

## TO THE PEOPLE

Within a short time, the Nebraska State Supreme court will be hearing my appeal (Ed Poindexter's is to be heard in March). This is a proper time for me to remind you about the State's case against me, so that you will know that, if the State Supreme Court upholds my conviction, it will only be further evidence that the SYSTEM is not designed to give justice to anyone other than the ruling class that controls it. It will be further evidence to the fact that equity in the courts is the exception and not the rule. If the court, if it reverses the conviction, will mean that the people will have won a small victory, that one political prisoner has escaped. I would hope that you, the people, will apply sufficient pressure upon the State supreme court to influence it to, not give me justice (this country does not know what justice is), but to simply obey the laws and the constitution.

The following statements are facts regarding the case. They are not rhetorical comments.

\*The State's case was based on two primary elements: the testimony of Duane Peak and the alleged seizing of dynamite at what was then my house.

\*Regarding the testimony of Duane Peak:

-from the time he was arrested to the time of the trial, Duane Peak gave a minimum of six different versions of the plan to "off a pig" Of all these versions, only one, which he gave at the trial, implicated me as having anything to do with the death of Minard, and then only questionably. How can a witness tell even two different stories and one of them not be a lie. Duane told a minimum of six. Duane Peak is a perjurer.

-All of Duane Peak's testimony linking me (the little testimony that it was) to the blowing up of Minard was negated by witnesses for the defense, two of them his own cousins

-It has been established that Duane Peak did not even mention my name until after having been told to do so by Art O'Leary, after Art O'Leary and TomeCarey (Duane's attorney) had made the deal which allowed Duane to slide out from under a murder charge in exchange for his turning state's evidence and, in the words of Art O'Leary, and this is a matter of record, "as long as you implicate David Rice and Ed Poindexter."

\*Regarding the dynamite allegedly found at my house

-the search warrant, which was used in the raid was illegal. And Judge Hamilton (a pawn in the local politicians' game to get me off the streets), by overruling my attorney's motion for suppression of evidence (based on the fact of the illegal search and seizure), put himself in violation of the law. It so happens that the law states that the information giving rise to law enforcement's desire to search a premises must be reliable and must be contained within the four corners of the affidavit. In other words, an affidavit for a search warrant has to contain the justification for a law enforcement official's desire to search a premises for specific items. And the law further goes on to state that such a search warrant cannot be based on conjecture (guessing) or hearsay. The most "reliable information" that was contained in the affidavit for search that was given to Judge Simon A. Simon for his okay was the statement "David Rice is a known member of a militant organization that advocates the stock-piling of weapons to kill policemen." That statement was reliable one way that I can think of: I was indeed a known member of an organization. If all that were not enough, the testimony of certain members of the Omaha police Dept. tended to show that