

FILED IN UNITED STATES DISTRICT COURT, DISTRICT OF UTAH

AUG 14 2006

BY MARKUS B. ZIMMER, CLERK DEPUTY CLERK

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH

LESTER JON RUSTON, Plaintiff, vs. CHURCH OF JESUS CHRIST OF LATTER DAY SAINTS, "THE MORMONS" et al Defendants,

Civil Action No. 2:06-CV-526-DB

AFFIDAVIT OF LESTER JON RUSTON IN SUPPORT OF R.I.C.O. ALLEGATIONS AND PLAINTIFF'S MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF R.I.C.O. ALLEGATIONS

My name is Lester Jon Ruston. Affiant is over the age of 18 and is competent to make the following declaration, under oath of law. Affiant is the Plaintiff in the above numbered and styled cause of action.

Affiant is the owner of Penguin Enterprises Unlimited, registered in Dallas County, Texas and with the State of Texas Comptroller of Public Accounts #2-458-15-9201 as a Sole Proprieter. In Beck v. Prupis, 529 U.S. 494 (2000), the Supreme Court explained that Congress enacted RICO to eradicate organized crime in this Country, providing severe penalties for violations of Title 18 U.S.C. § 1962, and also a civil cause of action for a person's injury to business or property stemming from a violation of Section 1962. Id. at 496; 18 U.S.C. § 1962-1964. Section 1962 makes it unlawful to receive income or collect a debt from a pattern of racketeering activity; to invest any such monies received or collected in any enterprise affecting interstate or foreign commerce; to acquire or maintain an interest in such an enterprise through racketeering activity; to conduct any such enterprise's affairs through a pattern of racketeering activity; or to conspire to engage in the above activities. 18 U.S.C. § 1962(a)-(d). Racketeering activities include extortion, bribery, counterfeiting, embezzlement, mail and wire fraud, witness tampering and the like. Title 18 U.S.C. § 1961(1).

The Defendants have engaged in this conduct, via an enterprise, an alleged Church, and multiple "lawfirms" engaged in extortion by means of fraud and mail

fraud, the most notable being the lawfirm of Larry K. Hercules and Abernathy, Roeder, Boyd and Joplin of McKinney, Texas. They have engaged in this "pattern" for eight straight years against the Affiant/Plaintiff, and have engaged in "racketeering activity", which are the four elements of RICO, as held in Pyramid Securities Ltd. v. IB Resolution Inc., 924 F.2d 1114 (D.C. Cir. 1991) (quoting Sedima, SPRL v. Imrex Co, 473 U.S. 479, 496 (1985)). The Defendants have conspired with the lawfirms of Larry K. Hercules and Abernathy, Roeder, Boyd & Joplin, and other lawfirms, known and unknown to the Plaintiff/Affiant, to knowingly tender fraudulent instruments to various courts to "extort" monies, to cover up criminal activity. Further, they have repeatedly engaged in multiple acts of "witness tampering", including tampering with multiple government officials, in the commission of various crimes perpetrated against the Plaintiff/Affiant.

Most notably the Defendants have tampered with Affiant's only begotten son, and did cause Brett Ruston's attempted suicide in December of 1998, by Defendant Allison Ruston-Smith, in a conspiracy with Mel Chadwick, Defendant, and the lawfirm of Abernathy, Roeder, Boyd and Joplin of McKinney, Texas, easily substantiated by the telephone records of 972-242-2999.

Further, Defendants have engaged in acts of "bribery", most notably to Affiant's son, Brett Ruston, to not testify against them to law enforcement officials investigating their crimes, which is "public record" in U.S. v. Ruston, 3:01-CR-178-X, Dismissed, N.D. Texas, Dallas Division, Sept. 2001, as claimed in complaint. Further, the Defendants did cause the death of Brent Austin, of Plano, Texas, in their conspiracy with the Plano Independent School District, which is "public record" in Plano ISD v. Ruston, 380-786-98 in District Court 380, Collin County, Texas. Austin was a member of the Defendant's "church", investigated personally by the Affiant.

Defendant Allison Ruston-Smith has conspired to steal property from Affiant, repeatedly, including two separate vehicles, with various government officials, which is in the handwritten notes of F.B.I. Special Agent James K. Ellis, currently being suppressed by the Defendants, and multiple co-conspirators (see Ruston v. Riggs,

06-0782 RMU D.C. District Court). Further, Defendants did conspire with Dallas County District Attorney Bill Hill to steal a third vehicle from the Affiant in September of 2002, to cover up organized crime being perpetrated out of the Continental Motel in Richardson, Texas, which includes prostitution, narcotics trafficking and auto theft. Said "facts" are public record in *Ruston v. Dallas County, et al* 06-0709S in District Court 95, Dallas County, a State of Texas Petition for a Temporary and Permanent Restraining Order, due to Defendant Allison Ruston-Smith's ongoing criminal enterprise and attacks on the Affiant.

Defendants Larry K. Hercules and Allison Ruston-Smith have repeatedly tendered perjured testimony and fraudulent paperwork to various Courts, and aided and abetted co-conspirators to do likewise, establishing an "enterprise", see Scheck v. General Electric Corp., 1992 WL 13219 (D.D.C. 1992), quoting Manax v. McNamara, 842 F.2d 808, 811 (5th Cir. 1988).

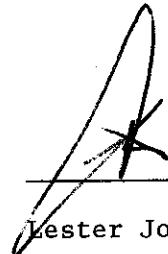
Defendants have used the United States Mail to further their acts of fraud, and have mailed threatening extortion letters to the Affiant, which he has provided to the F.B.I.'s office in Plano, Texas. They have further conveyed terroristic threats to the Affiant, by and through Harold Glenn Adams, a Plano, Texas Attorney, which was also provided to the Plano Bureau of the F.B.I., stating that Defendant Ian James Ruston was going to charge Affiant with attempted murder after Ian assaulted the Affiant on or about March 16, 1999, while drinking beer and mowing Defendant Margaret Ruston's yard with a lawnmower he stole from the Affiant, after conspiring to have Affiant illegally committed to the Wichita Falls State Hospital. Ian James Ruston was fired from Dallas Compressor Company, as he was committing this crime while he was supposed to be performing his duties for this business. Dallas Compressor did then hire Larry K. Hercules, Defendant, and did pay him to cover up this criminal act by tendering fraudulent documents to Precinct One, Place One, Dallas County Municipal Court in the matter *Ruston v. Dallas Compressor*. Affiant dismissed this and two other matters, as he felt pity for Defendant's being conned out of money by Larry K. Hercules, and in return they have attempted to murder the Affiant.

The Defendant's have engaged in this "pattern" around the United States, and have purposely destroyed many families, due to their criminal insanity. All Defendants should undergo a mental health examination, pursuant to Rule 35, Fed.R.Civ.P., as they are all a threat to themselves and to others, and have caused harm to themselves and to others, and are likely to continue to cause harm to themselves and to others, pursuant to 18 U.S.C. §§ 4241 and 4242.

The Defendant's latest acts of "Witness Tampering" are public record in District Court 194, and they have threatened Affiant with further "battery" in retaliation for this filing, and others, in alleged criminal violation of 18 U.S.C. § 1513, for which Affiant seeks relief with this action.

All allegations of "fact" contained herein are true and correct to the best of Affiant's knowledge, and various State and Federal records, sworn to under penalty of law with Affiant's signature affixed, pursuant to 28 U.S.C. § 1746 and 18 U.S.C. § 1621. Further, Affiant sayeth naught:

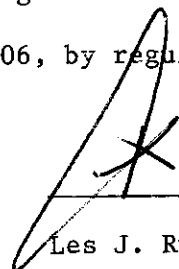
Dated: 8-8-06



Declarant
Lester Jon Ruston

CERTIFICATE OF SERVICE

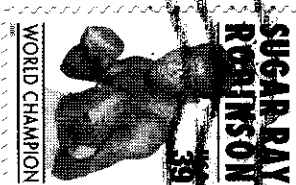
A true and correct copy of the foregoing instrument was provided to the clerk of the court on this 12th day of August, 2006, by regular U.S. Mail. One copy has been retained as "evidence".



Les J. Ruston
a.k.a. "The Bruce"

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