

MY TESTIMONIAL: MY OPPOSITION TO THE ERADICATION OF (BAIL) 8th AMENDMENT on the state level – “DENIAL OF BAIL INVITES POLITICAL IMPRISONMENTS and abuse” I want to tell you my story and beg you not to eliminate bail – FIX it don’t eliminate it.

My name is Robert Edward Forchion Jr.,
(https://en.wikipedia.org/wiki/Ed_Forchion)

I go by Edward, my middle name but most people know me by my public persona – NJWeedman. I’ve called myself a peaceful, proud, patriotic, pothead for a couple decades and internationally I’m an American Dissident. I’ve openly advocated for the legalization of Marijuana in New Jersey for over 20 years before it was popular, as such I’ve made *political* enemies with state officials and law enforcement officials. I have a big mouth, I criticize public officials, via the Internet mostly – I call it Free speech.

For 230 years All states including NY and the State of New Jersey had BAIL, that all changed on January 1st 2017 and what RECENTLY happened to me couldn’t have happened with a reasonable bail as it has been since the founding of this country.... under the recently enacted New Jersey bail reform act I was denied bail for 447 days, maybe in Iran or China this would be normal but not in the America I grew up in. 447 detained before representing myself at trial and being found “NOT GUILTY” of the bogus charges filed against me.... but the state actors got their blood, got their punishment from me, they tried to silence me and virtually destroyed my business, tore me a INNOCENT man away from my wife & children. They got what they wanted by using the BAIL REFORM ACT. This archaic action was forced upon me, contradicts what the founding fathers envisioned of a new world, new ideas and freedom.

I WAS DENIED BAIL

Twice I was a Political Prisoner of the state of New Jersey. Twice state officials have abused their powers, violated my rights by jailing me and denying me bail... The first time was in 2002 (8/19/02 – 1/24/03) - I was arrested for making for making pro-marijuana legalization political ads and denied bail for 157 days (5 months). I filed a “*Writ of Habeas Corpus*” from the county jail to the Federal Courts and won my release with the assistance of the Aclu-NJ. **Forchion vs NJ, ISP, 240 F. Supp. 2d 302 (D.N.J. 2003)**

This second time *WHICH IS VERY RELAVELENT TO THIS HEARING* was from 3/3/2017 – 5/24/2018 447 days, (15 months) – New Jersey enacted its Bail Reform Act in conjunction with the Aclu-NJ. So ironically the Aclu-NJ has both fought to get me BAIL and was instrumental in getting me denied bail.

POLITICAL PERSECUTION

Beginning in 2014 I was a Columnist for my local city paper the TRENTONIAN and later in 2015 a co-owner of a restaurant of my own namesake - NJWeedmans Joint. I used my Column to criticize politicians, policies and laws. I used my restaurant as an activism center as well as a peace & love temple.

The City of Trenton Police department was angry at what I wrote in the paper; and that I was selling chicken wings after 11pm at my JOINT. The police illegally ordered me to close at 11pm - I refused and filed a **FEDERAL LAWSUIT** against the police and several of its commanding officers. **Forchion vs City of Trenton, 3:16 -cv-01339pgs, (3/2016).**

The City Police retaliated - "turned it up on me" and filed numerous bogus charges over the next 6 months, 39 in total. The Mercer County Prosecutors Office joined the City Police and also engaged in a political vendetta prosecution against me "NJWEEDMAN".

The Prosecutors office returned a laughable 2 count FAKE indictment for "WITNESS TAMPERING", THEN using the Bail Reform Act motioned a JUDGE for my detention. Falsely claiming I was a danger to the community and WOULD obstruct justice...(A claim of a future crime was used against me) I've never committed a violent act, I'm not a habitual offender - I simply pissed off the local politicians, police and prosecutors with my free speech.

You; and everyone in this room know Judges rubber stamp Prosecutors motions every single day and in my case Judge Warshaw and Judge Massi seemed happy to DETAIN ME with no chance at bail, they attempted to silence me too...You see I had publicly criticized them too.

NOW REMEMBER - The NJ Bail Reform Act was sold to the public with the false claim that citizen detentions would be reserved for the most violent, the most habitual and would be a help to the poor...Well I am poor, not violent nor a habitual offender. Yet I and everyone on my jail tier like me were detained with no chance of bail. Making that claim was as much a lie as Mexico is going to pay for THE WALL.

You see using the Bail Reform Act's detention provisions the local politicians and Prosecutors Office were able to **politically imprison** me - To throw me in the dungeon without bail because they didn't like what I publicly championed, what I publicly espoused or me... Political jailing's without BAIL was something the founding fathers of this country forbade with the 8th amendment's RIGHT to Bail...The signers of the Declaration of Independence were well aware of the Kings Dungeon system. A system where the King or his Govt would throw people in the dungeon for months or years without bail or a speedy trial - regardless of guilt or innocence - denial of bail is punishment without guilt.

The founding fathers totally understood how a government or a tyrant could abuse a citizen by denying BAIL. New Jersey made a huge mistake changing its Constitution to eliminate this right and has opened up the slippery slopes of the return of the dungeon system. All state laws must conform to the U.S. Constitution. Honorable members of the NY senate I implore you not to go down this TYRANTICAL HOLE.

REMAIN TRUE TO THE PRINCIPLES OF THE FOUNDING FATHERS; ENSHRINED IN THE 8th AMENDMENT of the US CONSTITUTION, of which you swore to uphold, - *'Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.'* The **amendment** is meant to safeguard Americans against excessive punishments. New Yorkers do not abandon the US Constitution or the mandate of the founding fathers not to imprison 1 innocent man.

Respectfully submitted,

EDWARD FORCHION
Former Political Prisoner of NJ

TALKING POINTS – QUESTIONS

- **OFFICERS ON THE STREET** – now can use THE BAIL REFORM ACT as a way of settling scores, perceived slights and profiling. Officers have learned to write their reports to present the citizen as a danger to others...using code words for prosecutors who then use similar language to motion the Judge for detention. *Last year NJ did over 45 thousand motions to detain.*
- **PROSECUTOR ABUSE: DENIAL OF BAIL can be used as weapon of the prosecutor to force plea deals.** An innocent man who refuses any plea deals suffers at least a year in jail. Ben Franklin said, *"he'd rather let 100 guilty men free than to imprison 1 innocent man"...*Today you politicians can be careless with imprisoning **innocent** people....! I was *innocent* the day I was arrested for "witness tampering"! I spent 447 days as a innocent man imprisoned.
- **DENIAL DUE PROCESS....**Detention hearings amount to a court proceeding that many times both the Defendant and the Prosecution are lacking sufficient discovery to proceed....this period gets complicated with "excludable time". – Under New Jersey's bail reform act – You're supposedly given a speedy trial within 270 days. But if you file any motion the judge can dock you up to 60 days for each...I was assessed 57 days of excludable time once and 67days for two others simple motions ... days under the bail reform act allows to not count – (even thou I the innocent man was sitting in the dungeon. 124 days of my 447 days – DIDNT COUNT under this bail reform act. – How disgusting.
- **EX POST FACTO PUNISHMENT...** A citizens past record is UNJUSTLY brought into play, not only has a person paid his debt to society and shouldn't be taxed/punished anymore but the rules and laws were what they were...to change them here in the future and use a persons past to inflict denial of freedom is outrageously un-American and a violation of Article 1 paragraph 9 the Ex POST FACTO clause of the U.S. Constitution. **EXAMPLE:** for decades in NJ missing a court date while serious; was easily remedied simply by showing up and paying a small fee. NOW the state looks back at past missed court dates "re-punishes them by allotting a number system used to determine – bail". It's a reverse version of the minority report...the state goes back and punishes someone for missing court years prior.... even if that missed court date was previously adjudicated. – INSANE!
An ex post facto law is a law that retroactively changes the legal consequences of actions that were committed, or relationships that existed, before the enactment of a new law.