

## CHAPTER 10

# DEFENSE FOR THE PROSECUTION

PROSECUTOR:

Everything I'm talking to you right now, Kai, is about the night when you killed Joe; okay? Is that less ambiguous?

THE WITNESS:

No, that's actually argumentative. And you need to stick to the specific time frame. Are you asking me about the time I can't remember from the sexual assault to when I came to in the parking lot or are you asking another question?

PROSECUTOR:

I am asking for a clarification. Kai, let me ask you this—

THE WITNESS:

Now you're raising your voice. You need to clarify the question.

MR. CITO:

Objection.

THE COURT:

I am going to sustain the objection. Mr. McGillvary and Mr. Peterson, I am, again, instructing you to please answer the questions. And, Mr. McGillvary, you're adding information and you're arguing with the prosecutor. Your role is a simple one. You must answer the questions which are posed. If it's an objectionable question, you've got a very capable lawyer –

THE WITNESS:

I was answering the question.

THE COURT:

– excuse me for a second – who has no hesitancy, nor should he, in leveling an

objection. It is not appropriate for you to engage the questioner with your own editorial feelings about the prosecutor's conduct, etc.

THE WITNESS:

But that goes directly to the question.

THE COURT:

Answer the questions.

THE WITNESS:

That's what I am doing.<sup>1</sup>

Caleb McGillivary, better known to the world as Kai the hitchhiker, spent nearly five long years in solitary confinement at the Union County Jail while awaiting trial. Twenty-three hours a day, seven days a week, in segregation—circumstances considered “cruel and unusual punishment” in the United States.<sup>2</sup> This is of course a gross violation of constitutional rights, not unlike the inherent violation of the sixth amendment right to a speedy and fair trial that Kai was subjected to.

It all began with two fateful rides, only weeks apart. The first would catapult him to fame and epic hero status, and the second would plummet him into the depths of a nightmare that continues to this day. Kai gained viral fame with a ride he thumbed that resulted in him saving the lives of a utility worker and a woman in Fresno, California in 2013. His emotional and heartfelt message catapulted him to viral fame. His ‘catchphrase’ of “Smash, smash, suh-MASH!” resulted in him being invited on the Jimmy Kimmel show and featured on an episode of Stephen Colbert’s show, among others.

It all changed in an instant, shortly after Kai shared the following status on his Facebook account:

“What would you do if you woke up with a groggy head, metallic taste in your mouth, in a stranger’s house . . . and started wrenching [sic], realizing that someone had drugged, raped . . . you?” This was one of the last posts beloved viral star Kai the Hitchhiker made to social media before his arrest. From viral fame after being interviewed shortly after saving the lives of a

man and woman, Kai's rising star seemed to be crashing quickly. Not long after that though, the nightmare would begin, a nightmare that continues to this day.<sup>3</sup>

Kai alleges he was drugged and raped. Evidence available suggests he was then subjected to a sloppy frame-up job. After the "investigation," he was detained without trial and held in solitary for years. When the trial finally came, in keeping with the investigation and detention, it could be characterized as nothing less than a massive miscarriage of justice with the defense, at times, seeming to work on behalf of the prosecution.

Major conflicts of interest abound in the case, including officials of the court who should have recused themselves. Eventually, one judge assigned to the case would step down rather than recuse himself. This was after Kai pointed out that he was connected personally to the alleged rapist lawyer, Joseph Galfy. The prosecutor, Theodore Romankow also resigned after 11 years before any connections with the deceased were disclosed. Incidentally, he "call[ed] it quits" on the same date Kai's arrest was announced.<sup>4</sup>

New Jersey's *Star-Ledger* reported the following:

"In court, McGillvary told Superior Court Judge Joseph Donohue last month that Robert Mega, Union County's presiding Criminal Court judge, had the phone number for the victim's son, Joseph Galfy III Jr., saved as contact no. 18. He later learned that Mega was listed in Galfy's cell phone from the evidence that the prosecutor's office provided to Liguori. Donohue said Mega has recused himself from the case, but he understood the defendant's concern about the other judges."<sup>5</sup>

Oh dear, not another conflict of interest! This is starting to look like a

pattern. Not unlike the pattern of abuse inherent in the New Jersey penal system and specifically the Union County jail and Juvenile Detention Center which have been responsible for multiple deaths and an environment of sadism that is beyond the pale. Systemic cruelty resulting in suicides and unexplained deaths.

There are numerous issues with the investigation, detention, and trial of Kai. Kai accused the proceedings of being a kangaroo court and sham trial. Many media sources portray his claims as unhinged and conspiratorial but what then of the fact that evidence supports many of those claims?

The Gardner and Suter investigative reports reveal that the dishwasher had been run between May 13 and 15th,<sup>6</sup> while the home of Joseph Galfy, the wealthy lawyer and accused predator, was an active crime scene. Also, Galfy was found with his own semen mingled with “unidentified blood”<sup>7</sup> on his penis. Kai was denied a rape kit, but they ran one on the deceased. The cups with which Kai is said to be drugged were washed by investigators so no results from the alleged drugging incident could be recovered. A rape kit was run on Galfy but not Kai. Obviously, it came up negative. It was performed on the wrong person. So at this point, the prosecution can claim that a rape kit was run<sup>8</sup> and that there was no evidence of Kai being drugged. That certainly would seem to make Kai out to be a liar had this not been the result of a brazen bait-and-switch.

Why would a dishwasher be run in a house subject to an ongoing investigation concerning an alleged murder and/or rape? And to explain the “and/or” in New Jersey, lethal force is authorized in the case of sexual assault so accidentally killing someone who is raping you in the state is not even manslaughter.<sup>9</sup> Now if the evidence of Kai being drugged and raped hadn't been destroyed (‘spoliation of exculpatory evidence,’ in legalese<sup>10</sup>) then this would be an open-and-shut case. If the public defender was more interested in defending Kai rather than playing ball with the Union County system

then perhaps there would have already been a more favorable dispensation.

Oh, and who was allowed in the house around the time that this mysterious dishwasher incident occurred? None other than the former deputy chief of police brother of the deceased, James Galfy. James Galfy, according to investigative documents released in discovery, notes his concern that some drifter was involved when he was told his brother was dead. Apparently, not the first such case of a “vagrant” of some sort being involved in Galfy’s life.<sup>11</sup>

Why would James Galfy immediately assume his wealthy lawyer brother might have a “drifter” in his home the night he died before Kai was even a suspect?<sup>12</sup> In another interview with a witness who saw Kai, he was described as looking “under the influence”<sup>13</sup> of something when he saw him after the incident. The audio of Kai’s interrogation has him emitting an audible sigh when he discovers that the man he accuses of drugging and assaulting him is dead.

Considering that James Galfy was informed of certain things by Peterson or someone from the UCPO\* before his counsel further suggests a coordinated cover-up. As of late Summer 2022, federal judge Madame Cox-Arleo conceded that Kai had sufficiently proved a “conspiracy” to deprive him of his due process rights, so this shouldn’t be especially surprising.<sup>14</sup>

“At this early, stage, Plaintiff sufficiently alleges a conspiracy among the individual Moving Defendants to deprive him of his due process rights,” Madame Cox-Arleo ruled on July 28, 2022.

Meaning Kai had successfully proved “that the favorable evidence [suppressed and destroyed in this case] would have produced a different verdict.”

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\* Galfy estate lawyers seemed to be kept abreast of certain matters even before Kai’s own defense, suggesting a cozy relationship with someone in the prosecutor’s office. An office we’ve seen multiple problems in thus far.

The due process and conspiracy claims, though viable according to the Federal Judge's ruling, are "barred by the favorable-termination rule of *Heck v. Humphrey*."

This effectively results in a Catch-22 scenario where Kai can't move his case further until he has vacated his conviction or served his time. The court won't even look into the potentially criminal actions related to the conspiracy to deprive him of due process "in the absence of a viable federal claim" which, again, can't be brought forward until he has been legally exonerated or finished his sentence. Quite convenient for those responsible for the cover-up. Also, due to SCOTUS precedent, a plaintiff "cannot bring a fabricated-evidence claim under §1983 before favorable termination of his prosecution."<sup>15</sup> In short, it's not that Kai cannot prove the conspiracy to deprive him of due process, but that the federal court can do nothing about it until he can exonerate himself or finishes his sentence.

On top of this is the expert doctor Robert Pandina who the prosecution claimed asserted Kai could not have been drugged and raped despite obvious signs of sexual assault. Pandina claims he did not know Galfy. This strikes me as odd considering, as per a document from the Prosecutor's Office, Pandina "unexpectedly received charitable funds from the Estate of Joseph Galfy."<sup>16</sup> Well, what an unexpected turn of events, but who among us hasn't received a windfall from deceased persons after being asked to act as an expert witness (then declining after your findings are misrepresented) in trials involving them?

Refusing proper services and processing for a victim of sexual assault is a crime in New Jersey. One of several laws broken here: for one, undermining the New Jersey Attorney General Standards for providing services to victims of sexual assault. By ignoring what Pandina found, Sgt. Ho and Prosecutor Peterson assert Kai could not have been drugged.

Unfortunately, Kai's motion to dismiss could not be heard. At least not with his own public defender fighting him all the way. The stakes are incredibly high, not only for Kai but for Union County and the state of New Jersey. The Federal civil suit itself will be a slam dunk, that is if Kai is exonerated. Until then the case is in limbo as it can't be heard while he is incarcerated.

If Kai wasn't raped, then why are there signs of rape in this case? New Jersey law states "sexual assault is a form of serious bodily injury, the threat of which would justify the use of deadly force in self-defense," NJSA 2c:3-4.<sup>17</sup> Mismanagement of evidence, evidence of sexual assault, conflicts of interest (the alleged rapist's prominence in the legal community of Union County).

In my original article about this case for *Inquisitr*, I note that the case was "eerily reminiscent of the Cleveland Street Scandal from London in the 1890s." In that case, a high-profile pedophile ring that reached as far as the court of Queen Victoria. The whole affair was covered up for decades. During the Oscar Wilde trial, Wilde was surrounded by predators who were tied to the Cleveland Street case. I had no idea how prescient that statement would prove.<sup>18</sup>

In this case, no nobles or royals are implicated, but Kai discovered through the use of the law library in prison that a 30+ year tradition in New Jersey of sex criminals, including child sex criminals being given a slap on the wrist consisting of six months' probation, therapy and a 6-month suspension from practicing law in many or most cases.<sup>19</sup> In all but very few of the nearly two dozen cases, I've seen a complete media blackout despite those involved being not just lawyers, but politicians, legislators, District Attorneys, and Assistant Attorney Generals.

In one case, a sexual predator judge, James F. Boylan, who assaulted

women by coercing sex from them in exchange for lessened sentences comes up. This same Judge Boylan's son was previously charged with molesting a 5-year-old girl. Neither shows up in state or federal sex offender registries and disciplinary bar reports and a lawsuit are the only extant paper trail.<sup>20</sup>

I've been in contact with Kai for a few years now and have written multiple articles, conducted several interviews, and kept in touch via correspondence. The massive number of issues in the case precludes the possibility of covering each issue in anything less than several hours, but it's possible, in a few pages, to at least scratch the surface.

The reversal of the phrase "innocent before proven guilty" to "guilty before proven innocent" didn't begin on April 23, 2019, at the murder trial of Kai the Hatchet-Wielding Hitchhiker. Rather, this inverted maxim has always been understood by those at the top and the bottom of the American legal system. But on April 23rd, 2019, in Elizabeth New Jersey, "guilty before innocent" became the official maxim of law and order in America.

Of course, the issues had been evident for years before Kai would get his day in court, finally, in 2019. These nagging little inconsistencies and "coincidences" pop up throughout the investigation, the detention, and the eventual trial. The Voir Dire (jury selection) itself was quite enlightening as to how things would proceed in that courtroom in Union County. It becomes clear that jurors who might be sympathetic to Kai are quickly booted by Kirsch while connections to Union County powerbrokers like Scutari or Cryan don't pose a problem. Being associated with or friends with Galfy's former law partner also not an issue. Two jurors with connections to investigators on the scene are also permitted. In short, anyone who seemed like they would bring back a favorable verdict for prosecution was a shoo-in. Meanwhile, even having a loved one who experienced sexual assault gets you booted.<sup>21</sup>

An eyewitness at this trial states that defense counsel, John G. Cito, Esq. stood askance from the jury, looking slyly sideways at them; under other circumstances, he might have been telling them a secret. The moment was cinematic; all it lacked were cameras. Judge Robert Kirsch had banned all video reportage of Kai's trial on March 21st, two weeks before it began.<sup>22</sup>

This was perhaps because video documentation would have shown the public that something was amiss. On April 16th, 2019, Union County Prosecutor's Office Sgt. Johnny Ho was on the witness stand. A video was about to be played on a large screen for the Jury. Judge Kirsch stepped down from his bench and walked to the gallery to sit near the jurors, saying "Dim the lights, folks. I'm going to move so I can see the screen closer." Keep in mind that the record shows what you have just read above when presented with Judge Kirsch's statements about witnessing what happened next 'from his perch on the bench.' To put this in context, Kai claimed that the Sheriff's officers behind him began to laugh derisively in front of the Jury as soon as the video reached the part where Kai described waking up to find Galfy, the man he is accused of murdering, sexually assaulting him. Judge Kirsh, however, denies this, stating:

"I categorically reject that two Sheriff's officers 'laughed' during his testimony regarding his claimed sexual assault by Mr. Galfy, and that this alleged conduct somehow may have influenced the jury [...] I was in the courtroom the whole time, watching Mr. McGillvary and the Sheriff's officers from my perch on the bench."<sup>22</sup>

It seems obvious from the judge's own statement that Kirsch was not on his "perch on the bench." How could he have been, after he had "moved to see the screen closer?" Kai subsequently requested a review of the courtroom security video footage; such a review, of course, would show Judge Kirsch's blatant falsehood for the lie that it was. This request was refused by none other than Judge Kirsch, of course. To quote Hizzoner from an

earlier ruling during Kai's case, "I know they have security cameras in here and they're being viewed as we speak [...] but there's no basis for me to do so and I'm not doing it." Kirsch stated this in response to Kai's earlier request to review courtroom surveillance after Prosecutor Scott Peterson altered the position of a laser pointer indicating the injuries on Mr. Galfy's chest x-ray.

In my 2022 article from City University of New York's graduate newspaper *The Advocate*, I cited sections of the trial transcript that hadn't been reported elsewhere. One section has the judge refusing to allow courtroom surveillance tapes. Had they been allowed we could prove the impossibility of one of the judge's claims. In the court transcript, the judge mentions watching a video from "his perch on the bench." This is wholly inaccurate. It may seem like a small thing, but it was significant. That wasn't the only possible reason for Judge Robert Kirsch to suppress Kai's request to have the courtroom tapes reviewed.

"I know they have security cameras in here and they're being viewed as we speak [...] but there's no basis for me to do so and I'm not doing it." Kirsch had a second possible reason to make sure the tapes weren't entered into the record. At one point Prosecutor Scott Peterson changed the position of a laser pointer when showing the injuries to Joseph Galfy. Why is this relevant? Galfy was discovered with his body face down on the floor. Kai claims to have woken up beneath him, with a strange taste in his mouth potentially indicating being drugged.

Sadly, the investigators found that the bottles had been run through the dishwasher around the same time former Deputy Chief of Police and brother of the deceased James Galfy was allowed unprecedented access to the crime scene. This occurred before the investigation had even been completed.<sup>23</sup> Perhaps some of this missing (and/or destroyed) evidence was removed from the home by the mystery man caught by *ABC7NY*'s cameras. The video was

pulled by *ABC7NY*<sup>24</sup> however, and a still from the video was not allowed to be entered into evidence. In layman's terms, spoliation of exculpatory evidence means destroying anything that could prove a defendant innocent.

And how about the laser pointer and the location of injuries? The injuries that led to Galfy's death could have only been effected by someone underneath their potential assaulter. Kai's hairs found on the side of the mattress also corroborate his account.<sup>25</sup> Remember that in New Jersey lethal force is authorized in the case of rape and sexual assault. Sadly, the police refused to run a rape kit on Kai (despite running one on the deceased Galfy so they could say they did run a rape kit). For the record, it's also a crime to refuse to run a rape kit on a victim of sexual assault when they request it. Just one of many cases where the investigation goes far beyond merely shoddy. Union County authorities ran afoul of proper protocol and even state and federal law, time and again.

Without suppressing and destroying evidence, the state's case is paper thin.

Kai claims that Galfy slipped drugs into Kai's beer, and he woke underneath him. If the potential evidence of drugging hadn't been destroyed (around the time Galfy's brother, the former Deputy Chief of Police was going to be "securing the scene" as he puts it) proving self-defense would have been a cinch for Kai.

Crime scene photos also include pill bottles. No toxicology screen was performed on those or the items in the dishwasher, and certain drug-facilitated sexual abuse (DFSA) agents such as GHB are very hard to test for. This is especially so if several hours or days have passed.<sup>26</sup>

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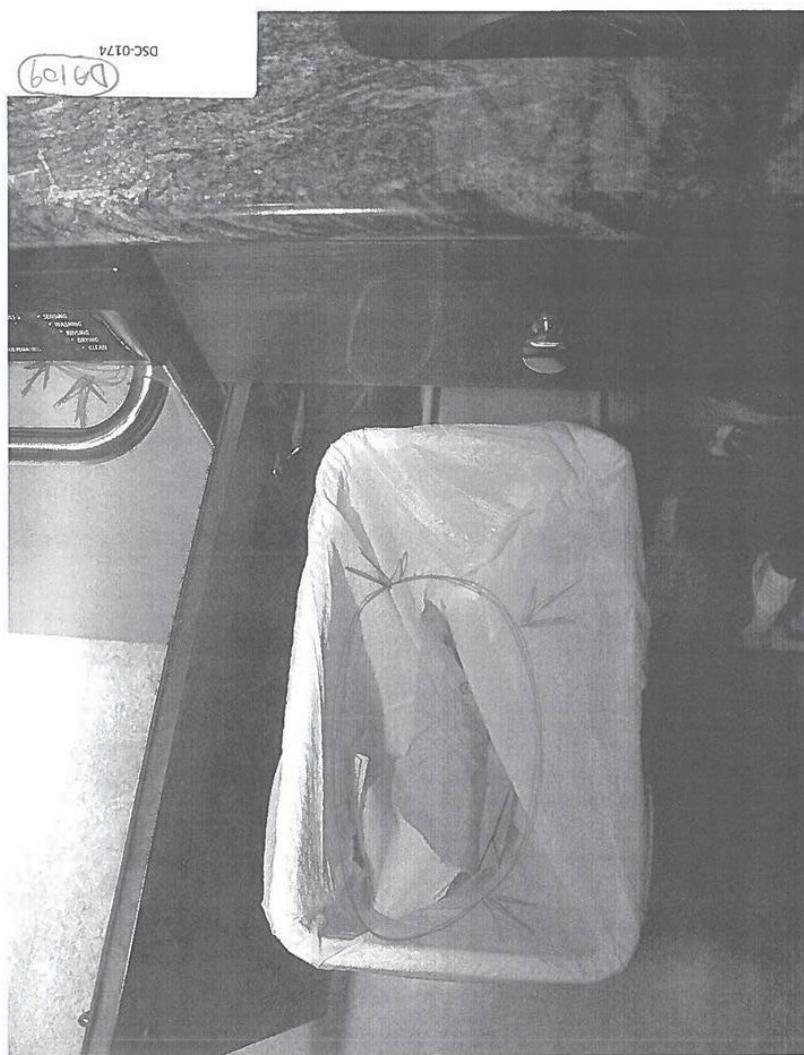
\* When I explained my purpose for requesting the video, I was told I'd need to subpoena them. As of this writing, I am in the process of doing so.

Another case of the defense team acting in concert with the prosecution would be Kai's defense attorney, John Cito, playing bait and switch briefly referencing the glassware in the sink and the dishware then going on to say that "I am not sure how you can test fibers for drugs."<sup>27</sup> Mr. Cito's expertise, as it turns out is as a lawyer and not a scientist. It's unknown why Cito would assume that he would have the same knowledge a scientist would. He didn't bother even doing a simple internet search for "test fibers for drugs" because if he had taken 30 seconds to do that, he would have seen multiple scientific papers on various methods used to test fibers for drugs.<sup>28</sup>

You might wonder why it would matter to a jury where the victim's injuries were precisely located. After all, a man was dead, wasn't he? Wasn't that the point? Consider that Mr. Galfy was found face down on the floor and that Kai said he woke up underneath him. The fatal injuries were on the center of Mr. Galfy's chest, unreachable from anywhere but underneath him. This corroborates Kai's testimony. Mr. Peterson, however, moved the laser to the side during his testimony, deceiving the Jury into thinking that Kai had been standing up and kicking Mr. Galfy in the side.

What happened is this: Kai kicked upwards at Galfy while lying on his back. This is important to the veracity of Kai's defense, which follows thusly:

- 1.) Galfy slipped drugs into Kai's beer, causing him to lose consciousness.
- 2.) Kai woke on the floor underneath him.
- 3.) Galfy died due to Kai's legal forcible self-defense. The law in New Jersey states that you can use deadly force to defend against a sexual assault.



*Crime scene photo DSC-0174 [DA109]. The folded paper in the trash can that may have been used to funnel powder into the beer mug was never tested.*

Common sense would suggest that a pill bottle full of GHB, zopiclone, or whatever else was found in Galfy's fridge would be fairly convincing evidence in Kai's favor. As would GHB residue in a glass and GHB metabolites found in the urine involuntarily excreted by Kai upon his coming to. Not to mention the fact that, contrary to Pandina's claims, multiple drugs that have been utilized in DFSA cases result in blackout states similar to what Kai described.

Dr. Pandina stated acute effects of date rape drugs typically last two to four hours despite Johnny Ho's grand jury testimony misrepresenting Pandina's claim and ignoring lingering effects. This was admitted in Peterson's March 23, 2016 letter to Liguori (Kai's then-public defender) regarding Pandina's statements. The science being misrepresented was especially damaging when taken in conjunction with the testimony of witnesses who corroborate testimony related to Kai's lingering effects.<sup>29</sup>

Image of the check cut to Pandina's CAS program at Rutgers and still from Galfy's last will and testament that stipulates another \$150,000 payment to Shaikh.<sup>30</sup>

It remains to be seen if the \$150,000 endowment left to the program Pandina runs at Rutgers had anything to do with this. All this evidence together would clearly support Kai's statement that Galfy drugged him and would convince almost any jury that Kai used legal force in self-defense. Yet Judge Kirsch ridicules such common sense, as evidenced by the following excerpt from the courtroom transcript:

MR. CITO:

I think we talked about the glassware in the sink itself, not the dishwasher. I believe the glassware should have been collected. The last thing is the carpet or the carpet fibers. That whole area should

have either been cut out or, at least, preserved or the fibers preserved to determine the combination of whose DNA was in the fluid; was it blood, was it urine, was it semen and that would have, at least, confirmed what type of assault or what actually occurred, especially if there was semen in the carpeting. Also, if there was urine in the carpeting, that would determine that it was my client's, and it would have confirmed his position that he did urinate at the time and that Galfy had ejaculated in that area. My client is also noting that it could also be tested for drugs, but I am not sure how you can test fibers for drugs.

THE COURT:

Thank you very much, Mr. Cito.

THE DEFENDANT:

The pill bottles.

MR. CITO:

I know we went over the pill bottles in the fridge, Your Honor.

THE COURT:

Sure.

MR. CITO:

The pill bottles in the fridge, they were never opened, and it was never determined what actually was in the pill bottles; that determination should have been made. It could have been one of the illicit

drugs.

THE COURT:

I mean, by that argument, honestly, shouldn't the State then be required to bring in canines to scour the entire premises? Maybe there is a pill box - - I am being semi-facetious, but not really. Maybe there is a hidden compartment in the home which would warehouse supposed drugs, rape drugs. At what point does common sense indicate-

Sometimes common sense is exactly what jurors are required to suspend to follow the instructions of the judge. For example, we all know that a person is presumed innocent until proven guilty beyond a reasonable doubt. The Burden of Proof is supposed to be on the prosecutor to prove the guilt or innocence of the defendant. However, a special loophole exists in New Jersey; if the defense asserts an Involuntary Intoxication Jury Charge (known as 2C:2-8(D)), the Burden of Proof shifts from the accuser to the accused.

MR. CITO:

I wanted to put in something my client requests which I am differing from. He wants me to not present to the Jury the defense of involuntary intoxication.

THE COURT:

On what grounds?<sup>31</sup>

For Kai, the “maxim of innocent before proven guilty” became “guilty before proven innocent.” Kai had asked Mr. Cito to not include that jury instruction because Judge Kirsch ruled that the jurors weren't allowed to infer evidence of date rape drugs from the pill bottles, glasses, or carpet stains. The Jury, then, was therefore instructed to suspend common sense. Bear in

mind, that a person can still assert that someone drugged them without asserting the defense of Involuntary Intoxication [2C:2-8(D)].<sup>32</sup> All it means is that the fact of a defendant's assailant drugging them will not alone result in an acquittal; it only factors into their state of mind. Nevertheless, the presumption created for Judge Kirsch's defendant on April 23rd, 2019, effectively stated that if As per Madame Cox-Arleo's July 28th ruling, without Pandina's testimony, Kai couldn't prove intoxication by clear and convincing evidence, the jury had to assume that he was stone cold sober. The jury must therefore infer his state of mind from that presumption onto all other charges.

Conversely, an instruction indicating the Constitutional Burden of Proof<sup>33</sup> would say that unless the prosecutor can prove that Kai was stone-cold sober beyond a reasonable doubt, the Jury must assume that Kai was intoxicated even if not to the point of establishing a defense under 2C:2-8(D). The self-defense instruction should have come into play simply because the evidence of drugs was destroyed. With just the self-defense charge, the burden to prove<sup>33</sup> whether Galfy drugged Kai would have remained on the Prosecutor, not Kai. This is key. Kai's defense of self-defense hinges upon the fact of his intoxication; so much so that a reasonable jury could find their decision formulaically simple. If Kai was intoxicated by date rape drugs, then Kai acted in self-defense against a sexual assault. If Kai was not intoxicated by date rape drugs, then Kai did not act in self-defense against a sexual assault. But the instruction Mr. Cito and Judge Kirsch included—over Kai's objection— reads, word for word: "The Defendant must prove by clear and convincing evidence that he was intoxicated."<sup>34</sup>

As Kai put it himself in his sentencing speech to the Court:

"It's important to point out how manifestly unjust it was to admit that any evidence of drugs was lost and destroyed, but in the next breath to belabor me with the burden of proving the existence of drugs, by clear and

convincing evidence. That's the equivalent of saying [...] we cut off your legs, but if you don't run a mile, we will end your life."<sup>35</sup>

To this day, Kai deals with friction involving multiple public defenders who refuse to allow him to move forward with motions for dismissal, change of venue, or citing other glaring issues throughout. One public defender who refused to allow Kai to move forward with his motions was Peter Liguori. Liguori was one of many who allowed the idea that Kai's claims of a cover-up were nothing but wild conspiracy or the last gasp of a guilty man. Liguori did deem a suspected terrorist worthy of a change of venue due to excessive negative media coverage.<sup>36</sup> Abdul Khan Rahimi<sup>37</sup> would be found guilty of a series of bombings in New York and New Jersey.<sup>38</sup> How does this case differ from Kai's? Apart from the video evidence of culpability<sup>39</sup> of one of the defendants in Rahimi's case, and the evidence of a cover-up in Kai's,<sup>40</sup> obviously the lack of "appropriate zeal" applied in Kai's case as opposed to Rahimi's.

Why would the defense counsel, who is supposedly on Kai's side, and the supposedly unbiased Judge, show such a clear bias in working together against Kai? One explanation might be the fact that Galfy was a wealthy and prominent attorney in Union County. A further explanation might be the fact that the investigation, detention, and trial were conducted by those tied to Galfy in personal and professional circles. A final explanation might also be the fact that on April 17, 2019, in front of every Union County judge gathered in the courtroom, Kai stated, "This is a kangaroo court. Why don't you put on your pointy hats and burn a cross out front; you're trying to lynch me."<sup>41</sup>

Kai has since spent years filing motions against the various figures who played a role. James Galfy, Cito, and Liguori's separate complaints were joined on December 21, 2021, with a second motion to dismiss filed on February 16, 2022. Peterson, Romankow, and the UCPO filed their motion

on January 21, 2021, and Pandina on February 14, 2021. UCPO, Peterson, and Romankow, rather than attacking Kai's allegations moved to dismiss "for lack of subject matter jurisdiction" and their entitlement to "sovereign immunity."<sup>42</sup>

Whatever the reasons, we are all affected by the officiation of the formerly unofficial guilty until proven innocent doctrine. We've all heard this phrase before, whispered in civil rights groups, in groups dedicated to gun control measures or to open carry rights, in left and right-wing groups, and in any kind of organization concerned with the rights of people residing in the United States of America: guilty until proven innocent. But to see it in a cold transcript, to hear it shouted from the Judge's bench, to feel the Judge's gavel hammering this nail into the coffin of our Constitution is wrong. The American legal system is, theoretically, about providing security to our persons and our property in a fair manner acceptable to our community. Locking people up for six years without trial, and destroying the evidence of their innocence (while telling them the only way to prove their innocence is with the destroyed evidence) is unfair.

It is unacceptable. It puts all persons and all properties in danger of being subject to the same treatment if left unchecked. I love America because we (purportedly) have checks and balances in place to safeguard against the kind of corruption evidenced in April of 2019 in Judge Kirsch's courtroom from destroying our free society. Even as you read this, Kai has appealed his unjust murder conviction to a higher court. The higher court will challenge the injustices they see, and if that fails us, there is another higher court. Kai is so confident in this that he used his allocution<sup>\*\*</sup> to defiantly address every

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\* Sovereign immunity refers to the principle that the government cannot be sued without its consent. UCPO also relied on prosecutorial immunity which protects prosecutors even in such cases where they lie, misrepresent cases, or even suppress exculpatory evidence as we've seen throughout this case.

\*\* A short speech at sentencing, usually used to beg for mercy from the judge.

judge in Union County, New Jersey.

THE DEFENDANT:

Despite the bias of the cronies on the bench, I will overturn your false conviction, and your worthless sentence. This has been nothing but a sham trial, and you have railroaded an innocent man. Shame on you.

During the last nine years since Kai was arrested, many people have rallied around him in support of our Constitution. Kai's YouTube channel<sup>43</sup> has hundreds of videos he's made in prison, and his Facebook blog<sup>44</sup> has thousands of followers. Supporters have even started a fundraiser for Kai. However, questions remain. Will the Appellate Court overturn Kai's conviction? Will they move his new trial to a different county? Will they defend our Constitution, our property, our persons? Only time will tell, but to paraphrase Winston Churchill, one thing is for certain: This isn't the end for Kai the Hatchet Wielding Hitchhiker. And somewhere something similar is just beginning for someone. As horrifying as this single story is, what's just as frightening is that perhaps the most singular thing about it is that there's any publicity at all. And it's not just a Union County thing, or New Jersey thing, what happened to Kai is emblematic of a condition, that of systemic rot.