether or not he and any members of the MCAO had  
20 any contacts or communications with the *Proud Boys* gang leader Van Dyke,  
21 Texas revenge pornographer McGibney, and a failed private investigator

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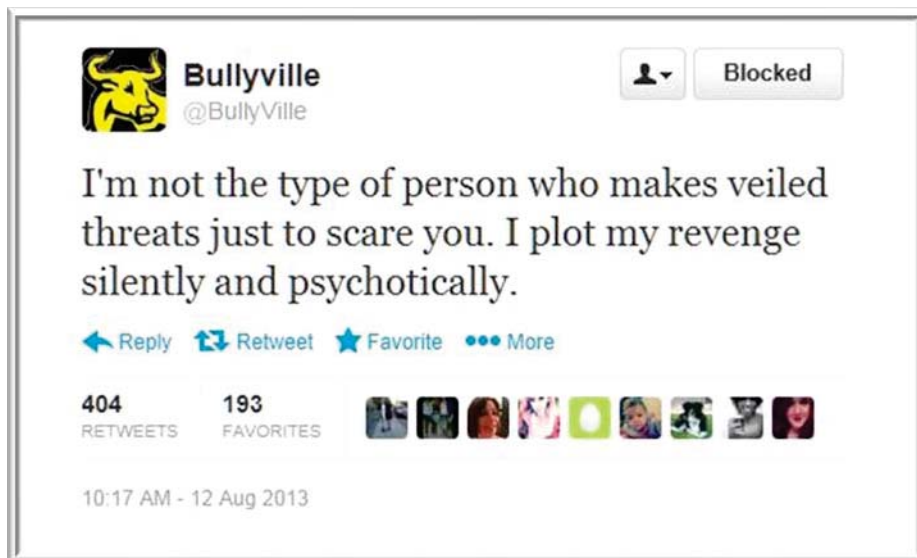
22  
23  
24 <sup>8</sup> Additionally, Mr. Retzlaff’s defense team also has possible evidence of an improper  
25 conflict of interest involving an impermissible personal relationship between the prosecutor and  
26 one of the witnesses in this case, Walker Wicevich, which may be revealed in an *ex parte* sealed  
27 court filing at a later date. If true, this would be a direct violation of Ms. Adle’s office policies.  
28 On November 2, 2020, Ms. Adel was quoted by the *Arizona Republic* newspaper as saying, “As  
stated in our office’s ethics policy, prosecutors are prohibited from having a personal relationship  
with a victim or witness in a case,” Adel replied. “I take this policy seriously and this bureau  
strictly adheres to it.”



1 named Philip Klein (who works for these individuals), or those associated  
2 with them. When Mr. Leiter answers in the affirmative (because the defense  
3 already has the documents and emails establishing all of this), it will literally  
4 be **GAME OVER** and no doubt the community backlash and cries for firing  
5 and disbarment will be fierce. After all, **is there ever a good reason for a**  
6 **prosecutor to be sharing confidential documents and information with a**  
7 **violent gang leader who is literally a Nazi?!?**

## 8 9 10 **B. WHAT THIS CASE IS REALLY ALL ABOUT**

11  
12 24. Defendant, Tom Retzlaff, is accused in an indictment filed by Mr. Leiter and  
13 Mr. Mangum of the Maricopa County Attorney's Office of committing (a)  
14 computer tampering (A.R.S. 13-2316(A)(5)), (b) two counts of taking the  
15 identity of another (A.R.S. 13-2008(A)), and (c) one count of forgery  
16 (A.R.S. 13-2002(A)(1)). The so-called "victim" in this case is Mr.  
17 Retzlaff's mentally troubled daughter, Brittany Retzlaff, who is the  
18 employee and unwitting stooge of a revenge pornographer named James  
19 McGibney of Round Rock, Texas, and a rogue FBI agent named Walker  
20 Wicevich, who for the past several years has been working very closely with  
21 his informant McGibney, feeding him confidential FBI information and  
22 documents which McGibney then uses as a part of his eight-years long  
23 scorched-earth campaign of destruction against Mr. Retzlaff and his other  
24 enemies. McGibney (who has been deemed a "public figure" by courts in  
25 Nevada and Texas) holds himself out as a public moralist and claims to be  
26 the "Sheriff Of The Internet" in his quest to rid the world of people whom he  
27 deems "bullies." In reality, he is a mentally unbalanced drug addict with an  
28 axe to grind who possesses a keyboard and a broadband connection.



-- Social media post by James McGibney (aka “@Bullyville”).

25. **As a result of false reports made to the FBI and law enforcement by (1) Brittany, (2) her employer McGibney (and his “online army of trolls” including Van Dyke and Klein), Mr. Retzlaff and his family have been the subject of police swatting raids four times starting on or about (a) October 20, 2015; (b) June 14, 2017; (c) September 26, 2017; and, (d) June 12, 2018.**

26. The instant legal action is one of several orchestrated over the past eight years by James McGibney, the sole owner of *ViaView, Inc.* – a particularly vicious Internet presence and public figure Tom Retzlaff has publicly criticized. McGibney suits typically involve false claims to obtain *ex parte* restraining orders and phony criminal allegations. This time, McGibney uses Tom’s daughter, Brittany, as his functionary. **This is not a run-of-the-mill criminal case but the latest attempt by McGibney to silence free speech**

1 and online criticism of McGibney's company (a revenge porn website that  
2 sexually blackmails victims) via SLAPP litigation.<sup>9</sup>  
3

4 27. As further evidence of malice, for more than eight years, Mr. Retzlaff has  
5 been named a party (or named as an "un-included or 'un-indicted' co-  
6 conspirator") in this and several other SLAPP lawsuits filed by Brittany  
7 Retzlaff and/or her employer James McGibney, either on behalf of  
8 themselves or on behalf of one or more clients of attorneys representing  
9 them. Specifically:

- 10 a) Case No. 067-270669-14; *James McGibney and ViaView, Inc. v.*  
11 *Thomas Retzlaff, et al*; In the 67th Judicial District Court of Tarrant  
12 County, Texas;
- 13 b) Case No. 02-16-00244-CV; *James McGibney and ViaView, Inc. v.*  
14 *Neal Rauhauser*; In the Fort Worth Court of Appeals;
- 15 c) Case No. 126,841; *John S. Morgan v. Sheryl Johnson-Todd*; In the  
16 County Court at Law No. 1 of Jefferson County, Texas.
- 17 d) Case No. 2014-CI-17145; *E.M. and V.B.M. v. Klein*; In the 73<sup>rd</sup>  
18 District Court of Bexar County, Texas;
- 19 e) Case No. 04-16-00675-CV; *Thomas Retzlaff v. Philip R. Klein,*  
20 *Klein Investigations & Consulting and James W. Landess*; In the  
21 San Antonio Court of Appeals;

22  
23  
24  
25 <sup>9</sup> For the Court's edification, a Strategic Lawsuit Against Public Participation (SLAPP) is a  
26 legal action that is intended to censor, intimidate, and silence critics by burdening them with the  
27 cost of a legal defense until they abandon their criticism or opposition. In the typical SLAPP, the  
28 plaintiff does not normally expect to win the lawsuit. The plaintiff's goals are accomplished if  
the defendant succumbs to fear, intimidation, mounting legal costs, or simple exhaustion and  
abandons the criticism.

- 1 f) Case No. 198,246; *Stephen Hartman v. Layne Walker, et al*; In the  
2 58<sup>th</sup> Judicial District of Jefferson County, Texas;
- 3 g) Case No. 09-16-00299-CV; *Layne Walker v. Stephen Hartman*; In  
4 the Beaumont Court of Appeals;
- 5 h) Case No. 2014-1-CH-005460; *ViaView, Inc. v. Thomas Retzlaff*; In  
6 the Superior Court of Santa Clara (Calif) County;
- 7 i) Case 1:14-cv-00509; *Philip R. Klein v. Layne Walker*; In the U.S.  
8 District Court for the Eastern District of Texas – Beaumont  
9 Division;
- 10 j) No. 17-40052; *Philip Klein v. Layne Walker*, In the U.S. Fifth  
11 Circuit Court of Appeals;
- 12 k) Case No. F-201,904; *In the Interests of Anne Kathleen Morgan,*  
13 *Joseph Demetrious Morgan, and David Michael Morgan, minor*  
14 *children*; In the 252<sup>nd</sup> Judicial District of Jefferson County, Texas.
- 15 l) Case No. 1:13-cv-00355; *Stephen Hartman v. Layne Walker, et al*;  
16 In the U.S. District Court for the Eastern District of Texas –  
17 Beaumont Division;
- 18 m) No. 16-40396; *Stephen Hartman v. Layne Walker, et al*; In the U.S.  
19 Fifth Circuit Court of Appeals;
- 20 n) Case H041521; *ViaView, Inc. v. Thomas Retzlaff*; In the Sixth  
21 District Court of Appeal (Calif);
- 22 o) Case No. 5:14-cv-01059; *James McGibney & ViaView, Inc. v.*  
23 *Thomas Retzlaff, et al*; In the U.S. District Court for the Northern  
24 District of California – San Jose Division.
- 25 p) Case No. 4:18-cv00-247; *Jason Lee Van Dyke vs Thomas Retzlaff*;  
26 In the U.S. District Court for the Eastern District of Texas –  
27 Sherman Division.  
28

1 28. Each of those proceedings were resolved in Mr. Retzlaff's favor and the  
2 restraining orders were denied / quashed. See, e.g., *ViaView, Inc. v.*  
3 *Retzlaff* (2016) 1 Cal.App.5th 198 and *McGibney v. Retzlaff*, 2015 U.S.  
4 Dist. LEXIS 79434, 2015 WL 3807671 (N.D. Cal. June 18, 2015). No  
5 appeal was taken of the federal court decision. The state court decision was  
6 affirmed by the California Supreme Court on June 14, 2017, (*Viaview, Inc.*  
7 *v. Retzlaff*, 2017 Cal. LEXIS 4400). **As a result, Brittany and her**  
8 **employer James McGibney were ordered to pay Tom \$3,467.84, which**  
9 **Mr. Retzlaff received in a cashier's check dated July 14, 2017.** Ever  
10 since then, Brittany and her associates have been plotting their revenge  
11 against Tom.  
12

13  
14 29. The whole purpose for Brittany's phony criminal allegations and protective  
15 order games is for publicity purposes for her employer's website and  
16 business. Brittany is employed by ViaView, Inc. owner James McGibney  
17 who runs the websites [Bullyville.com](http://Bullyville.com) and [Cheaterville.com](http://Cheaterville.com) in which  
18 material authored and provided by Brittany is prominently displayed on  
19 McGibney's multitude of websites and social media accounts so as to drive  
20 traffic to these websites so as to sell products and services to the public for  
21 commercial purposes.<sup>10</sup>  
22

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23  
24 <sup>10</sup> McGibney is a self-styled "anti-bullying advocate" who, in actuality, leads an "Online  
25 Army of Trolls" that harass and threaten various people, who are then driven to McGibney's  
26 websites in order to seek help from what appear to be "random cyber-stalkers" by purchasing  
27 McGibney's anti-bullying products and services. At one point, McGibney claimed he was  
28 earning over \$28,000 a month in revenue from this "crowd sourced" blackmail and cyber-  
[http://america.aljazeera.com/articles/2014/10/7/james-mcgibney-  
bullyville.html](http://america.aljazeera.com/articles/2014/10/7/james-mcgibney-bullyville.html)

1 30. For more than eight years McGibney and his group have been forum  
2 shopping their phony allegations around to police and prosecutors in at least  
3 four different states until they found one foolish enough to finally take the  
4 bait and file charges on Mr. Retzlaff – which is why we are here today.<sup>11</sup>

5  
6 31. For what it's worth, Mr. Retzlaff is but the latest in a long string of  
7 individuals who have been victimized by Brittany, McGibney, and their  
8 *Online Army of Trolls*. McGibney has been kind enough to document his  
9 efforts and list the victims on his website has a Badge Of Honor and warning  
10 to the public. For a list of some other victims see "*Stalkerville – Current*  
11 *Missions*" at <https://www.bullyville.com/?page=stalkerville>

### 12 13 **C. REQUEST TO DIMISS WITH PREJUDICE**

14  
15 32. Mr. Retzlaff has a fundamental Constitutional right to hire and retain legal  
16 counsel of his own choosing when it comes to defending himself from these  
17 completely BOGUS criminal allegations orchestrated by his daughter and  
18 her revenge pornographer employer, along with the leader of a violent white  
19 supremacist gang, a disgraced Texas private investigator, and a rogue FBI  
20

---

21  
22  
23 <sup>11</sup> **Absolutely fatal to the State's case** is the fact that on January 15, 2021, Brittany  
24 attempted to get an Order of Protection against Mr. Retzlaff based in part on the very same  
25 allegations in this criminal case. After a hearing in which Brittany appeared and was represented  
26 by counsel, the judge found that Brittany was not able to meet even the minuscule burden of  
27 proof required in such kangaroo court proceedings and the court dissolved and dismissed  
28 Brittany's previously obtained *ex parte* order of protection with prejudice. Her basis for filing a  
protection order is nonexistent, fraudulent, and deliberately omits key facts, information, and her  
own relevant communications. Mr. Retzlaff would argue that due to matters involving both issue  
preclusion and claim preclusion, the decision from the North Valley Justice Court is an absolute  
bar to any prosecution here for the very same matters that were adjudicated in the justice court  
between the parties.

1 agent with an extremely unsavory reputation and unsettling private life  
2 disturbing enough to make one wonder just how he got hired by the FBI in  
3 the first place while working as a patrolman for the Phoenix Police  
4 Department – an organization known for harboring corrupt racists and  
5 admitted perjurers who regularly abuse the civil rights of our fellow citizens.  
6 See, e.g., *Phoenix PD protest team leader placed on ‘Brady’ list*  
7 ([https://www.abc15.com/news/local-news/investigations/protest-](https://www.abc15.com/news/local-news/investigations/protest-arrests/phoenix-pd-protest-team-leader-placed-on-brady-list)  
8 [arrests/phoenix-pd-protest-team-leader-placed-on-brady-list](https://www.abc15.com/news/local-news/investigations/protest-arrests/phoenix-pd-protest-team-leader-placed-on-brady-list)).

9 Unfortunately, the fact that the MCAO is “sponsoring” such testimony  
10 should sadly come as absolutely no surprise to anyone anywhere. See, e.g.,  
11 *Lead Maricopa County prosecutor on protest cases placed on*  
12 *administrative leave* ([https://www.abc15.com/news/local-](https://www.abc15.com/news/local-news/investigations/protest-arrests/lead-maricopa-county-prosecutor-on-protest-cases-placed-on-administrative-leave)  
13 [news/investigations/protest-arrests/lead-maricopa-county-prosecutor-on-](https://www.abc15.com/news/local-news/investigations/protest-arrests/lead-maricopa-county-prosecutor-on-protest-cases-placed-on-administrative-leave)  
14 [protest-cases-placed-on-administrative-leave](https://www.abc15.com/news/local-news/investigations/protest-arrests/lead-maricopa-county-prosecutor-on-protest-cases-placed-on-administrative-leave)) and *Leslie Merritt Jr., once a*  
15 *suspect in the I-10 shootings, wins settlement from county attorney*  
16 ([https://www.azcentral.com/story/news/local/phoenix/2018/11/29/leslie-](https://www.azcentral.com/story/news/local/phoenix/2018/11/29/leslie-merritt-jr-once-accused-interstate-10-shootings-2015-wins-settlement-maricopa-county-attorney/2142380002/)  
17 [merritt-jr-once-accused-interstate-10-shootings-2015-wins-settlement-](https://www.azcentral.com/story/news/local/phoenix/2018/11/29/leslie-merritt-jr-once-accused-interstate-10-shootings-2015-wins-settlement-maricopa-county-attorney/2142380002/)  
18 [maricopa-county-attorney/2142380002/](https://www.azcentral.com/story/news/local/phoenix/2018/11/29/leslie-merritt-jr-once-accused-interstate-10-shootings-2015-wins-settlement-maricopa-county-attorney/2142380002/)).

19  
20 33. Despite repeated public promises from Maricopa County Attorney Allister  
21 Adel in the lead up for the 2020 election to clean house, increase  
22 transparency, and promote and implement numerous already agreed upon  
23 criminal justice reforms, it is still business as usual for the nation’s third  
24 largest prosecutors office. The lessons learned from the Andrew Thomas  
25 and Juan Martinez debacles, and the wrongful prosecution of Leslie Merritt,  
26 Jr., have clearly not been implemented and county prosecutors are still  
27 knowingly offering perjured testimony, fabricated evidence, and are lying to  
28 the faces of our judges.



1  
2 **I. MCAO / FBI CONTACTS WITH PROUD BOYS' GANG LEADER**  
3  
4

5 34. In the case at hand, the defense has absolutely uncontradicted evidence  
6 showing that employees of the MCAO are in repeated direct communication  
7 with Jason Lee Van Dyke, the leader and attorney for the violent white  
8 supremacist gang the *Proud Boys* – a man who was recently arrested for the  
9 felony offenses of *Obstruction of Justice & Retaliation Against a Witness* in  
10 Texas for making repeated threats of violence and murder against Mr.  
11 Retzlaff, a witness against Van Dyke in several state bar disciplinary  
12 hearings that resulted in Van Dyke being suspended from the practice of law  
13 for many years, as well as being a witness in related state court criminal  
14 proceedings involving Van Dyke's role in a vehicle burglary and theft of  
15 numerous weapons (for which Van Dyke plead guilty to in Feb 2019). Van  
16 Dyke and his fellow *Proud Boys* gang members were caught on an  
17 undercover FBI audio recording plotting to murder Mr. Retzlaff, his  
18 attorneys, a local dentist, a city councilwoman, and a state bar prosecutor.  
19 See press release from the Southern Poverty Law Center: ***Proud Boys Used***  
20 ***for Surveillance as Part of Violent Plot***  
21 ([https://www.splcenter.org/hatewatch/2020/04/15/police-proud-boys-used-](https://www.splcenter.org/hatewatch/2020/04/15/police-proud-boys-used-surveillance-part-violent-plot)  
22 [surveillance-part-violent-plot](https://www.splcenter.org/hatewatch/2020/04/15/police-proud-boys-used-surveillance-part-violent-plot)).

23  
24 35. MCAO staff repeatedly provided Van Dyke with confidential documents  
25 and information regarding Mr. Retzlaff and this prosecution which Van  
26 Dyke then used to gain an unfair advantage over Mr. Retzlaff in an ongoing  
27 \$100 million federal defamation lawsuit in which Van Dyke sued Mr.  
28 Retzlaff for calling him a Nazi in a state bar grievance and for causing him  
to be fired as a felony prosecutor with the Victoria County, Texas, District

1 Attorney's Office. See *Exclusive: Lawyer for Ultrationalist 'Proud*  
2 *Boys' Arrested for Allegedly Faking Gun Theft*  
3 ([https://www.thedailybeast.com/exclusive-lawyer-for-ultrationalist-proud-](https://www.thedailybeast.com/exclusive-lawyer-for-ultrationalist-proud-boys-arrested-for-allegedly-faking-gun-theft)  
4 [boys-arrested-for-allegedly-faking-gun-theft](https://www.thedailybeast.com/exclusive-lawyer-for-ultrationalist-proud-boys-arrested-for-allegedly-faking-gun-theft)).  
5

6 36. Last year it was revealed that an FBI informant named Isaac Marquardt had  
7 secretly recorded Van Dyke plotting to assassinate Mr. Retzlaff and his  
8 attorneys (along with a city councilwoman and state bar prosecutor) in an  
9 audio recording that identified the involvement of at least 20 members of the  
10 *Proud Boys* white supremacist gang – **one of whom is a Dallas Police**  
11 **Department Corporal named Joshua James Conklin.**<sup>12</sup> The recording  
12 revealed that Van Dyke had used members of the Arizona Chapter of the  
13 *Proud Boys* to conduct physical surveillance on Mr. Retzlaff at a downtown  
14 residence / condominium building and to scout locations to ambush Mr.  
15 Retzlaff with long range rifle fire and murder him and any of his family  
16 members that they could. In the transcript of the recording, which is  
17 attached as **Exhibit 7** herein, Van Dyke specifically stated that he wanted to  
18 kill as many people as possible so as to guarantee getting the death penalty  
19 because he did not want a mere life in prison sentence:

20 *I'll tell you in a minute. And, and so, uh, he, um, it sends the*  
21 *message. I mean, the only really purpose for them was to ensure that*  
22 *if I am caught that I get the death penalty, so I'm not rotting in*  
23

24  
25  
26 <sup>12</sup> The recording is attached as **Exhibit 7**. If you click on the time stamps on the left-hand  
27 side, a window pops up which will allow you to play the embedded audio recording at the same  
28 time the text is highlighted! At the 31:00 mark, Van Dyke identifies by name at least 20  
individuals involved in this plot – to include one member of the Dallas Police Department, Cpl.  
Joshua James Conklin (aka “Josh the cop”). Why the MCAO has not prosecuted this is beyond  
my comprehension. Van Dyke literally hangs himself with his own words!!!

1                    *prison for the rest of my life. ‘Cause if I get caught, I want the death*  
2                    *penalty.*

3                    See transcript of FBI audio recording at 8:03 minute mark on pg 39.

4                    37. Yet despite knowing of these disturbing allegations, Ed Leiter and his staff  
5                    were freely communicating with Van Dyke and feeding him confidential  
6                    information and documents pertaining to this case!!

7  
8                    38. Even far more disturbing is the absolute uncontradicted fact that FBI Special  
9                    Agent Walker Wicevich has also been in repeated direct communication  
10                    with Van Dyke and his associates, feeding them information that Van Dyke  
11                    used to help facilitate his assassination plot with his fellow *Proud Boys* gang  
12                    members, as well as giving them information that Van Dyke used to gain an  
13                    unfair advantage over Mr. Retzlaff in the \$100 million federal defamation  
14                    lawsuit that he had filed. These facts were revealed during pretrial discovery  
15                    and depositions in that \$100 million federal court lawsuit. Wicevich went so  
16                    far as to file an emergency motion with the federal court seeking to quash a  
17                    deposition subpoena pertaining to this very issue! See *Van Dyke v. Retzlaff*;  
18                    Case No. 4:18-cv-00247, filed in the E.D. of Texas, Doc #185 (Emergency  
19                    Motion to Quash) ([https://www.courtlistener.com/docket/6359572/185/van-](https://www.courtlistener.com/docket/6359572/185/van-dyke-v-retzlaff/)  
20                    [dyke-v-retzlaff/](https://www.courtlistener.com/docket/6359572/185/van-dyke-v-retzlaff/)).

21                    39. In addition to his membership in the *Proud Boys*, Van Dyke recently  
22                    attempted to join a group called *The Base*, which is a Neo-Nazi organization  
23                    run out of Russia. *The Base* has been classified by the FBI as an  
24                    international terrorist organization that advocates the violent overthrow of  
25                    the government of the United States of America. In an effort to convince the  
26                    group’s leaders that he should be allowed to join the Base and would be a  
27                    productive member, Van Dyke offered up his expertise in weapons training  
28

1 and his property in Decatur, Texas for a paramilitary camp. See *A Proud*  
2 *Boys Lawyer Wanted to Be a Nazi Terrorist* (Vice Magazine, Dec 8, 2020)  
3 ([https://www.vice.com/en/article/wx8xp4/a-proud-boys-lawyer-wanted-to-](https://www.vice.com/en/article/wx8xp4/a-proud-boys-lawyer-wanted-to-be-a-nazi-terrorist)  
4 [be-a-nazi-terrorist](https://www.vice.com/en/article/wx8xp4/a-proud-boys-lawyer-wanted-to-be-a-nazi-terrorist)).

5  
6 40. Again, both Mr. Leiter of the MCAO and FBI Special Agent Wicevich knew  
7 of Van Dyke's ties to the *Proud Boys* and *The Base* at the same time they  
8 were both feeding him and his gang member cohorts confidential documents  
9 and information which were later used in ongoing plots to assassinate Mr.  
10 Retzlaff, his family members, and attorneys hired to represent him in this  
11 instant case. Mr. Retzlaff is very much looking forward to questioning them  
12 under oath about these contacts and ensuring that their testimony receives  
13 the widest public distribution possible. No doubt the public outcry will be  
14 fast and furious!

15  
16  
17 **II. MCAO / FBI CONTACTS WITH REVENGE PORNOGRAPHER /**  
18 **CYBER-STALKER MCGIBNEY**

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20 41. For more than 7 years, Mr. Retzlaff and his family members have been  
21 victimized by a revenge pornographer who makes his living by sexually  
22 blackmailing young girls and woman as a part of an online defamation  
23 campaign involving threats of violence, rape, and murder – to include  
24 offering a \$1,000 “reward” for information about Mr. Retzlaff’s location!  
25 Below is a “wanted poster” that was distributed by Brittany’s employer  
26 McGibney in which he falsely labels Mr. Retzlaff as a “convicted felon,  
27 rapist and child molester.” These claims are utterly false (not that it matters  
28 to the internet lynch mob McGibney tried to stir up and spring into action).

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**Bullyville** @BullyVille 1h  
PLEASE RT: BULLYVILLE OFFERING \$1,000 REWARD!!! WE NEED YOUR HELP TRACKING DOWN CONVICTED FELON THOMAS RETZLAFF.  
[pic.twitter.com/my7XFsCKnB](http://pic.twitter.com/my7XFsCKnB)



**\$1,000 REWARD - BULLYVILLE.COM NEEDS YOUR HELP IDENTIFYING THE CURRENT PHYSICAL LOCATION OF CONVICTED FELON AND CYBER-STALKER THOMAS RETZLAFF.**

FOR IMMEDIATE RELEASE: – BullyVille Inc., <http://www.BullyVille.com>, an anti-bullying social website and media platform needs your help tracking down the current physical location of convicted felon and cyber-stalker Thomas Retzlaff. We are offering a \$1,000 reward to the first person who can provide us with Mr. Retzlaff's current physical location so that he can be served with multiple restraining orders and a lawsuit. Reward will be issued once Defendant is served. Mr. Retzlaff is 47 years old (born 3-14-66 in the United States) and is a white male. He has a long criminal history, having served jail and prison sentences most recently in the custody of the Texas Department of Criminal Justice from February 1998 to May 2004. According to court opinion, this confinement resulted from an eight year sentence due to his conviction for the "possession of a weapon in a prohibited place." Among other information, Retzlaff failed to expunge records and files in "three felony cases against him numbered (1) 47,563, sexual assault; (2) 47,206, illegal knife on school premises; and (3) 47,176, burglary of habitation." Thomas Retzlaff testified that he left his children alone in the house, that he kept a loaded gun in the house, that he kept pornographic materials in areas of the house that were accessible to the children and that he participated in sexual acts near the children on more than one occasion. One of Retzlaff's children told a school counselor that Mr. Retzlaff would "touch his sister's friends in their private places."

Shortly after Thomas Retzlaff was released from prison he embarked on one of the most prolific cyber-stalking sprees that continues to this day. He has viciously cyber-stalked countless women, including posting their photos on multiple revenge porn websites and threatening to rape them. Comments include, but are not limited to, "I'd love to rape her, bet she would enjoy it to, I'd make her bleed" and "Imma break her teeth's out with my d\*\*\* and rape that booty." If you have been stalked and/or harassed by Thomas Retzlaff, please contact us at [legal@bullyville.com](mailto:legal@bullyville.com), along with your local police department. BullyVille guarantees your anonymity. Thomas Retzlaff's last known addresses include Fort Worth, Corpus Christi and San Antonio Texas, along with Phoenix, Arizona. We appreciate your help in tracking down this convicted felon so that justice may finally be served. Additional information about Thomas Retzlaff can be found at [www.thomasretzlaff.com](http://www.thomasretzlaff.com). Here are a few photos of convicted felon Thomas Retzlaff. If anyone has additional photos of him, please forward them to [legal@bullyville.com](mailto:legal@bullyville.com), thank you.



RETWEETS 117 FAVORITES 25



3:46 PM - 20 Mar 2014 - Details Flag media

22 42.Mr. Retzlaff and his defense team have uncontradicted evidence showing  
23 that staff members of the MCAO and FBI are in direct communication with  
24 James McGibney, a man from Round Rock, Texas, who runs a revenge  
25 pornography website that posts the intimate photographs of young girls and  
26 women along with their personal information, who McGibney then sexually  
27 blackmails into paying him money in order to remove the photos and  
28 internet posts. **McGibney is the employer of Brittany Retzlaff** and is the

1 man responsible for a series of SLAPP lawsuits filed against Mr. Retzlaff in  
2 courts across the country – one of which resulted in a Texas court ordering  
3 McGibney to pay over \$1.3 million in sanctions and attorney’s fees for  
4 violating the Texas Citizens Participation Act, an anti-SLAPP law designed  
5 to protect free speech rights of citizens. This was a lawsuit in which  
6 McGibney publicly accused Mr. Retzlaff – **and his attorneys** – of being  
7 pedophiles and in which McGibney posted social media threats that he was  
8 going to hack into the emails and computer servers of the Hanszen Laporte  
9 law firm and inset child pornography therein and report them to the FBI as  
10 being child pornographers! See *McGibney v Retzlaff, et al*; Case # 067-  
11 270669-14; filed in the 67<sup>th</sup> District Court of Tarrant County, Texas; Order  
12 of December 30, 2015 (*Courthouse Legal News* report of January 15, 2016  
13 (<https://www.courthousenews.com/1-3-million-in-anti-slapp-sanctions/>)).  
14

15 43. Brittany’s employer McGibney openly brags about his affiliation with the  
16 illegal hacking groups *Anonymous* and the *Rustle League* and admits to  
17 being responsible for computer hacking, cyber-stalking, and harassment of  
18 his numerous enemies, of which Mr. Retzlaff is but one of many. See *James*  
19 *McGibney Digital Vigilante and Troll Hunter*  
20 (<https://www.wired.co.uk/article/james-mcgibney-troll-hunter>) and *The*  
21 *Bully Waging War Against Bullies* ([https://www.thedailybeast.com/the-](https://www.thedailybeast.com/the-bully-waging-war-against-bullies)  
22 [bully-waging-war-against-bullies](https://www.thedailybeast.com/the-bully-waging-war-against-bullies)).  
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1 44. Brittany’s employer McGibney has been sued at least 4 times in federal  
2 court for blackmail, extortion, and defamation.<sup>13</sup>

- 3
- 4 a. *Powers v. Cheaterville.com & McGibney*; Case # 2:13-cv-01701-  
5 JAM- CKD, filed in the U.S. District Court for the Eastern District of  
6 California dated August 16, 2013.
- 7 b. *Quainoo v. McGibney & Cheaterville.com*; Case # 1:14-cv-00674-  
8 JKB, filed in the U.S. District Court for the District of Maryland dated  
9 March 7, 2014.
- 10 c. *Holmes v. ViaView, Inc. & McGibney*; Case # 1:13-cv-04270-HLM,  
11 filed in the U.S. District Court for the Northern District of Georgia  
12 dated May 28, 2014.
- 13 d. *Baldwin v. McGibney & ViaView, Inc.*; Case # 1:14-cv-23941-PCH,  
14 filed in the U.S. District Court for the Southern District of Florida  
15 dated December 7, 2015.

16 45. As evidenced by the below social media post from McGibney (who uses  
17 numerous “sock” or alias accounts), for nearly eight years Brittany’s  
18 employer McGibney has been engaged in this conflict with Mr. Retzlaff and  
19 his lawyers with the express purpose being to “thoroughly destroy” Mr.  
20 Retzlaff’s life.

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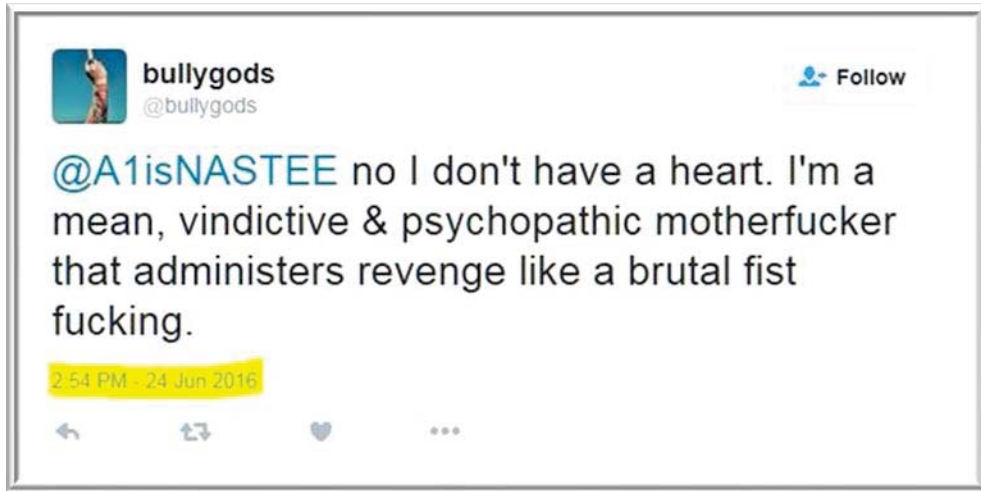
23

24 <sup>13</sup> McGibney runs a sexual blackmail business called ViaView, Inc., and runs a series of  
25 revenge pornography and bullying websites which display the intimate photographs of young  
26 girls (and some men) along with their personal details (such as full names, ages, residences,  
27 places of employment / school, physical descriptions, sexual activities, and the like). As a part of  
28 McGibney’s “crowd-sourced blackmail” scheme, he invites people to post anonymous comments  
about the girls and their photographs. When people contact McGibney to complain and request  
that he remove the photographs and defamatory comments, his response is to demand payment  
of \$499. McGibney then goes onto social media to further abuse and torment these unfortunate  
young girls and their family members.





46. The reason for McGibney's enmity is because Brittany's employer McGibney blames Mr. Retzlaff for the loss of over \$28,000 a month in advertising revenues and sexual blackmail monies that McGibney was receiving each month from his *Cheaterville* and *Bullyville* websites until Mr. Retzlaff filed a series of complaints with the California Attorney General's Office and other governmental authorities, as well as complaints with the individual advertisers themselves (who had no idea their ads were being posted on revenge porn / cyber-stalking websites) and internet companies that hosted McGibney's vile content. Brittany's employer McGibney responded by simultaneously filing a series of SLAPP lawsuits in three jurisdictions across the country naming Mr. Retzlaff (and others) as a defendant, **claiming tens of millions of dollars in damages**. In spectacular fashion, McGibney lost all of these legal actions and has been repeatedly sanctioned and ordered to pay Mr. Retzlaff and others compensation. Shortly after oral arguments before the California Sixth District Court of Appeals in yet another McGibney SLAPP lawsuit (in which the appellate court justices soundly rejected McGibney's claims of civil and criminal accusations against Mr. Retzlaff), he had this to say:



-- Social media post by James McGibney (aka “@bullygods”).

See [ViaView, Inc. v. Retzlaff](#), 1 Cal.App.5th 198 (Cal. Ct. App. 2016).

47. During the federal SLAPP litigation filed by McGibney against Mr. Retzlaff in San Jose, CA (McGibney’s former hometown), it was revealed that Brittany’s employer McGibney had secretly contacted Mr. Retzlaff’s family members in an effort to threaten and intimidate them into giving him “dirt” on Mr. Retzlaff for use on his websites and in the litigation. The threats got so bad that Mr. Retzlaff’s ex-wife, Denise Hollas (the mother of Brittany) sought protection from the federal court in an effort to get it to stop. Attached as **Exhibit 8** is an Affidavit signed by Denise detailing the campaign of threats and harassment.

**BullyVille Articles**

An open letter to Denise Retzlaff Hollas from BullyVille founder James McGibney.  
Article by: Bullyville  
June 10, 2016  
Views: 14,423



**THE FACE OF COURT DOCUMENTED  
PEDOPHILE AND RAPIST  
THOMAS CHRISTOPHER RETZLAFF**

**An open letter to Denise Retzlaff  
Hollas from BullyVille founder  
James McGibney.**

Hello Denise,

Denise, I sincerely wish upon you the strength and courage required to purge Thomas Retzlaff from your life once and for all. I pray that you will find peace and I am hopeful that peace will become a reality once Retzlaff is back where he belongs, behind bars. Rest assured, I will continue to do everything in my power to make that a reality, and there are plenty of other people who are doing the same. May God bless and protect you and your loved ones.

48. In a series of news articles, Brittany's employer McGibney openly brags about having an online army of trolls at his beck and call.

## Vigilanteville: James McGibney and his online army

The Bullyville founder aims to stop the worst of the worst on the Internet — but critics say he's the real bully

October 7, 2014 5:00AM ET

by David Kushner - [@davidkushner](#)



James McGibney in his office. Mark Richards for Al Jazeera America

<http://america.aljazeera.com/articles/2014/10/7/james-mcgibney-bullyville.html>

49. As a part of his promise to “*administer revenge like a brutal fist fucking*”, Brittany’s employer McGibney has made public threats to hack into the email accounts and computer servers of attorneys hired by Mr. Retzlaff to defend him and place child porn on them. Specifically, on November 2, 2015, McGibney admits to having hacked into the Hanszen Laporte Law Firm’s email server to obtain evidence of Jeff Dorrell’s alleged pedophilia

1 for the purpose of publishing it.<sup>14</sup> The following are but two verified  
2 examples, which quickly disappeared (likely after McGibney’s criminal  
3 defense attorney, Jason Leiderman, advised McGibney against publicly  
4 admitting to the commission of crimes). Fortunately, the following verified  
5 screenshots of McGibney’s criminal admissions were captured before  
6 McGibney could destroy the evidence. The “Jeff” being taunted in the post  
7 below is Mr. Retzlaff’s Texas attorney Jeffrey L. Dorrell.



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19  
20 --Social media post by James McGibney (aka “@TeamBullyville”)

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23  
24 <sup>14</sup> Mr. Retzlaff would draw the Court’s attention to the fact that in Count 1 of the  
25 indictment, the State is alleging that Mr. Retzlaff engaged in “computer tampering” “on or  
26 between May 1, 2018, and January 31, 2019.” These are allegations identical to that which  
27 Brittany’s employer McGibney publicly admitted to committing with regards to the email  
28 accounts and computer servers at the Hanszen Laporte law firm in Houston – **while at the same  
time that McGibney was acting as Wicevich’s FBI “witness” or informant in the case  
against Mr. Retzlaff!!!!** Mr. Retzlaff does not need to draw a picture for the Court in order for  
it to understand the significance of these revelations and how this is fatal to the State’s case, does  
he?





50. The Court can take judicial notice that it is possible for hacker McGibney to “manufacture evidence” – by inserting exogenous data, software, or images into the files of Hanszen Laporte’s compromised computers for purposes of making it appear that the items originated there. For example, on January 8, 2020, *NY Times* columnist Paul Krugman said in a tweet to his 4.6 million followers “Someone compromised my IP address and is using it to download child pornography.” (<https://twitter.com/paulkrugman/status/1215016257667444741>).

51. In its December 30, 2015, order assessing over \$1.3 million in sanctions and attorney’s fees against Brittany’s employer McGibney for these abusive litigation tactics, the Hon. Don Cosby of the 67<sup>th</sup> District Court of Tarrant County, Texas, specifically found that:

*[McGibney] engaged in aggravating misconduct by willfully and intentionally harassing - and using confederates to willfully and intentionally harass - [the defendant and defendant’s attorney], the objective of which was to punish the exercise of [the defendant’s]*

1                    *constitutional rights in the past, deter the exercise of [the*  
2                    *defendant's] constitutional rights in the future, and impair [the*  
3                    *defendant's] ability to retain legal counsel in defense of*  
4                    *[McGibney's] baseless claims.*

5                    See *McGibney v. Retzlaff, et al.*, Case # 067-270663-14, filed in the 67th  
6                    District Court of Tarrant County, Texas, Order Awarding Sanctions & Fees  
7                    dated December 30, 2015.

8  
9                    52. Brittany's employer McGibney has also purchased website domains in the  
10                    names of all of Mr. Retzlaff's family members **and in the names of**  
11                    **attorneys hired to represent him or are otherwise associated with him,**  
12                    which McGibney and his cohorts then fill with horrible defamatory claims of  
13                    Mr. Retzlaff and these lawyers being pedophiles and drug addicts.<sup>15</sup> This is  
14                    a felony offense in Texas. "A person commits an offense if the person,  
15                    without obtaining the other person's consent and with intent to harm,  
16                    defraud, intimidate, or threaten any person, uses the name or persona of  
17                    another person to create ... a web page ... or other Internet website." TEX.  
18                    PENAL CODE § 33.07(a)(1).

19  
20                    53. In a continuation of McGibney's promise to "administer revenge like a  
21                    brutal fist fucking", of as a result of false reports made to the FBI and law  
22                    enforcement **by Brittany, her employer McGibney** (and his "online army of  
23                    trolls"), **Klein, and Van Dyke**, Mr. Retzlaff and his family have been

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25  
26                    <sup>15</sup> If the Court has a mind to set this matter for a hearing, Mr. Retzlaff will request  
27                    subpoenas for McGibney and his records. Mr. Retzlaff also is prepared to submit to the Court  
28                    several THOUSAND pages of exhibits detailing all of this, as well as the testimony of several  
attorneys and individuals who have already been victimized by McGibney and his online army of  
trolls as a result of their association with Mr. Retzlaff and his defense of these phony allegations.



1 swatted four times on or about (a) October 20, 2015; (b) June 14, 2017; (c)  
2 September 26, 2017; and, (d) June 12, 2018.<sup>16</sup>

3  
4  
5 **III. MCAO / FBI CONTACTS WITH PHILIP KLEIN & JOHN**  
6 **MORGAN**

7  
8 54. Texas private investigator Philip Klein and attorney John Morgan of  
9 Beaumont are another set of individuals involved in this nonsense; they have  
10 been identified by the State as adverse witnesses and are persons with  
11 knowledge of relevant facts. Klein works for McGibney's attorney John  
12 Morgan – the same John Morgan who has been investigated and disciplined  
13 twice by the State Bar of Texas over grievances filed against him by Mr.  
14 Retzlaff, as well as hit with nearly \$100,000 in sanctions by state and federal

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16  
17 <sup>16</sup> These threats by McGibney and his “online Army of Trolls” to harm Mr. Retzlaff and his  
18 family members have been ongoing since the fall of 2013 and have necessitated the activation  
19 and implementation of numerous countermeasures to protect the safety and security of the  
20 Retzlaff family. Part of the problem when you repeatedly Swat a family and their various  
21 homes, and give them “advanced warning” that you are going to do so again, is that, more likely  
22 than not, you are walking into an environment that has been thoroughly prepared for you and is  
23 all wired up with hidden cameras and microphones like a Hollywood soundstage or the *Big*  
24 *Brother House!* Thus, the likelihood of you and your swatting “team” being captured in  
25 extremely compromising situations that lead to future perjury traps and public humiliation –  
26 when said footage is eventually posted on the YouTubes so as to go viral – is 100% guaranteed.  
27 One can easily image numerous potential minefields for individuals caught in such a trap. HD-  
28 quality video and audio containing evidence of illegal force, physical abuse, attempts at coercing  
an interrogation despite the repeated invocation of the right to counsel, the theft of personal  
property not listed on any inventory or receipt, cross-talk between the “agents” mentioning  
McGibney, Klein and others, as well as phone calls made by said agents to third parties  
discussing certain things – all of which are potential career wreckers in and of themselves, not to  
mention criminal violations for some of the acts. Fortunately, should such hypothetical evidence  
exist, it would likely be safety stored in a high security vault in a law firm far away and Mr.  
Retzlaff is under absolutely no duty to disclose it prior to it being posted on social media and  
later viewed by a jury, right?

1 courts! See *Morrison v. Walker*, 939 F.3d 633 (5th Cir. 2019) (Opinion  
2 affirming federal court sanctions award) and *Johnson-Todd v. Morgan*,  
3 Nos. 09-17-00168-CV, 09-17-00194-CV, 2018 WL 6684562 (Tex. App. –  
4 Beaumont Dec. 20, 2018, pet. denied) (mem. op.) (Opinion affirming state  
5 court sanctions award). See also, e.g., *Bar moves to discipline Beaumont*  
6 *attorney accused of lying about DA’s office*  
7 ([https://www.beaumontenterprise.com/news/article/Bar-moves-to-discipline-](https://www.beaumontenterprise.com/news/article/Bar-moves-to-discipline-Beaumont-attorney-accused-6512061.php)  
8 [Beaumont-attorney-accused-6512061.php](https://www.beaumontenterprise.com/news/article/Bar-moves-to-discipline-Beaumont-attorney-accused-6512061.php)) and *Ninth Court affirms*  
9 *sanction award against John Morgan*  
10 ([https://setexasrecord.com/stories/511686441-ninth-court-affirms-sanction-](https://setexasrecord.com/stories/511686441-ninth-court-affirms-sanction-award-against-john-morgan)  
11 [award-against-john-morgan](https://setexasrecord.com/stories/511686441-ninth-court-affirms-sanction-award-against-john-morgan))

12  
13 55. Klein, who openly brags on social media about his contacts with “high  
14 level” FBI and Department of Justice officials, admits to being in repeated  
15 communications with Wicevich, feeding him information and, in return,  
16 Wicevich has shared with Klein confidential FBI documents and  
17 information, which Klein posts on social media and then shares with  
18 McGibney and Van Dyke, and vice versa. See Klein twitter posts:  
19 <https://twitter.com/KICnederland/>. **Yes, you heard me correctly – Philip**  
20 **Klein posted documents and information he obtained from FBI agent**  
21 **Wicevich on social media!!!**

22  
23 56. On January 18, 2018, Klein approached Mr. Dorrell in a Jefferson County,  
24 Texas, courtroom and said that he was coming to Phoenix to murder Mr.  
25 Retzlaff. Specifically, in a sworn affidavit given to the Sheriff’s Office, Mr.  
26 Dorrell stated:

27 *When Mr. Klein made the threat against Retzlaff in the 60th District*  
28 *Court on January 18, 2018, he did not appear to me to be speaking in*  
*jest. His voice was raised. He was red-faced with hysteria and*

1                   *appeared to be furious. Spit globules sprayed out of his mouth as he*  
2                   *spoke. He was gesticulating wildly, interrupting, and over-talking me*  
3                   *as I tried to calm him down. I was never in fear for my own safety, but*  
4                   *it was my present sense impression that the threat against Retzlaff was*  
5                   *real, and that Klein intended that I do exactly what he instructed - tell*  
6                   *Retzlaff of Klein's threat to murder him. I have seen prior e-mailed*  
7                   *communications from Klein to Retzlaff threatening that Klein was*  
8                   *"coming for you [Retzlaff]." I have seen Klein promoting his soon-to-*  
9                   *be-released, self published book written about Retzlaff titled Inside the*  
10                  *Web of a Stalker. On the front cover of that book is a photograph of*  
11                  *Retzlaff; on the back cover is a photograph of Klein holding a gun.*  
12                  *Klein has been making written threats of retaliation directly to*  
13                  *Retzlaff for years. However, I perceived the January 18, 2018, threat*  
14                  *to murder Retzlaff to be a serious escalation of those threats-*  
15                  *particularly given Klein's appearance and demeanor.*

#### 14                   **D. THE BOTTOM LINE**

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16       57. The Court can take judicial notice of the fact that Mr. Retzlaff was  
17       represented by Robert Campos in this case and that Mr. Campos was forced  
18       to withdraw despite having been paid in full by Mr. Retzlaff to represent  
19       him. Despite Mr. Retzlaff's best efforts, he has thus far been unable to find  
20       a law firm willing to represent him – which is unfortunate, but is  
21       understandable. After all, no lawyer deserves to be *doxed* by a group of  
22       internet lunatics and cyber stalkers, or to have their lives and personal  
23       reputations threatened by a gang of violent white supremacists<sup>17</sup> – **the very**

24  
25                   \_\_\_\_\_

26

27       <sup>17</sup>       Shortly after Deputy Public Defender Sam Habbison made an appearance on Mr.  
28       Retzlaff's behalf at the February status conference, he was "doxed" by McGibney and his group  
      on social media, with his personal details and family information revealed.

1 same gang that was responsible for organizing the January 6<sup>th</sup> riot and  
2 leading an armed group in the storming of our nation's Capital.<sup>18</sup>  
3

4 58. What makes this all the worse is the fact that this cyberstalking,  
5 intimidation, and threats of reputational harm and email / computer hacking  
6 against lawyers and law firms that represent Mr. Retzlaff is the fact that all  
7 of this is being done with the approval and assistance of the Federal Bureau  
8 of Investigation!!  
9

### 10 I. MISCONDUCT ATTRIBUTED TO THE STATE

11  
12  
13 59. A big problem for the State is the fact that Mr. Retzlaff and his attorneys  
14 have recently discovered that its main prosecution witness, Special Agent  
15 Walker Wicevich of the Phoenix FBI, has been feeding confidential  
16 documents and information to Brittany's employer McGibney and Van  
17 Dyke, which Van Dyke and his *Proud Boys* gang have used in plotting to  
18 assassinate Mr. Retzlaff and his lawyers.<sup>19</sup> In fact, in the weeks prior to the  
19

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20  
21  
22 <sup>18</sup> As of March 8<sup>th</sup>, the Justice Department has charged nearly 20 members or associates of  
23 the *Proud Boys* in the Capitol breach, and it has accused several members of spearheading early  
24 efforts to stampede police and break in to the building. According to an interview with the *Wall*  
25 *Street Journal*, the leader of the *Proud Boys*, Enrique Tarrío, said 2,000 to 2,400 members of the  
26 group were at the Capitol. In February, they were designated a terrorist group by Canada.  
According to a Sept 30, 2020, report by ABC 15 News, the *Proud Boys* have been busy  
recruiting for new members in Arizona for months. <https://www.abc15.com/news/state/proud-boys-have-been-recruiting-in-arizona-for-months>

27 <sup>19</sup> A doubly big problem for the State is that it was revealed during discovery in the \$100  
28 million federal lawsuit that the so-called "victim" in this case, Brittany Retzlaff, has been feeding  
information to McGibney and Van Dyke, which they in turn used to help plan and facilitate this  
assassination plot!!!

1 Monday, June 18, 2018, swatting incident, Brittany's employer McGibney  
2 posted statements on social media claiming advanced knowledge of the raid.  
3 And on the day of the raid, Brittany's employer McGibney and his cohorts  
4 were posting live updates on social media describing the events in real time  
5 as they were progressing!  
6

7 60. Brittany's employer McGibney has already been identified by the State and  
8 by Special Agent Wicevich as one of their key witnesses in this case against  
9 Mr. Retzlaff and they intend to rely upon McGibney to prove (they hope)  
10 several important aspects of their case. The fact that Brittany's employer  
11 McGibney is a revenge pornographer who makes his living from the sexual  
12 blackmail of young girls – who has been found to have repeatedly perjured  
13 himself under oath in the SLAPP lawsuits against Mr. Retzlaff – has not  
14 deterred the FBI & MCAO from proffering him as a witness.

15 61. In any event, last year a complaint was filed with both the Department of  
16 Justice Office of Professional Responsibility and the FBI's Inspector  
17 General regarding Wicevich. (As an interesting aside, at 7pm ET on  
18 November 4, 2020, Mr. Retzlaff received a telephone call at his home from a  
19 Douglas Leff who claimed to be the Assistant Director of the Inspection  
20 Division of the Federal Bureau of Investigation. Mr. Leff told Mr. Retzlaff  
21  
22  
23  
24  
25  
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27  
28

1 that he received his complaint and that he was personally going to  
2 investigate the matter and that he was deeply concerned.<sup>20</sup>)  
3

4 62. The bottom line is that this wrong doing by the State and its key witnesses –  
5 to include the rogue FBI agent Wicevich, his revenge porno perv sidekick  
6 McGibney, and the Nazi gang leader Van Dyke – has prejudiced Mr.  
7 Retzlaff’s defense and made it impossible for him to find any competent  
8 attorneys and law firms willing to represent him.

9  
10 63. This amounts to serious governmental misconduct, violating Mr. Retzlaff’s  
11 right to due process and to the effective assistance of counsel. This case  
12  
13  
14  
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16

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17  
18 <sup>20</sup> Which, knowing the FBI and its history, is no doubt a pack of lies. After all, they also  
19 promised to “investigate” Peter Strzok and Lisa Page and the phony *Steele dossier*. Furthermore,  
20 this week U.S. Senator Sheldon Whitehouse (D-R.I.) is calling on a Congressional investigation  
21 into the FBI’s claimed “investigation” into sexual abuse allegations involving now Supreme  
22 Court Justice Brett Kavanaugh in the lead up to the 2018 confirmation hearings. Sen.  
23 Whitehouse claims that the FBI conducted a “politically constrained and perhaps fake”  
24 investigation involving a phony “tip line” for evidence. Whitehouse said the bureau did not  
25 pursue the information that came through it, describing it as a “garbage chute, with everything  
26 that came down the chute consigned without review to the figurative dumpster.”  
27 (<https://www.forbes.com/sites/alisondurkee/2021/03/16/senator-calls-for-doj-merrick-garland-to-probe-fbi-fake-brett-kavanaugh-investigation/?sh=11dc487dfc2d>) So the FBI covering up  
28 Wicevich’s direct links to a violent white supremacist gang leader’s murder plot against Mr.  
Retzlaff and his attorneys should surprise no one at all. Didn’t the FBI do the same with Whitey  
Bulger’s FBI handler John Connolly for many years until the *NY Times & Boston Globe* exposed  
it all? No doubt Mr. Retzlaff’s allegations herein will result in some form of harassment and  
retaliation by the State, which makes it all the more obvious why his attorney withdrew and he  
cannot find competent lawyers to represent him now.

1 must be dismissed with prejudice and a special prosecutor appointed to  
2 investigate.<sup>21</sup>

## 3 4 II. WHAT IS THE REMEDY?

5  
6 64. It is hard to find case law on point here because this is such an  
7 unprecedented situation. But a good analogy is the fact that threats from  
8 prosecutors, judges, or law enforcement officers which deter a witness from  
9 testifying on behalf of a defendant may violate due process. When the  
10 defendant presents evidence to the district court that the government  
11 intimidated a defense witness, a trial court must grant a hearing to determine  
12 whether the allegations of intimidation are true. If the witness did not testify  
13 and the allegations of intimidation are true, no prejudice need be shown. If  
14 the witness did testify, a hearing may be necessary to determine if, as a  
15 result of a government threat, he withheld evidence favorable to the  
16 defendant. *United States v. Schlei*, 122 F.3d 944, 991 (11th Cir. 1997).  
17 Furthermore, a denial of a defendant's Sixth Amendment right to counsel is  
18 error and any subsequent conviction will be reversed. *State v. Moody*, 192  
19 Ariz. 505, 509, 968 P.2d 578, 582 (1998) (holding that a "deprivation of a  
20

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21  
22  
23  
24 <sup>21</sup> In an equally puzzling development is that at some point during the May 26 arraignment,  
25 at a time before Mr. Retzlaff and Mr. Dorrell were suddenly cut off from the hearing, Mr.  
26 Mangum made a bizarre statement warning Mr. Retzlaff that he could be prosecuted over  
27 information contained within Mr. Retzlaff's court pleadings. One can only conclude that Mr.  
28 Mangum and the MCAO are absolutely clueless when it comes to the absolute privilege  
afforded Mr. Retzlaff and his attorneys over the contents of their pleadings by virtue of the  
Judicial Proceedings privilege in conjunction with the Access to Courts and Petition clauses of  
the First Amendment (subject only to the rules of procedure that pertain to sanctions for filing  
groundless or frivolous pleadings).



1 defendant's Sixth Amendment right to counsel 'infect[s] the entire trial  
2 process,' it requires automatic reversal).

3  
4 65.It stands to reason that when threats from prosecution witnesses deter an  
5 attorney from representing a defendant after that attorney has been hired, it  
6 is a violation of Due Process and the Sixth Amendment.

7  
8 66.In an opinion by Justice Scalia, the Court held that the improper denial of  
9 defendant's choice of counsel is a denial of the Sixth Amendment and it is  
10 not subject to harmless error review or a requirement that the defendant  
11 establish prejudice. *United States v. Gonzalez-Lopez*, 548 U.S. 140, 144  
12 (2006). Therefore, this case must be dismissed with prejudice.

13  
14 67.Mr. Retzlaff's due-process rights have been violated to such an extent by the  
15 FBI and prosecutorial misconduct that this prosecution cannot be resurrected  
16 through any change in prosecutor, re-review of the charging decisions, or  
17 anything else. Allowing the State to re-charge this constitutionally-flawed  
18 prosecution would only exacerbate, extend, and compound those violations.  
19 The interests of justice require that the Court dismiss this case with  
20 prejudice. Ariz. R. Crim. P. 16.4(d); U.S. Const. amend. XIV; Ariz. Const.  
21 art. II, § 4; *State v. Young*, 149 Ariz. 580, 586 (1986) ("[T]he court can  
22 dismiss with prejudice an indictment which is the result of a violation of due  
23 process.").

24 68.Mr. Retzlaff is prepared to prove at an evidentiary hearing the flagrant and  
25 egregious due-process violations that warrant dismissal with prejudice and  
26 requests that the Court set an evidentiary hearing on his request for dismissal  
27 (but only after counsel has been appointed to represent him and can file a  
28 proper motion and subpoenas!!)

1  
2 69. Although “dismissal of an indictment *with* prejudice ... is rare,” *Young*, 149  
3 Ariz. at 585 (emphasis added), numerous courts across the country have  
4 specified the types of circumstances that warrant dismissal with prejudice—  
5 cases involving egregious or repeated government misconduct. For instance,  
6 the court of appeals said that dismissal with prejudice is warranted “when  
7 the evidence is irrevocably tainted or there exists a pattern of misconduct  
8 that is prevalent or continuous.” *Id.*; see *United States v. Bundy*, 968 F.3d  
9 1019, 1030 (9th Cir. 2020) (dismissal with prejudice warranted when “the  
10 government’s conduct [is] so grossly shocking and outrageous as to violate  
11 the universal sense of justice”) (citation and internal quotation marks  
12 omitted); *Keeling v. Com.*, 381 S.W.3d 248, 258 (Ky. 2012) (“Constitutional  
13 due process guarantees may be implicated in gross cases of prosecutorial  
14 misconduct, requiring a dismissal with prejudice.”); *State v. Hill*, 558  
15 S.W.3d 280, 290-92 (Tex. App. – Dallas 2018, no pet.) (Schenck, J.,  
16 concurring) (discussing cases dismissing prosecutions with prejudice based  
17 on prosecutorial misconduct).<sup>22</sup>

## 18 19 E. CONCLUSION

20  
21 70. Mere words are not enough to express the extreme anger and outrage Mr.  
22 Retzlaff has over being dragged into court in Arizona over this nonsense. A

23  
24  
25 <sup>22</sup> See also *United States v. Morrison*, 449 U.S. 361, 366 n.2 (1981) (“pattern of recurring  
26 violations by investigative officers” could warrant dismissal of a prosecution “in order to deter  
27 further lawlessness”); *United States v. Rosenfield*, 780 F.2d 10, 11 (3d Cir. 1985) (“abuse of the  
28 grand jury by the prosecution merits dismissal” when “there is evidence that the challenged  
activity was something other than an isolated incident unmotivated by sinister ends or that the  
type of misconduct challenged has become entrenched and flagrant in the circuit.”) (citation and  
internal marks omitted).

1 horrible miscalculation has been made. *Auribus teneo lupum* – the State is  
2 holding a wolf by the ears.  
3

4 71. At first glance the allegations raised above seem outlandish, inflammatory,  
5 and highly improbable. But it is important to recall that, not too long ago,  
6 similar such allegations that appeared just as outlandish, just as  
7 inflammatory, and just as improbable were levied against the Maricopa  
8 County Attorney's Office involving a bitter campaign of intimidation and  
9 retaliation against judges, lawyers, and municipal officials who the sitting  
10 County Attorney claimed were obstructing his efforts to root out corruption  
11 and prosecute illegal aliens. Judges have ruled against him in several cases,  
12 and the municipal officials have allocated funds for county building projects  
13 but not for law enforcement. This county prosecutor demanded that these  
14 judges submit to interviews with members of his staff, placed members of  
15 his staff in their courtrooms to monitor their conduct, **and assigned his chief**  
16 **assistant to "troll" the Internet to look for suspicious information about**  
17 **the municipal officials, especially their financial records.** He issued press  
18 releases publicly attacking the "cabals" and "factions" of judges and other  
19 officials who he claimed were thwarting his efforts. Believing that his  
20 efforts to silence his critics were unsuccessful, he convened a grand jury that  
21 indicted three of the judges and two county supervisors on felony charges  
22 involving filing false financial statements. He arrested the supervising  
23 criminal court judge for hindering prosecution just before the judge was to  
24 rule on a motion to disqualify the prosecutor for a conflict of interest. He  
25 filed a massive Racketeer Influenced and Corrupt Organizations Act  
26 ("RICO") conspiracy complaint against four judges, the entire county  
27 legislature, and their attorneys for engaging in a "pattern of racketeering  
28 activities," "intimidating and retaliating" against county prosecutors and law

1 enforcement personnel, “threatening and extorting” the county prosecutor  
2 and his wife, and “corruptly seeking to deny prosecutors their license to  
3 practice law.”  
4

5 72. Andrew Thomas was that elected county attorney. Thomas and his Chief  
6 Deputies Lisa Aubuchon and Rachel Alexander infamously joined forces  
7 with Sheriff Joe Arpaio in the late 2000s in a corrupt coup against county  
8 officials and their lawyers. A state Supreme Court disciplinary panel later  
9 deemed Thomas and Arpaio an “unholy collaboration” in its decision  
10 disbarring all concerned in [a 247-page Order](https://www.phoenixnewtimes.com/news/andrew-thomas-and-lisa-aubuchon-disbarred-read-panels-opinion-here-6651303) listing more than 33 allegations  
11 of wrongdoing. See *Andrew Thomas and Lisa Aubuchon Disbarred*  
12 ([https://www.phoenixnewtimes.com/news/andrew-thomas-and-lisa-](https://www.phoenixnewtimes.com/news/andrew-thomas-and-lisa-aubuchon-disbarred-read-panels-opinion-here-6651303)  
13 [aubuchon-disbarred-read-panels-opinion-here-6651303](https://www.phoenixnewtimes.com/news/andrew-thomas-and-lisa-aubuchon-disbarred-read-panels-opinion-here-6651303)). In total, the county  
14 feud cost taxpayers an estimated \$45.5 million in legal fees and settlements.  
15

16 73. It sounds like working in the Maricopa County Court system was more like  
17 Robespierre’s *Reign of Terror* than it does 21<sup>st</sup> Century America – and  
18 (sadly) nothing appears to have changed in the interim. Evidence of that can  
19 be found in the attached letter recently sent to County Attorney Allister Adel  
20 by the Arizona ACLU regarding the phony indictments and prosecutions of  
21 the BLM protestors that has been all in the news recently. See attached  
22 **Exhibit 9**.

23 74. Prosecutors throughout every stage of the criminal justice process have the  
24 power to threaten and bully anyone who is at the prosecutors’ mercy:  
25 defendants, witnesses, attorneys, and even judges. The exercise of this  
26 power is often done recklessly and, as with bullies generally, with a wanton  
27 disregard for the sensibilities of the persons being abused. The fact that Mr.  
28 Retzlaff is not someone so easily intimidated does not diminish what has

1 happened to him and the loss of defense counsel of his own choosing  
2 through malicious acts attributable to the State and its witnesses.  
3

4 75.The problem with this is that it only promotes and justifies the kind of  
5 violent responses and contempt against the government that have taken place  
6 at our Nation’s Capital and a general theme of distrust and disrespect  
7 towards law enforcement in which very large segments of our population  
8 laugh, cheer, and support the murder of police and judicial officials. This is  
9 not the country that I grew up in and this is not the way things should be.

10 76.One no longer need be an anti-govt conspiracy nut to believe that the FBI is  
11 a vile, corrupt organization. All one needs to be is a supporter and believer  
12 of our President, of which precisely 75 million of our fellow Americans or  
13 50% of the voters consist of.  
14

15 77.On two separate occasions, Mr. Retzlaff had defense attorneys quit because  
16 of misconduct directly attributable to the State and its witnesses. Their  
17 actions caused Mr. Retzlaff to lose counsel of his choosing during a critical  
18 stage of these proceedings and an inability to find anyone competent to take  
19 on this case.<sup>23</sup> This really sucks and is horribly unfair.  
20

21 78.As a personal aside, for many years Mr. Retzlaff has offered to pay for  
22 mental health and substance abuse counseling / rehab for his daughter and  
23 has even offered to participating in family counseling with her – all in an  
24 effort to heal these family rifts. History proves that dialogue is the great  
25

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26  
27 <sup>23</sup> The Court can take judicial notice of the fact that the *DM Cantor* law firm is notorious  
28 for charging outrageous fees and sodomizing their clients. However, no amount of money would  
convince them to take on this case. Seriously.

1 healer of wounds. When dialogue breaks down because of petty, ego-driven  
2 lies, people tend to make poorer and poorer choices which unnecessarily  
3 perpetuates a cycle of conflict. At some point this internecine conflict  
4 between parent and child must come to an end. Mr. Retzlaff is still willing  
5 to extend an olive branch to his prodigal daughter. Brittany just has to make  
6 the effort to put down her weapons and decide to fight no more.

7  
8 79. Close to one million of our fellow citizens are dead, and countless tens of  
9 millions of Americans are unemployed and facing long-term economic ruin  
10 that will literally take **years** to correct, all at the hands of governmental  
11 ineptitude at all levels, from all parties, due to the COVID virus. And now  
12 we are facing yet a new threat of widespread deaths and lockdowns due to  
13 the Delta COVID variant (which now represents more than 10% of all new  
14 COVID infections in Arizona as of this filing, up from 2.5% in May), and its  
15 mutant offspring, the “Delta Plus” which has the K417N mutation!! If the  
16 MCAO wants to pour hundreds of thousands of taxpayer dollars down a rat  
17 hole pursuing this nonsense, God bless them. But good luck getting a jury  
18 of Mr. Retzlaff’s Sun City / Paradise Valley Republican peers to care about  
19 any of this. This case is completely bogus and the allegations are total BS.

20  
21  
22  
23 Respectfully submitted,

24 

25  
26  
27 \_\_\_\_\_  
28 Thomas Retzlaff  
Defendant, pro se

1 **CERTIFICATE OF SERVICE**

2  
3 I certify that on July 6, 2021, a copy of this document was electronically filed with the  
4 Maricopa County Superior Court e-Filing system, which will automatically serve a Notice of  
5 Electronic Filing on the following parties:  
6

7  
8 The Honorable Monica Garfinkel  
9 Court Commissioner  
10 Maricopa County Superior Court  
11 201 W. Jefferson  
12 Phoenix, AZ 85003

13 Mr. Edward D. Leiter  
14 County Attorney's Office  
15 301 W. Jefferson  
16 Phoenix, AZ 85003

17 Attorney for Plaintiff  
18  
19

20 

21  
22 \_\_\_\_\_  
23 Thomas Retzlaff

24  
25 Courtesy copy sent to:

26 Dave Biscobing  
27 ABC 15 / KNXV-TV  
28 515 N. 44th St.  
Phoenix, AZ 85008

The Hon. Roland Steinle  
via email: [rsteinle@me.com](mailto:rsteinle@me.com)