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**ROBBERY OF FREEDOM:The Ultimate Injustice**

**By Beverly Brabham**

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**WRONGFULLY CONVICTED AND IMPRISONED IN ALABAMA**

**ROBBERY OF FREEDOM: The Ultimate Injustice**

My story is told to you as honestly and as accurately as can be. Over the years, I have felt like I've had to 'defend' something, but I have realized that, as bizarre as it is, just tell the truth and let that be it! I was released in April 10,2001, and my quest for justice has only gained momentum.

I am the victim of small town politics where the locals have met very little resistance in doing things their own way, regardless of the law. In fact, I am the first one who has ever been known to challenge that state court of Bullock County, Alabama (City of Union Springs) for their misconduct and gross miscarriage of justice.

I feel that I must preface my story with events that led up to the conspired, bogus lie, and malicious accusation against me.

My accuser, John Will Waters, whom I was never allowed to face in court, is a king pin drug lord. He operates out of that small town, but reaches as far as Colombia, South America. My parents grew up in that same town. Waters was from a long line of moonshiners and crooks. He is very liberal and seems to think money will do anything. He and my parents have always been on the opposite side of issues, i.e., they opposed the building of a state prison there, Waters was for it. They are Republicans, he's a Democrat.

My father started, owned and operated a tire business there for 45 years. During the latter years, he depended strictly on out of town business, because the locals prevented county vehicles, school vehicles, and any other county business to be done there. Nevertheless, the business did very well. In 1993, my father had double knee replacement surgery. The business fell behind a few payments on a mortgage loan from a local bank. My father had done business with that bank since 1951. After very few months, the bank began foreclosure proceedings. My father immediately sold a large inventory of tires, raised \$10,000. He offered the bank the \$10,000 to pay the arrearage plus a few payments in advance to show good faith. Every possible attempt was made to satisfy the bank, but everything was

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turned down except the \$50,000 required to pay the loan off in full. My parents were able to raise the \$50,000.

The day before the scheduled foreclosure, my parents went to the bank to settle the debt. They were met by the President with a cool reception. He said he could not take it. He told them to go home that he would call them. He met with the foreclosure attorney, who was also a Board member of the bank (conflict of interest). They both conspired to refuse the money and did refuse the money.

The next morning, February, 1995 the foreclosure was staged on the steps of the courthouse. As people gathered, so did my parents, brothers, and I. My parents voiced loudly to the attorney, Rutland, that they had the money. They were totally ignored. A friend offered to pay it for them since he wouldn't take their money, and that was refused. He opened the bid at \$85,000. No one can benefit from the

sale at a foreclosure and he was opening at \$35,000 above the amount owed! My parents bid \$85,500. They countered after each bid, but were totally ignored. The attorney yelled sold, and pointed to a bidder who had been sent by my accuser, John Will Waters.

My parents asked him how he could do that. The attorney's reply was, 'because I wanted to and I had the authority to do so'.

My parents had 10 day in which to redeem the property. They were able to do to the tune of \$100,000. The property joins the courthouse property, and is highly coveted.

It wasn't until later that my parents learned that it was my accuser, Waters, who had bought the property. Crushed and broken hearted, I watched my father walk around in a daze, holding his chest, voice cracking when he spoke, and he hit the depths of depression. It was all I could bear to see.

In February, 1995, I called JW Waters and told him what a horrible thing I think he did. I made the statement that he should stay in his greedy drug world and stop trying to destroy people who are trying to make a living. I told him he destroyed enough people with his drugs. That's all, just got it off of my chest.

In June 1996 (16 months later) I was charged under a newly created law for "stalking John will Waters." April 24, 1996 was when the anti-terrorism law was passed). Six weeks later I was charged under that law, EX POST FACTO, with stalking.

The arrest warrant only stated 'stalking'. It did not have him named on it. I knew that this was bizarre, for I had not stalked anyone. I still don't even know how to. At the time I was accused, I did not own a vehicle, nor have a telephone. I lived across the street from my parents, work at the tire company, and was home most of the time that I was not at work. So who, what, when, and where was still a question. I signed on my own recognizance, and it was then that I learned it was John W. Waters.

This was clearly a conspiracy to maliciously prosecute. Waters was coming at the Brabham family with a vengeance, attempting to destroy at all cost. The D.A. (Whigham) was his buddy. He awarded Whigham a beach house in Panama City, valued at one million dollars for this and other dirty work he

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has performed for him (i.e., not prosecuting his drug cronies).

### CASE STARTS!

I went to court, accompanied by my mother who was well aware of my absolute innocence. I had one of their appointed attorneys to represent me (so called). He never defended me, encouraged me to plead guilty, and I didn't talk to him for even 5 full minutes before court was recessed. My mother and I were taken into a back room for a most severe coercion of a guilty plea. There were 6 men present with us. The JUDGE conducted the coercion!! D.A. Whigham, the foreclosure attorney, Rutland, 2 DEA agents, and an Alabama Bureau of Investigations man were there. I had called the ABI to report the corruption, drug business, etc. He was there to enhance the coercion and had breached all of the confidential information that I had given him, information that they have killed people over (and there are a few!) (Examples provided at the end of story.)

The judge, Robertson, was hissing, spitting and spewing anger toward me, and I couldn't understand any of it. He repeated things to me that I had told the ABI. I just sat there in total shock at what was being said. My attorney just shrugged when I would look at him, he never opened his mouth. The death

penalty was suggested as a possibility by a DEA agent, Orvie Locklar. He was a lifetime friend of my parents, so they thought. One can only imagine the helpless horror of that ordeal. I had never had any court experience, but we were very aware of just what they were capable of doing.

My mother and I talked alone after the bug-eyed, red faced judge went back to the bench. He had screamed to the top of his lungs!

My mother was crying at the thought of the death penalty, because she knew just how brutal they could be.

The appointed attorney told me that the best thing to do was plead guilty, that it would not affect my nursing license, that there would be no real harm done. I kept asking, where is Waters, let's get him in here and clear this lie up. The attorney said that this was not the kind of case where he needed to be present. Boy, was he right, the railroading was going to take place, regardless of the truth. Of course, there were no facts whatsoever to back any of this.

On transcript before the judge, I stated a few times that I did not want to plead guilty to something I positively did not do. The DA mentioned "trying the case". The judge would say, yeah, we'll try it, and THEN you'll see what you get.

I was so beaten up by them at the end of the day, and knowing that I could still be sitting on death row, I pled: "guilty, I guess".

I was immediately taken to jail and was denied an appeal. Their appointed attorney told my mother that if an appeal was allowed, that it would show that he gave ineffective assistance of counsel. My mother told him that is exactly what he gave.

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I was in jail for 17 days with no bond and no appeal.

My parents got an attorney and he talked to the judge. Judge Robertson suspended the sentence in July 1996. I was to enter a treatment program. (totally unrelated to a stalking charge). I applied to one or two of them, and going to one never materialized. I refused to contact the court to let them know. I just went home and started living life. I avoided and hid from them, but nothing else occurred.

Judge Robertson was forced to leave office in October 1996. He was addicted to Cocaine and had stolen thousands of dollars from the County. Judge Gaither took office. In April 1997 to end the case, he ordered a 28 day treatment program. I completed that successfully and he ended the sentence. He knew it was due to corruption. He was an honest judge and came into a mess to clean up. THERE, THE CASE WAS OVER, May 1997

Judge Gaither let it be known to the locals, that he would go by the law, and that he wasn't there to make anyone rich. Needless to say, he wasn't very well liked by the DA and others of the court.

In January, 1999, the locals supported the election of a judge who would puppet for them, Burt Smithart. He is very young and follows the orders of the DA. I was arrested for a misdemeanor public intoxication in March 1999, 100 yards from my house.

It was adjudicated by Municipal Court, fine paid, and one year probation ordered.

Eight days later, the D.A. Whigham sent me a summons to court. He claimed that he wanted to revoke the stalking charge. It had ended two years earlier and he was aware of that fact.

I was ordered to court on April 2, 1999 for the probation revocation of stalking. There WAS no probation to revoke and Judge Gaither had written an affidavit saying so, that the case had expired.

Judge Gaither was ignored by Judge Smithart and I was put in jail there for one week before being taken to prison.

I was literally re-sentenced on an expired case. My family went to the Attorney General's office, talked with an underling of his, and nothing was done on my behalf.

A hearing was held in August of 1999, and Judge Gaither testified under oath there, that the case expired and that he did not order any probation. His testimony was lied about by the D. A. Whigham. I filed a state habeas corpus in October 1999 and to this day, it has been ignored.

I filed a Federal Habeas Corpus in November 1999. The Magistrate Judge, John Carroll, made it a full blown case. He wrote two orders to the court and two order to me to answer. He resigned as magistrate judge in June 2001. The Magistrate Judge who was assigned the case, dismissed it in August 2001, as being out of statute of time. There was definitely a weisel in the wood pile!!!

Double jeopardy stands alone, sui generis, and I had filed in the mandatory one year statute of time. A dismissal for 'out of statute of time' is done summarily, and this case had gone on for two and a half

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years!

In January 2001 I was called back to that court for probation consideration. The end of this double jeopardy was to be April 10, 2001. The DA requested 5 years, but Judge Smithart said he'd order 3 years, if I chose to take the probation. The Judge said, you can go back until April 10, 2001 and complete the sentence or take the probation. (the law states that it is the persons unfettered right to complete a sentence in confinement or elect to take probation). Knowing of the hatred for me and my family, I elected to return to the 'hell' and be through with them.

I was released on April 10, 2001.

On April 13, 2001 my mother received a phone call from the judge at her home at night. He told her to inform me that I would be on probation for one year. She asked why, that she thought I returned to avoid probation. He said he had made a mistake and hung up the telephone.

I called the court clerk and requested an order for the probation. I received one in the mail. I filed yet another habeas corpus in Federal Court, alleging double jeopardy again.

The second sentence, by Judge Smithart, for the expired case was on April 2, 2001. I was not present nor was I represented at that sentencing.

The third sentence for the same case was on April 13, 2002 and I was not present nor was I represented at it either.

I recently requested that Federal Court reconsider the second sentence for the same case, which robbed me of two years of my life.

It was denied by Federal District Court. Federal Circuit Court vacated that order, and has returned it to Federal District Court for a full remand.

The third sentence for the same case, the probation ordered in April 2001 is still pending an evidentiary hearing in Federal District Court. They ordered me to get all affidavits from witnesses, testimonies, and the affidavit from Judge Gaither who ended the case in 1997. That is where it is at this point. Both the second and third sentences on the expired case are now two separate cases being considered in Federal Court.

(MY comments: There were 3 judges in 3 years. District Attorney Whigham was there during the reign of the three, and he knew the truth. He is the culprit at the core. Hopefully this exposure will bring the desperately needed relief that this town needs).

Sincerely,

Beverly Brabham

Any and all questions and comments are welcome! Write to Beverly directly at:

beverlybrabham@direcway.com

## **Freedom! The Battle Cry of the Business Owner**

**By Denise O'Berry**

"I wanted freedom from a boss so I started my own business. Now I need freedom from my business because it's running my life." Sound like you?

Here are three tips to help you find that freedom.

1. Put your stake in the ground. Where are you headed with your business? Can't answer because you're too busy working on yesterday's problems? Stop and do it now. Much of your freedom is being eaten up by activities that won't get you where you want to go. Define where that is and work toward it.
2. Set boundaries. Don't take on work that steals time you should be dedicating to focusing on sales of your core product or service. Sometimes you just have to say "no." Be careful about performing business functions that "don't cost anything." Put a dollar value on your time. Outsource. It will cost you less in the long run.
3. Take action. Talking and thinking about doing things that will grow your business are necessary. Writing them down and making them happen is even better. Identify the critical steps you must take now to get closer to the freedom you seek.

Denise O'Berry helps small business owners take action to grow their business. Find out more at

Freedom! The Battle Cry of the Business Owner  
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Chasing Shadows! A Dream  
Freedom Through Purose  
Self Suppression

Ultimate Web Shield  
Mail Order in the Internet Age  
Disaster Preparedness and Crime Protection Manual  
The Ultimate guide to a Multi-Orgasmic Male  
Starting a Successful Retail Business



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