

**Germar Rudolf**

**UP CLOSE  
AND  
PERSONAL**

or

**The Legal Hazards  
of Maintaining Physical Fitness**

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Germar Rudolf:

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## Table of Contents

	Page
Warning.....	7
Introduction .....	9
July 7, 2020: Guilty as Charged .....	13
Suicide Clothes.....	13
Girls Are Colorful, Boys Are Drab .....	15
Naked Facts.....	16
Bikini Briefs Get You Expelled .....	18
Wanderlust.....	21
<i>Frühsport</i> .....	23
Hitting the Hamster Wheel.....	24
Pride and Poor Judgment.....	26
Free-Body Exercise – Calisthenics .....	28
Boy Shorts Are for Girls, and Girls Shorts Are – also for Girls. And What Do Boys Wear?.....	31
Early Bird in Search of Sanity .....	37
My Friend, the Skunk .....	39
The Rhythm of Home.....	40
A Special Love Affair .....	41
Family Collapse.....	42
Underneath our Clothes, We Are All Naked.....	44
If You Don't Like the Sight, Don't Look .....	45
Things Are Not Always What They Seem to Be.....	46
Arrested for Nothing .....	47
Flood .....	49
Knee-Blowing Speed .....	50
They Screw You over .....	51
Accidents Happen.....	55
Draining the Boy and the Emotional Battery .....	62
The Event.....	62
Police Lies.....	76
My Sex Judge, a Sex Offender.....	79
Analysis of Witness Statements .....	80

A Defense Conundrum.....	94
A Culture of Lies and Deception.....	101
Defenseless against the Police.....	104
My Lifestyle.....	105
Probation Bizarre.....	110
Game Changers.....	112
Therapy in Order to Make Me Healthier.....	121
The Appeal.....	123
Making Love under the Stars.....	124
The United States of America Are Profoundly Unhealthy.....	126
Post Scriptum.....	131
Appendix.....	133
The Law.....	133
Transcript of Preliminary Hearing.....	135
Excerpts from the Transcript of the Trial.....	155
Books by Germar Rudolf.....	187

## Warning

This book is somewhat unusual. I have written quite a few books during the past 30 years, and two of them are even autobiographic in nature (see the ads at the end of this book). But what I have penned down here is different. Although it is also to a large degree about my personal experiences, it is not the kind of autobiographic text you normally read, because one of this book's topics is sexuality. That's why I recommend that only adults should read it. Minors may not understand it. Actually, I expect quite a few adults to misunderstand, or at least to be unable to relate either, in particular U.S. Americans, whose puritanical attitude toward our bodies in general and nudity and sexuality in particular is at times markedly different than the attitude of the culture that I grew up in – Germany. This cultural difference is also the reason why the present book was written in the first place: the conflicts that arose from a German transplant living in the U.S.

If you think that the American way of life is the measure of all things, quite a few of my statements in this book may sound awkward or may even upset you. I'm not sure whether I should apologize for any inconvenience caused, but at least I would like to warn you that the literary road you are about to travel may have some uncomfortable bumps in it.

I've also tried to take things with a little humor at times, because even when the going gets tough in life, laughter is one of the best coping strategies.



## Introduction

I am in full-blown panic mode. What started as a criminal procedure for a class-three misdemeanor was jacked up by the prosecution to a class-two misdemeanor a few weeks before the trial commenced, and today I got convicted for it. I read what that means for me as an immigrant, and the law is clear: I lose all immigration benefits and will be put in removal proceedings.

If there ever was a massive PTSD event, this is it. I have been through this nightmare before. In 2005, after my U.S. spouse and I had our marriage acknowledged as genuine and were invited to adjust my immigrant status to that of a permanent legal resident, I was suddenly arrested and thrown in jail awaiting deportation. The legal reason given? “Just because we can,” the Federal Court of the 11th Circuit in Atlanta stated nonchalantly in a footnote when rejecting my appeal to *not* remove me from the U.S.

While awaiting my deportation back to my native Germany, I was the only inmate in Kenosha County Jail whose ID wristband stated as the reason why I am in prison “0 – non-criminal.” Not even the guards could believe it. Why is a person who is non-criminal and legally married to a U.S. citizen being removed by force from the U.S.? Because the government violated the law, plain and simple. If we normal citizens don’t abide by the law, we go to jail; if government officials don’t abide by the law, well, we normal citizens still go to jail. We always get to hold the dirty end of the stick.

It took me six years of fighting to finally be allowed to come back to my wife and child. The government tried all the tricks in the book to keep me out, but a judge at the 7th Circuit Federal Court in Chicago finally, in early 2011, had enough of the government breaking the law and applied some thumb screws. I was back home within a few months.

And now all this is to start all over again? Endless years of legal fighting, hundreds of thousands of dollars lost? Separation trauma for our three children for years to come? My second marriage also in ruins?

To top it all off, I am told that I am now on the sex-offender list for putting a police officer under the unbearable emotional stress of enabling him to see my private parts for a few seconds when he turned his spotlight on me during the darkness of the night – or so he claims. I seriously wonder what all the poor men at my gym do year in, year out when they happen to see other men's genitals in the changing room for a few seconds and subsequently have to deal with that unbearable emotional stress. Will they need therapy? What damage have I done to the soul of that poor police officer?

Only he never saw my genitals. I never exposed them to him. Why should I have? I find him rather unattractive: overweight, brutish, undereducated. I would never share anything personal with him voluntarily. So why does he claim he saw something of me I never showed him? Did he want to see it? Did he want to brag about it? I am confused. But he insists it happened, and every normal person believes a cop when testifying, right?

And now I have to live with the fact that in this society's eyes I am a pervert, and this country understandably wants pervert immigrants (back) out! I wouldn't want them staying either. Only in my eyes, it's the policeman making these false claims and the magistrate judge who sent the case to court who are the perverts. In case of the judge, even the mainstream media agree. You don't believe it? Well, just read on...

Either way, I'm in for a rough ride.

"Well, you should have known that before. If you hadn't broken the law, nothing would have happened to you. Now you have to bear the consequences, and your family with you! You have only yourself to blame!"

It's not that easy. Just read this story, and you will see why. A police officer lies like a rogue; a defense counsel muffs an effective defense; and the mystified jurors, all of them novices, are in way over their heads. What can be done?

Since the night before the trial, I haven't slept properly. Sleep comes in short fits and starts, a few minutes here, maybe a few hours there. Nothing sustainable in the long run. I have panic attacks. My heart suddenly leaps and starts racing.

I call friends to help me; to talk to me; to control my panic. I feel like I am drowning. I don't want to relive the years-long agony again that I had to endure in earlier parts of my life. Both of my families have been ripped apart by government officials breaking the law. Will this be the third time? I am so tired of all this...

I need emergency plans; I need Plan B, C, D. I need help with trying to find competent lawyers willing to fight until they bleed; or at least to file an effective motion for an appeal for starters, and if that succeeds, I need some lawyer who will help me rather than throw me under the bus like this last one did. And I need good advice and competent representation in the battles to come with the immigration services. My immigration lawyer says that I have been convicted of the lowest level of crime that can result in removal proceedings, and that there is neither a victim nor any damage. (Why then is it a crime?) He says that it should be possible to keep me in the country for good for my wife's and children's sake. But I have heard that before. My wife's and daughter's needs didn't stop them the last time around from throwing me out. It's all déjà vu, third iteration...

“We will get through this – together,” says my wife. We may have had difficult phases in years past, but she is there for me, helping and caring.

We will get through this. One way or another. It's not going to be Auschwitz. It's not going to be the Gulag. Or so I hope...

When will sleep return to my eyes?

Germar Rudolf  
Red Lion, July 2020



## July 7, 2020: Guilty as Charged

“THE CLERK: Jury. Please stand. Ladies and gentlemen of the jury, have you agreed upon a verdict?”

THE JURY: Yes.

THE COURT: Who shall speak for you?

THE FOREPERSON: Juror 81.

THE COURT: What do you say in the issue joined between the Commonwealth of Pennsylvania and Germar Rudolf, the Defendant, do you find the Defendant guilty or not guilty of open lewdness?

THE FOREPERSON: Guilty.

THE CLERK: Do you find the Defendant guilty or not guilty of indecent exposure?

THE FOREPERSON: Guilty.

THE CLERK: Ladies and gentlemen of the jury, hear your verdict as the court has recorded it. You found the Defendant guilty of open lewdness and guilty of indecent exposure. And so say all of you?

THE JURY: Yes.” (Court Transcript, pp. 171f.)

## Suicide Clothes

The alarm clock rips me out of my dreams. It is 5 AM in the morning. I get up, wash my face, get out of my PJs and put my bicycle gear on. On this chilly morning of February 1990, this means I will wear my black, padded cycle shorts, my thick black cycle leggings, a t-shirt, my dark-blue woolen cycle jacket, a pair of long, black gloves, cycle glasses, and on my feet some socks with my black leather cycle shoes. I hit the dark road at five past five. I have to ride 20 miles from my little studio apartment in a small town west of Frankfurt, Germany, to the Nidder air-force barracks near the small village of Schöneck north-east of Frankfurt.<sup>1</sup> I am a soldier, a recruit of the German Air Force. My air-defense unit is one of many in the greater Frankfurt area

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<sup>1</sup> Home of the *Flugabwehrraketengruppe 42 – Air Defense Missile Group 42*. The facility was closed in 2005; see <https://de.wikipedia.org/wiki/Nidder-Kaserne>.

charged with protecting the nearby Rhein-Main Air Base of the U.S. Air Force from possible attacks by forces of the Communist Eastern Bloc.

**Pre-trial rehearsal with my wife (her words in *italics*)**

*“Ob, that sounds good. That makes you look like a veteran who in the past protected American lives.”*

“Eh? There was not much protecting going on. We just sat in the barracks and twiddled our thumbs all day, more or less.”

*“What I’m getting at is that, as soon as you open your mouth in the courtroom, everyone will know by your accent that you’re an immigrant. And in a trial situation like that, in an area like this where most people are hostile toward immigrants, that’s an uphill battle right from the start. But throwing in that you’re on the same level as many of their own veteran heroes, that should improve your status.”*

“Well, maybe, but we never saw any military action. That hardly qualifies as ‘heroes.’ And that all the more-so since our ‘enemy’ was disappearing in front of our eyes.”

The Eastern Bloc is in the process of collapsing. The Cold War is coming to an end. Still, duty is duty. I have 90 minutes before I have to line up at the barracks for the morning roll call.

Because I have no car, and because I love riding bicycles, I decided a few weeks prior that it would be an excellent workout to ride my road bike to the barracks rather than taking public transportation. It turned out to be faster, too – by some 15 minutes. Still, it is a 55-minutes’ ride, and on an empty stomach to boot, because breakfast is waiting for me at the mess hall. That’s one more incentive to get there. And boy, breakfast never tasted as good as during those days, because hunger is still the best cook.

40 minutes into my ride, I reach a flat, straight piece of an unilluminated country road with guide rails left and right.<sup>2</sup> It is still pitch-black-dark out. My little, dynamo-powered incandescent headlight gives me little light and even less visibility. In the distance, I see and hear a truck coming the other way. As it gets closer, suddenly a second truck comes up from behind it and starts overtaking the first truck. Two trucks, side by side, are fast approaching me on a road with guide rails and hardly any shoulder. Neither of the truck drivers sees me. I’m dead meat. I squeeze all the way to the right of my side of the

<sup>2</sup> L3008, to the south of Gronau between Bad Vilbel and Kilianstädten-Schöneck; <https://www.google.com/maps/@50.1936903,8.7773531,1631m/data=!3m1!1e3>

road and keep rolling, hoping not to get hit. Both trucks rush by me at some 60 mph or so. Their pressure wave almost knocks me off my bike, first to the right out of their way, then it sucks me to the left into their wake. Yet I manage to keep control. I come to a brief stop to catch my breath. My heart wants to leap out of my chest...

What just happened? I look down at my body. Black shoes, black gloves, black pants, dark-blue jacket. No wonder they didn't see me. Suicide clothes... I will never ever wear them again!

After a few seconds, I carry on...

## Girls Are Colorful, Boys Are Drab

3:30 PM. It's home time. We can all go to the mess hall and grab our dinner, but instead of eating it – who eats dinner at 3 PM? – I take it home for later consumption. Next, I change into my bicycle gear and head back home. Once home, I grab my wallet and head downtown to go to some sports shops. I am on a new mission: getting some cycle clothes that make me as visible as possible: only the most-garish, gaudy, blazing colors and patterns will do. But no matter which sports store or clothes store I visit, the result is always the same: men's clothes are black, dark blue, grey, maybe brown. Where are the rainbow-colored, neon-pink, neon-green, neon-orange, neon-yellow cycle shorts, jerseys, t-shirts and leggings that I desperately need for mere survival?

Actually, finding t-shirts in vibrant colors is no problem, but leggings is an entirely different matter. Yet eventually, I find them. They are in the women's section. Nooooo! I can't possibly take those and try them on under the suspicious eyes of other customers and the sales persons, or can I? What will they think? I hesitate. Does anyone pay atten-



*Ill. 1: Once-neon-green Nike leggings bought in 1990 (yes, I still have them!) Good for temps between 45-58°F. Photo taken by me in 2019.*



*Ill. 2: Rainbow-colored tie-dye leggings (allegedly for females) from an internet store, bought in 2014. Good for temps between 45-58°F. Photo taken by me in 2019.*

tion to me at all? As I look for the longest sizes of these gaudy leggings, I feel like everyone in the store is staring at me. I feel guilty, like some pervert wanting to wear women's clothes. But I want to survive out there! So, what is it going to be? Is shame keeping the upper hand or my survival instinct? Why do I feel that shame anyhow? Which law says that men cannot wear colorful clothes? And what exactly makes a pair of leggings "female" anyway? Something is wrong here. It's unfair. It's sexist in an inverted way. I envy women. They have all the colors and patterns in the world to choose from, and we men, we have to stay drab, boring, invisible, and if push comes to shove, dead meat...

OK, I'll do it. Pretend like it's the most normal thing in the world. Just try on some women's leggings, will you? I end up finding a pair of neon-green Nike leggings my size (see Ill. 1), and a pair of neon-pink leggings of a thicker, warmer fabric – a little too short, but still tolerable. I also find two pairs of rainbow-patterned leggings, some two inches too short and a little bit of a squeeze around my thighs, but I'll make it work.

## Naked Facts

Before I get into the next topic, I have to explain in more detail where I, a German immigrant to the U.S., am coming from, culturally speaking.

Nowadays everyone is expected to be considerate when it comes to cultural differences, particularly when it comes to minorities and immigrants. So, let's dive into some of these cultural differences that exist between Germany and Europe on the one hand and the U.S. on the other.

Europe is different. Or I should say, it has changed. I remember that, when I was a child, everyone visiting our local "*Freibad*" (literally free bath, meaning a public open-air swimming pool area) had to go into changing rooms when changing into or out of their swim wear. Dropping your pants in view of everyone simply wasn't an option. That was in the late 1960s and early 1970s. It gradually changed to the point that today even the law says you can change wherever and whenever you want. Just changing from one set of clothes into another at a swift pace isn't considered an act of "open lewdness" or "indecent exposure" in Germany anymore. In fact, hardly anyone is using changing rooms anymore. When I went to a public pool in Germany in 2011, the changing rooms there were completely abandoned. Considering that those rooms have on many occasions been the filthiest places I've ever seen in my life (and that's still so in the U.S.), attracting swarms of stalkers and gawkers,

that's actually a good thing. Nowadays, people don't even use towels anymore to hide their "parts" when changing. After all, we all know what boys and girls look like, so what's the big deal? If you don't want to see what's briefly exposed, don't look!

There is actually a scene in the movie *Kindergarten Cop* (Arnold Schwarzenegger starring) where a 5-year old boy repeatedly lifts his hand, and when given his turn, he says: "Boys have penises and girls have vaginas." That scene repeats a few times, and although maybe funny the first time, it gets kind of annoying or embarrassing, depending on your inclination. But he's absolutely right: At kindergarten age at the latest we've all figured out that basic detail of life. Big whoop! So why make a big deal out of it later in life? Relax, people! Boys have penises and girls have vaginas!

Take saunas. They are a Finnish custom that spread to the German-dominated areas like wildfire during World War Two, fueled by physicians insisting that the practice of sitting in a steam bath or sweat bath and cooling down in cold water afterwards is very healthful, boosting cleanliness and one's immune system. Already as little children, our parents dragged us to the local sauna, exposing us to the fact that there are circumstances in life when you will be crammed together in tight spaces with several complete strangers, all stark naked. And if you leave the actual sauna and go into the pool, everyone is still naked. And if you walk around in the pool area or even outside in the park, most people are still naked... I didn't like it much when I was a child. But as a young adult, that changed. In the 1990s, I went to local saunas with some regularity together with either some of my friends or later with my girlfriend. It's part of the culture.

The first time I went into a sauna in the U.S., I went in there – naked. Oops! What? I have to wear clothes in a sauna? What the heck? That's just wrong! Not only do Americans sit in the sauna wearing clothes, but they also don't use towels to sit on so their sweat gets soaked up by their towels rather than by the wood they sit on. Why would I want to sit in the dirty sweat of the hundreds of persons who sat in that spot before? It's just nasty. I'd rather see other people naked than sit in their filth! I think Americans got it all upside down... And, no, I don't go into saunas anymore. Not unless you folks use towels under your butts!

Another transition that took place during my lifetime in Germany was the popularity of "*Freikörperkultur*" (free-body culture), meaning nudism. It was rare and confined to strictly cordoned-off areas when I was a child. In the 1980s, I encountered the first nudist areas in normal public pool areas, still

fenced off with 6-ft-high fabric fences preventing people from seeing what's going on there, but they existed. I never used them. When I went to Germany again in 2011, it evidently was understood that the most remote areas of a public-pool lawn are where nudists may dwell. No fences, no screens, no signs. The same is true for beaches all over Europe: the more remote (and crappy) parts of a public beach are for nudists. No fences, no screens, no signs. It's just understood that the large, easily accessible and nice parts of the beach are for families and everyone else, and that those eschewing fabric on their bodies have to go over there, a little out of sight.

Try that in the U.S. – not a good idea. Nudist areas in the U.S. are almost non-existent (at least where I have lived over the years), and where some private resorts do exist, they seem to be awkwardly intertwined with swinger clubs and prostitution, which is not at all what nudism should be about.

## Bikini Briefs Get You Expelled

Summer 1992. Swim season is on. My new girlfriend and I are hitting the local public pool together for the first time. When I change into my swimwear, however, my girlfriend looks with disapproval at my old, sagging speedos. “That’s a passion killer,” she insists, and decides right there that we go swim-



*Ill. 3: Male Bikini Briefs I currently own, the same kind my 1992 girlfriend got me, although those had a predominantly yellow pattern. (Selfies taken on Aug. 22, 2020. Bruises and scabs visible are from my Aug. 10 collision with a deer; see chapter “Game Changes”).*

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*Ill. 4: My son and I at Lake Michigan in the summer of 2004.*

wear shopping together. She wants me to wear something like male bikini briefs. A little bit daring, but not extreme for European standards (see Ill. 3). Well, if that's what turns on her passion, who am I to disagree?

Nine years later, in April 2001, I move to the small town of Gurley, just east of Huntsville, Alabama. After a year of not being able to ride my bicycle, I pick up my habit again and start going on regular bike rides. It's on a 20-mile ride around and over the local Keel Mountain, with an elevation difference of some 800 ft. I start the season by riding during daylight hours, but already in May, daytime temperatures and humidity levels rise to such levels that this becomes very unpleasant. I've had my share of heat strokes in my life, and I'm certainly not looking forward to more. The best way of handling this is to start my exercise right at the crack of dawn, when temperatures are at their daily lowest. By June, however, even the early-morning temperatures and humidity levels are so high that I struggle keeping cool. Hence, I decide to stop wearing bicycle shorts, as they cover too much of the very muscle that produces most of the heat while cycling – the thighs. Instead, during hot and muggy days, I wear my bikini briefs that leave my thighs completely uncovered and also don't have anything that could ride up my legs, potentially causing saddle sores. While going up the steep, 1.3-mile-long road to the top of Keel Mountain, I even take off my shirt and put it in my handlebar bag, to be put back on once I've conquered the mountain. That 12-minute-long swim-

wear-only cycling wins me a fan, a young woman living on top of Keel Mountain who, from some day onward, stands on the roadside and smiles at me almost every morning when I ride by...

One day, when starting to climb the steep road up that same mountain, a pick-up truck approaches me from the rear, but instead of overtaking me, it slows down to my speed. The window rolls down, and an attractive woman roughly my age offers me a ride in her truck...

Well, I'm riding my bike in Gurley, Alabama,  
it's such a fine sight to see!  
It's a girl, my Lord, in a flatbed Ford,  
slowing down to take a look at me.  
"Come on, baby, don't say maybe!  
I gotta know if your sweet love is gonna save me.  
We may lose, and we may win,  
though we will never be here again.  
I open up! Please do climb in.  
So take it easy!"

*The Eagles, 1972, adapted*

Well, I am flattered, but that's not the way to get in a good workout, so I politely decline her offer...

Another three years later. My wife, my son and I are spending some time at a public-pool area in a suburb of Chicago. I am wearing a new pair of bikini briefs, even a little bit more-daring than my first pair (see Ill. 4). After half an hour or so, an employee of the pool approaches me and tells me to either get into some swimwear that covers considerably more of my body than those, or to leave the pool area. Another customer, realizing that I had just been thrown out of the pool for wearing a skimpy bikini brief, protests to the pool employee that the ladies over there are wearing bikini briefs that are at least as daring, if not more-so, and they don't get thrown out for wearing this, so why should I? But the employee simply ignores him.

Well, you know, the difference is that women are allowed to wear sexy clothes in public (to a degree), whereas men are not. Period. Unfair? Sure, but life isn't fair. It's sexist. Just not sexist in the way most people think of...<sup>3</sup>

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<sup>3</sup> I admit that fashion issues are only a rather irrelevant aspect of modern society's occasional discrimination *against* men. For a moving look into the men's-rights movement, watch Cas-

**Pre-trial rehearsal with my wife**

“Delete this entire section!”

“What?”

“I have been in Europe many, many times, so I know what is acceptable there and what’s not. And yet, I still feel awkward when I see it. Most if not all of the jurors have probably never traveled outside the U.S. They don’t know that things are different in other parts of the world. They will not be able to relate. They may simply think that you’re a pervert flaunting your twisted sexuality right in front of them. And that’s the last thing you need.”

“Okay...”

*Wanderlust*

What I am describing in this chapter used to be true for Germany when I lived there in the second half of the 20th Century. With the pandemic of TV, computer and gadget screens turning more and more people on the entire planet into couch potatoes whose only limbs moved with any regularity are the thumbs, that may have changed. But I am sure that the general tendency of what I describe is still true.

Germans like to walk. My parents used to take us on walks every Sunday afternoon for an hour or two. That’s what Germans do. They have even a word for it: *spazieren*.

The typical American might ask: “where are you going?” That question reveals the complete failure to understand. For Germans, the journey is the destination. When they go “*spazieren*”, they ultimately go from home to... home. They walk on sidewalks through town, or on hiking trails through the woods, or through some park, or on field roads through the surrounding farm lands. They walk. Almost all of them.

Germany is crisscrossed by literally millions of miles of fields roads, forest paths and hiking trails.<sup>4</sup> There is no such thing as “private farm property” or

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sie Jaye’s TED presentation “Meeting the enemy: A feminist comes to terms with the Men’s Rights movement” at <https://youtu.be/3WMuzhQXJoY>.

<sup>4</sup> Look at <https://www.ich-geh-wandern.de/%C3%BCber-den-wanderweg-9-haidchen-in-bad-camberg-taunus> for a map with the hiking trails of my childhood area, and explore this map for all of Germany, if you like.

“wild, undeveloped forest” in Germany. Where a road ends, a hiking path, trail or field road starts. Some are marked for serious hikers using hiking maps, some are unmarked. In Germany, farmer’s fields and pastures are surrounded by service mud-roads that, formally speaking, are owned by the farmers, but they are accessible to all walkers, and they are used by any and all for that purpose.

May 1st is not only Labor Day in Germany; it is also National Hiking Day (*Volkswandertag*). Millions hit the hiking trails on that day, just for fun or as part of some fund-raising event or contest.

During their vacation, literally millions of Germans flock to the mountains, preferably to the Alps in southern Germany, Austria, Switzerland, northern Italy etc. And what do they do there? They hike. They pack their rucksacks (a German word) and tackle the steepest mountains, for the Alps, too, are criss-crossed by millions of miles of hiking trails. That’s the German way of spending a vacation: getting a good hiking workout! (Well, at least on some of the days.) That’s what I did throughout my entire childhood with my family: spend two weeks of vacation many a summer in either Switzerland, southern Bavaria or Austria hiking the mountains. As a university student, I hiked through the alps of Southern Tyrol, the Vosges Mountains in Alsace (actually twice), and the Scottish Highlands.

The first time I came to the U.S. staying with friends, after a number of days inside sitting lazily around almost all day, I felt the typical German urge for a walk. To my dismay, there weren’t any sidewalks, so I had to walk along the verge of the road, which isn’t exactly safe. When the road ended, the world ended. There was no field road, no hiking trail, no forest path. Just either completely impenetrable brush or some private property with signs threatening all kinds of consequences when trespassing.

No wonder Americans are getting increasingly overweight. They can’t move, even if they wanted to! They are all hemmed in with nowhere to go!

In fact, it is so bad that people walking along a road with no sidewalk are considered weirdos or social misfits who evidently cannot afford a car. Actually, they are using the natural, healthful mode of transportation, whereas car drivers ruin everyone’s health, pollute the air and plunder the planet’s resources. So, the shoe is on the other foot!

When foreigners come to the U.S. and visit the average American town or city, they see hardly any people walking around. “Where are all the people?” Actually, they are all sitting in their houses or in their cars. No one who can

help it walks around town, exceptions notwithstanding. If you visit a town or a city in Europe, the place is buzzing with people walking around. Most cities even have large pedestrian-only zones. No cars allowed! Can you believe it?

The first time I went to a public park in the U.S., my hostess actually drove with the car into the park and parked the car next to where we wanted to go. NOOO! That's not what a park is supposed to be about! In Europe, you drive the car to a parking lot *outside* the park, then you *walk* through the park to the place you want to go, or, actually, you just use the park to walk, hike, move. NO CARS ALLOWED!

Or take bicycles. When I started studying chemistry at Bonn University, I joined a formidable force of 40,000 students, almost all of them cruising the city on their – bicycles. Imagine a city of barely 100,000 inhabitants, invaded by 40,000 cyclists! And that's normal for German college and university cities. Cycling is a huge business in Germany. If you are not into walking, chances are you're into cycling. I remember fondly the two-week cycling tour I took with my brother in the mid-1980s starting from our parental home northeast of Cologne, riding up the River Rhine, crossing over through Burgundy to the River Rhône, following it all the way to the Mediterranean. I went on many other cycling tours, too many to list here.

Always on the move in harmony with nature and under the power of our own bodies. Maybe it's just me, but I think it definitely has a cultural aspect to it. It's in the Teutonic blood.

### *Frühspor*

Another cultural concept common in Germany is doing your day's exercises first thing in the morning. They even have a word for it: *Frühspor* – early (morning) sport. The idea behind it is that early in the morning you are full of energy, and getting your exercise done right away gives you a boost of self-confidence and a general feeling of accomplishment and success, which is a very good way to start the day. It is true that this isn't everyone's favorite way of doing their daily exercises, but it is common enough for Germans to have a dedicated term for it. My father used to do it, although I have no idea what it consisted of, as I never got up early enough to find out during my childhood. My mother once told me that my father would get up early, often before sunrise, and go on hikes, even when we were on vacation. In later years, he would do some core-strengthening exercises on a yoga mat.

I never was an early bird during the first four decades of my life, so *Frühspor*t wasn't my thing. That changed later, though, when life's circumstances pushed me in that direction. I'll get back to that later (see p. 31).

## Hitting the Hamster Wheel

Having described my Germanic love for hiking and biking in the outdoors, let me now address an issue that is radically antagonistic to this preference: gyms.

While cycling through the Taunus Mountains in Germany with a friend in 1989, he mentions that I shouldn't just focus on cycling but add working out in a gym to my exercise routine in order to strengthen my upper body. He's right, because I can hardly do any push-ups or sit-ups. But I chicken out. And I make up a really smart-sounding excuse: why would you put humans into a cage and have them run to exhaustion in a hamster wheel? Because that's exactly what gyms are: cages of steel, glass and concrete with hamster wheels called treadmills, steppers, ellipticals, rowing machines and stationary bikes upon which people sweat profusely going nowhere. Who in their right mind would do that if they could row in a boat on a river, ride a bike through the countryside or jog along a trail through the woods? Of course, that is only an excuse to justify why I wouldn't join a gym. After all, strengthening my core and arms has nothing to do with getting into a hamster wheel...

A year later, in 1990, I start working on my PhD thesis in the Stuttgart area of Germany. While I live in downtown Stuttgart, the institute I have to go to every day is on top of the surrounding plateau. Hence, every day I ride up a five-mile-long, steep mountain road to get to work. In addition, on weekends I occasionally do bike rides through the countryside around Stuttgart together with friends, some of whom are involved in serious, high-level amateur cycle races. It turns out that, thanks to my daily mountain climb, I can keep up with them, even beat some of them. Around the same time, I finally muster the courage and go to a gym to experience how weak my arms and my core really are. The gym I visit offers a free fitness assessment before signing me up. The first thing they want me to do is answer a questionnaire. When asked what activities I do, I answer "cycling", and when asked to gauge the level I'm on with that, I state "intense," because my cycling level is no child's play. Next, I sit on a stationary bike and pedal for a few minutes. After that, the fitness trainer takes my heart rate, then looks at my questionnaire, and says "No, you don't cycle regularly." I am speechless and deeply offended. I get up and walk out of that place and never again get close to a gym until more than eleven years later.

In early 2002, I start dating a student nurse who correctly diagnoses my various headache, backache and shoulder-pain issues as a result of under-developed core and upper-body strength, suggesting I join a gym and work out regularly. I follow her advice, she joins the gym, too, and shows me what exercises would be beneficial. It works like a charm. Toning my upper body, which visibly gains muscle mass after just a month, also has the positive side effect that my new looks are a very effective aphrodisiac for my girlfriend.

Well, that's a lesson easily learned. Just keep doing this, and you'll be pain free and better appreciated by your lover.

### **Pre-trial rehearsal with my wife**

*"Don't go there! Too much information!"*

"Oh, come on!"

*"No, really, keep your sexual experiences in the bedroom! Don't drag them into the courtroom! Or else, it will backfire!"*

"I wasn't going to dwell on it any further anyway. But I think it is worth mentioning that your self-confidence and your attractiveness to your partner will inevitably increase if you shape up. You're not only fitter and healthier physically, but everything else will follow: mental and emotional health, romantic and social success, you name it."

*"That may be so, but that's not at issue during this trial, so just leave it alone."*

One thing I cannot get myself to do is getting to the gym in a car. This is simply wrong, counter-intuitive, counter-productive. If you want to work out, why not get there on a bicycle? Once there, you've already got your cardio in! You also won't ever use the gym's shower amenities, because when riding home, chances are you'll get sweaty again. And believe me, not using gym showers is definitely good for your health, because at home you cannot get any warts, fungi or any of all the other nasty stuff.

Well, the first time I rode to my new gym, I wore my regular biking shorts, three-quarters down the thighs, with rubber grips and padding in the saddle area. I had nothing to change into, because, hey, these are already workout shorts, right?

Wrong. Biking shorts may be good for cycling, but they are nasty – for men anyway – when you repeatedly sit down and get up and do all kinds of other non-cycling moves. That padding messes with the family jewels really uncom-

fortably. Henceforward I actually take a pair of shorts with me to change into, or I wear normal workout shorts right away and take it easy when cycling to and from.

## Pride and Poor Judgment

In early 2004 David Duke contacts me inviting me to present some of my more-recent research at his “home-coming” convention in Louisiana. I have never had any contact with the guy and know next to nothing about him, other than that he has written two books which had come to my attention. I discuss the matter with my girlfriend. She says:

“He sure is a controversial figure. When people associate you with him, that might make things more difficult for you.”

“Maybe. But the shoe is also in the other foot. In the end, I do not want to give others the power to decide whom I am meeting and whom I talk to and whom not. I want to make up my own mind.”

“Whatever you decide, I will be fine with it,” says my girlfriend.

At the end, I do go. During that extended weekend in Louisiana at the end of May 2004, David Duke tells me his side of the story of how he made a mistake as a young man joining the KKK, and that this membership haunts him to this day. However, instead of focusing on what he has been doing in the thirty years since, his detractors always only zoom in on that fact. Shortly before this conference, Duke had just gotten out of prison for some tax issue that was evidently triggered by investigations into other, earlier financial irregularities he had been accused of, which in turn had been driven by his gambling obsession of yore. I do not remember details, and I don’t even claim that the summary of what I write here is accurate. What I am getting at is that David Duke tried really hard to build a friendship with me. During that weekend, we went out to a fancy restaurant for dinner, and we even went to his local gym and worked out together. There he showed me how to bulk up faster by putting on more weights and doing fewer, high-load repetitions rather than many low-load repetitions, as I was used to.

### Pre-trial rehearsal with my wife

*“Again, delete all this.”*

“Why that, now?”

*“You really want to make the jury think you’re a sympathizer of a former Ku Klux Klan member? Are you crazy? Are you asking for a guilty verdict?”*

“I am not a sympathizer of the KKK.”

*“I didn’t say that, but you associated with a former member, and that’s bad enough in most people’s eyes.”*

“There is no guilt by association.”

*“Tell that the jury. Well, you can’t, and that’s my point.”*

“Alright.”

Once back home, I eventually hit my own gym and try to implement what David Duke had shown me: add some more weight and do fewer reps. However, when doing dips at the dip station with added weights, my left upper arm pops out of my shoulder socket. I instantly stop and try some less invasive triceps exercise. But even that makes my left shoulder socket pop. Uh-oh.

In coming weeks and months, I avoid high loads on my triceps. But my shoulder hurts sometimes even when merely lying on my left side in bed. The first doctor I see claims that I have merely some strained muscle, and that I should just take it easy for a while. But the issue doesn’t go away. The next doctor I see tests the shoulder joint and can easily pop my arm out of the shoulder socket with a mere push of his thumb.

“That’s not good. It looks like a ligament has ripped that should keep that arm in place.” We have an x-ray image made, and there he sees a faint spot where the rip is.

“The ligament is attached to the bone, and one sees some scarring here. It looks like it already healed back to some degree, but not where it originally was. In other words, it is a loose and probably vulnerable connection. You need to do a series of exercises to gradually build up the supportive muscles around your shoulder joint.”

That’s what you get when, for the sake of vanity, you suppose you can quickly “bulk up” by putting on more weight. My left shoulder has always sent me pain signals when I pushed it hard, especially when doing “seated flies”. It has been telling me all along that my frame isn’t strong enough to support heavy loads. Now it’s official. The day after Duke’s convention was the last time in my life that I did dips in a “dip station.” Were I to try doing dips with my entire body weight again, that ligament would certainly rip once more.

Over the ensuing years, I slowly build up my shoulder muscles with carefully crafted, high repetition exercises using only fractions of my body weight. Initially I cannot even do one single full push-up. In fact, I start slowly with wall push-ups. Over the years, I manage to get back to doing full push-ups, but I always listen very carefully to my shoulder. At the slightest sign of trouble, I quit instantly. Dips, I don't do at all initially. I'm mortally afraid of them. I start out by simply sitting straight up on the ground, then pushing my body aloft with my arms, just an inch or two. Only in 2013, nine years after the accident, do I start doing partial dips on the edge of a wooden bench down at the Susquehanna River, with my feet firmly planted on the ground. Only seven years later, in April of 2020, do I increase the load by putting my feet on a chair. But I still don't dare do full-body-weight dips. When I try to do one by very slowly and gently lowering myself down on the dip handles of a door gym I bought in late 2019, the problematic ligament makes a barely audible cracking sound, and I feel it, too. I instantly stop. No full dips for me for the rest of my life, I decide. Even when going to the gym during the cold season these days, I only use a simple bench to do partial dips.

#### **Trial – prosecution's plea (Transcript p. 150)**

*"Let's turn to the Defendant's testimony. What he wants you to believe is that he went there that morning to exercise. Now as Attorney Robinson touched on, the Defendant has a gym membership with all the nice new equipment, pull-up bars. I asked him about dip stations, all of those things.*

*But he wants you to believe that he chose to go to a public park at four in the morning to do dips on a picnic table and pull-ups on a children's playground set."*

## Free-Body Exercise – Calisthenics

Between late 2005 and mid-2009, the German judicial booking services make me take an extended leave of absence from my family and friends.<sup>5</sup> During most of that time, I have no access whatsoever to any gym, let alone any opportunity to cycle or swim. But I can jog for an hour a day, and in my tiny studio apartment, I have all the time in the world to develop a strict exercise routine using merely my body as a weight – plus two times ten 1-Liter milk

<sup>5</sup> I have described the background of these lost years of my life in two books: *Hunting Gernar Rudolf* (Castle Hill Publishers, Uckfield 2016), and *Resistance Is Obligatory* (Castle Hill Publishers, Uckfield 2012/2016). See the ads at the end of this book for a few more details.

cartons put in two undershirts tied-up at the bottom as “dumbbells”. I am fitter coming out of Germany than I was going in.

### Pre-trial rehearsal with my wife

*“I wouldn’t get anywhere close to the fact that you were once deported from this country, and then incarcerated in Germany. You had done nothing wrong for all this to happen to you, and the fact that you are now here proves that the government had no right to do to you what they did, but you cannot explain such extremely complex issues to a jury who has to render a verdict on entirely unrelated matters. So just don’t go there.”*

“Right. I just thought I would stick it in there how I started to work out without access to a gym, by *lack* of choice rather than choice.”

*“Just leave it out.”*

In August of 2009, I leave Germany and move to England, staying for a year in the same area of East Sussex where I used to live between 1996 and 1999. One of the first things I do after settling in is buying a custom-assembled hybrid bike. Thusly equipped, I again cruise the East Sussex Downs during the most convenient daylight time, but this time I stop somewhere during my bike ride, get onto one of the many public or private sheep pastures, and start working out using just my body weight: push-ups, straight and lateral sit-ups, bridges, planks, and so on. Of course, it doesn’t work properly while wearing biking shorts, so I actually wear some skimpy, minimalistic something underneath which I can wear while doing the workout, but which doesn’t cause any saddle sores during the bike ride. That has to do instead of a gym membership, because I have the delusion that I will be reunited soon with my family in the U.S. So why bother joining a gym? But things drag on for two years, during which I try to maintain my routine of combining cardio training (cycling and jogging) with free-body exercises.

In July of 2011, after a ten-year legal battle, I finally get an immigrant visa for the U.S. A few weeks later, I travel from Europe to the U.S., taking the bicycle I bought in the UK with me. As soon as I have settled into our home in Fox Lake, Illinois, I join a gym – a local branch of LA Fitness. During the next half year, I ride my bicycle there regularly, work out, swim in the gym pool, and come back home – a 5-mile ride on a flat, straight, high-traffic, boring road.

My wife wants me to buy a car, but I refuse. I know that, once I have a car, I will become lazy and stop riding my bicycle regularly. Although I could imag-

ine owning a tiny electric Smart For Two, which was just released in Europe, I find out that they aren't selling it in the US.

In early 2012, we move to Red Lion, Pennsylvania. I am quite excited about the fact that, in contrast to the Illinois flatlands, Pennsylvania actually has hills and mountains. This is far more gratifying for a cyclist used to pushing physical limits. Once in Red Lion, I instantly start exploring the area with frequent daytime bike excursions. In addition, since I still refuse to get a car, I decide to do all my errands using my bicycle. This means, for instance, that I go grocery shopping for the entire family by bike (usually starting at 9 AM, once our daughter is at school). I end up hauling two large rack bags and a backpack full of food from Aldi's in York up the hill to Red Lion usually twice a week. It's a good workout. But during the summer, I have to dress down in order to prevent overheating: bike shorts get swapped for tiny shorts covering little of my legs, and jerseys get swapped for sleeveless tank tops.

I also ride with some regularity to the nearest LA Fitness branch, although it is some 12 miles away on the other side of York, meaning I have to ride a lot through heavy traffic on Route 30 and other heavy-traffic roads, which is rather unpleasant, and increasingly so as it gets hotter during the summer. Hence, as soon as the warm season comes, I stop going to LA Fitness, and instead resume my habit of taking a break during a bike ride and working out on some lawn. Since most of the lawns I use for this are privately owned, I am told on a number of occasions by the owners that I am not welcome to work out there. Eventually, I find a lawn area at Long Level Park near Shank's Mare Outfitters at the Susquehanna River that seems to be public. But when I get down onto the grass and do push-ups and other exercises, park dwellers give me strange looks, so after a few occasions I decide that this isn't a good idea after all.

In 2013, I quit my membership at LA Fitness once the warm season hits, and rejoin the club around October. When I try doing the same in 2014, a staff member points out to me that I can suspend my gym membership during the summer, reducing the monthly fee to just \$7, because that's what quite a few folks do who like working out in nature during the warm season (mainly jogging). I try that in 2014 again, but in 2015 I forget to suspend my membership until deep into the summer, so the whole idea of saving money by way of suspension didn't work out. In the spring of 2016, I therefore want to cancel my membership again. This time, the staff talk me into a three-year long-term membership at a reduced monthly fee which resembles the average monthly fee if I were to quit for the six warm-season months. In early 2019, just after a knee surgery I had to undergo as a result of a 2017 jogging accident (more on

that later), I renew this plan, as it seems to work quite well. (In 2022, however, I let my membership expire, as the gym's post-Covid services aren't worth the money, and because by then I had acquired my own workout equipment, making myself independent.)

## Boy Shorts Are for Girls, and Girls Shorts Are – also for Girls. And What Do Boys Wear?

Around the middle of May 2012, my wife brings home a stray kitten. We keep him, but he swiftly develops the habit of waking us up at around 4 in the morning because he wants to be let outside. Since I am the stay-at-home dad, and my wife needs her good night's sleep to be fit for work, I decide that I go downstairs every morning to open the door for the cat. Having trouble getting back to sleep afterwards, I realize that I could actually get on my bike that early, combining the pleasant, cool morning air with a vacant park at the River where I can work out without anyone giving me the looks. Of course, this brings back up the issue of night-safe, high-visibility clothing, so I started shopping the internet for gaudy shorts of various styles and vibrantly colored t-shirts and tank tops. Also, my day-time grocery-shopping sprees require short shorts not covering my thighs and not riding up in my crotch.

In subsequent weeks, I purchase online a number of exercise clothes, among them shorts with very short legs and in gaudy colors. They are called boy

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*Illustration Group 5: Workout clothes, with temperature range when useful for cycling/intense outdoor workout. Photographic documents prepared by the defense, but my defense lawyer never introduced them...*



a) fishnet tank top, yellow  
(above 70°F)

b) semi-sheer racerback tank  
top, neon green  
(65-70°F)

c) racerback tank top mesh,  
orange (63-68°F)

shorts, which, considering the name, certainly must mean that these shorts are for boys, right? One of them in neon pink has the brand name “PINK” emblazoned on them (see Ill. Group 5, i). It doesn’t tell me anything. Oh boy, was I headed for trouble!

After receiving these PINK boy shorts in the mail, I do my next trip on my

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*Illustration Group 5 continued*



d) racerback tank top, creme (61-66°F)



e) Primal cycling jersey “Too Hot For You” (59-64°F)



f) cycling jersey, white, self-painted rainbow (55-62°F)



g) Under Armor long-sleeve shirt, orange (50-60°F)



h) cycling jacket, red (40-54°F, depending on what is worn beneath)



i) PINK boy shorts, orange-pink (>60°F); not worn since 2013 because of provocative style and color



j) Nike shorts, neon yellow (>60°F); retired as too tight.



k) shorts “liquid metal” (>60°F); retired as “sagged out.”

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bike to the grocery store wearing them. On the way back, riding along a forested road along a creek with my cycle bags full of groceries, a car passing me suddenly honks and thus startles me to such a degree that I jerk my handlebar and almost end up in the ditch. More cars follow doing the same. One guy passing me in his pick-up truck cusses at me through his open window, accusing me of being a homosexual. I am angry. “What is wrong with these people?” I wonder.

Several days later, while I am on the way back home from my early-morning bike ride while wearing the same PINK shorts, a guy in a pickup truck overtakes me, then slows down, turns to the left and stops, thus blocking the entire road, evidently in order to prevent me from passing. As I approach, he tries to start some argument. I ignore him, pass his truck on the shoulder of the road, and continue on my ride back home.



1) thigh-high socks,  
rainbow tie-dye (50-  
65°F)

Sometime later, when coming back home from one of my rides while wearing a different set of colorful boy shorts, a group of teenagers makes fun of me saying that I am wearing women’s underwear. I’m baffled, and once home I actually look up what the issue is. Oops, boy shorts are a type of girl underwear... So, following the logic that, in America, people drive on parkways, and park on driveways, if girls wear boy shorts, then boys wear girl shorts? ...

#### Pre-trial rehearsal with my wife

*“Don’t say that. Some jurors may think you are mocking the English language or their culture. There is no need for this.”*

*“It’s just a play on words, a joke.”*

*“You’re on trial for an alleged crime. Do you really think making a joke about this country’s culture and language is going to help you?”*

*“Arrrgh.”*

“Why didn’t you tell me when you saw me wearing these shorts?” I ask my wife. As a matter of fact, she hasn’t seen me wearing them, as she always gets out of bed after I have returned and changed back to my normal clothes. Now she helps me decode the unwritten rules of color coding. Some colors worn by men simply symbolize allegiance to, or membership in, the LGBTQ

community. This is particularly true for pink and for rainbow patterns. Hence, if you don't want to provoke people who have a low level of tolerance for these things, don't wear this stuff.

### Pre-trial rehearsal with my wife

*"You are not going to say that in court, are you?"*

"Why not?"

*"Because in the courtroom, you are talking to the members of the jury, some of whom could very well be the same kind of people who verbally assaulted you back then. Don't accuse them of intolerance. They are not the defendants here, you are. And if you indirectly accuse anyone in the courtroom of anything while in the witness stand, it will backfire on you big time."*

"So, I don't have First Amendment Rights when taking the stand?"

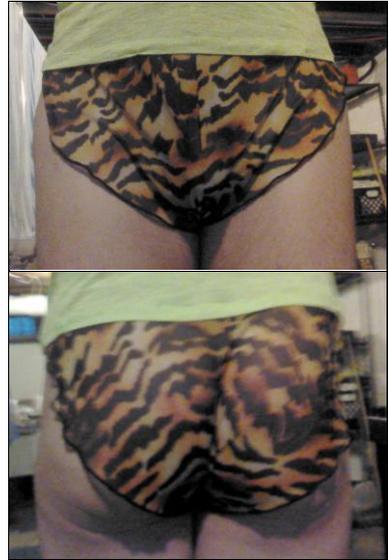
*"Sure you do! You just have to live with the consequences if members of the jury get ticked off."*

That was the last time I wore this type of shorts in public. Actually, all my boy shorts went summarily into the garbage, victims of an embarrassing cultural misunderstanding. Except for the PINK ones. They serve as emergency underwear in case I ever run out of my normal underwear...

When it comes to shorts, from that time onward I consider their color far less important to my safety than shirts, as their surface area is small compared to that of any shirt or jersey. I therefore settle for wearing non-gaudy men's shorts, but prefer them to have little or no legs, so they don't ride up into my crotch, and dry quickly in case I go for a swim in them. Having had prostate inflammations twice due to riding my bicycle wearing wet, cold cycling shorts as a result of rainy November weather has taught me that this is pivotal. After lots of testing and discarding of failed shorts, today I own and wear a pair meeting all the criteria pretty well. They are called split running shorts. They have a dark-brown tiger pattern printed on a light-brown/orange color (see Ill. 6). It is camouflage wear. They are also available in a military camouflage pattern, but I dislike military-style clothes. These shorts are very thin and breezy, hence dry very quickly; they have little between the crotch that could crumple up, and no legs to mention. If I need to retain more heat in my legs on colder days, I actually add a pair of thigh-long, rainbow-patterned socks that can be rolled up and down as needed (see Ill. Group 5, 1). It's the perfect clothing solution for a broad temperature range when consecutively going for

a bicycle ride, then workout, swim, and finally back onto the saddle. Or so I think...

When it comes to shirts, finding tight-fitting long-sleeve shirts and cycling jerseys in gaudy colors is not an issue anymore. The internet has made finding clothes in vibrant colors easier. Ill. Group 5 (e-h) shows some of them. I wear them on cooler days. It's different with tank tops for the really warm and muggy days. Men's tanks are cut in such a way that they are baggy. When cycling, they fill up with air like a parachute or flap wildly in the wind. Not good. Then, one day at Dick's Sporting Goods, I find a nice Nike racer-back tank top that sits tight, is semi-sheer, and neon green (see Ill. Group 5, b). And guess where I found it? Right, in the women's department. But I couldn't have cared less.



*Ill. 6: Tiger-patterned split running shorts, front and rear view. Photos taken by me on Sept. 25, 2020.*

### **Pre-trial rehearsal with my wife**

*"Stop! You should care. Take that out."*

*"What exactly?"*

*"That you got it from the girl's department. That's creepy."*

*"But I cannot get anything similar in the men's department! It's not my fault. And it's not that I wear women's skirts, bras and thongs."*

*"But that's exactly the association you put into people's head."*

*"That only shows that they have some dirty fantasy."*

*"Are you going to hurl that into the jurors' faces as well? Get realistic, please! Delete it!"*

To this day, this is one of my most-treasured work-out and cycling shirts for warm mornings and days.

As for legwear for the colder days of the year, my neon-colored and rainbow-striped leggings of yore, bought in 1989 and 1990 back in Germany, have

since fallen apart, except for one. In subsequent years, I added only one new set of leggings to the mix – with a rainbow tie-dye pattern (see Ill. 2). But I must admit that I have never worn them. I prefer the thigh-high sock solution just mentioned. It allows instant adjustment to any kind of temperature and workload. This way I can wear my usual Speedos, gym shorts or cycle shorts and can combine them with the socks to cover the rest of the leg as needed. Needless to say, they were on sale online as “women’s socks.” As if socks have a gender attached to them ...

#### Pre-trial rehearsal with my wife

*“Again, delete the last two lines.”*

“But...”

*“No but!”*

Why do people put gender tags on items of clothing that, in principle, are neutral? This is beyond me. In the mind of many people, men are supposed to be clothed conservatively, modestly, uptight, dark and drab, while women can wear skimpy stuff in the most eccentric colors and patterns. This cliché is clearly sexist in nature and a discrimination against men who do not stick to this pattern. The reactions of the environment to my repeated violations of these unwritten fashion-style and color-coding rules clearly demonstrate this. But when riding a bicycle regularly in poor light conditions, my survival depends critically on being seen, hence depends on gaudy colors.

#### Pre-trial rehearsal with my wife

*“You are rubbing it in too often. You are accusing an entire society here which is right now sitting in judgement over you. So why go there?”*

“Because the prosecution will claim that I wear these clothes to draw attention to me, and in particular to my allegedly exposed genitals. And that’s just wrong. It’s the dirty fantasy of the prosecution and anyone else thinking along those line that is wrong.”

*“You won’t change how their fantasy works, though.”*

Now the “told you so” moment:

**Trial – prosecution’s plea (Transcript, p. 153)**

*“We have the Defendant naked from the waist down, manhood out for all to see in a public park, a public playground right next to a road. Right by that park about a stone’s throw away as you saw in some of the photos is residential houses. And the cherry on top of all of this of him being likely to be seen, what does he got on top? A bright yellow shirt acting as a beacon for anyone passing by. Look at me, look at my genitals.”*

That’s what I got for ceasing to wear gaudy pants which provoke people to verbally assault me, and replacing them with camouflage-style pants instead. Now people only see the shirt and not the pants, and their fantasy gets even dirtier...

I must say, however, that I have worn my tiger-print split running shorts many months during daytime bike rides, and never have I had any issue with cars honking or people swearing at me, so it really seems to boil down to some people being night blind...

## Early Bird in Search of Sanity

Although we eventually install a cat door in one of our basement windows for our kitten, by that time, he has me trained to wake up around 4 am, and going on an early bike ride with a workout at Long Level Park and a subsequent swim in the Susquehanna River has become a regular activity. Yet I also continue my occasional day-time bike rides, weather and time permitting.

While I hit the River during the warm season – roughly from mid- to end-May until late September/early October, I use my gym’s pool during the cold season. I understand that some people don’t like swimming in murky water that holds unexpected surprises on occasion, but frankly, I do not like chlorinated water where people spread their illnesses, where I am prone to get warts and athlete’s foot (a fungal disease) as well as other complications, and again, where I go in circles like a hamster in a hamster wheel. I prefer the River. I love being in nature whenever I can.

In April of 2013, we take in two severely neglected and abused children aged 3 and 5 in a foster-to-adopt program, and in May 2015 we adopt them. This placement changes our family dynamics dramatically. During the first several months, the three-year-old girl is with me 24/7, because all daycare centers in our area have long waiting lists. Coming from a family of drug addicts that

couldn't even feed her properly, let alone give her any love and affection, she is malnourished and emotionally as well as socially raw. This emotional and physical neglect has messed her up considerably. She is borderline oppositional-defiant, has learned to survive by attracting negative attention, because there never was any positive, meaning that she is constantly doing things to tick off everyone around her. She navigates the human landscape around her as if people were objects. She steals, she lies, she provokes, she talks back, she disobeys; she is mean. I cannot leave her out of sight even for a minute, and I cannot leave her alone with her brother either, because she knows his buttons and pushes them whenever she can. Her brother in return has a volatile temper. Whenever there is something that upsets him – his sister tormenting him, a teacher asking him to do an unpleasant task, a privilege lost as a consequence – he blows a fuse and escalates to the point where he lays waste to whatever room he is in. I have the school on the phone on average at least once a week, and he gets suspended every other week. I start hating phone calls. It's more often than not bad news from school or daycare. When I get the boy home from school, often extremely agitated, he frequently doesn't calm down at home but keeps acting out. Sometimes it lasts into the night when he finally succumbs to sheer physical exhaustion, falling asleep while kicking and screaming as we parents are trying to keep him and everyone else safe and our furniture intact...

Our home has been turned into a madhouse. But we will not give up on these children. No child deserves to be thrown away. Every child deserves to be loved, and as the primary caregiver of these children, I have given them exactly that from day one: unconditional love and affection. They have no choice. At times, they push me away with all their might, insulting, hurting, rejecting me, but I will hold on tightly to them. Hurt me whichever way you want, I will keep loving you back all the more.

Two things I had to do before I could become the primary caregiver of these children: first, get a cell phone, so I can be reached at any time (I hate dumb phones, but what can you do...), and second, get a car in order to be mobile (which my generous father-in-law financed). This means that I had to throw overboard two principles of mine: no cell phone, and no car! What I had feared quickly became true (to some degree): having a car makes everyone involved lazy. No more grocery shopping by bike – not that this is feasible for a family of five anyway. But still, if the kids know you have a car, they occasionally refuse to walk to school; or to their playdates; or whatever else is going on and is in walking or bicycling distance. “But all our friends get rides! So why don't we?” Walk, kid, move! It's for

your own good! They will thank me later, or so I hope, but for now, I sometimes cave in. And I don't like it.

Three years later, however, when my left knee forces me to abandon riding my bicycle for a number of years, I am glad that I have a car. But I'm getting ahead of myself.

During the early weeks and months of having these foster children with us, I make the mistake a few times of going out on bike rides during school hours. Then the school tries to reach me, but either I am in some signal gap and miss the call, or I am so far away from home that it takes an hour for me before I show up at school. The principal is not pleased. To put a stop to this, I ban myself from going on bike rides during the day. The only time left is now the slot in the early morning hours when the kids and mommy are all at home asleep. Should any problem ever arise with the kids, Mommy is there to take care of it. But everything is always calm in the early morning hours.

In order to keep my sanity in that bedlam called home, I need a place of rest, serenity, peace, calmness where I can refuel my mind and soul. I need a place of sanity in the world of insanity that I've created around myself. I need to get out.

## My Friend, the Skunk

I need the River; the star-lit sky above me; the stillness of the early morning hour; the solitude of an empty park; the beautiful color sequence of the evolving dawn; bats chasing mosquitoes; songbirds waking up, chirping their melodies; I need the bald eagle on its perch, rising into the sky to suddenly nose-dive down toward me in the River thinking I'm a fish, but noticing its mistake, and making a sudden full stop in midair, then flying back to its perch; I need the heron standing on a buoy every morning looking for fish, observing me while I am swimming by; and I need my friend, the local skunk. The first time we met at the riverbank, he got scared, and so did I when I realized what that creature next to me was. It tried to spray me, but I quickly ran into the River and plunged into the water. It missed; I got lucky. Ever since, we have grown used to each other. It searches the park for edibles left behind by humans, and I do my workout. We keep a respectful distance, look at each other on occasion. We're good... Actually, I start following his example in a way, as I make it a habit to pick up litter from around the area where I work out and put it in the garbage cans. After all, we both want to keep this place nice and clean.

I haven't seen the skunk since 2018. I wonder what has become of him...

## The Rhythm of Home

The park and the River become a second home; an outdoor home where I can refuel my battered soul. I get to know its rhythm. Boaters coming and going throughout the morning. Fisherman lining up along the riverbank, once dawn has cracked. Residents walking their dogs (you can tell when their dog has died, because they stop coming...). An elderly lady arriving every morning in her Subaru Forester at around 4:30 to go for an hour's walk (she stops coming in 2017). A sedan delivering some printed matter to letter boxes, driving the entire length of Fishing Creek and back, then up Bull Run Road almost every morning at around 4:30 am. The local park service's employee emptying the park's trash cans on Sunday and Monday mornings. The occasional lovers enjoying some peaceful time in their car observing the colorful dawn sky, or getting out and sitting at the river front or on the park lawn doing whatever lovers do. And then the police cars patrolling the area with regularity, sometimes pulling in at the parking lot, facing their car east, evidently taking a break enjoying the sky as it changes color during dawn. I recognize a police car on average at least once every other week, but when they come before the crack of dawn, I probably mistake them for normal cars. On many an occasion they come during advanced dawn, however, and there is no doubt that we see each other. The river-bank community is fortunate to have such frequent patrol coverage, I think to myself.

Last but not least, there is the only local resident who gets up early enough in the morning to ever see me there during June and July, when the sun rises early. He has been getting up and going to work at exactly the same time throughout all the years I have been there. He gets up at around 4:20 AM every workday morning, turns on the TV in his large riverfront living room (the entire eastern wall facing the River and the park consists of curtain-free picture windows). He next goes into what seems to be the kitchen (at the northeastern end of his home), evidently preparing breakfast. He seems to enjoy the latter in his living room watching TV. (Being too far away to see the person himself and what he is doing, I deduce all this from the light patterns of his home during that time. So, there is room for interpretive error.) Then, around 5:20 to 5:30 AM, he leaves his home and drives away in his silvery-white sedan, presumably to work. On his way, he passes the playground set where I do some of my exercises.

## A Special Love Affair

Flashback to 1998. I live in England with my first wife and my two children. My firstborn just turned four years old. She is the cutest girl I've ever met, the love of my life. One day, while the two of us are dancing to some German children songs – or rather she mostly stands on my feet while I do the dancing – my little princess promises me that when she is grown up she will marry me. No bigger compliment can a loving father ever get from his daughter. She is embarrassed of her mistake when I explain to her that I am already married to mommy. Half a year later, my wife leaves me with our children, and shortly thereafter initiates the divorce proceedings. I would never dance with me little princess again. My heart is bleeding to this day...

Fast forward to 2005. My second wife and our 7-months old daughter go to the Chicago offices of the U.S. Immigration Services to have our marriage recognize, so I can get permanent legal residence in the U.S. After they recognize our marriage and invite me to go one level lower to get my permanent legal residence, two agents step forward and arrest me. A few weeks later, I get deported to Germany and get banned from returning to the U.S. for five years. While I sit on the plane shipping me off to Germany, I cry endless tears. My second family gets torn apart before my eyes, and I get once more separated for many years from my little princess. Only after a six-year lasting legal battle do I manage to return home to wife and daughter. Yet those missed six first years of my second daughter's life, the most important ones to build a relationship with a child, are irretrievably lost.

Fast forward to April 2013. The two foster children we agreed to host (and later adopt) spend their first night in our home. The girl is just a little over three years old. I tuck her in, sing her a few lullabies while caressing her belly. As I touch her gently the first time, I see her eyes wide in amazement. This is probably the first time in her life that this little neglected girl is being caressed. With her wide eyes she shows how she soaks up my affection like a dried-up sponge soaks up the water.

One evening some three months later, we go again through our daily tuck-in routine. But this time I have to caress her with a bandaged right index finger, which I injured that early morning when trying to pump up her bicycle tires. The pump disintegrates while I push down the handle, and I slam my finger along the sharp edge of the exposed pump tube. I scrape the flesh off my index finger all the way down to the bone, and the girl is watching on while it happens. Ouch. My finger gets stitched back together in the emergency room an hour later. Anyway, that evening, she looks at my bandaged hand, then

reaches out and caresses my injured finger while that finger caresses her belly. It is a symbolic moment. All the love and affection she soaked up during the previous three months are now starting to flow back. She is mine, and I am hers. On that days, this relationship starts growing into an emotional symbiosis. I give her the love and affection she never experienced during the first three years of her life, and she soothes my pain of having missed some of the decisive early years of my two biological daughters. I get a third chance of raising a daughter, and being there for her all the way. I never thought it possible to love an adopted child that much. But here we are, as tightly bonded as a loving father and daughter can possibly be. It is a miracle, but it is no bed of roses.

## Family Collapse

While some things have improved over the years with our two adopted children, others have stayed the same, and some even got worse. Both children still fight like cat and dog, mostly driven by distrust, paranoia and jealousy. The boy still escalates on occasion, and in more recent years has ended up in a psych hospital three times, in one case almost getting beaten to death by another resident, requiring emergency brain surgery to save his life.<sup>6</sup>

The girl has increased her lying bouts over the years, peaking in a story she told a teacher in 2018 that almost destroyed the entire family. Have you ever wondered how parents feel when the police come to your door and take all your children away, even your own biological children, and nobody tells you why? How you feel when you cannot have any contact with your children for almost two months, and nobody tells you why? That's when you're getting close to the end of your rope.

During that time of total family collapse, our children stay with my parents-in-law, who stepped up to the occasion, for which we are eternally grateful. During these seven weeks, the two adopted kids completely revert to their worst behaviors when they were first placed with us, and our biological daughter tops it off by having repeated crying fits and meltdowns. My in-laws now see the dark side of our adopted children which they have never seen

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<sup>6</sup> Update of 2022: The boy has made great progress. There haven't been any incidents with him for two years, and he's doing great at school. Fingers crossed...

before. It makes them realize and come to appreciate what my wife and I have been going through all these years.<sup>7</sup>

During this seven-week-long nightmare, I need the River in the early morning hours more than ever to stay sane.

Eventually, the case gets closed as unfounded and the family gets reunited. Only at that point do we find out what had triggered this: our adopted daughter had told her school teacher some tall tale of having had wild sex parties with the entire family. It helped that we have a long documented history of her lying through her teeth about anything imaginable, and that her siblings tell the police in unvarnished language what they think of her family-destroying mendacity. “Why did you do that?”, I ask her afterwards. Her answer: she was getting in trouble at school and thought it would help her if she distracts the teacher’s attention by telling some outrageous story. Well, it worked, but she got out of the frying pan straight into the fire, and all of us along with it...

Although we have our family back, the new normal is characterized by massive new trauma, this time inflicted on all three children, not just the adopted ones. Our biological daughter bears grudges against us for having adopted that girl, her adopted brother hates her, and my wife finds it even more difficult to connect to her emotionally. In other words, we are back to square one, or maybe even square zero; we have to start over. We need to patch up this bruised family.

I need the River to stay sane.

#### **Pre-trial rehearsal with my lawyer**

*“Don’t mention that episode. The prosecution will use that against you. They’ll argue that, where there is smoke, there is fire, and they will insinuate that there must be something wrong with the parents when the children get removed.”*

*“But there wasn’t even smoke. And it is proven that in 91% of all removal cases, subsequent investigations show that there was no cause, only false rumors.”*

*“They’ll suggest the opposite, and some jurors may agree. Just don’t mention it.”*

<sup>7</sup> Update of 2022: The girl, too, has made impressive progress. Although she struggles at school academically and socially, she has become an impressively resilient young lady with a big heart and seemingly endless energy which she invests by helping charitable causes.

## Underneath our Clothes, We Are All Naked

In 2000 (before I was married to my current wife), I join the dating website match.com. When filling out their questionnaire, I am asked to check the tick boxes of activities I like doing. The long list of activities to choose from also contains the entry “skinny dipping.” When reading through the profiles of many a bachelorette over the next few years, I find that maybe some 10% of them have checked this box. Hmmm, they like skinny dipping...

### Pre-trial rehearsal with my wife

*“OK, wait, stop. Skinny Dipping is illegal in the U.S. Don’t open up that can of worms.”*

“But why would a dating website list it as an acceptable activity, then, and make me think it is okay?”

*“They are talking about doing this in private pools, not in public.”*

“Oh, ok. How was I supposed to know that? Back in 2001, that wasn’t clear to me at all. But I can tell, after all the experience with how people really behave in the U.S., that 99% of the ladies who had ticked that box were probably lying. They just wanted to make themselves look sexually more interesting without having to say or write anything inappropriate.”

Coming from Europe, skinny dipping even in public bodies of waters, while not as generally practiced as some think, is probably a much more-common practice than in the U.S. And if done in a discreet way, it will not get you in trouble.

During the first two years of my working out at the River, I ride my bicycle there, work out on the lawn and the playground equipment, then swim in the River. Since I don’t want to get my workout pants wet (remember the prostate gland!), I simply don’t wear them when swimming. So, I push my bicycle to the riverbank usually around 5 o’clock, get undressed, put my workout clothes on my bicycle, and usually swim freestyle about half a mile. This is serious exercise. Some people again get carried away by their dirty fantasy. Well, how about you try to swim half a mile freestyle and at the same time have sexual thoughts? It won’t work, because those thoughts would make your breathing and heartbeat irregular, and you’d quickly get knocked out of your rhythm and swallow water. Or how about going to extreme dirty fantasy here: why not masturbate while swimming? Well, you’ll drown; you’re not a dolphin; it’s as simple as that. So, shove up those dirty thoughts and get real!

Swimming half a mile in a river has *nothing* to do with sexuality. Plus, when doing it, we are all always decently clad by a layer of murky river water. Whether you are clad by a layer of clothes or a layer of murky water, it is all the same, because at the end of it, underneath our clothes, we are all naked, aren't we?

When I'm done with my swim and back to where I have my clothes, I get out of the water, get dressed, and ride my bike back home.

During those two years of occasional skinny dipping (sometimes I actually do swim wearing my workout pants, provided the air is warm enough not to get in trouble later with wet pants), I make a few bad judgments. One morning, the River has such strong currents that, after swimming downriver, I realize when turning around that I will not be able to swim back to my clothes hanging on my bicycle parked at the riverbank. Hence, I have to get out and walk – in Adam's haberdashery. Not good, but I get lucky, as there is nobody present in the park area that day this early in the morning, well before sunrise. On another morning, there are such strong northerly winds whipping up quite some waves that I cannot swim in the River, as the waves keep splashing in my face when I am trying to breathe. Again, I have to get out and walk back. I get lucky again. No one is around. A third time, I encounter for the first time the breeding frenzy of mayflies in July. I go into the River upstream where there are no mayflies, but when swimming downstream, I head right into an area where the water surface is covered with literally millions of dead mayflies (they die after mating). While I swim through them, they get not only into my face, but into my mouth while I'm trying to breathe. It's dark, and I don't understand what is going on. I freak out, and once more, I leave the water and walk back, shrouded in the darkness of night. The lesson I learn from this is that I change the way I swim. Instead of starting at Long Level Park and swimming first downstream then back upstream, I occasionally, when I feel like it, ride my bicycle to a spot half a mile downriver and start swimming upstream from a spot next to Fishing Creek Road where there are no residents or park visitors anywhere nearby. This way, if I ever get in trouble, the currents will carry me back to where I started.

## If You Don't Like the Sight, Don't Look

One morning, I am swimming in the River on my way back to where I left my bicycle and clothes some thirty minutes earlier. Yet as I approach this spot, I notice that a woman maybe in her thirties with a fishing rod in her hand is

sitting on a rock a few feet away from where my clothes are. I swim right up to the riverbank, then address her:

“Good morning.”

“Good morning,” she replies, not yet noticing the state I am in. I continue:

“May I please ask you, if you do not want to see a naked man get out of the water in order to get dressed, that you please look the other way?”

She does not reply to that but rather simply turns her head the other way. I get out, get into my cycling gear, then say: “Thank you. You have yourself a wonderful day!”

“You too,” she responds.

I get on my bike and pedal my way back home.

This is how civilized people solve these kinds of problems. Needless to say, she did not report me to the police.

## Things Are Not Always What They Seem to Be

On another of these early mornings, I am sitting on the bench of a picnic table in the park area that is standing close to the playground set I used earlier for my free-body workout. The sun is about to rise. I just got out of the water after swimming a good mile in the River. Swimming freestyle for such an extended period of time always gives me some vertigo once I get out of the water, and I am also quite exhausted at that point. After all, I rode more than 10 miles to get here on my bike, then worked out hard for three quarters of an hour, and next swam for maybe another half hour. And all this on an empty stomach. I was catching my breath, regaining my balance, and trying to dry off before getting back on my bicycle. I am wearing a rainbow-patterned set of bikini briefs. As I sit there, a guy in some kind of uniform walks into the area where I am. It is an employee from the local township’s Parks and Recreation Department who collects garbage bags from the park’s garbage cans every Sunday and Monday morning. He is merely some 20, 30 feet away from me. When he sees me, his countenance suddenly changes. His face now expresses anger, if not fury. He quickly approaches me. I am stunned. What is this all about? When he is only maybe some 6 feet away from me, he suddenly stops, his facial expression lightens up, and he says:

“Oh, you were only swimming here!”

“Yes,” I respond.

“Okay,” says he in return, turns on his heel, and goes about his business.

I figure that he had thought, looking at me from a little distance, that I was naked. If viewed from the side, my skimpy bikini briefs can be easily overlooked...

We encounter each other again later on occasion. In one case, while I am on the playset doing one of my exercise sets, he picks up my towel from the ground some 20 feet away, thinking someone left it behind the day before. I quickly interrupt my exercise and call out to him to please leave my towel there, as I am using it for working out. He happily complies.

## Arrested for Nothing

July 12, 2014. It is a Saturday, early in the morning. All three kids are sleeping, and so is their mommy. They will all sleep in today, so I have plenty of time to do my workout at the River. Actually, having all the time in the world, I decide after my free-body workout to go for an extended swim. It is early dawn when I push my bicycle to the river front at Long Level Park. There are some fishermen standing along the riverbank going about their business. I lean my bicycle against one of the picnic-table sets located on the river front, get out of my clothes which I put on my bicycle, climb into the River and swim. I swim more than a mile. By the time I get back, the sun has just risen. As I approach the spot where my bicycle should be, I realize it is gone. Somebody stole it! I am about to freak out. How will I get back home now? And in Adam's costume to boot...

As I get slowly closer to the riverbank, not sure what to do next, I see two policemen approach the spot where my bicycle once was. I ask them whether they have taken the bicycle, and they confirm. I breathe a sigh of relief. Next, one of the policemen orders me with a harsh voice to get out of the water. I tell him that I cannot do that in the state I am in, and that he please gets my shorts from my bicycle, so I can put them on before exiting the water. He complies and throws the shorts to me in the water. I put them on underneath the waterline, then get out. As I am standing in my dripping wet shorts next to one of the officers, he suddenly gets his handcuffs out and arrests me and subsequently charges me with disorderly conduct and open lewdness. He says that some resident in the area has been complaining to the police for quite a while about someone walking along the river front naked early in the morning. However, this particular morning nobody complained about me. Nobody saw me naked. Even the two police officers admit later to the prosecutor that

they did not see me naked that morning. There is no case. A shroud of murky water clad me all this time. Hence, one of the charges is dropped, the other is dismissed as requested by the prosecution, which is a technicality to prevent the prosecution having to pay the court costs. The case eventually gets expunged.

The lesson learned from it is that I never again swam starting from the park area. Instead I always start from a spot way downstream where I encountered the fishing lady earlier, and I make sure I have the necessary body parts covered by the required amount of cloth. Not that anyone ever could notice a difference while I'm in the water, but this is a small price to pay for being left in peace during a perfectly peaceful athletic activity.

**Trial – testimony by Germar Rudolf, cross-examination (Transcript, p. 126)**

*“Q. Sir, you testified when you were having your exchange with the officer about a prior case.*

A. Correct.

*Q. What were the circumstances of that?*

A. I started going down to the river in 2012, 2013. As I mentioned, I would with some regularity go swimming in the river too. And back in the early years, 2012, 2013, sometimes I would go in the river skinny dipping. And the early – the earlier case that I referred to 2014 was when I had my usual – I drove to the river on my bicycle. I worked out down there. And at the end of the workout, I pushed my bicycle to the riverbank and got undressed and went into the river and swam half a mile down and again half a mile back up stream back. And by the time I came back, my bicycle with my clothes on it disappeared which was a problem.

And as I approached the site, two police officers showed up and asked me to get out of the river. And I said, no, I don't want to. Can you please get my pants from my bicycle and throw it in the river so I can pull them on? They didn't –

*Q. I'm going to stop you, sir. So, you had an incident prior where you were naked at this same park area, correct?*

A. Not the park area, the river.”

The prosecutor interrupts me and finishes his cross examination. I am wait-

ing for my attorney to re-examine me to ask for more details, but he remains silent (Transcript, p. 127):

*“THE COURT: Any redirect?”*

*ATTORNEY ROBINSON: No, Your Honor.”*

### **Post-testimony discussion with my lawyer (paraphrased)**

*“I told you not to mention the event of 2014.”*

I am stunned. He positively never told me that. I submitted to him in writing the text of my likely testimony already a month after the event (August 2019), a detailed report of the events of that morning, but he never commented on it. Then I reply:

“Well, all is not lost, you could get me in the witness stand again and ask me tomorrow to explain the event in more detail, that the charges were dropped because there was no case; and that the case was expunged. Also, I would like to mention the fact that I learned my lesson, because I never went swimming there again.”

He remains silent.

Fact is that trying to hide the skinny-dipping event makes no sense at all. This event was mentioned in clear language by the police officer during the preliminary hearing. As my lawyer must have been aware, I planned to have the transcript of that hearing introduced as evidence in order to confront the police officer with the physically impossible scenario he had described back then, and in order to expose the differences between his first and his new testimony. All this I clearly laid out in a long list of questions I had prepared which I expected my lawyer to ask the police officer during cross examination. This list of questions made sense only if the transcript of the preliminary hearing was introduced. Needless to say, the list was ignored by my lawyer during the trial, and the transcript wasn't introduced either.

Did my lawyer ever read any of the many texts I gave him before the trial?

## Flood

The summer of 2015 is extremely wet. It rains cats and dogs, again and again. Water is standing up to several inches in certain areas of the lawn in the park area. The entire area is a morass for weeks on end. It is impossible to get

down on the ground in order to do planks, sit-ups, push-ups etc. The only level, dry spots are a lower platform of the playground equipment and the tables of the wooden picnic sets scattered throughout the park. Because I have no other choice, I start doing my planks on the play-set platform, and my sit-ups, push-ups, leg raises etc. on a picnic table.

I do my push-ups resting on my knuckles in order to protect my wrist cartilage from excessive squeezing, irritation and subsequent inflammation, which I had plenty of in the past. It also adds a couple of inches to the range, making the exercise more difficult and ultimately more powerful. But my knuckles (actually only those of my little, ring and middle fingers) don't like wooden surfaces. Neither do my tailbone (sit-ups), my elbows (some of the planks, on a steel surface, to boot) nor my vertebrae (for whole-body raises). Steel and wood as surfaces are tough surfaces to handle. My calluses get thicker, but it is just too much to take, so the skin starts cracking under the stress. The calluses I have from doing pull-ups are getting worse as well as I reach repetitions into the teens. All in all, not good. What can be done? Well, as soon as the deluges of July and August subside, and the morass dries out, I'm back on the ground. But once developed, the calluses remain...

## Knee-Blowing Speed

The outdoor season of 2016 starts late. The first time I hit the road I am kind of disgusted with how badly I'm doing. I can barely get up Bull Run Road in second gear. So, I set out on a mission to knock myself back into shape by setting higher gears faster than I normally would. By the end of June, I am flying up Bull Run Road in fourth, fifth, even sixth gear. Wow! Never before have I managed to get back into excellent shape so quickly!

On the afternoon of the victory-scoring ride up Bull Run Road, I feel a stabbing pain in my left knee. It comes and goes. I fear it might signal that I have pushed my knee over the edge. To test that theory, I get back on my bike that same afternoon and just for the heck of it ride down to the River and race back up Bull Run Road one more time. I feel no pain during the climb itself, but a little later I do, and once I'm at home, the occasional stabbing pain is worse than before. So it's official: I pushed my knee over the edge. I decide to take a break and suspend riding my bicycle to the River. Instead, I take my car, which gives me the opportunity to take along a towel to use as padding during workout, and to dry me off after swimming

“Your work-out towels are impossible to clean. They are full of grass and mud stains. You need to stop soiling them so badly,” my wife complains. She’s sick of my bringing home one soiled towel after another, sometimes several a week.

“What am I supposed to do about it? I can’t help it that the lawn down at the River is almost always dew-wet and muddy.” I get back on the picnic tables with my exercise to make her happy. The towel I have with me helps me to limit the wooden and steely impact. Exercising on the wooden and steely platforms stops my wife’s complaints, and that’s worth it. But it brings back the painful calluses. What can I do this time?

## They Screw You over

In 1982, my high-school chemistry teacher takes us students on a field trip to one of Germany’s best-known detergent manufacturers, the Henkel AG in Düsseldorf. One of their PR people gives a lecture on soap and laundry-detergent manufacturing. It is the time when liquid laundry detergent gets popular, slowly replacing powdered detergents. The firm’s PR person explains:

“People are actually willing to pay more for the same amount of liquid detergent than for the powdered version. This is so, although the liquid one has less detergent in it than the powdered, because the only difference between the two is that in the liquid version you replace some of the powder mass with water. So basically, you sell water at a higher price than the detergent itself. It’s a huge bargain for us, but the consumers basically get screwed over. We wanted to resist this market trend for a while, but ultimately, we had to offer liquid detergents as well, if we didn’t want to keep losing market share.”

The same principle goes for liquid dish-washer detergents compared to powders, and also for liquid soap compare to bars of soap. Actually, it is even more extreme for soap, because it has the “advantage” that most of the liquid soap people use gets flushed down the drain without ever doing anything. A 16-oz solid bar of soap containing the same amount of detergent as a 32-fl-oz bottle of liquid soap will last you up to ten times longer, while it costs a fraction of the liquid soap. You get the picture how we all are getting screwed over?

Have you ever taken a blob of your favorite lotion and let it sit on a solid surface until all the water contained in it has evaporated, then checked how

little is left behind? (It may take a few days, actually.) Most lotions sold at your local store contain more water than anything else.

When my adopted daughter is first placed with us, she is three years old. She is a blonde, blue-eyed, freckled little girl with very delicate skin. After each bath – or in later years shower – her skin would dry out, and she'd start feeling itchy all over. She would compulsively scratch until her skin was raw, even bloody.

I start using baby oil on her to sooth her irritated skin and stop her from scratching herself bloody. It works.

In the process of lubing her up, I get my own hands oily, too, which is enough to lube up my hands, arms and face.

That's when I start using baby oil as my lotion. I need only a drop or two to lube up my hands, face, neck and lower arms after taking a shower. I even use it as my aftershave lotion. Baby oil may seem expensive, as a half-liter bottle may cost some five dollars or more, more than the cheaper standard lotions out there, but it lasts eternally. Plus, it is hypoallergenic, free of all other chemical nonsense, and smells nice. Why did I ever use lotion?

During the subsequent winter season (probably 2014 or 2015), I start taking a little bottle of baby oil with me to the gym, because in winter it happens that for weeks on end I only take showers at the gym and not at home anymore. My skin doesn't like being first bleached in the gym's chlorinated pool water (and even more-so in the extremely chlorinated jacuzzi), then soaped down, and after all this left high and dry without any soothing lotion. To prevent forgetting the bottle, I keep it in my car (in a zip-lock bag to make sure no oil gets out).

In 2016, when my calluses from working out on wooden and steel surfaces cause me problems, I put the baby oil I have in my car to good use in order to soothe my burning hands. I cluster the pull-up workout during the early part, then take off my workout/cycle gloves for the rest of the workout. Then I occasionally apply a drop of oil on my hands as I continue with my free-body workout.

**Trial – prosecution's plea (Transcript, p. 150)**

*“He also wants you to believe that he uses that baby oil that was found as some type of hand lotion to keep from his calluses forming. Even though what would baby oil do to your grip as you were trying to do pull-ups and dips? It would make your hands slip out.”*

Grip of what? Remember, I am in the park doing a free-body workout – no weights, no machines. Grip of what, then? I'm not doing a zillion pull-ups there. Just three sets (narrow, wide, inverted, each some 10-15 reps). That section is done early on during my workout, and I am wearing my bicycle gloves while doing them, so whatever oil is on my palms and fingers has no effect on the grip of my gloves. In addition, it takes only a drop of oil to take care of the hurting hands and elbows. I'm not pouring that stuff on me as you might see in certain porn videos where girls are squirted with baby oil by the gallon. I'm not kidding you. Research shows that 99% of all the human males on this planet who have access to the internet use internet pornography recreationally (whatever that means). So, don't tell me the prosecutor hasn't seen these scenes. I have. And I don't like them, because it's a mess and utterly unrealistic. But that's beside the point...



Moreover, after each set of exercises completed on my towel (meaning all the planks and some of the others), the little oil that's on my hands comes off almost completely wherever I touch the towel. Then eventually I reapply a little. There is no "lubed up, slippery hand" ever in this picture.

But let's continue the prosecutor's thought here. He suggests I didn't use the baby oil as lotion. But then, for what else did I use it? He left it up to everybody's dirty imagination: 'He used it to masturbate,' was the insinuation. There we go again. I would really like to make a poll among all male readers of this text, almost all of whom have in the past, are currently and probably will in the future masturbate to one extent or another. The question is: do you ever use baby oil for this? Maybe some masturbation "toys" out there may require lubrication, but baby oil isn't good for this, because being an oil, it's difficult to clean, and it may actually mess with the rubbery materials used for masturbators. Anyway, I know my own history of masturbation over the past 42 years, and there is *not a single occasion* where I used baby oil to touch myself. (The fact that I am not circumcised may help here, as the foreskin prevents any major friction. TMI, I know...)

Actually, in my current consensual relationship with my wife, both of us not being spring chickens anymore, we purchased certain products that

help overcome friction: my wife got a 2-oz bottle of “Vagisil” several years ago, and I purchased a 17-oz bottle of “ID Pleasure” some two years ago (see the photo taken in our bedroom on Aug. 22, 2020). They both are water-based lubricants, very gentle to the mucous membranes and easy to clean. So, if hell-bent on reducing friction during masturbation, these are the products to use. Baby oil (or some Vaseline-type product, which I tried years ago to my wife’s great displeasure) are no good.

As mentioned, 99% of today’s males with internet access sit, on occasion, in front of some flickering screen, watch naked women do things that excite them, and they masturbate. Do they use baby oil? Could you use baby oil for that? My gosh, what a mess that soon would be. Nobody does that. Get real. And at the River, there isn’t even a flickering screen or anything else to excite a male. And no, passing cars, police or otherwise, are not sexually exciting. Get real.

In addition, try for once to maintain a rigid, intense exercise routine and have sexual thoughts *and actions* at the same time. They aren’t compatible. You either do the one or the other, but both together? No way. Consider also that I am on a tight schedule when going to the River. I have to be back at a certain time, and a full program to cover. There isn’t much wiggle room for “leisure” activities in the non-athletic sense of the word.

After my trial, the media pick up the case with glee. I pay no attention to it, but evidently some of my older daughter’s classmates do. They call me names in front of my daughter, who comes home in distress: “What is it about the bottle of baby oil these newspaper articles write about?” she asks. I respond: “It’s the small bottle I have in the car, remember?” “Of, that” she replies in relief. She had seen that bottle many times sitting in my car in a zip-lock bag, and she knew that I have been using it for years when going to the gym or while working out. In fact, all the ladies in our house also use baby oil as lotion. It is only then that I realize the misconception people have when they hear the term “a bottle of baby oil”, associating a large bottle of baby oil with it as you can buy it at the store. Why would I schlep that with me when working out? No, that’s not what that is.



As you can see in the illustrations, the container I use is one of those small shampoo bottles you get in some hotels, containing only a few milliliters of liquid. (Ignoring the lid, it is 3"/7.5 cm high and 1<sup>3</sup>/<sub>8</sub>"/3.5 cm in diameter). It took me a while to find this bottle, whose lid has a tiny hole, allowing only a drop or two of oil to come out, which is all I ever need. The lid is leaky, and the bottle is quite worn by now, but it's precious to me, so I'll keep it as long as I can. I currently keep it mainly in the kitchen, where my hands stressed from dishwashing and scrubbing appreciate the occasional drop of oil.



This phase of working out on wood and steel comes to an end in August 2019, however, when I incorporate a number of additional types of abs exercises, one of which involves raising your entire body from the ground, first the legs, then the core, vertebra by vertebra. It takes only a few iterations of that exercise to realize that my spine disagrees. Doing this in the grass with only a towel in between isn't working. It's utterly impossible on wood. So, after years of not taking any exercise equipment with me when going on bike rides, I finally succumb to the necessities of the situation: I put a large bag on my bicycle rack and carry with me a yoga mat! Within a few weeks, my cracked calluses heal, too. So, no more need for baby oil! Now, was that so difficult? A cyclist's purist approach to free-body workout: don't take ANY equipment with you, just yourself. Looking back, it wasn't the smartest idea I've ever had.

## Accidents Happen

Over the years, the time slot available to me for doing my river-side morning workout has shrunk, on the one hand because my wife changed jobs in the summer of 2015. As a result, she had to get up almost an hour earlier than before, at around 6:20. Since I don't see my wife again during the day until she returns from work around dinner time, I have made it my policy to have breakfast with my wife. That means that I could not stay any longer at the River than a little after 6 am. That time slot got further reduced in August 2017 when our oldest daughter entered middle school, at which point she wanted me to get her up at 6:10 AM. Since waking her up using our newly

adopted dwarf greyhound puppy Daisy is an emotional must for both of us, I make sure that on schooldays I am back home at 6 AM at the very latest, meaning that I have to leave the River area at 5:45 AM at the latest if driving by car, or even around 5:15 when riding my bicycle. Since the latter scenario pretty much leaves no time for swimming, and because during the earlier years I didn't feel like taking along a towel and dry clothes to change into after swimming when riding my bike, I stop swimming altogether when riding my bike, and when going by car, I swim only a few hundred yards at most.

My occasional test rides in 2016 and early 2017 on my bicycle all end with poor results. The knee just doesn't get better. So, I go to the River always only by car, since July 2017 taking along our puppy Daisy. It turns out, however, that I can do some jogging without feeling any pain, so I hit a forest trail in the area during daytime with some frequency. But then, in August of 2017, I step on the trunk of a fallen tree the wrong way with my right foot and shoot up in the air. When I land back on the forest floor with my left leg, the knee is hyperextended. I bounce off the ground like a rubber ball and land in a wild rosebush, thorns embedded in my skin everywhere. After that, my left knee doesn't allow me to do anything really anymore. Cycling, jogging, rowing, swimming, it all makes my left knee hurt after doing it only for a short while. Physicians send me to physiotherapists, but the exercises they prescribe only make matters worse. It takes a change of doctors to finally end up with a physician who is willing to push the insurance in order to have an MRI of my left knee done. After some back and forth, MRI footage is finally taken in late 2018. It shows that I have chipped off a part of my meniscus at the rear of my left knee, and that this piece is dangling in there, getting into the works once I move that joint repeatedly.

Although my insurance initially refuses to pay for the necessary surgery, they eventually do. The surgery is done in February 2019. After this, I hope that I will be back on my bicycle at some point, but I push it a little too early when going to the gym already in March and taking a few spinning classes. That kind of backfires. I wait until May before I hit the road for the first time with my bicycle, cruising along gently without pushing it. This season, I decide to do half of my trips to the River by car, the other half slowly and gently by bicycle. However, each time I want to go on my bike and I tell Daisy she cannot come along, she gives me that sad, depressed look, and I just can't take it. So, I actually go by car maybe two out of three times. Blame it on Daisy...

**Trial – testimony by Germar Rudolf, cross-examination (Transcript, p. 125)**

*“Q. Sir, you testified that you are a member of LA Fitness I believe; is that correct?”*

A. That is correct.

*Q. Does that LA Fitness have pull-up bars?”*

A. It does indeed.

*Q. Does it have a dip station?”*

A. I would assume so.

*Q. Does it have ab mats?”*

A. What is that?”

*Q. Mats you can put on the ground to do abdominal crunches?”*

A. Oh, of course. Yes.

*Q. Roman chair to do leg lifts?”*

A. Yes.”

I expect my lawyer to re-examine me to find out what I use my gym membership for and what I don't use it for, but he remains dead silent.

Here is what I should have responded: “Not at 4 AM.” LA Fitness opens at 5 AM in the morning on workdays (pre-COVID). During the school year, I need to be back home at a little after 6 AM. It takes me 20 minutes to drive home from the gym, and 10 minutes to shower and get changed, which means I would have only 30 minutes to work out. It's easy to see that the prosecutor's question is irrelevant.

**Trial – defense's plea (Transcript, p. 146)**

*“So Attorney Monroe is going to touch on the fact that he had a gym membership. Well, a lot of people have gym memberships and they still do workout activities outside. I don't think that is so unreasonable as to cloud or affect Mr. Rudolf's explanation of the events that day.”*

**Trial – prosecution’s plea (Transcript, p. 150)**

*“What he wants you to believe is that he went there that morning to exercise. Now as Attorney Robinson touched on, the Defendant has a gym membership with all the nice new equipment, pull-up bars. I asked him about dip stations, all of those things.*

*But he wants you to believe that he chose to go to a public park at four in the morning to do dips on a picnic table and pull-ups on a children’s playground set.”*

So, what else did I do at the park, if not work out? For eight seasons straight, on average 100 times a year, for some 40 to 50 minutes every time? Run around naked through the empty park masturbating, if we were to go along with the prosecution’s insinuation! Three-quarters of an hour of masturbation? At 61°F (see chart in Illustration 8 on page 67), how could anyone avoid getting hypothermia when wearing only a semi-sheer, sleeveless shirt and skimpy shorts? The only answer to that is: by following an intense workout routine.

I smelled that rat long before the trial, so I got some documents proving the opposite. On October 8, 2019, I went to LA Fitness in York and had them pull up my account and print my attendance record for the past 14 months. It shows that I attended the gym only 13 times for a workout session during those 14 months, and not once after March 14. (See the following document.)

Transitioning from going to the River during the warm season to going to the gym during the cold season has always been a challenge. When going to the gym on school days, I can leave only after all of my children are at school (after 9 AM), and then the prospect of a 20-minute drive to the gym often discourages me. As a result, my gym attendance from late September into December is often spotty. This was no different in 2018. In addition, my damaged left meniscus kept harassing me when taking spinning classes or using the rowing machine, which didn’t help motivate me either.

As mentioned earlier, I had surgery on my left meniscus in February 2019. When that surgery was scheduled in early January, I stopped working out altogether until after the surgery.



Date Printed: 10-08-2019

Home Club - YORK  
351 LOUCKS ROAD  
YORK, PA 17404  
717-848-6910

**Check-in History for Germar Rudolf (F24342480)**

Date	Club
10/08/2019 09:30:03 AM PST	YORK
03/14/2019 06:19:56 AM PST	YORK
03/12/2019 06:17:40 AM PST	YORK
03/11/2019 06:13:43 AM PST	YORK
03/08/2019 06:47:16 AM PST	YORK
03/05/2019 08:11:13 AM PST	YORK
03/04/2019 08:21:53 AM PST	YORK
01/04/2019 06:39:36 AM PST	YORK
12/15/2018 08:04:48 AM PST	YORK
12/05/2018 06:18:37 AM PST	YORK
12/03/2018 08:37:41 AM PST	YORK
11/29/2018 08:04:06 AM PST	YORK
10/13/2018 05:13:07 AM PST	YORK
09/25/2018 06:27:30 AM PST	YORK

*checked in member to pull up account*

**\*\*All times are in PST (Add 1 hr for Mountain time; Add 2 hrs for Central time; Add 3 hrs for Eastern time.)**

The Check-In history is provided as a courtesy and convenient reference for members. However, we cannot guarantee the accuracy of the dates, times or locations of actual member check-ins and the

The last four post-surgery entries of March 8 through 14 all are around 9:15 Eastern time (6:15 Pacific time), the start time of the gym's spinning class. I bailed out again after that because I had pushed my knee to the point it was hurting again.

This establishes that I did not go to the gym all summer, since March 14, and I also did not attend it very often before that, except for six occasions in rapid succession roughly a month after my surgery.

After almost three years of impairment due to an injured knee, I was overly eager to get back into cardiovascular activities, but I pushed too hard.

A day after pulling up my attendance record, I went back to LA Fitness and had them put me through a fitness test. The result is shown on the next page. It shows that my cardiovascular fitness was only barely above average, which is not surprising considering that I had been immobilized for the past three years and got back into endurance training only slowly and with setbacks since March of that year.

I passed the push-ups test with 32 reps, at the upper edge of "good". Keep in mind that I had torn a ligament in my left shoulder and that it took years for me to slowly build up my supportive muscles around that injury.

With the wall sit, where 45 seconds is the upper limit, they interrupted me at 1 minute 45 seconds, at which point I was still sitting well. This reflects my past of more than 40 years of cycling plus the fact that I was doing a lot of lunges and squats during those three years of forced immobilization.

Similar with the plank: They stopped me at 2 minutes 15 seconds, 35 seconds above the upper limit, at which point I wasn't even showing signs of stress, let alone exhaustion. This reflects the fact that, during my park workouts, I did a set of one-minute planks of various styles between all the other exercise sets I was doing, some 12-14 sets every morning I went there.

Considering that I hadn't visited my gym on a regular basis for more than a year, and not at all since March 2019, how come I could ace the upper- and lower-body- as well as core-strength tests the way I did?

And no, I couldn't have built it up only since July 2019, because during that summer I was not 25 but 54 years old, and you cannot push a body at that age to such extremes within only a little more than three months.

So where did that fitness come from? From running around naked and masturbating for 45 minutes almost every morning in the park?

6'3 3/4

# Assessment At-A-Glance

PRO|RESULTS  
PERSONAL TRAINING

NAME: Germar Rudolf

Body Fat %: 14.5 BMI: 23.1 Weight: 188.5

## 1 Cardiovascular Endurance

### 3-MINUTE STEP TEST

MEN	18-25	26-35	36-45	46-55	56-65	65+
Excellent	50-76	51-76	49-76	56-82	60-77	59-81
Good	79-84	79-85	80-88	87-93	86-94	87-92
Above Average	88-93	88-94	92-88	<u>95-101</u>	97-100	94-102
Average	95-100	96-102	100-105	103-111	103-109	104-110
Below Average	102-107	104-110	108-113	113-119	111-117	114-118
Poor	111-119	114-121	116-124	121-126	119-128	121-126
Very Poor	124-157	126-161	130-163	131-159	131-154	130-151
WOMEN	18-25	26-35	36-45	46-55	56-65	65+
Excellent	52-81	58-80	51-84	63-91	60-92	70-92
Good	85-93	85-92	89-96	95-101	97-103	96-101
Above Average	96-102	95-101	100-104	104-110	106-111	104-111
Average	104-110	104-110	107-112	113-118	113-118	116-121
Below Average	113-120	113-119	115-120	120-124	119-127	123-126
Poor	122-131	122-129	124-132	126-132	129-135	128-133
Very Poor	135-169	134-171	137-169	137-171	141-174	135-155

## 2 Upper Body Strength & Endurance

### PUSH UP TEST

MEN	Age: 20-29	Age: 30-39	Age: 40-49	Age: 50-59	Age: 60+
Excellent	54 or more	44 or more	39 or more	34 or more	29 or more
Good	45-54	35-44	30-39	<u>25-34</u>	20-29
Average	35-44	24-34	20-29	15-24	10-19
Poor	20-34	15-24	12-19	8-14	5-9
Very Poor	20 or fewer	15 or fewer	12 or fewer	8 or fewer	5 or fewer
WOMEN	Age: 20-29	Age: 30-39	Age: 40-49	Age: 50-59	Age: 60+
Excellent	48 or more	39 or more	34 or more	29 or more	19 or more
Good	34-48	25-39	20-34	15-29	5-19
Average	17-33	12-24	8-19	6-14	3-4
Poor	6-16	4-11	3-7	2-5	1-2
Very Poor	6 or fewer	4 or fewer	3 or fewer	2 or fewer	1 or fewer

## 3 Lower Body Strength & Endurance

### WALL SIT TEST

MEN						
Very Poor	Poor	Below Average	Average	Above Average	Good	Excellent
15-21	22-28	29-30	31-34	35-39	40-45	<u>&gt;45</u>

WOMEN						
Very Poor	Poor	Below Average	Average	Above Average	Good	Excellent
	13-20	21-24	25-28	29-33	34-39	<u>&gt;39</u>

## 4 Core Stability & Endurance

### PLANK TEST

Very Poor	0 seconds
Poor	Less than 20 sec
Below Average	20-40 sec
Average	40-60 sec
Above Average	60-80 sec
Good	80-100 sec
Excellent	<u>100+ sec</u>

Dr. Juan Jones LA Fitness - York, PA Club - 717-848-6910 cell 569-259-1121

### Post-trial discussion with my wife (paraphrased)

"You should have committed some kind of indecent exposure right there in the courtroom when the prosecutor ridiculed your claim that you are working out at the park by simply ripping off your shirt and showing your six pack to the jury", my wife chuckles. As dire as the situation is for our family, she still has some humor left.

"Well, that's a year after the event, so it doesn't prove much," I respond.

*“But you’ve always looked like that, ever since I met you in 2004. You look awesome, particularly considering that you’re 55, not 25.”*

I haven’t heard a compliment like that from my wife in many years. It’s sad it had to come to this for her to say it...

“Well, maybe I should have gotten you onto the witness stand,” I reply.

*“Maybe.”*

## Draining the Boy and the Emotional Battery

Since early 2019, there is another reason for me to get up early in the morning: Our adopted son has bed-wetting issues. For the past six years, we have tried every trick in the book to get a grip on it, but nothing ever worked. This time, we try to make sure there simply isn’t much in his bladder to begin with. We get him up twice a night to pee. For this to work out, my wife stays up until a little after midnight to wake him up to pee, and I go to bed early and get up around 3:30 to 3:45 AM to drain him a second time. That plan eventually fails, as our son refuses to cooperate at some point, being exhausted and annoyed by this constant waking up. Or he gets nasty with me whenever I fail to get up and wake him up, and he promptly has an accident, which he then blames on me. The truth is that we all are exhausted by this. So far, I got up early in the morning because I wanted to, and on my own schedule, whenever I woke up, if at all. And I didn’t even jump out of bed right away but rather stayed in bed for some time mentally preparing to get into my workout routine. On any given day I was too tired, or I woke up too late, I simply stayed in bed. But not so during this program. Every day I have to get up around the same time. I don’t like it. Hence, in late summer of that year we give up, and everything reverts back to “normal,” meaning to regular bed wetting. No lessons learned by the boy, other than using his parents as crutches and excuses one more time. But on July 2nd of 2019, we are still fully invested in this program.<sup>8</sup>

## The Event

The evening before, when I went to bed, I couldn’t find my PJ shorts. That happens on occasion, because the morning before I wore them when going

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<sup>8</sup> Eventually we agree to try medication (imipramine), and that finally works. He’s been pretty much dry ever since he started that medication in 2020.

downstairs while carrying my daytime clothes after having drained the boy. So, my PJs end up on some piece of furniture in the living room when I get changed. Then, if I fail to bring them upstairs later that morning, people move them around in the living room, and they end up the hell knows where. Either way, I am tired and, having undressed already, I don't feel like running around naked looking for them throughout the house. I just crash into bed and leave things as they are. I just sleep as I am.

### Pre-trial rehearsal with my wife

*"No, don't say that."*

"Why not? It's true."

*"You're again on a sexual track here..."*

"No, I'm not, you are. There was no sex that night. In fact, that entire boy-draining project with our staggered bedtime schedule was the ultimate love killer, and you know it. And anyway, I was way too tired to think of anything."

"The jury will think you are on the sex track when you say that, and that is what counts."

"Then the jury consists of..."

*"Do you want an acquittal or a conviction?"*

"I want the truth to be known, and be acquitted."

*"Well, you can't have it both, and if they convict you, what you said is considered a lie anyhow, so no matter what, that kind of truth will only come back to bite you."*

"So, a married man being naked on occasions in his martial bed is a problem for people?"

*"Just don't mention it. Skip that part, please."*

"This is crazy."

The next morning, I get up as usual around maybe 3:35 or 3:40.<sup>9</sup> Since I cannot go into his bedroom in Adam's costume, I grab whatever pants are on my clotheshorse just outside our bedroom. In this case, these were some white dress shorts. I wake up my son, and while he takes care of business in the

<sup>9</sup> That time is estimated from the time it usually takes me to drain the boy, get ready to leave, and drive down to the River.

bathroom, I sit on his bed and feel like plopping right into it and falling asleep... But no, don't. After I have tucked in my son again, I take my other clothes from the clotheshorse (socks, underwear, t-shirt) and go downstairs; still not being quite 100% awake, I try following my usual routine. I put down my daytime clothes on my wife's armchair in the living room, put on my socks, walk over to the rear living-room window to check the temperature (it is 70°F outside, says our little weather station), and then pick up my other workout gear while kind of on autopilot: I don my cycling gloves from the bowl in the hallway next to our rear exit.<sup>10</sup> Then I walk into the kitchen to fill my bicycle bottle with water in the kitchen sink, and put it on the kitchen counter. After this, I go into the laundry room next to the kitchen to fetch my sneakers, and put a towel around my neck. I grab my favorite neon-green racerback tank top and my tiger-print split running shorts from the clothes tree. On the way back into the hallway, I grab my water bottle from the counter and a small zip-lock bag with a tiny bottle of baby oil from the window sill.<sup>11</sup> I grab my wallet from our wallet box, and my keys from the hooks and walk back into the hallway. I put the wallet, keys and the bottles down on the marble top of the hallway radiator, then I sit down on a stool next to it and put on my sneakers. I fetch my cell phone that is charging in another bowl on the same radiator, grab all my other gear from that radiator, and am finally ready to head out to the car.

In the meantime, Daisy has run downstairs in eager expectation and is silently sitting next to our sofa looking at me. I look at her and merely click once with my tongue, a command she has learned to mean "come here!". She comes running, I open the door, and off we go.

Note that I did not change into my workout gear already at home that morning. I simply grabbed the stuff, put it around my neck and left. That's one of the things I did outside of the usual routine that morning, simply caused by not being quite fully awake. That has happened a number of times before. On

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<sup>10</sup> When going by car, I used to just grab the gloves with the other stuff rather than put them on right away, but I carry quite a bit of stuff to the car, and I have dropped a glove in that shuffle before, only to find it later on the driveway. So, at some point in the past I decided to make it a habit to always wear the gloves when leaving the house rather than carrying them.

<sup>11</sup> The zip-lock bag prevents the oil that seeps from the bottle from messing up other gear. I used to have that zip-lock bag always in my car, as I was going always by car to the river since July 2016. But since May 2019, the plan was to alternate between bicycle and car, and that resulted in my forgetting the bag – in the car when going by bike, in my bike (in a small pouch beneath my saddle) when going by car, or in the house in both cases, so often I did not have that bottle with me at all. But it's not a crucial item for my workout anyhow.



*Ill. 7: Playset at Long Level Park. Center left: platform 3 ft off the ground where I deposited my items; bottom right: 2ft x 2ft platform near ground level where I did a set of 1-min planks between every other exercise. Photo taken by me on Feb. 5, 2020*

a number of occasions, this was triggered by feeling rushed due to it being already rather “late” (meaning well after 4 AM). But sometimes it’s simply a matter of not thinking straight in the early morning hours when getting up that early and pushing myself to do things when not yet quite 100% awake. A few times I even walked out of the house in my slippers, on one occasion noticing it only when getting out of my car down at the River. That morning I came straight back home without working out, royally ticked off at myself. These things can only happen when going by car, because I’m forced to face what I’ve done only when starting the workout, meaning when I’m already at the River. When riding the bike, having the wrong shoes on, no gloves, no cycle glasses, no water bottle or the wrong clothes instantly shows once I get on my bike. Then I simply go back inside and fix it. That happens, I would say, in one out of ten cases or so. But back to that morning’s sequence of events.

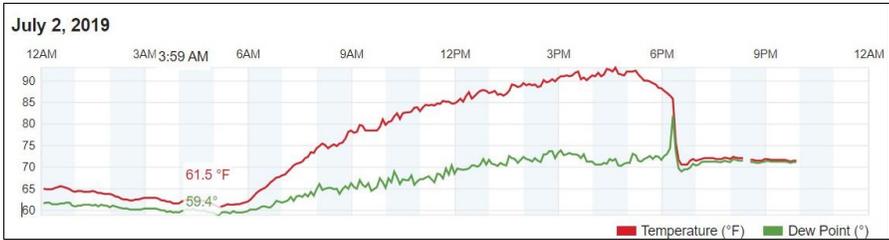
I open the car door, put wallet and phone in the door storage area, climb into the driver’s seat, put the water bottle in the bottle holder, the zip-lock bag right next to it, throw shorts and shirt on the passenger seat, fold the towel down twice and put it on my lap, then don the seat belt. One more click with the tongue, and Daisy, who is sitting next to me on the driveway, jumps on the towel on my lap and makes herself comfy. (This towel not only protects me from getting scratched up by her claws, but later, when driving back home, it also protects me from her frequently dirty paws.) I close the door

and start the car. The car thermometer agrees with the 70°F assessment of our weather station. I set the internal temperature to 77°F. I pull out the driveway, turn on the headlights, and drive off.

While driving the eight miles to the River, I keep an eye on the external temperature. It drops steadily as I drive. When exiting Windsor, the next town east of Red Lion, the temperature has reached 65°F. From experience I estimate that it will go down to almost 60°F by the time we get to the River. I hesitate. I'll be underdressed with my racerback shirt...

This brings to mind the second important thing I neglected that morning: I forgot to check the weather before I left, which I normally do, just to make sure I don't run into any rain, and so I know what the temperature will be at the River. During clear, calm nights of low humidity, such as this one, cold air gathers in the valleys while Red Lion up on top of a hill stays unusually warm. Since I started going to the River in my car regularly in 2016, I've measured a maximum temperature difference of 14°F between our driveway in Red Lion (at 920 ft above sea level) and the River (at some 230 ft above sea level). The weather forecast at weather.com usually gives a temperature that is pretty close to what I measure at the River, never anywhere close to the warm nights as we have them in "uptown" Red Lion. But on that morning, too sleepy to think straight, I didn't check...

Only after my expulsion from paradise do I realize the true blessings of the cooler temperatures at the River: When the cold season starts in October 2019, I start working out at home. During the cold season, our home cools down to some 62°F overnight, which is the perfect temperature for a decent workout in our living room. However, during summer, temperatures inside our home hover in the seventies, up to about 77°F (the setting of our air conditioning). At the high end, that's too warm for an intense workout. So, in early July I decide to work out on the lawn in our front yard. It's "only" 72°F outside. But as soon as I start, I begin to sweat profusely. After just two sets of exercises, my yoga mat is wet – from morning dew. We have 100% humidity outside. For an intense workout, this combination of humidity and temperature is very unpleasant, to say the least. In fact, it's untenable, because when I get up from the mat after my third exercise to grab two 30-lb. dumbbells, I faint. That's when I decide I won't risk passing out or overheating during such humid, warm days. In fact, 72°F was only the beginning, because on July 20 we hit the peak with a whopping 82°F at 6 AM! Two days later I start setting up my home gym in the basement with a box fan to keep me cool. How I long for the cooler mornings at the River...



*Ill. 8: Temperature at the Susquehanna River, Wrightsville, a few miles upstream of the scene of the engagement: 61.5°F at 3:59am*

[www.wunderground.com/dashboard/pws/KPAWRIGH6/graph/2019-07-2/2019-07-2/daily](http://www.wunderground.com/dashboard/pws/KPAWRIGH6/graph/2019-07-2/2019-07-2/daily)  
(scroll down on that webpage to find the historical data)

I arrive at the River area around 4 AM, and park my car in the southwest-most corner of the Ebenezer Church parking lot. Except for the local artificial lights, it's pitch-black dark. I'm all alone. All lights in the local residential homes are off. Everyone's asleep. There is no other car in any of the parking lots either. No traffic can be seen anywhere. It's just me and the stars.

The car thermometer gives an outside temperature of just 61°F. Brrrr! This is at the very low end of what is comfortable when working out only in a semi-sheer racerback tank top and shorts. This means that I really have to put in a tough and steady workout pace to stay warm. Realizing the low temperature, I put on my tank top before leaving the car, but take the rest of the gear as it is – towel around the neck, workout shorts, water bottle, car keys and the little zip-lock bag in my hands. (Being 6 foot 4 inches tall, I cannot comfortably change my pants while in the car, so I don't even try. Plus where I parked it, my car sits right next to a residential home, so changing outside the car is not a good idea either...). There is no wind at all, so at least I won't have additional cooling. I should be fine, if I keep a steady, intense exercise pace.

When arriving at the playset in the park coming from the west, I first deposited all my stuff on the north-eastern platform as always (it is some 3 ft off the ground; see Ill. 7). Next, I would have to change from my white dress shorts into my workout shorts, but I realize that these white pants might get dirty, as that platform is wet with dew and dirty from children running across it. Hence, a change of plans: it is probably better to wrap the shorts into the towel and use it as additional padding rather than putting it down anywhere. Hence, I take the towel and the little bottle of oil, walk over to the stairs leading up to the playground equipment, and put the bottle on the second step. Then I place the towel on the first, two-by-two feet long and wide, platform-like step, put the shorts onto them, then fold the towel over twice.

### Trial – prosecution’s plea (Transcript, pp. 150f.)

*“Most importantly, the Defendant wants you to believe that he was there that morning to work out. And when the officer came upon him, he was changing. He didn’t put on his workout clothes and change at home before he left home to go to this park. Nor did he change, as his story is, in his car. No. He waited until he was out of his car, next to a children’s playground in public to remove his white dress pants to put on his workout gear.*

*Ladies and gentlemen, that explanation is even more incredible based upon the Defendant’s own testimony that he had a prior incident where he was cited by police for being naked in that same area.*

*Now I submit to you that someone if they had that contact before that was reasonable to think, well, the last time I was here and got caught changing, I got in trouble. So maybe I should change at home or in the car. But no. He wants you to believe that he is just changing and taking his pants off in a public park even after being found naked in that same area previously.”*

Didn’t the police officer claim that, when he saw me first, I was naked from the waist down, standing at the side of the road? So where does “changing” come in? It certainly is nowhere in Officer Wind’s statement. I did change. I have changed “in public” in that area many times. I have never had a problem, because I always make sure that I am *NOT* seen. And the same is true in this case. The officer didn’t even remember the entire event of driving his car into the parking lot and putting his high beams on the bush, let alone the fact that I was standing behind it in the middle of changing, because it was uneventful. Nothing could be seen, and nothing was seen by him. Hence, he remembered nothing of it. Changing “in public” like that is therefore not an issue. Nobody saw me changing in 2014, nobody saw me changing in 2019. There is neither a crime here of changing in public, nor any moral problem! I know how to make myself invisible, if in a compromising situation, which proves once more that the whole “he advertised his manhood to the world” is just plain BS. Why make myself invisible when changing, only to “advertise” myself next?

On that platform I do a lot of plank exercises either on elbows/lower arms, hands or knuckles, and stressed-out knuckles and elbows are the first issue I commonly address with the oil after roughly the first half of my workout routine, once I’m done with the three sets of different kinds of pull-ups I do (narrow grip, wide grip, inverted pull-ups). In fact, not counting planks, I do

some 13 different kinds of exercises, each one separated by a set of planks of different styles (plain, stepper planks, mountain-climber planks, three-limb planks, dynamic side planks).

There exists, by the way, a YouTube Video I posted where I show my workout routine as it stood in late 2019/early 2020. It is not identical to the routine I followed seven months earlier, as my workout routine is constantly evolving and changing, but it gives an impression of its general nature: “How to Get Awesome Abs at Age 55”, <https://youtu.be/HFkCyL8pJyY>.

When placing the towel with my dress shorts wrapped up in it on the platform, I see the lights of a car heading south toward me on Long Level Road. Being in a compromising situation, I decided not to hastily jump back to the platform where my workout shorts are, as I could be in the car’s headlights if it turns onto Fishing Creek Road and in particular into the parking lot right next to where I am. Instead, I decide to step behind a bush to let the car pass with me remaining unseen. However, the car turns into the parking lot, then approaches the bush head-on from the north behind which I am standing (to the south of it). The car comes to a full stop not too far away from that bush, then after a short while turns on the high beams. I think to myself “Why in the world is he doing that?” Not knowing whether I was in any way visible under such illuminated circumstances, and thinking that the person in the car might get out to check something he might have seen (why else would he have turned on the high beams), I decide after a few seconds of standing stock still that it is best to quickly sprint back the few yards to the platform with my workout shorts and to put them on.

### **Re-enactment with Private Investigator**

On October 2019, I re-enacted what happened that morning with a private investigator. During that re-enactment, we found that it was impossible for a person sitting in a car on one side of the bush, and with its high beams on, to see a person located behind that bush, no matter what that person does, meaning whether he stands still or is moving wildly, whether he wears nothing or a neon-green shirt. The light back-scattered from the bush is way too intense to see and make sense of any light reflected by objects located behind the bush. However, during that re-enactment, my dog Daisy ran around the bush in confusion, not knowing what was going on and where she was supposed to go. That probably also happened on that particular morning. Hence, we surmise that the person in the car probably saw

my dog. Since Daisy, a 15-lbs. featherweight, is very small and almost completely black, it is conceivable that, with the car's headlights initially on low beam, she was only barely visible as some small moving object, which may be why the person turned on the high beams – to get a better look.

As I turn around and start moving south-southeast – aiming at approaching from the east the platform where my shorts are – I realize that the car, too, is starting to move, or rather I see the shadows it casts move. Because the shadows are moving to the right, this means that the car is making a left turn, first toward the River, then all the way around. I reach my workout pants and put them on.<sup>12</sup> At that point, I am looking west and see how the car is leaving the parking lot, turning left/south onto Fishing Creek Rd. Assuming that the car will continue moving south, I am relieved that this situation is over. Evidently that person is now simply going elsewhere. Hence, I decide to carry on to my first workout station on one of the wooden picnic bench-table combinations usually located somewhat more to the south along the riverbank. To get there, I first take the shortest path to the riverbank, thus minimizing the distance I have to walk through grass, which during these early morning hours is usually wet with dew, and I don't want to get my sneakers soaking wet. Hence, I head for the River just left/north of a barbeque grill next to a small tree, toward a sign "No Swimming". When I pass the thick trunk of an old sycamore tree to the right, I am suddenly struck by a bright light from behind. I figure that the car did not simply carry on south on Fishing Creek Road, but has pulled over and was now shining its high beams into the direction where I was. I feel stalked and threatened. I quickly turn right in a 90° angle to walk a few steps in order to reach the shadow cast by the sycamore tree. Once in it, I turn back left in order to keep walking toward the riverbank using the light-induced shadow of the tree. My little dog scampers along.

After walking for a short while, the light makes a slight move to the north/left, maybe because the person sitting in the car put the car in park position and took his foot off the brake pedal, which let the car roll forward slightly. While there was some light to the right/south of the tree trunk before, now there is none, and the blackness of the tree trunk's shadow merges with the dark of the night toward the south. That's good, I think to myself, because that's where I want to go next. Then, I hear a thump sounding like a car door closing. Someone left the car, I figure. Shortly after that, I hear a muffled voice talking to someone, which makes me assume that there is an-

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<sup>12</sup> See Ill. 7 and Ill. Group 10 for the scene during daylight.

other person in the car. I cannot make out what is being said. I continue walking toward the riverbank.

Several months later, while reading the police officer's testimony made during the preliminary hearing, I realize that he claims to have put his police spotlight on me, not his car's high beams. In fact, it makes perfect sense. The shadow I was walking in had sharp edges, and it was only one shadow. The high beams of a car scatter their light, hence never cause sharply defined shadows, and there are actually two light sources, not one, casting two shadows going in slightly different directions. So, I was wrong that night, but then again, I didn't think it was a police car's spotlight to begin with, and the light was behind me, so I never looked into it.

Once I reached the pavement along the riverbank, I continued on it southward toward my destination, the nearest picnic table/bench combo.

The person who evidently exited the car a short while ago suddenly calls out, catching me by surprise:

*"Stop hiding naked behind the tree! I know you are there!"*

Did I hear that right? What the heck is going on? I keep walking, reaching an area where the pavement had collapsed a couple years earlier, which is now fenced off by some wooden boards for safety reasons. As I pass it, squeezing by a "No Swimming" sign standing right next to it, the person calls out again, this time really loud:

*"Stop hiding naked behind the tree! I know you are there!"*

I think to myself, "This guy has no f... clue where I am. If that is so, I could just keep walking and completely remove myself from the scene and wait elsewhere for things to cool down. Or else I could just ignore it and simply do my exercise. But what if this is a police officer, although I have no explicit indication that this was in fact the case other than – who else would act that way?"

After a short while of contemplating my options, I come to the conclusion that it's probably a bad idea to walk away in case it is the police. Since I am neither hiding nor naked, what do I have to lose? Hence, I begin walking toward the person standing on the lawn not too far away from the car. After some 30 yards, that person realizes that I am approaching him – maybe because he heard my steps through the grass. However, I am evidently coming from somewhere completely different than he thought, because he now turns

his flashlight from wherever he pointed it before (probably the tree behind which he thought I was hiding) into my direction instead. As I approach him, I realize by the uniform he wears, which I can scarcely make out under the poorly lit circumstances, that it is a police officer, indeed. He says:<sup>13</sup>

*Police officer (PO): "What are you doing here running around naked?"*

*Germar Rudolf (GR): "I am not naked."*

Now follows a moment of consternated silence by the police officer, as he moves his flashlight from my face down to my crotch area, where it stays for a while. You can literally hear the wheels turning in his head 'Darn, he isn't naked. What now?' Then he moves the flashlight back into my face and asks.

*PO: "Do you have an ID?"*

*GR: "I don't have one on me."*

*PO: "How did you get here?"*

*GR: "By car."*

*PO: "Where is your car?"*

*GR: "Over there" [pointing to the parking lot of Ebenezer Church]*

*PO: "Do you have your ID in it?"*

*GR: "Yes."*

*PO: "Then go to your car and wait there for me."*

*GR: "Ok."*

After a few steps I remember that my car is locked and I don't have the keys on me, so I make a sharp 90-plus-degree turn to the right in order to retrieve my keys and my other stuff from the playground equipment.

*PO: "What are you doing?"*

*GR: "I need to get my car keys. I have them over there at the playground equipment."*

*PO: "Okay."*

I walk to the equipment to retrieve my keys, my water bottle, my towel with my dress shorts, then I walked to my car, and sit down in it. I put the towel

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<sup>13</sup> The exchange is paraphrased from memory as I remembered and jotted it down some two weeks after the event, and it is therefore not necessarily 100% accurate, but I did my best. The exchange while I was sitting in the car did not necessarily occur in the order given here.

on my lap. My dog jumps on my lap, then hops over onto the passenger seat. I get my wallet and pull out my ID, waiting for the police officer to appear. Eventually he shows up at my window. He is holding out a little plastic bottle asking,

PO: *"Is this yours?"*

GR: *"Yes, it is."*

PO: *"What is in it? Some kind of oil?"*

GR: *"It's baby oil."*

PO: *"What do you do with it?"*

GR: *"I use it."*

PO: *"Oh, so you put it on your body?"*

GR: *"Yes."*

PO: *"Have you used it today already?"*

GR: *"No, not yet. I just arrived here."*

PO: *"Give me your ID, please."*

The police officer took my ID and started making notes from it.

PO: *"The address on it is still good?"*

GR: *"Yes."*

PO: *"What are you doing here running around naked?"*

GR: [I am dumbfounded by him repeating that loaded question which I had answered already, and he had seen that I was not naked, so what the heck? Being at a loss, I merely stare at the officer without saying anything. That must have appeared like an act of contradicting defiance to him, so without my having said a word, he suddenly speaks with agitation:]

PO: *"Are you trying to tell me I'm lying? After 20 years of service, don't you think I know what I saw?"*

GR: *"I don't know what you saw."*

There is another moment of awkward silence, as the police officer tries to digest that response.

PO: *"Where are you from? I hear some kind of accent."*

GR: "I am from Germany."

PO: "Aren't you the same guy we had here several years ago?"

GR: "Yessir, but that was a different issue."

PO: "I'm going to charge you with open lewdness and illegal trespassing. Judge Fishel will not be pleased to see you again. Isn't there a court order out that you are not allowed to be here?"

GR: "Most certainly not that I know of."

PO: "Well, I have to do a little more research on that..."

*This is not a public park. It is a private area owned by [name not remembered]. You can't just do here what you want... Did you know they now have video surveillance here?"*

GR: "No."

This surveillance claim later turned out to be untrue, however: *Honi soit qui mal y pense...* (for non-Francophones: shame on him who thinks evil of it.)

#### Preliminary hearing – Transcript, p. 14

[defense lawyer:] "Relative to the surrounding areas, just if you know, during the course of your investigation, is there any [point] either from the church or any other establishment where there was any surveillance or videos that may have provided –

A. [police officer] Not that I'm aware of."

PO: "Do you have a gym membership?"

GR: "Yes."

PO: "Where?"

GR: "With LA Fitness."

PO: "Do they allow you to work out naked there, too?"

GR: "No, of course not."

Really? Do we have to have a conversation on that level?

PO: "I want you to leave the area now. You are not allowed to be here anymore."

GR: "Okay."

Realizing that I had left my zip-lock bag on the equipment, I started asking him whether he could get that for me:

GR: *"I think I left a zip-lock bag down there. Can you maybe... uuuh, no, forget it."*

I decide it is better to retrieve that bag myself later. Hence, I start the car and drive up Bull Run Road, then turn south on New Bridgeville Road, but eventually decide to turn around, drive down Ables Road toward Long Level Road again, and see whether I can get the bag. While driving south on Long Level Road, the police car I had just left behind is moving north, approaching me. Darn it, I got here a few minutes too early. This was not good a good situation, so I turn onto a boat-launch area some 300 yards north of the park and stop my car there. The police car pulls up next to mine, and the officer asks me whether I didn't understand that I was supposed to leave. I state that I thought this meant only the immediate park area, and ask whether he means the entire area here at the River, which he confirms. I acknowledge this, start the car back up and drive south on Long Level Rd. and up Bull Run Rd. I park the car on a driveway off Bull Run Rd. waiting to see whether the police car is following me. It isn't. Eventually, after a few minutes, I continue up Bull Run Rd., turn around and drive back down to a point where one can park the car next to the road. I park it there, get out of the car, and walk down Bull Run Rd. until I can see the park area. The police car is standing on the parking lot next to the playground, right next to the bush behind which I had been hiding, but this time facing westward. I decide to cross Bull Run and walk through the woods behind Ebenezer Church to a point southwest of the first residential house of the area, from where I can observe the police car without being seen. I wait there for maybe 20 minutes. Dawn is progressing. Eventually, the police officer turns on his car's spotlight and shines it toward the playground equipment for an unknown reason for a few seconds. Waiting in my thin outfit at 61°F, I get so cold that I finally decide to give up and go home. While walking back, however, the police car finally leaves. In the meantime, the clear, starlit, moonless night sky of that early morning has given way to a gloomy-looking early-day sky with a grey layer of featureless high fog. I slowly go to the playground, grab my zip-lock bag, go back to my car and drive back home.

## Police Lies

### Preliminary hearing – Transcript (pp. 4f.)

Police officer Wind: “As I came into the area, I saw an individual off to my left standing next to a playset. From the ambient light, I could see that he was wearing a neon yellow shirt and no pants, so when I put my spotlight on him, he turned and ran towards a tree near the playset. I could see from the waist down he was naked. He went behind the tree. I called out to him. He continued to run.

He had a small dog with him, kind of gave him away because the dog – you could see the dog running through the darkness. I put my flashlight on him over by the picnic table. He appeared to be putting on pants or putting on something on his lower part of his body. I called out to him again. Finally he acknowledged me, came walking over to me. We had a conversation. During that conversation, it was discovered that he had a car parked in the church parking lot right across the street. I asked him if he had identification in his car. He said he did. As he was – before he could retrieve it, he said he had to get his keys, which were over on the steps of this playset, children’s playset. He picked up a towel. He picked up his keys.

I shined my flashlight where he was retrieving these items from, and I also saw a bottle of [what] appeared to be baby oil, so clear oil. I asked him if that was his. He said it was. That was given to him as well. He did give me his ID once we got back to his car. He was positively identified as Germar Rudolf, who is present here today in court, has a floral print shirt at [the] defense table. He was asked to leave the area. He left the area briefly, came back to the area. He was asked to leave the area again and did, and this criminal complaint was filed for open lewdness.”

“Q. [...defense counsel:] Now, where was he at when you put your spotlight on him?”

A. [police officer:] About the same spot [as marked before], maybe a little bit closer to the playset.

Q. Okay.

A. He had just turned around and was in a fast walk, slow jog type of – he was going over to the tree located between the playset and the river.

Q. Okay. Which tree? This one right over here (indicating)?

A. No. It's actually this one (indicating). This is a big, tall tree here (indicating). He ran over and hid behind that. I followed. He came down along here (indicating) –

Q. Okay.

A. – just like your lines there indicate that the –

Q. Okay. And did you end up meeting him over in the parking lot area?

A. Yeah, over in the right – right about in this area here (indicating). He came walking back up, and I came walking this way (indicating).

Q. Okay. But you had parked your car in the parking lot area?

A. No. I was in the middle of the street.

Q. Still where you put your X?

A. That's right.

Q. Okay. Could you just put a mark – marking on there as to where you guys met up then?

A. Yeah. I'd say right about in this area here (indicating).

Q. Okay. And that's the X on the pink line?

A. Yeah, right in that area there (indicating). We met in the roadway together.

Q. And at that time, did he have his clothes on?

A. He still had the neon yellow sleeveless shirt and leopard stripe silk" [... pp. 11f.]

"We had a conversation about whether or not he was the guy that was caught down there the last time doing this. He said he was. I asked him why he was doing it, and he said that in his country, he's allowed to do it. We had conversations like that, but that was –" [p. 15]

The attentive reader may remember that in my recollection of the event, there is nothing coming anywhere close to what the police officer claims here I allegedly answered to his "why" question. In fact, the question coming closest to a why question was his "What are you doing here running around naked?", but to that loaded question, which is comparable to the

loaded question “Have you stopped beating your wife yet?”, I simply replied with “I am not naked.”

The court reporter of the preliminary hearing missed a phrase here, by the way, because I clearly remember the police officer saying, “I asked him why he was doing it, and he said that in his country, he’s allowed to do it, and therefore he insists on doing it here, too.”

Imagine that. Any sensible person would know he is in a precarious situation, confronted by a hostile police officer making untrue criminal accusations. Who in their right mind would provoke such a police officer with such a provocative, defiant statement showing utter disregard for the law of the land? Anybody knowing me knows that I would never do this. In any case, this statement isn’t even true, because in Germany you are not allowed to run around naked in a park, especially if there is a playground right in the middle of the park and public roads and parking lots right next to it. I have repeatedly experienced that people let their sexual fantasies run wild when it comes to what they believe is possible in Germany. This is just another example of the police officer’s dirty, suppressed fantasies going wild.

Fact is that I never said anything coming even remotely close to it, nor could I, because it’s just not only insane to do that, but also obviously untrue.

The police officer did not repeat this outrageous statement about my answer during the court hearing. He didn’t have to, because the reason why he said it during the preliminary hearing was crystal clear: he wanted to rile up Magistrate Judge John Fishel who was to decide whether the case goes to court. And by the sheer outraged reaction of judge Fishel the moment officer Benjamin Wind made that statement proved that it had served its purpose. From that moment onward, it was clear that the case would go to court.

It was a lie carefully crafted to make sure Judge Fishel would escalate the situation.

Before I continue, let me interject something bizarre.

“You can’t make up this stuff,” a friend of mine said when I told him about the following news article:

## My Sex Judge, a Sex Offender

*York Dispatch*, June 29, 2020;

[www.yorkdispatch.com/story/news/local/2020/06/29/3280657001/](http://www.yorkdispatch.com/story/news/local/2020/06/29/3280657001/)

### York County judge accused of lewd comments, inappropriate behavior

*Logan Hullinger*

York County Magisterial District Judge John H. Fishel has been accused of several instances of sexual comments and inappropriate actions, according to charges filed Monday by the state Judicial Conduct Board.

The board's charges detail 10 instances dating back to at least October 2018 where the judge violated the Rules

Governing Standards of Conduct of Magisterial District Judges and the state Constitution, according to the charging documents.

Fishel, who has held the position since July 2009, "permitted his court staff to participate in inappropriate communication," the charges allege.

Among other instances cited in the charges, sometime after October 2018, Fishel told his staff that he had rubbed his penis on the brim of a coffee mug as a joke.

In other instances cited in the charging documents, Fishel discussed topics such as anal sex and circumcision with court staff and others. He also discussed preferences for a "big ass" with staff, the charges allege.

Fishel sat on the lap of a court staff member in 2018.

Additionally, he was accused of causing "distress to a staff member who did not want to be touched by behaving as though he was going to touch her" sometime between late 2014 and October 2019.

Fishel is specifically charged with four counts of violation of canon, which include a failure to act in a way that promotes confidence in the judiciary



and a requirement to act “patient, dignified, and courteous” in front of court staff, among other entities.

Additionally, he is charged with four counts of violating Article V., subsection 17(b) of the state Constitution.

All four counts were argued to be justified by the board, citing language in the constitution that states judges “shall not engage in any activity prohibited by law and shall not violate any canon of legal or judicial ethics prescribed by the Supreme Court.”

In a statement Monday, Fishel said he “couldn’t be more embarrassed and apologetic for the inappropriate behavior between the staff and myself.”

“I’ll continue to do what is needed of me to ensure [assure] everyone the circumstances in the complaint have been resolved,” he wrote. “Throughout the years, I have encountered people who made mistakes. I can only hope and pray the people in our community trust and have faith that I have corrected mine.”

The charges come after the York County District Court Administrator’s Office in October 2019 conducted an investigation in response to a Non-Discrimination and Equal Employment Opportunity Complaint.

Judge Fishel self-reported “most, if not all” of the allegations included in the complaint one month after being notified of the investigation, the charges state.

The Judicial Conduct Board will now present the case to support the charges before the state Court of Judicial Discipline.

The hearing date has not been announced, and it is not yet clear what could happen to Fishel if he were to be found guilty.

Stacey Witalec, spokesperson for the Administrative Office of Pennsylvania Courts, did not immediately respond to inquiries seeking further information.

## Analysis of Witness Statements

### A. The Defendant’s (My) Markings

I added the colored markings to this satellite photo using Photoshop (Ill. 9). Then the image was printed out and used during the preliminary hearing in early August 2019 as Defendant’s Exhibit No. 1. There are two small yellow marks on the playset. The one connected to two green lines indicates the



*Ill. 9: Google satellite map of the scene of events. Colored lines added by me several weeks before the preliminary hearing. Red: movement of the police officer's car (from top into the parking lot, then toward the bottom); pink: movement of the police officer after leaving the car; Green: my movements (from top left to the playset, then to and along the River, then back to meet police officer). Blue: my parked car. Crosses added by the police officer during preliminary hearing: on road: police car's stopping point throughout the encounter; near playset: my alleged location at first sighting; cross on pink line: meeting point of police officer and me.*

platform, 3 ft above ground, where I kept my belongings (keys, water bottle, zip-lock bag, and initially my workout shorts). The other spot indicates the first-step platform of the playset's staircase where I deposited my towel for planned plank exercises.

The little green oval north of the playset at the beginning of the topmost green line is my position while standing behind the bush waiting for the approaching car to pass and later to leave the parking lot. The green line from there to the playset shows how I moved to retrieve my workout shorts. The darker green line connected to it shows the rough path I walked from the playset to the riverbank and to the picnic table further south. The third, lighter-green line from the bank at a slant angle toward the center of the park shows the path I took to meet the police officer.

*Illustration Group 10. Photos taken by me on Feb. 5, 2020.*



*a) View from behind the bush where I was standing, when moving toward the east (left) of the playset to retrieve my workout shorts.*



*b) The obstacle I had to circumambulate to get to a gap in the playset railing through which I could reach to retrieve my shorts.*



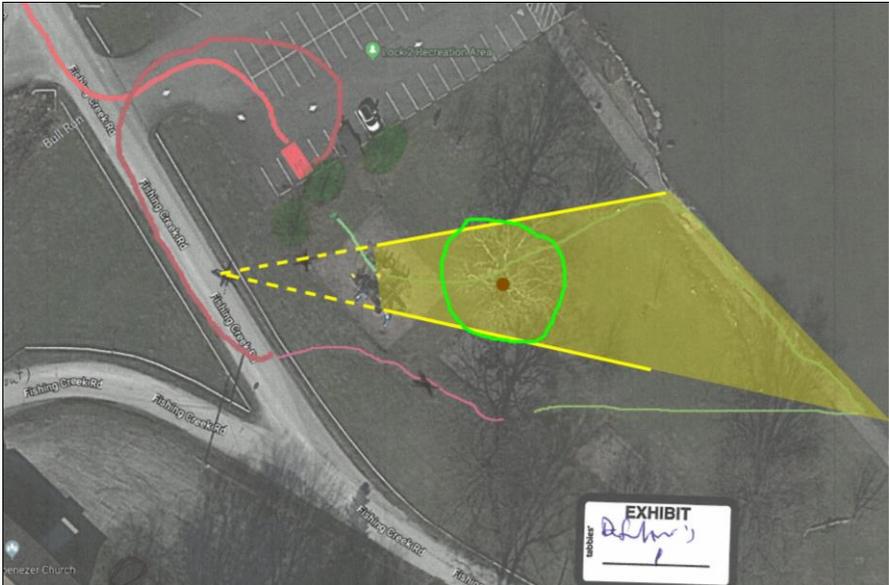
*c) The gap in the railing (left, next to the green plastic wall) through which the workout pants could be retrieved.*



*d) View from where I put my workout pants on. My path headed toward the left-most barbeque grill in the background and the small "No Swimming" sign at the river front slightly left of the grill, passing by the thick sycamore tree at a distance of maybe 30 feet (eight large steps of mine) according to Google satellite distance measure.*

The orange line coming from the top of the image (Long Level Rd) is the police car's approach to the area until it comes to a stop in the parking lot behind the first bush (orange rectangle). The maroon line shows roughly the path the car travelled next. The end of that line makes a sharp 90° turn to the left/east, indicating my belief that the car pulled over across the street, shining its headlights toward the playset area. The pink line shows the police officer's walking path into the park when calling out to and waiting for me.

I stated that, when retrieving my workout shorts from the playset, I approached it from the east. The line I drew actually makes me walk across the playset. Hence, the first green line needs to go around this part (east) of the playset, which has an obstacle that needs to be circumambulated, see Illustration



*Ill. 11: Black cross on road: position from where Patrolman Wind, according to his testimony during the preliminary hearing, claimed to have seen how I ran from the playset to the tree in order to hide behind it. From that position, the playset would have obstructed the view to the tree (green circle: its canopy; brown dot: the trunk), as it stood exactly behind the playset. The entire semi-transparent yellow cone behind (to the right of) the playset was invisible from Officer Wind's position. Hence, what he claimed to have seen was physically impossible to see.*

tion Group 10, a to c. When moving toward the River, I stated that I started out aiming to reach the riverbank along the shortest path, and turned some 90° to the right toward the tree shadow only when I was hit by a light from behind. This is not reflected by my green line, which aims directly for the tree rather than for the riverbank and then to the tree. See Illustration Group 10, d.

Also, my position of the police car is inaccurate. To be able to shine a spotlight on me and see me walk from my position of interception to a position behind the tree, the police car must have been further south, roughly in the area where the two branches of Fishing Creek Road merge (see Ill. 13f.). Also, my assumption that the light hitting me were the car's headlights is reflected by the maroon line making a sharp left turn at its southern end, symbolizing that the police car stood perpendicular to the road, while that would be unnecessary when using the police car's spotlight, as testified to by the police officer and as confirmed indirectly by my testimony of a sharply defined, single shadow being cast by this light.

*Illustration Group 12: playset – tree perspectives*



*a) View of a car driver toward the playset positioned with the poles pointed at by a red arrow aligned along the direction of view. Photo taken by me on Jan 22, 2020.*



*b) View of a car driver toward the playset positioned with the poles pointed at by a red arrow aligned along the direction of view. Photo taken by me on Jan 22, 2020.*



*c) View of a car driver toward the playset positioned with the poles pointed at by a red arrow aligned along the direction of view. Photo taken by me on Jan 22, 2020.*



*d) View of a car driver toward the playset positioned with the two slides pointed at by a red arrow aligned along the direction of view. Still of a video recorded by George Morrison on Oct. 10, 2019.*

## B. Police Officer’s Statement

The police officer stated during the preliminary hearing that his car came to a stop where he put a cross on the side of the road, just above the “F” of the third word “Fishing Creek Road.” From there he claims to have observed me initially standing at the cross he added at the upper-left corner of the playset’s mulched area. When leaving the car, he went into the park area, where he ended up meeting me where he put a mark on my pink line.

As marked, the police officer’s car parked in the middle of the road put him in a position where the playset would have been right in the line of sight going from the police officer to the sycamore tree. From where he was, he could not have seen me run from the playset to the tree, because only the upper part of the tree canopy could be seen from the police officer’s point of view (see Ill. 11).

Illustration Group 12, a through d, show various perspectives of the playset with the sycamore tree behind or to the right of it, taken from various posi-

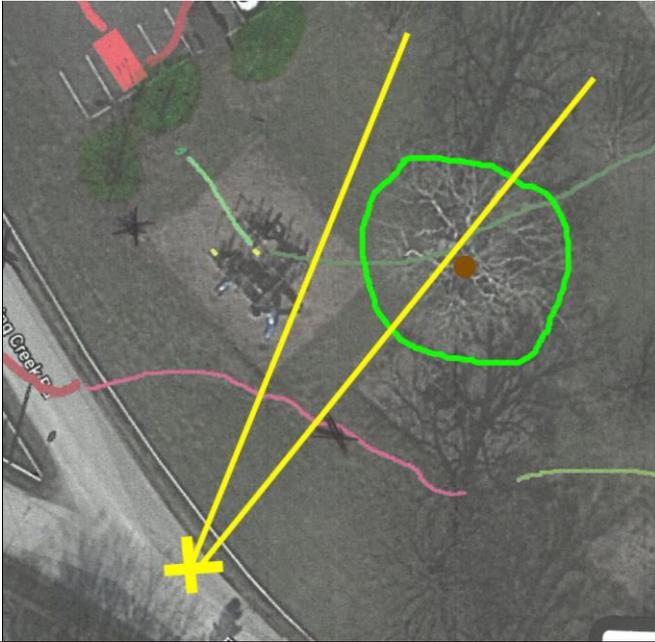
tions of a car driver on the road. Starting with Photo c, the gap between playset and tree opens up, enabling a viewer from the road to see a person run from the playset to the tree. Each of these photos has a red arrow added pointing to a set of three playset poles that line up, allowing to pinpoint the location on the road from where each photo was taken, see Ill. 13.

Hence, to see what he described, the police officer's car had to be at least as far advanced as the position of Photo c, on the height of the stop sign that casts a small shadow onto Fishing Creek Road from where the two branches of this road merge further south.

(Note that the left-hand branch, curving around the Ebenezer Church parking lot to the west, has been closed since 2018, because the bridge crossing Bull Run collapsed back then a second time within a few years and was subsequently removed; see the shading of the bridge and the words "(Bridge out)" added by me on Defendant's Exhibit #1 before the preliminary hearing, Ill. 9.)



Ill. 13: Where the red arrows meet the road: Position of the car on road to have the views of images #1 through #4 of Illustration Set #II.



*Ill. 14: Yellow cross: Likely position of police car when shining a spotlight (yellow cone) into the area between playset and tree, illuminating me walking first toward the River (northeast, to the top right), then turning 90° to the right (southeast) and walking into the shadow cast by the tree trunk (brown dot).*

Hence, from the spot where the officer claimed he first saw me (his mark on Defendant’s Exhibit #1), it would have been physically impossible to watch me run from the playset to the sycamore tree. For this to be possible, the police officer must have had his car parked at least in the position of Photo c).

The police officer was adamant, when asked again, that the car was still where he had it parked initially (“A. No. I was in the middle of the street. Q. Still where you put your X? A. That’s right.”).

During the court hearing on July 6, 2020, the police officer testified that he initially stopped his car roughly at the same spot as claimed during the preliminary hearing (actually near the “C” of the caption “Fishing Creek Road,” hence a little, but for the current purposes insignificantly more to the north. Transcript, pp. 62f.), and that he saw from that position how I “ran over behind that” tree (Transcript, p. 64).

During cross-examination, however, the story changed:

**Trial – testimony by Benjamin Wind, cross-examination (Transcript, pp. 76f.)**

“BY ATTORNEY ROBINSON: [...] When you put the X up on Defendant’s Exhibit No. 1 and on Commonwealth’s Exhibit No. 1 where you said right around where the C is on Fishing Creek –

A. Yeah.

Q. – did you stop your vehicle right there?

A. I did.

Q. Or did you continue proceeding on Fishing Creek?

A. No. Initially that’s where I stopped. I was going to position my spotlight on him.

Q. Okay.

A. That’s initially where I stopped. That’s not where I exited my vehicle. That’s where I stopped.

Q. Was that further down Fishing Creek?

A. Yes. As he moved towards the river and to the left of that photograph, I moved my vehicle all of the way up passed the Y intersection there. And I was actually up in that area. [...]

That’s where I got out of my car.”

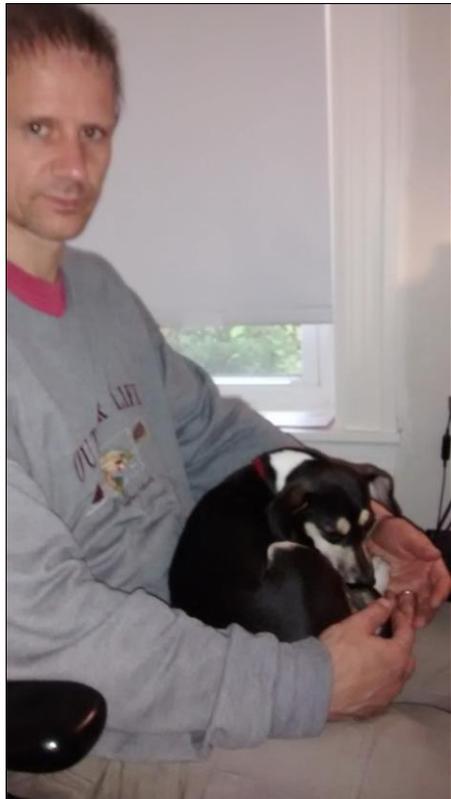
Hence, during the preliminary hearing a month after the event, he was absolutely certain that he kept the car where he initially stopped it, but 11 months later he claimed that, after his initial stop, he moved the car further down the road, following me, coming to a second stop on Fishing Creek Road in the area where the two branches of Fishing Creek Road merge (his “Y intersection”, see the cross on Ill. 14).

Whereas during the preliminary hearing I supposedly ran straight from where he spotted me first toward the tree (“I saw an individual off to my left standing next to a playset. [...] when I put my spotlight on him, he turned and ran towards a tree near the playset”), during the trial he claimed I first turned walking away from him toward the River, and only after he had relocated his car and turned his spotlight on me did I turn toward the tree. By then, I must have walked for a short while already.

From that second claimed position where he claims to have come to his final stop, it would have been possible to see me run from the playset to the tree, a scenario that also jibes with my implied claim about the car's rough position when I got hit by a bright light (determined from my rough, claimed position rather than from the end of the line I drew, which is a little short). However, it is not likely that the witness's testimony a year after the event has improved as compared to what he remembered a month after the event during the preliminary hearing. Hence, it is more likely that, during the court hearing, he adjusted his narrative to make it fit to what he, or someone else, might have preferred.

In a similar fashion, during the preliminary hearing, the police officer testified that he knew where I was, once I had initially disappeared out of sight behind the sycamore tree, *NOT* because he could see me, but because I had a "small dog with [me], kind of gave [me] away because the dog – you could see the dog running through the darkness."

This dog is a 15-lb. dwarf greyhound with black fur (see. Ill. 15). In a reenactment video recorded by private investigator George Morrison, a scene can be seen where I, wearing a bright neon-green tank top, and some short, barely visible brownish shorts, walk left to right from the playset to the sycamore tree. My long, fair-colored legs and the blazing shirt are extremely visible. However, the dog which at some point runs across the scene from left to right is almost invisible. In fact, it is visible only because one sees close to the ground a small area where some shades of black move against the darkness of the rest of the scene (for a still of this scene see Ill. 16). Unless you know what you are looking at, you might actually miss it, and you most certainly would not be able to recognize what exactly it was that whizzed by on



Ill. 15: Our 15-lbs. dwarf-greyhound/beagle mix Daisy curled up on my lap in late 2017.



*Ill. 16: Section enlargement of still from re-enactment footage taken by G. Morrison on Oct. 10, 2019, showing me to the left with neon-green shirt and bright (bare) legs (left arrow), and my dog, hardly visible (right arrow).*

the ground.<sup>14</sup> Furthermore, this scene was illuminated by the two high-beam lights of Mr. Morrison’s modern pick-up truck. If the police officer wanted to keep seeing the dog, he would have had to see him in the complete pitch-black darkness to the right of the tree, where I was headed with my dog toward a picnic table. This is physically impossible. If the police officer had seen me, then not *because* of the black little dog, but because of my bright skin color and neon-green shirt. But his testimony says otherwise.

During the court hearing on July 6, 2020, the police officer again changed his testimony by now claiming that he knew where I was because he saw the dog *and* my shirt:

**Trial – testimony by Benjamin Wind (Transcript, p. 65)**

“From the tree, I watched him and it was easy because of the shirt and his dog.”

<sup>14</sup> The dog is a little more visible in the moving footage of the video. I have included this scene in my brief video describing the “event” concisely: [youtu.be/XQWiHVAQafQ](https://youtu.be/XQWiHVAQafQ), starting at 7 min, 2 sec.

While spotting me due to my shirt was possible, seeing my dog was still physically impossible. The officer kept this claim in his narrative, because had he dropped it, the contradiction to his testimony during the preliminary hearing would be even more evident, thus undermining his credibility even more. Here, too, it must be observed that the witness's memory cannot have improved during the eleven months after his first testimony. It is therefore more-likely that he again adjusted his testimony to what is physically more-likely after he had recognized – or was informed about – his mistake.

Both these points where the police officer changed his story are crucial for the case. They undermine the witness's credibility. And they bolster the defendant's credibility. If the police officer made up a lie as to how he knew where I was, this indicates that in fact he did NOT know where I was, which confirms my testimony. It furthermore undermines the police officer's claim that he saw me put on my shorts only when I was at the picnic table (where my dark-green line meets my yellow-green line at the riverbank in Ill. 9).

#### **Preliminary hearing – Transcript (p. 13)**

Officer Wind: “A. Yeah, I appeared to see him put his clothes on at a picnic table over here (indicating).

[defense counsel:] Q. Okay.

A. He was bending over, lifted one leg, and then lifted the other leg.”

#### **Trial – testimony by Benjamin Wind (Transcript, p. 65)**

“There is a picnic table right there. He sat down at the picnic table and appeared to be putting on pants.”

How could he have observed something like that when he had lost track of me?

In addition, private investigator George Morrison had his truck parked where the police officer's car would have been, and he had pointed the bright high-beam lights into the park in a similar direction as the police car's spotlight would have pointed. Add to this that these high beams scatter considerable amounts of light to the sides, whereas a spot light does not. Yet when standing in the park roughly where the police officer was when he claims to have seen me put on my shorts at a picnic table near the riverbank, Mr. Morrison could not see *anything*. He even used a flashlight. Yet still, I at the picnic table

remained invisible, in spite of my wearing a neon-green t-shirt and at some point even taking it off and waving with it. Pitch-black dark. In other words, Patrolman Wind was telling a detailed story – “He was bending over, lifted one leg, and then lifted the other leg” – which he made up from beginning to end. It never happened, and he never saw it.

(When asked to testify in court about this, George Morrison refused to do so, suddenly claiming that the situation, which he described as clear and self-evident in my favor during the re-enactment, was suddenly somehow inclusive. Note that Mr. Morrison is a former police officer. Dog won’t eat dog.)

Furthermore, a still from yet another re-enactment video (see Ill. 17, also not introduced by the defense) shows clearly what the police officer probably saw: me walking from the playset to the tree, exposing to the viewer the side, hence the “split” part of my running shorts. There is hardly any cloth visible, in particular since the rear part is covered by my hands. See also Ill. 18, a photo taken at night in a lit room, with my arm hanging down.

Why did the court and the jury not hear about Mr. Morrison’s investigation results in this regard? Because when Mr. Morrison was put into the witness stand, the defense counsel did not ask him any question about any of this...

Let us now look into the story line as attested to by the police officer during the court hearing. What does it imply?



*Ill. 17: Section enlargement of still from re-enactment footage taken by G. Morrison on Oct. 10, 2019, showing me in side view with neon-green shirt and bright (bare) legs (left arrow). On the right, marked with two small red triangles, are shown the parts of the split running shorts that run down to my front (right) and back (left). Unless you know what you are looking at, you would think I am wearing no shorts at all.*

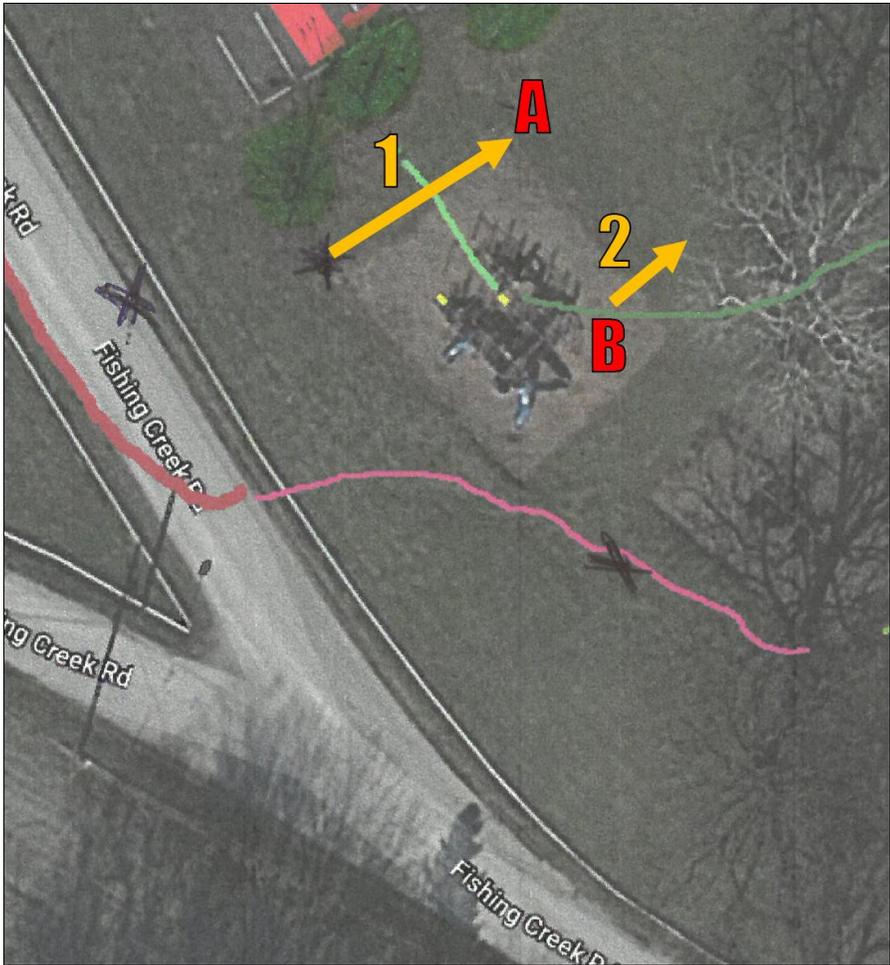
The claim is that I was standing close to the side of the road, easily visible for everyone passing by, when the police officer arrived. As I stated, I could see the car's headlights coming down Long Level Road quite a while before the car eventually arrived there. Looking at a Google satellite map, we are talking of some 500 meters or 1600 feet of straight, unobstructed road be-



*Ill. 18: Tiger-print split running shorts, side view.  
Photo taken by me on Sept. 25, 2020.*

fore the car would come to a full stop where Fishing Creek Road turns off. At an average speed of 25 mph (the local speed limit), that is about 11 meters or 37 feet per second, so we are talking about 45 seconds. Add to this the time it would have taken to cross into Fishing Creek, and then get to where the police officer claims to have seen me the first time (another 60 m or 200 feet, or 12 seconds at an average speed of 12.5 mph). This brings us close to a minute. Assuming that I was eager to expose myself, as the prosecution claims, I would have positioned myself where I am said to have first been seen relatively early, waiting there patiently for the approaching car to arrive, maybe up to 30 seconds or more. Once the car approached me, with an unobstructed view of it and some ambient light from the Ebenezer Church parking-lot floodlight, I inevitably would have seen sooner or later that this was a police car. Next, according to the police officer's testimony, I "moved towards the river and to the left of that photograph" from the position where he claims to have seen me first – meaning north of the playset –, while he drove his car perpendicular to that along the road "all of the way up passed the Y intersection there," a location just south of the playset, where he then shone his spotlight toward the playset. There, he claims to have seen that I "turned around" from my walking direction toward the River, and instead walked "from the playset to the tree" in order to get into the tree trunk's shadow.

This narrative implies that I first started walking away from the police car toward the River, north of the playset, but a few seconds later, when he came to his second stop south of the playset near the Y intersection turning on his spot light, he saw me there, south of the playset, walking toward the River, before I "turned and ran towards a tree near the playset" when exposed to his light. The question is: how was I suddenly transposed from a location north of the playset walking toward the River to a location south of the playset, still



*Ill. 19: Initial claimed direction of the defendant's movement (1) as allegedly seen from the position "X" on the road (the police officer's claimed first stop), and later claimed direction of defendant's movement (2) as seen from the police officer's second stop at the "Y intersection". How did the defendant get from position A to position B?*

walking toward the River? Did Scotty beam me there? I have illustrated the problem in Illustration 19.

Of course, there is a solution to this: I did *not* keep walking along Trajectory 1, but turned right behind the playset to do something there, and after having done it, carried on walking toward the River. This supports my description of events – that I went behind the playset to retrieve and put my pants on – but that action would have taken much longer than the few seconds it would have taken for the police officer to drive his car a few yards down that road. In fact, it took the time for the police officer to turn around on the parking lot

where his true first stop was, exit it turning left (south) onto the road, and reach the Y intersection. Unless one were to claim that I ran along the playset, grabbed the pants without slowing down, and did not bother putting them on but rather risked staying exposed. That's unrealistic on multiple counts, not the least of which is the fact that locating a darkish pair of pants lying on dark-colored surfaces in the dark is no something you can do while zipping past it.

In other words, the witness has not only made claims that are physically impossible, then contradicted himself on several points when trying to fix this flaw during his second testimony, but by so doing he furthermore created implausible scenarios which can be resolved only by taking my versions of events instead.

There is another problem with the scenario described by this police witness: If I was so desperate to expose myself to the world and didn't even stop doing so when I knew I was facing the police, why did I do it on a Tuesday morning at 4 AM when there is an extremely low probability of encountering anyone? If I was so insanely desperate, why didn't I do it at 4 PM on a Saturday, when the park is brimming with people? The time of day I chose to go to the park clearly indicates that wanting to be seen was most certainly not on my priority list.

In conclusion, the police officer's testimony, shifting with perceived necessity over time as it did, and being physically impossible in part, in combination with the sheer ludicrous nature of the behavioral patterns imputed to me, show beyond a shadow of a doubt that during that morning the events CANNOT HAVE and DID NOT unfold the way the police officer claimed.

All that is left standing is therefore what I testified in this regard, supported by all the evidence I had gathered which, however, was never introduced. Why not?

## A Defense Conundrum

I chose my defense lawyer Richard Robinson because he was a member of the MPL law firm of York, Pennsylvania, which is held in high regard by my family-in-law, who have used that firm for decades for their various services. I was also impressed by the awards Mr. Robinson had won over the years.

While gathering the various pieces of evidence, Mr. Robinson was very supportive. He even asked me to gather certain types of evidence. I sat down and

wrote a 10-page list of questions with likely answers which I wanted him to ask me when in the witness stand.

I wrote a long list of questions to be put to the prosecution's witness, Benjamin Wind. I explained that we need to establish that a) Officer Wind had a motive to tell lies, and b) that he did indeed make statements that are physically impossible, hence he either lied or was terribly confused and mistaken. In my eyes, that would have been the only way to undermine the credibility of the prosecution's only piece of evidence. My lawyer listened, thanked me for my work, claimed that he had read my elaborations, and thus left me with the impression that this is how we would proceed during the trial.

Expecting the trial to be scheduled for March 2020 (which COVID-19 prevented), my lawyer asked me in late February 2020 to prepare a PowerPoint presentation containing all the photographic and documentary evidence I had collected. I prepared this file, added explanations to all the pieces of evidence contained, and sent that file to his technical assistant on February 27. I expected my lawyer to amend the file as he would need it.

Yet on the first day of the trial, when it was the defense's turn to introduce evidence, things quickly tanked. First, private investigator George Morrison took the stand. Yet none of the videos, or stills therefrom, which we had taken on two occasions, were introduced or even mentioned. Also, he was not asked by my lawyer about anything else he had experienced during the two instances of re-enactment. He merely showed a few photos of the scene of events taken on October 3 during daylight, and two almost-completely black photos taken on the same day at around 4 AM – under light conditions that made them useless. My lawyer sought to prove with it that I could not have been seen standing near the roadside at the location where the police officer said he first came to a stop. But Mr. Morrison had not put a car with its headlights turned on in the spot where it would have been, and he took the photos in October at the same time as the event is said to have occurred in July. I was not informed that such useless photos had been taken nor that my lawyer planned to introduce them, making me look like I was trying to hide something with rigged evidence.

In contrast to that, look at how I prepared the re-enactments of October 2019: I made sure that we picked a day with the same moon position (behind the earth, hence no moonshine) and that the natural light condition (position of the sun) was equivalent to the day and hour of the event, meaning at a much later hour. Elementary, my dear Watson! I cannot believe that I paid money for such a fool of a private investigator.

Next, I took the witness stand. Of the many questions I had put on my 10-page list, not a single one was asked. Instead, after clarifying my identity, he jumped right to the actual event of July 2, 2019 by asking me: “Directing your attention back to July 2nd of 2019, at or about 4:00 or 4:30 a.m., where were you?” (Transcript, p. 103)

When the prosecution cross-examined me about the equipment of my gym and about the earlier incident of skinny dipping, my lawyer should have followed up with further obvious questions, such as “What do you use your gym membership for?” or “Have you learned anything from the skinny-dipping event in 2014?” But he remained utterly silent.

The PowerPoint presentation with all the photographic and documentary evidence was never even mentioned, let alone any part of it presented to the jury and the court.

What I found out only the next day was the following: When I left the witness stand, my lawyer CLOSED THE CASE FOR THE DEFENSE, or so he claimed (I cannot find anything to this effect in the Transcript, though). He didn’t ask me whether I wanted this to happen. He didn’t even inform me that this is what he was doing, or that it just happened. Being utterly unfamiliar with legal mumbo-jumbo, I insist that I heard nothing that sounded to me at that moment like “we’re done introducing evidence.” For heaven’s sake, we hadn’t even begun! I wanted all those photos of the scene introduced that show what can and cannot have happened. I wanted the police officer cross-examined regarding the discrepancies between his testimony during the preliminary hearing and his court-room testimony on that very day. Using the evidence as laid out above, I wanted to show to the jury that he cannot have seen what he claims, and that his changing the story is an attempt at covering up these fatal flaws in the prosecution’s case.

After I stepped out of the witness stand, the court adjourned, and I was still under the impression that we could do all this the next day. In fact, I told my lawyer as we left the courthouse that several questions of that nature should be asked tomorrow, and that other evidence ought to be introduced as well. He listened but said nothing.

That night I sat down and condensed the questions I wanted my lawyer to ask me while on the stand to just six that mattered:

- What was the outcome of the 2014 case of swimming in the Susquehanna River which you mentioned yesterday?
- What lessons did you learn from this event, if any?

- Can you tell us what you use your gym membership for that you mentioned yesterday?
- During the event of July 2, 2019, why did you wear a neon-green shirt?
- Why do you go on your bike rides and outdoor workouts so early in the morning?
- When you got up on that particular morning, why did you not change into your workout clothes already at home?

When I meet him the next morning and give him this one page of questions with summaries of the intended answers, he simply says:

“We cannot do that anymore. We closed our case. And furthermore, that’s not the way it works. You cannot go back onto the witness stand. That’s not the way it works.”

What? At that moment I almost faint. My head is spinning. Everything now is to depend only on the closing argument my lawyer makes? Why did I work for hours, days, weeks to gather all this evidence, only for it to be ignored and discarded?

But wait a minute! A few days later I realize that the prosecution’s witness went right back into the witness stand a second time after I had testified. So... my lawyer was lying to me; of course, I could have gone back onto the witness stand!

My own lawyer was lying to me... wrap your head around this one.

And in fact, the court hearing on that morning merely consists of the defense’s and prosecution’s pleas. My lawyer uses again the misleading photos of the private investigator, as if to say that he doesn’t believe my story either but wants to bail me out with some fake evidence anyway. Needless to say, the prosecution rips apart his argument in this regard. And then my lawyer makes a statement that tells it all:

**Trial – Closing argument by the defense (Transcript, pp. 146f.)**

“I’m not suggesting in my closing argument or during the course of this trial that Officer Wind came in here and lied. I’m not saying that at all.”

That’s exactly the problem. That is what he SHOULD have argued. That’s the entire line of my argument for which I had collected my evidence. And this is why my lawyer didn’t introduce or mention any of it: Because he wanted to play it nice with his colleagues from the prosecution.

But it was actually even worse than that. Read what my “defense” lawyer said during his closing statement:

**Trial – Closing argument by the defense (Transcript, p. 143)**

“But anyway, as indicated by Officer Wind, he’s coming down Fishing Creek Road down in this direction here. Here is the playground area I’m going to call it over here. And he sees – his first sighting of Mr. Rudolf is right about there. That’s where he indicated on Defendant’s Exhibit No. 1 from his vantage point. That’s where he sees Mr. Rudolf. That’s the issue in this case right here.

When he observed Mr. Rudolf at that point, did Mr. Rudolf – was he naked from the waist down? At that point in time, Officer Wind is driving, I’m just going to use this as an example, in this direction on Fishing Creek Road just as he testified to.

So Mr. Rudolf’s location is going to be to his left-hand side. He’s traveling in this direction. And I ask him a question, were your headlights that way in front of you as they well should be? His answer was yes. At that point in time, he says he’s driving headlights lighting going that way, he says he turned – he looks over and sees Mr. Rudolf.”

Here is what my lawyer should have said, if he were really keen on defending me:

**Closing argument by the defense *as it should have been***

“But anyway, as indicated by Officer Wind, he’s coming down Fishing Creek Road down in this direction here. Here is the playground area I’m going to call it over here. And he **claimed that he saw** – his first sighting of Mr. Rudolf **supposedly** was right about there. That’s where he indicated on Defendant’s Exhibit No. 1 from his vantage point. That’s where he **claimed he saw** Mr. Rudolf. **Mr. Rudolf, on the other hand, affirmed that he was never anywhere near that spot during that morning. He never stood near the road. He never faced the road, and he most certainly was never naked standing near the road.** That’s the issue in this case right here.

**If we assume for the sake of argument that Rudolf was standing there in the first place – which he was not, but let’s assume it for a moment. When Officer Wind wants to have observed Mr. Rudolf at that point,**

**could he have seen what Rudolf was wearing** from the waist down? At that point in time, Officer Wind is driving, I'm just going to use this as an example, in this direction on Fishing Creek Road just as he testified to.

So, **for the sake of our argument, without conceding the point**, Mr. Rudolf's location **would** be to Officer Wind's left-hand side. He's traveling in this direction. And I ask him a question, were your headlights that way in front of you as they well should be? His answer was yes. At that point in time, he says he's driving headlights lighting going that way, he says he turned – he looks over and **claims to have seen** Mr. Rudolf.”

Do you notice the difference? My lawyer gave to the jury the impression that he, too, was assuming that any of this actually happened. IT DID NOT! That should have been his starting point during his final argument. He should have hammered it into the jury's mind with every statement: Officer Wind claimed this, but that's not true at all. Nothing of this ever happened!

Admittedly, you cannot do this *unless* you at least insinuate that officer Wind told bold lies, that he made up a scenario that was so far away from the truth as to be not a mere mistake but a bold lie. But that was exactly what I had suggested as our trial strategy, because that was the simple truth: Officer Wind lied, and the crass differences between his statement and mine can only be explained with this: he lied. And I had prepared evidence to show that the scenario he claimed to have experienced – as attested to by him during the preliminary hearing – was physically impossible. (Of course, the only other alternative to this approach is to assume that I lied, but that should hardly be the defense's position to be argued by my lawyer, should it?)

So here you see my defense lawyer not only refusing to take my version of the story seriously by reminding the jury of it, but actually taking the prosecution's version of events seriously and thus endorsing it, thus signing my guilty verdict.

After my lawyer's closing argument, the jury hears the district attorney's argument. During it, the potbellied prosecutor mocks my claim that I go down to the park to work out, insinuating that any normal person would go to the gym if he had a membership. Plus, he rubs in the fact that I had baby oil with me, without ever stating explicitly, though, what is by now probably on every juror's dirty mind: I used it to masturbate in public.

After the closing arguments, the judge enlightens the jury that an inference made during a plea is not evidence. But it is a powerful brainwashing agent, for sure.

The judge also tells the jury that policemen are not more reliable witnesses than others just because they are policemen. They are to be regarded as every other normal witness. On the other hand, she also tells the jury that the defendant's testimony needs to be regarded with reservation, as any defendant may have an agenda to exonerate himself:

**Trial – judge's instruction to the jury (Transcript, pp. 10, 163)**

“You will also hear an instruction from me regarding testimony that comes from a police officer. And basically that instruction is that no one regardless of their uniform or position has an advantage or disadvantage in the courtroom. Everyone starts equally as to their credibility.”

“You should not disbelieve the Defendant's testimony merely because he is the Defendant. In weighing his testimony, however, you may consider the fact that he has a vital interest in the outcome of the trial.”

In other words, the judge basically told the jury to believe the police officer and to disregard what I said. And since that is all that was presented to the jury, the outcome of the jurors' deliberations was a foregone conclusion. This book starts with their verdict.

The problem here is, of course, that the policeman is not an independent witness, such as an uninvolved bystander. He IS the prosecution. That can clearly be seen from the preliminary hearing, where the prosecution was represented by – patrolman Benjamin Wind. There was no prosecutor, no district attorney present during that hearing. It was the policeman representing the prosecution. Patrolman Benjamin Wind also was the claimed victim, as he was the only one allegedly forced to view my manhood for a few seconds, which must have severely traumatized him. (Keep in mind: IT ACTUALLY NEVER HAPPENED!)

I wonder what trauma Patrolman Benjamin Wind has to go through each time he goes into his gym's undressing room, where he inevitably experiences how other men expose their manhood for a few seconds while changing. Oh my Lord! What pain! What suffering! What unbearable agony! But then again, maybe he never goes to the gym exactly because of this?

Witnesses can be categorized roughly into two groups. Parties to an alleged crime – presumable victims and perpetrators – and uninvolved observers. Of course, there are mixed cases, but what I am getting at here is that parties to

an event who are emotionally involved have a much higher tendency of misreporting what happened. The way they may misreport may be factually different, but the potential degree of distortion is similar.

Just like I – the claimed perpetrator – have an interest in exoneration, so has the policeman – the claimed victim *and* the main representative of the prosecution – an interest in conviction. Both sides in this and any similar case are potentially biased to the same degree, although with opposite motives.

Also, consider that the policeman merely made a claim of what happened that morning. He never substantiated anything he claimed with evidence. There was no footage of a dashboard or body camera, no voice recording of the words spoken, no photo by any camera, not even by a simple cell phone. Yet still, his claim was considered proof, unless I managed to refute it. In fact, my defense lawyer told me repeatedly that it matters little what I say happened that morning. What matters is that we need to undermine the credibility of the police officer's story. If his story stands, I get convicted. In other words: the prosecution makes an unsubstantiated claim, and unless I manage to refute it, I am considered guilty. Hence, I am guilty, unless proven innocent. The judge reminded the jury repeatedly that I am considered innocent until proven guilty, but that lip service to a legal principle doesn't change the fact that the opposite was very clearly true here.

If a police officer claims in court that pigs can fly, pigs *can* fly, unless the defendant manages to prove the opposite. The burden of proof was clearly inverted.

## A Culture of Lies and Deception

The police in the United States have a problem with their image. With this, I am not referring to the mass demonstrations and subsequent riots that broke out in late May 2020 in the context of the “Black Lives Matter” movement. I have not studied the crime statistics to know whether African American's are excessively targeted by police violence. What I am referring to here is the fact that policemen in the U.S. are permitted to use lies and deceptions when working outside the courtroom, for instance when trying to trick suspects into confessing to a crime, or when trying to coax potential witnesses into volunteering information they otherwise wouldn't.

My case may serve as an example here. During that morning, he asked me “Did you know they now have video surveillance here?”, while he admitted during the preliminary hearing that there isn't any such surveillance in the area

(see p. 74). Hence, this claim was a lie designed to make me think along the line “Oh my God, they got me recorded, so I better confess and beg for merci.” It didn’t work, because I had nothing to confess.

Policemen in the U.S. are taught and trained to use these deceptive devices in their field work. They are being nurtured in an environment of lies and deception with the claim that it serves “a greater good” – catching the bad guys. Of course, sometimes they get the wrong guys, or even the good guys, but they are not convinced of it. So, they build a case potentially based to some degree on lies and deceptions, and by so doing, they themselves turn into “the bad guys.”

All 30 jury candidates for my court hearing had to answer a questionnaire. One of the questions they had to answer was whether they believe that the testimony of a police officer is more believable than that of an average person. Roughly half of the candidates confirmed that this is what they believe, while I am sure that some of those answering with “no” in fact have at least a subconscious inclination to want to believe a police officer more than normal citizens. After all, our trust in who are the good guys and who are the bad guys is based on the assumption that the police are here to help and protect; that they are here to uphold law and order as well as high moral standards. If the police were just like anyone else, why trust them with our safety? It is all too natural.

As a society, however, this set us up for a trap. Policemen and their superiors in the district attorney’s office know that the average person is inclined to believe a policeman more readily than others. They know that, as a result of this trust, they are subject to less critical scrutiny, meaning they are more likely to get away with a lie. Teaching them to lie and deceive outside the courtroom, hence instilling in them the conviction that they have a license to lie, but then trusting them that they suddenly will tell the truth and nothing but the truth when crossing the threshold to the courtroom is a recipe for disaster.

Add to this that any criminal complaint against a police officer for lying under oath in a courtroom will usually and most likely not go anywhere, because the persons who have to conduct such a criminal investigation are the very superiors who are supervising and assisting the same officers in their daily work which at times includes lies and deceptions: the district attorneys.

Take my case. After a history of some 20 years as a patrolman with no advances in his career, it is safe to assume that Benjamin Wind isn’t exactly the sharpest tack in the drawer. It is unlikely that he was the one who figured out

that his initial statement during the preliminary hearing was physically impossible. The district attorney in charge of the case, after taking a photo of the scene of events roughly from the position where the witness initially claimed to have stopped his car (this photo was presented as evidence during the trial), will have noticed this, and I am sure he and Officer Wind discussed the matter before the court hearing, and decided to amend Officer Wind's testimony in this regard to make it physically possible. If so, the prosecutor in charge of the case is guilty of aiding and abetting a police officer to lie under oath in a court room, meaning to commit perjury.

If I were to file a complaint against Officer Wind, would any district attorney in York who may even be Officer Wind's superior, or a colleague of the district attorney who potentially conspired with Wind in this crime, seriously consider to go after Officer Wind and his DA colleague? It is even conceivable that the same district attorney who may have conspired with Officer Wind would be the one to decide whether that case will be seriously investigated or not.

The police know that their superiors will cover their behinds in cases like this. They know they can get away with almost any lie, as long as it isn't too blatantly obvious. Both the police and their bosses in the district attorney's department have a vested interest not so much in truth and justice but in successful prosecutions. The means they use to achieve that aren't always along the line of "protecting the innocent." In fact, as can be seen in my case, where there is neither a victim of a crime nor any damage, they actually become the perpetrators by creating a victim – me. And there is little to nothing that can be done about it.

The biological parents of our two adopted children were deeply involved in drug abuse and theft, meaning that they had frequent hostile encounters with the police. These parents taught their children that the cops are the bad guys. When we took in those children for foster care in 2013, they still were in that frame of mind. I worked hard to undo this damage by seeking positive encounters with police officers in our area.

It goes without saying that this experience of mine with a lying police officer throws a few monkey wrenches into my attempt at teaching my children that policemen are the good guys. Now we tell them that "policemen are just normal people; there are good guys among them, but also some bad apples." I just happen to have encountered a severely worm-infested apple that morning. I hope for all of us that it's an exception.

However, considering that in the U.S. the police have a license to lie, and that they are to a large degree beyond scrutiny, this creates a breeding ground for worms, potentially turning even the best apple into a bad one. That has got to change! Police officers must indeed be held to a higher standard of truthfulness than the rest of us. Or else, how can we trust them with anything?

The way to achieve this, however, is not by defunding the police, which seems to be a popular concept among some sectors of U.S. society. Making the work of those more difficult and ineffective who are supposed to help and protect us is silly at best. I think a move in the opposite direction is due: increase police funding, and then use some of it by making dashboard cameras and body cams/sound recording mandatory for every patrolling police officer, so that there is actual supportive (or corrective) evidence, not just claims, when a police officer gets into a “situation,” and later testifies about it.

Moreover, I deem it pivotal to end the culture of lies and deceit that has crept into investigative police work. Being the good guys requires that the police are held to higher moral standards than all the rest of us. Hence, it should be made illegal for police officers of any rank to lie when investigating a supposed crime. If such lies can be proven (for instance by way of dashboard and body cams), then the credibility of the lying police officer as a witness in this case ought to be considered heavily compromised, if not destroyed.

## Defenseless against the Police

After my conviction for a crime that had not happened, I tried to find relief by locating a lawyer who would help me to put together a case showing that the police officer had lied under oath, then file a criminal complaint against him. Boy, did I have it coming! If the lawyers I contacted reacted at all, they refused to help me. Those who bothered to explain to me why they would not assist me all gave the same explanation: Police and prosecution have managed to get me convicted once. If what I claim is true, then these people are dangerous. If I threaten to destroy their careers and even their freedom, they will not hesitate to go after me again. They have done it once and succeeded, there is no way I can stop them the second time around. It's a safe ticket back to Germany via deportation, should I try.

I think that phenomenon is called police corruption. There are lobby groups and even special law firms who fight for victims of police injustice, but the victim has to be a member of a minority to qualify. Blacks and Hispanics can be victims, while Whites cannot. You're White, you're out of luck...

I wonder how many other victims there are in this country of this kind of injustice. I seem to have run into one in June of 2022 – the owner of a local towing company, whose services I had to use after my brand new, only 4-days-old Nissan Leaf was totaled on May 30, 2022. No one was hurt, and the other party was found 100% responsible, so I got most of my money back, hence not much harm done – except I cannot get a new Nissan Leaf. Pardon my digression. Anyway, I cannot remember how we hit it off talking about the police, but once the topic was broached, he took off like a fire cracker, complaining about the unassailability of police officers and government institutions in general. Well, as an immigrant, I have my share of experiences with the latter, but that’s another story told elsewhere.<sup>5</sup>

## My Lifestyle

My mother used to make dessert dishes using “quark”, which is a dairy product common in central Europe that is similar to Greek yoghurt.<sup>15</sup> In particular those kinds that had various fruits mixed into them, or simple vanilla, egg or chocolate variations were my preferred dessert items – and they still are to this day. In some of the variations, however, my mother used to add a few drops of rum flavor to a large, family-size bowl of this dish. When she put that bowl in the middle of our lunch table, it took me only a few seconds to smell the rum flavor, at which point I would flatly refuse to touch any of it. I hated the smell of alcohol. And I do to this day. If you want to get any kind of alcoholic beverage into me, it has to be very sweet in order to compensate for the strong distaste I have for  $\text{CH}_3\text{-CH}_2\text{-OH}$ . While I was a student at Bonn University, peer pressure from my fraternity brothers made me try to get “used” to the taste of alcohol, but to no avail. I only managed to tolerate its taste once I was so drunk that I didn’t taste anything anymore. Needless to say, a few of these disgusting experiences were enough for me to push the emergency stop button and refuse to drink any alcohol anymore. (Except on Christmas Eve, when I prepare a reduced-alcohol variation of a traditional German “*Glühwein*”: one bottle of red wine diluted 1:1 with orange juice, sweetened with lots of brown sugar and spiced up with a little ground cloves

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<sup>15</sup> For quark, a different type of bacteria is used than that for making yoghurt in order to convert milk sugar into lactic acid, which makes some of the milk’s protein precipitate (curdle), and the curdling process is usually assisted by adding certain proteins (contained in rennet). The second, straining step is pretty much the same for Greek yoghurt and quark. The two products’ texture and taste are almost indistinguishable.

and a little more cinnamon; the whole lot is then heated up to make you feel “glowing” warm from the inside – “*glüh*” is German for glow.)

The most bizarre thing about my abstinence when it comes to alcohol is that some people seriously believe I must be suffering because I vowed not to drink alcoholic beverages. Or that I reject their friendship because I refuse to drink some booze with them. No, for Christ’s sake, this is not about anyone or anything else but my taste. I would suffer if I had to drink alcoholic beverages. I just can’t stand the taste! And I don’t like alcohol-free beer either. I don’t like any beer. It just tastes awful to me, alcohol or not. Finally, there is no ideology behind my abstinence. Just mere taste. So, you won’t ever see me proselytize people. It’s secondary to me whether my taste results in healthy drinking habits. It’s merely about what I like drinking. The same, by the way, is true also for coffee or tea. I won’t touch it. No ideology, just taste.

My wife likes drinking a beer or wine on occasion, and she has coffee every morning. That’s all perfectly fine with me, as long as she accepts that I won’t join in, because I could not enjoy it at all. Tolerance is the keyword here.

It is different when it comes to smoking, vaping or other kinds of drug abuses. That’s where my tolerance ends.

Ever since her late teenage years, my mother has been a regular smoker, consuming on average maybe a pack of cigarettes a day. Already as a small boy I got into frequent arguments with her about it, because I did not like the stench of cigarette smoke in our house. I remember that one day when the doorbell rang and my mother went to the door, I snuck up to the ashtray and inhaled from the smoking cigarette my mother had put there. It was awful. It was the first and the last time I ever did that.

As a boy and during my teenage years, I have built and maintained hundreds of campfires, and I always made sure I sit with the wind at my back. Smokers, on the other hand, sit right where the smoke goes, and they inhale it with... pleasure? Smokers must be mentally deranged, I concluded as a boy.

During my teenage years, my anti-smoking attitude was not very popular among the smokers in our Catholic youth group. They taunted me frequently by offering me cigarettes although they knew I hated cigarettes. One day, I found a way to put a stop to this: When I was offered a cigarette again, I gladly accepted, took the cigarette, then crumbled it right into the ashtray. My generous donor was miffed:

“What the f... are you doing?” he asked full of rage.

“You gave me the cigarette so I would destroy it by burning it down. Now I destroyed it, but without polluting the environment and without damaging anyone’s health. So what are you complaining about?”

That was the last time anyone ever offered me a cigarette in that group. I extended that attitude later, when living in a student dorm. The smokers among them smoked up the dining room and left their dirty ashtrays everywhere. As an early riser, I was confronted with that mess every morning when trying to eat my breakfast in that room. After a number of ignored warnings that I’d start throwing away dirty ashtrays and dishes, if those causing the mess wouldn’t clean up after themselves the night before, I started doing exactly that. It took a few weeks before they realized that ashtrays and dirty dishes kept disappearing. Once one of them found a stash of dirty ashtrays and dishes in the garbage can, they all realized that I had been serious all along, and before you knew it, they started cleaning up after themselves...

Socially speaking, I avoid smokers. During the ten years that I studied chemistry at various German universities, I went only *once* to a pub. It was noisy, it stank like beer, smelled like alcohol, and smoke filled the room. It was one of the most awful going-out experiences I have ever had. Thank God most venues today banish smokers to the outside.

When I met my soon-to-be first girlfriend the first time, I smelled that she must have smoked a cigarette not too long before our encounter. During the conversation we struck up, I mentioned in passing at some point that I would never date a smoker. She quit smoking that very day. We got married a little over two years later, and to this very day she’s just as radical a non-smoker as I’ve ever been.

The situation is even more radical when it comes to my stance regarding “recreational” drugs. I never tried any. Actually, when I see others using them, I speak out clearly and unequivocally against it. I once ruined the 50th birthday party of the wife of a friend of mine in England after people started unpacking their marijuana. I spoke up against it. Others joined me in my protest. When this didn’t make them stop smoking their pot, I demonstratively left the party with a big huff, with others doing the same, which made the whole party collapse. I have zero tolerance for “recreational” drugs.

As a chemist who has studied some biochemistry, I am fully aware of the harm chemicals can do that simply don’t belong in our system. For that same reason, I am even opposed to putting any pharmaceutical drugs into my system, if I can help it. Not that I haven’t tried. But my body has the habit of getting pretty much all the side effects of a certain medication, but not neces-

sarily the intended effect. After a few of these experiences, I've decided that it is worth trying to do without any medication, if at all possible. Hence, if I have a severe headache, you will never see me take a Tylenol or anything similar. If I have trouble sleeping during times of extreme stress – such as the weeks right after my having been sentenced for “indecent exposure” – I would never even consider taking sleeping pills. Only when some bacterial inflammation gets completely out of control will I consent to taking antibiotics. I am on no medication for anything, I have never been, and I don't plan on taking any ever, if I can help it.

Keep in mind that I am also opposed to owning cars, cell phones, TVs, gadgets (except where needed for work). They are all the bane of humanity – or maybe it's just that I despise them for a number of reasons. There is no need to go into details as to why that is so in the present context. Fact is that my wife once said I'd make a good Amish husband. I probably would (I even hate to shave...), except for the fact that I have an independent mind and refuse to accept any kind of dogma, religious or otherwise. I am not an ideologue. So, in case there is an Amish community less the religious fanaticism, I'm all in...

Again, let me emphasize that this lifestyle of mine of abstinence does *not* make me suffer. I would suffer if I had to live any other way. That is also true for my at-times-intense workout regimen. I have had times in my life where I was prevented from doing regular workouts. These are the times during which I suffered. I get fidgety and nervous if I cannot channel my energy into some intense physical activity. I develop digestive problems, mainly acid reflux, if I stop working out for any extended period of times. Finally, my posture deteriorates if I don't work out regularly, leading to lower-back, shoulder and neck pain as well as frequent migraines. I've been there by *not* doing it, and I won't voluntarily go back there. For some, working out may look like self-tormenting. For me, it is absolutely essential for my health and happiness.

Another issue relevant for the case at hand is my attitude toward sexuality. For many years of my early adulthood, I was opposed to premarital sex. I lost my virginity at age 27, to my later first wife – admittedly well before we got married... (actually, only a few weeks after she stopped smoking...)

I remember an acquaintance of mine telling me some 18 years ago how a friend of his and a few of his friend's buddies once went to Las Vegas to live “on the wild side.” While planning the trip, he bragged about what he wanted to do to a prostitute. But when he finally got there and hooked up with some prostitutes, he couldn't perform. My acquaintance who told me about this in a

letter made fun of this braggart. In my response to this I stated that I think the guy's inability to perform was not to be laughed at, but to be look at as a good thing. No man should ever be able to get an erection when given the opportunity to fornicate with an unknown woman after paying her. That is not consensual sex; that woman does not want to have sex with you; she merely wants or needs your money, and you are taking advantage of the situation. Except for a few nymphomaniacs who might like getting fucked any which way and take financial advantage of their "suitors," I am sure that most prostitutes feel *extremely* bad each time they offer the most intimate parts of their body to be (ab)used by a stranger. In my opinion, any man doing this isn't morally very far away from a rapist. Just because money is involved doesn't make the act much less of a violation of the female body. It is all morally wrong, and any man with an intact moral compass should be utterly unable to perform. Although I have zero experience in this regard and don't plan on ever changing this, I am absolutely sure I couldn't perform when facing a prostitute, because I have already trouble performing if I sense that my *consensual* partner isn't giving me clear and unequivocal signals of *wanting to make love* to me (rather than just having sex). This is the perfect system to prevent my ever hurting a woman in any way sexually. I wouldn't want to live without this rape-prevention system.

As my older daughter was plowing through puberty, I increasingly heard misandrist statement from her. She had uncritically absorbed all the talk about discrimination and sexual harassment of women, which evidently set her on a radically feminist trajectory. On occasion of the next radical and one-sided statement she made, I took the opportunity to show here some aspects of the other side of that gender-war coin, and told her:

"Ultimately, the very future of humanity as a species depends on a loving relationship between man and woman. Whoever undermines that relationship, no mater what side they're on, is an enemy of mankind."

We then had a long talk about the nature of my sexual relationships with women, to make her see that there is and can be nothing abusive, oppressive or harassing about it, hoping and assuming by extension that many if not most men operate on a similar benign basis. Her reaction to this was not what I had expected:

"That all makes it even more absurd that you are convicted as a sex offender and portrayed as a pervert, when your attitudes and actions prove the exact opposite."

## Probation Bizarre

Now, after having been convicted of for “indecent exposure,” I am listed as a sex offender who has to fulfil a long list of probation conditions. One of them is that I am not allowed to have weapons in my home. Well, I have none anyway. However, I own a 50-year-old scout knife which hasn’t been sharpened in 35 years. Dull as it is, it has been serving me as one of my letter openers over the past 30 years or so. I have to give that up. That may be a blessing, because since last September, I had to hide it from my son anyway. Back then, he had the injudicious idea of taking the knife from my desk and putting it into his backpack as a weapon of “self-defense” – just in case he gets himself into another fist fight with other boys, the kind that he got himself embroiled in way too often in late 2019, mainly while on the way home from school. Luckily, he told me about his plan before implementing it, handing over the knife before leaving for school. Phewww, that was a frighteningly close call. And now the knife is gone. Good riddance...

My 15-year-old daughter has a little scout knife and scout hatchet that are parts of her child-style survival gear which she has been collecting over the years. But other than collecting dust, these items were never used for anything. Having to give them up for a year was no big whoop either. Her grandparents guard these tools now.

No alcoholic beverages are permitted in our home for at least a year. Halleluia! My wife is unhappy, though, because she’s the only one solitarily drinking a glass of beer or wine on occasion. She also has a stash of 13 bottles of various kinds of liquors in one of our cabinets which she slowly drinks over the years (I counted them when we removed them, that’s how I know). My wife complains:

“It is always me who gets punished for what you have done or have been accused of going. It stinks!”

Yes, it does. Punishment by association.

During the intake appointment with my probation officer, I have to fill in a questionnaire. One of the questions goes something like this:

“On a scale from 1 to 10, how easy is it for you to buy drugs in your neighborhood?”

“I refuse to answer this question,” I tell my probation officer.

“Why?”, she asks.

“Gee! Because it is like asking me whether I have stopped beating my wife! Don’t you see that?”

She stares at me in incomprehension.

“Okay, let me rephrase this sentence, so you get the picture: ‘On a scale of 1 to 10, how easy is it for you to beat up your wife in your home?’ This question presupposes that I beat up my wife! Or in your case, it presupposes that I buy drugs and have any knowledge about that from my neighborhood.”

I couldn’t answer that question, even if I wanted to. But I refuse to give legitimacy to this loaded question by answering it in any way, shape or form. In fact, I merely write “I don’t know” behind the question.

Many questions of this questionnaire revolve around alcohol and drug abuse, because I figure that most people on probation have gotten in conflict with the law because of DUI and drug-related offenses. It is bizarre that I, of all people, have to answer these questions. But I am here as a “sex offender,” not a drug addict, yet there aren’t really any questions addressing this.

“When we inspect your home on occasion, we insist that we check your computer for any pornographic material, and your browser’s history for any porn sites you may have visited” my probation officer informs me, because as a sex offender I am not allowed to store or have access to any pornographic material.

“You know that it is very easy to delete a browser’s history, don’t you?”, I ask her.

“I know. But there’s only so much we can do.”

“Are you installing any kind of tracking software to monitor which web sites a user visits?”

“No, we don’t have the means to do that.”

“It’s not expensive. Any parent can easily install it on their kids’ devices.”

“No, we don’t do that.”

“Are you serious? What about the real sex offenders? People dealing in child pornography and other creeps? Are you telling me you guys have no effective way of monitoring what they do during their probation time?”

“Our means are really limited. We can do only so much.”

Bizarre, bizarre...

A few weeks later, my probation officer visits our home for the first time, together with a colleague of hers. It all goes very smoothly and cordially, and the only unexpected question she asks me is where I have my workout clothes – bizarre, bizarre. Well, I had given her a printout of an early version of the present book when I first saw her, which already included the explanation about my fashion choices, including the illustrations (see pp. 31f.). Maybe she wanted to check whether it is all true.

## Game Changers

Throughout the eight years of working out down at the River, I have never seen anyone else doing anything athletic down there, except for an elderly lady going for walks and residents walking their dogs, but that hardly counts. I have not even met another cyclist that early in the morning. However, when COVID 19 led to the complete shutdown of all gyms in the region, I started seeing more people go outdoors, also a few in the wee hours of the morning, the only time when temperatures are somewhat acceptable during the summer. Most of these athletes are joggers, and I see them wearing skimpy neon-colored shorts and shirts. Some of them even wear bands of flashing LED lights wrapped around their upper bodies. I wonder whether they, too, will end up before a judge because someone misunderstands what they are doing and wearing?

I have done free-body workouts outdoors in public parks and on beaches in Germany, England, France, Mexico and Panama. I have done them with bicycle shorts, standard workout shorts, swim trunks, speedos, bikini briefs, thongs, G-strings and even naked at a nude beach in Biarritz, France. I have never had any problems. If people approached me, their remarks showed admiration for my discipline, strength, fitness and physique.

In the U.S., however, save very few exceptions, I have always only heard abuse and threats, if anything, although what I did was perfectly legal.

I know that I cannot change U.S. society, although I wish I could. I also am far from stating what Officer Wind put in my mouth, that I insist on doing what I am allowed to do elsewhere. That's nonsense. What I insist on, however, is that I insist on doing in this country what is allowed in this country. Like it or not, but working out in a public park early in the morning in skimpy tiger-patterned split running shorts and riding home in them is not illegal. Just because you don't like it doesn't mean you can harass me or try to get me imprisoned or removed from this country by making false accusations.

I left Germany and came into this country exactly because in Germany I was being persecuted for saying and doing things that are perfectly legal there. German society simply doesn't care. They break their constitution up to the highest court of the land in order to persecute people whose peacefully expressed views they don't like.

What I experience now here is a police officer breaking the law by lying under oath in a court of law in order to get rid of me. That experience isn't much more uplifting either.

Many would have stopped doing what I was doing: riding my bicycle to the Susquehanna River, working out in the park, going for a swim, then riding back home. I didn't. I wouldn't let a police bully stop me from doing that which I am perfectly allowed to do. So, during the summer of 2020, I was back on my bike, in my shorts, doing what I had been doing for years – although I was only swimming in the River, not working out in the park..

Just two days after having been sentenced due to a police officer's lies, in the early-morning hours of July 9, 2020, I am down at the River again, taking a splash. Here is the email I write to my lawyer several hours later:

"I was harassed today in the early morning hours at around maybe 4:45 AM by a police car of the Lower Windsor Police Department at Long Level when trying to leave the area on my bicycle. The driver of the car intentionally put his high beams in my face and made me lose control of where I was riding, because I couldn't see anything anymore. It's the second time this is happening, and this time I will not let it slide, if I can."

It was a clear case of reckless driving, illegal under Pennsylvania law – and the police are NOT beyond that law! However, my lawyer turns down my request to assist me with filing a criminal complaint against the offending police officer, writing back instead:

"You really should stop even going down there."

Not gonna happen. If we all give in to bullies, we will all end up living in a totalitarian dictatorship. Not on my watch!

\* \* \*

This summer of 2020, both our daughters are going to swim practice thrice a week. After one of these practices, my youngest leaves her goggles on a table in our hallway, where our two kittens quickly find it. In no time, they chew through the rubber straps. That used to be the domain of our puppy Daisy, but now that she has matured and stopped chewing on random things, the

two kittens we adopted in early July of 2020 have taken over that role of random destroyers. The next day, to get replacement straps, we go shopping at a local athletic store. While I was browsing through the men's workout shorts, an employee asks whether he can help me. I instantly go on a tirade – the poor guy didn't know what hit him:

“Look at these shorts! These days, people want to go out in the early morning hours jogging and biking, and all you offer are shorts in camouflage colors: grey, dark blue, black! Those colors make joggers perfectly invisible to car drivers out there! These are suicide clothes! Don't you have anything flashy?”



*Ill. 20: Yellow running shorts purchased in July 2020 at Flying Feet, York, PA.*

The employee sticks his hands into the row of shorts and fishes out – a bright yellow pair of running shorts, asking me whether they would do (see Ill. 20).

“Wow! I didn't see those. These are really male clothes? And they are even my size! What do they cost? Not even 20 dollars? They are mine!”

I'm thrilled. Looks like I have an alternative to my tiger-striped running shorts! Yee-haw!

\* \* \*

The summer of 2020 has been good for my workout routine. I finally got back into a steady bicycling routine, going down to the River for a swim basically every other day, and working out at home with weights and resistance bands every other day – with an occasional resting day interspersed. In fact, I've gotten myself into the best, most well-rounded shape of my life, I think. On July 29, I record a workout session and post it on YouTube for everyone to see – and admire.<sup>16</sup> Needless to say, pride comes before the fall.

\* \* \*

It is Monday, August 10, 3:30 in the morning. I wake up and decide to go on my early-morning bike ride. It takes me a while to get my stuff together, as I

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<sup>16</sup> “How to Keep Awesome Abs at Age 55”, <https://youtu.be/hgbugxnwRo0&t>.

cannot find my new yellow shorts, but eventually I find them in a laundry basket, freshly laundered. I put my yellow fishnet shirt on, don my cycling gloves, socks and shoes, get my water bottle, and head out to the garage to fetch my bike. It's now roughly 3:45. It's 68°F outside, not very warm, but it's a calm morning with relatively high humidity, so there will be hardly any layering of the air.

The first stretch of my tour leads me out of Red Lion onto Manor Road, which I follow northwest for some five miles before turning off on Furnace Road. But I won't get that far today. When approaching the farmstead of the Early American Steam Society<sup>17</sup> on a steep downhill slope, I gear up to my highest gear and gun it, reaching some 40 to 45 mph in the process in an attempt to use that momentum to climb the small hill on the other side of that valley.

The last thing I think I remember is seeing the silhouette of some three to four deer coming out of the field to the left, trying to reach the forest on the right.

Then ten to fifteen minutes are missing in my conscious timeline.

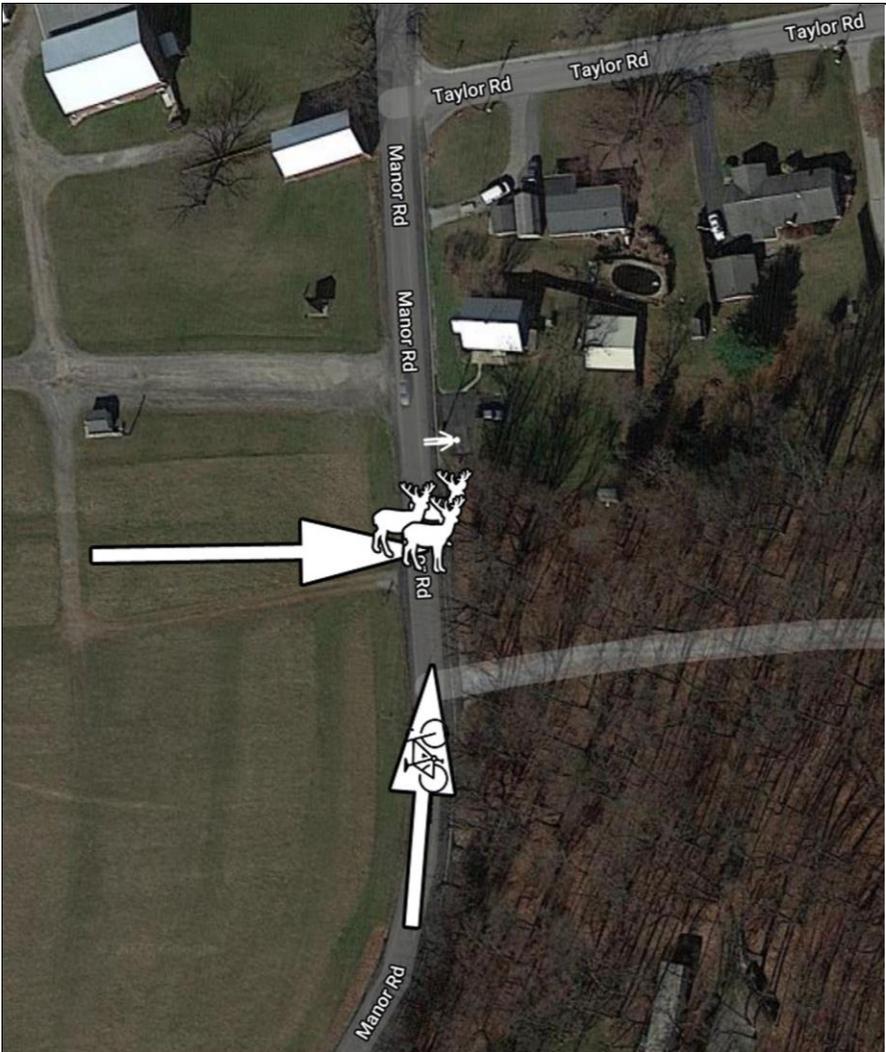
I wake up lying face down on some hard surface. I'm hurting all over. I try to get up, but my left arm won't obey. I turn around trying to figure out where I am. I realize that my legs are still on the road, ready to be run over by the next car, while my upper body is on the hard surface of some driveway. I muster all the strength left in me, clench my teeth, and manage to wiggle myself out of the road and fully into the driveway, onto a small patch of grass. I stay there for a while, face down, trying to fully wake up, regain strength, and take account of various parts of my body.

I notice that I have no shoe on my right foot. I also realize that my legs seem to be in good shape. My torso and arms seem to be alright, except for my left shoulder and arm. I gather all my strength and manage to sit up without using my left arm. Blood is dripping from my swollen right eyebrow. Not good. I need help. This wipe-out isn't trivial.

I look around me. There is a house downhill, and there are two cars parked in its driveway, so chances are someone is at home. Further into the driveway toward the forest, on a patch of grass, I see my bicycle bottle, and further downhill on the driveway toward the house, I spot my missing shoe. So, I stand up – with some pain in my legs and lower back, but nothing major. I

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<sup>17</sup> <http://www.steamoramapa.com/>



*Ill. 21: Collision Scene of August 10, 2020, roughly 4:05 AM; Manor Road, Windsor, Pa., near the merge with Taylor Road. Lower arrow: my direction of travel on my bike. Arrow from left: deer moving from field across the road into the woods. White man symbol: the spot where I came to rest and regained consciousness after the collision.*

pick up the bottle with my fully functional right arm, then pick up my shoe with my left arm. I can only let that one dangle, but at least the arm itself seems ok. It's the shoulder that's messed up. It always seems to hit my left shoulder.

While I am approaching the nearest residence, a car comes out of Taylor Road turning left toward me onto Manor Road. I step into the road, waving

at the driver with my right arm, bottle in hand, but that driver ignores me. Just seconds after that, a second car comes out of the same road, also turning toward me. This time I step into the road, waving with my right arm, with the intention to force that driver either to run me over or to stop. But he doesn't stop. So, I step aside, and he continues without slowing down. Assholes.

I go back to the house, grab a chair on its side porch, place it next to the porch door, and sit down. I start knocking at the window pane. Once, twice. Nothing. I am so tired. I put my head in my right hand. It is instantly soaked with some liquid. Oh my god, I have a huge, gushing wound on my head! I knock with renewed vigor and desperation. Nothing. And again. Nothing. I do that a few more times, calling out for help as I knock. No reaction. After several minutes I give up on that house and decide to go one house further down and to try there.

The next house has a wooden side porch with a door. I walk up the few steps to the door and knock once. The knocked door swings open. Great, these people haven't even closed their front door properly, let alone locked it! This is my advantage. I step into the house and call out:

"Hello! Is anyone home? Hello! I need help!"

No reaction. I repeat it. Still no reaction. I fumble around at the wall trying to find light switches. There they are. First, I switch on the porch light, then the light to what seems to be this home's living room in which I stand, dripping blood. I call out again. Now I get some feedback, as someone yells from a dark room in the back:

"Get the fuck out of my house!"

"Yessir, I will. But I need help. Could you please call 911?"

I retreat back outside and sit down on the side porch. The fellow comes outside with his phone and asks me "What the fuck happened?"

"I had a bicycle accident," I explain while trying to lie down.

"What the hell are you doing out on a bicycle at this time of the day?"

"It's the coldest time of the day," I respond, realizing that lying on my back is strongly disliked by my left shoulder, so I slowly and painfully roll over to the right, where plenty of road abrasions on my right leg, hip and shoulder complain about that new body position. You just can't win...



*Bandaged head with old blood that had flowed from a cut on my right forehead.*



*Bruised and chafed shoulders and back with the left shoulder blade broken.*



*Road rash on my right leg and hip.*



*Getting stitches for one of my head wounds.*

*Ill. 22 a-d: Banged up by a deer. Photos taken by my wife on the day of the accident, August 10, 2020, at York Hospital.*

He calls 911 and explains the situation. Some ten minutes later, a police car from my friends at the Lower Windsor Police Department shows up. The friendly officer asks me what happened, and I explain to him that I think I got hit by a deer while coming down that hill. He asks me whether I do such early morning bike tours often, and I tell him that I do them basically every other day.

“Oh, yes, I think we have seen you around before.”

“I’m sure you have,” I respond. This incident ought to prove to him that I’m not in his police district in order to masturbate in public parks...



*Ill. 23: Left elbow after the accident.*

I ask him to locate and secure my bicycle, which must be somewhere on or off the road. He promises to do that.

When I manage to inspect my bicycle several days later, the front wheel is deformed, the fork is pushed back from some kind of frontal collision, the rear rack is bent from something heavy falling onto it – possibly me – and some corn leaves are wrapped around the rack, indicating where my bike ended up that morning.

Some five minutes after the police car, the ambulance arrives bringing me to the hospital. I manage to climb onto the stretcher myself. It’s the first time that I’ve been in an ambulance as a patient; I have never been admitted to a hospital as a patient before either; and after they have x-rayed me, I find out that for the first time in my life I have a broken bone: my left shoulder blade. After having been whirled through the air due to the impact, I must have landed on that shoulder blade. Ouch!

Two cuts on my head are getting 11 stitches altogether, but I have no further head injury; not even a concussion. It looks like I must have obtained these wounds not by falling on my head but by headbutting into something sharp – maybe some part of my bike.

The rest of my body is more or less fine. Abrasions and a sore joint of my right thumb from falling on it, I suppose, is all that's to be dealt with there. Plus I lose my yellow fishnet shirt, because the paramedics cut it up in order to get it off me so they can reach my badly bruised back and shoulder.

All things considered, I got lucky. Flying off a bicycle at 40+ mph is dangerous. Oh, and did I mentioned I wasn't even wearing a helmet?

"I could be a widow now," my wife says when visiting me at the hospital.

Back at home, my children hear the news from their grandma. My youngest daughter is crying her eyes out. When I hear about it hours later, I manage to get a Skype call with her. I crack a joke about what happened in an attempt to cheer her up and comfort her:

"Here is how you need to look at it," I tell her. "It's like in this song: 'Daddy got run over by a reindeer...'" She cracks up laughing, and so do the other two kids in the background. When Daddy is singing and cracking jokes about what happened, they know that everything is going to be fine.

Daddy got run over by a reindeer  
riding his bike, fitness to achieve.  
You can say there's no such thing as Santa,  
but as for me and Mommy, we believe.

But jokes aside, when game changes the road, the game changes.

Lying police officers could never get me to stop what I am perfectly allowed to do: go on my early-morning athletic sprees. But deer, oh dear! That's another issue altogether. I am seriously looking into switching back to going on bike rides during daylight hours again, because it is only a matter of time when I'll meet some game again on the road, and having been fair game by game just once is already once too often!

Some four weeks after the accident, I visit the scene. I want to find out what exactly happened, and I would like to find my tail light and my cycling glasses, which I lost that morning. While I fail to retrieve those, I meet the bloke who called 911 that morning. He apologizes for having been so rude initially, and I apologize for any bloody mess I may have made on his porch.

He tells me that just a year earlier a cyclist coming down Manor Road at high speed, just like I did, but during bright daylight, was hit by a car pulling out of Taylor Road. That cyclist did not do so well, as hitting a massive steel obstacle

at 40+ mph is worse than hitting a 100+ lb. deer. That cyclist did not get up and ask for help, he tells me. He doesn't even know whether he survived.

I tell him that cars are not really that much of a problem when it is dark outside, because due to their bright headlights, I always know well ahead of a possible encounter that they are approaching, and I always assume that they do *not* see me. Hence, when a car tries to merge in from a side road, I always slow down and am ready to let them get in first. Insisting on having priority in such a situation spells disaster. In fact, I am so nervous about cars when riding my bicycle that I not only look out for any sign of an approaching headlight, I also prick up my ears trying to hear them as early as possible, particularly when they approach from the rear where I might not see their headlights early on. It gets to the point that I sometimes think the sound of my own wheels and gears are the sound of an approaching car...

Take it easy, take it easy!  
Don't let the sound of your own wheels drive you crazy.  
Lighten up while you still can.  
Don't even try to understand.  
Just find a place to make your stand and take it easy.

*The Eagles, 1972*

Of course, deer don't have headlights, so there is no way of preparing for an encounter with them.

It looks like you either have to pick colliding with cars during daylight or with wildlife during dawn, dusk and night.

You just can't win...

## Therapy in Order to Make Me Healthier

One of the conditions of my probation is that I take therapy, because my sexual attitude is said to be all screwed up. I am curious to see where that one goes. There are more pythonesque experiences headed my way. It will be interesting.

I like talking to intelligent therapists. I have done it several times before. Actually, I am married to one. All three children currently living with us have had, or still have, therapists. I talk to them all the time. And I myself have had therapy sessions: as an adolescent about my pubescent anger-management

issues, and as a husband about my marital issues – once even together with my wife.

Can't you tell by now that I like to pour out my secrets to complete strangers? Maybe you, dear reader, have been my therapist all along? Here I am, lying on the couch, pouring my heart out to you for hours on end about the most-intimate aspects of my life, and you listen carefully. Are you making notes yet?

The company that employs my therapist states this on their internet home page at <https://triadtreatment.com/>:

“All persons who come to Triad Treatment Specialists and who desire to work toward positive change in therapy will be guided toward the development and practice of valuable insights and skills to provide the individual, couple and/or family with the strategies necessary to live healthier lives. All persons are seen as having value and worth and are treated with integrity, respect and consideration of cultural differences.” (My emphases)

I'm curious to find out how they will help me make my lifestyle even healthier, and whether they can treat my desire to wear skimpy split running shorts and male bikini swimwear, accepted in other cultures, with consideration of these cultural differences...

Well, I know what you think. The best advice to stay healthier than I already am is by staying away from deer, and by wearing a helmet when riding a bicycle – or maybe by exclusively hitting the hamster wheel after all. You can't crash into a car or get run over by a reindeer when taking a spinning class!

Advice well taken. I will comply!

(As I write this addendum, it is late summer of 2022. My repaired bicycle has been sitting in our garage since early 2021, but apart from short rides doing errands and a family tour on a bike trail, I have not been out even once. The trauma makes me stop in my tracks every time I think of getting into the saddle...)

Initially, I thought I would write about my therapy here as well, but I have changed my mind. This is a work in progress, and writing about it here would mean that I have to wait for many more weeks or even months before anything relevant could be said about it. That in turn would delay this book's publication unacceptably long, so it won't happen.

Regardless, so far this therapy has turned out to be really agreeable, and I must say that I am even enjoying myself. But enough said. Now, please, give me a little privacy here, would you?

## The Appeal

In Pennsylvania, appeals of court decisions in criminal cases can only challenge matters of law, not matters of facts, which means that the Court of Appeals will look only into whether or not any violations of formal laws, rules and regulations were committed during the trial. Therefore, nothing of what I had prepared for my original trial which my lawyer had refused to introduce could be presented to the Court of Appeals, let alone any new facts to the case (such as the temperature chart shown on page 67).

Since my trial lawyer was a complete and utter disappointment and couldn't be trusted, I hired a new set of lawyers who had the reputation of being highly professional and experienced at handling appeals. The problem was, of course, that they were not familiar with the facts of the case and what actually transpired during that event. But since only formal issues were to be reviewed, it likely wouldn't matter, or so I thought.

COVID 19 had changed the rules. First, Pennsylvania's judiciary allowed only the lawyers handling the case to appear at the hearing, yet not the defendant. But at least they permitted the defendant to attend virtually through a video-conference link. However, when my case was heard, that provision had been removed, and I had no way of attending the case, not even via a phone call, so I had no way of advising my lawyers about issues that turned up.

As my lawyers told me afterwards, the judges handling the case did ask my lawyers a number of questions pertaining to the facts of the case. For instance, they ask why I didn't change in the car that morning. My lawyers had no plausible answer for that. Had I been able to communicate with them, I could have told them that it is rather difficult for a person 6'4" tall to change while sitting behind the steering wheel of a mini-SUV (I have a Mazda 5). "Oh, well, we didn't know that you are that tall," was my lawyer's answer.

One point we tried to argue was that a police officer on the scene cannot be the victim of the claimed crime, so there was neither a victim nor a crime to begin with. "But what if some joggers had shown up at the park where the defendant was?" asked one of the judges. My lawyers had no response to that either. Mine would have been threefold: First, in the eight years I've been working out at the River, I have never seen any joggers, first of all because that place is a dead end. In addition, anyone trying to jog at 4 AM in the morning in that area at pitch-black dark would risk spraining their ankles by stumbling across obstacles they didn't see, and they even might break their legs by running into larger obstacles, because it's simply too dark in most areas. For example, you might run into a picnic table that visitors to the park

keep moving around. That happened to me once while riding my bike with the lights off along the riverside. I didn't break my legs, but I sure damaged my front wheel.

This brings me to the last and definitive point: joggers – or all other normal riverfront visitors, for that matter – don't run around with police spotlights looking for people who might have their pants down. Hence, such people simply wouldn't see anything. Eight years of “cohabitation” with fishermen along the riverfront, none of whom ever saw anything compromising, no matter how often I changed my clothes there or even went skinny dipping, is proof of that fact. That's why a police man shining into a dark park with a spot light cannot be a victim of an act of indecent exposure (or open lewdness, for that matter). He artificially “creates” such a crime.

Any person other than a police man running around in a dark park early in the morning with a spot light looking for people potentially in compromising situations would be called a Peeping Tom and pervert. Give him a police badge, and he suddenly turns into a heroic dragon slayer? I don't think so.

Unfortunately, non of this occurred to my lawyers, so the Court of Appeals never heard any argument along those lines – which is why you should always have the right to intervene in real time during any kind of trial when a lawyer messes up. But I had no right at all to know what was going on during my appeal proceedings. Needless to say, we lost the appeal.

## Making Love under the Stars

Here is my experience as a decent fellow when encountering people committing acts of “indecent exposure”: In April of 2011, I stayed with friends in Panama for a month. They owned a beach-front property, and I took the opportunity to go out onto the beach many a morning to do my habitual workout. One of these mornings, at the crack of dawn, I saw and heard someone at the beach's edge lying on what seemed to be a blanket under the canopy of the adjacent row of palm and almond trees. They were some 100 yards away from me, and the sound coming from them were the sounds of lovers in love. I decided to ignore it. As dawn grew brighter, they eventually spotted me, and after sorting their things, they made a quick retreat. It would never have occurred to me to call the police on them, because it would have been utterly indecent to expose them. Snitching on them would have been (my) indecent exposure (of them), not whatever they were doing.

During my eight years of working out at the River, there were numerous occasions where couples came to the riverfront and sat down at the beach or on the park lawn spending some romantic minutes or hours together. One time, such a couple was busy behind some bushes near the spot where I was just climbing out of the water after my swim. When I realized it, my thought was, “what the heck?”, but then I decided to ignore it. I would be a pervert had I tried to find out what was going on. I left them alone, as I left everyone else alone who came there to do whatever they were doing. THAT is decency.

Many of us have some memories of making love under the stars, and the mere idea of ratting out lovers and making them serve a prison term for making love is unfathomable. If people don't mean to offend, and if they have reason to believe that they are alone and unobserved, let them be, keep your distance, ignore and go on with your own business. Move on! There is nothing to see here...

*“As research by British epidemiologists Richard Wilkinson and Kate Pickett has shown, unequal societies are unhealthy ones: the larger the gap in income between a country’s wealthiest and poorest, the more likely that country is to experience lower life expectancy and higher rates of chronic disease, teen birth and infant mortality.”*

Maryn McKenna, “Return of the Germs,”  
*Scientific American*, Vol. 323, No. 3,  
September 2020, pp. 55f.

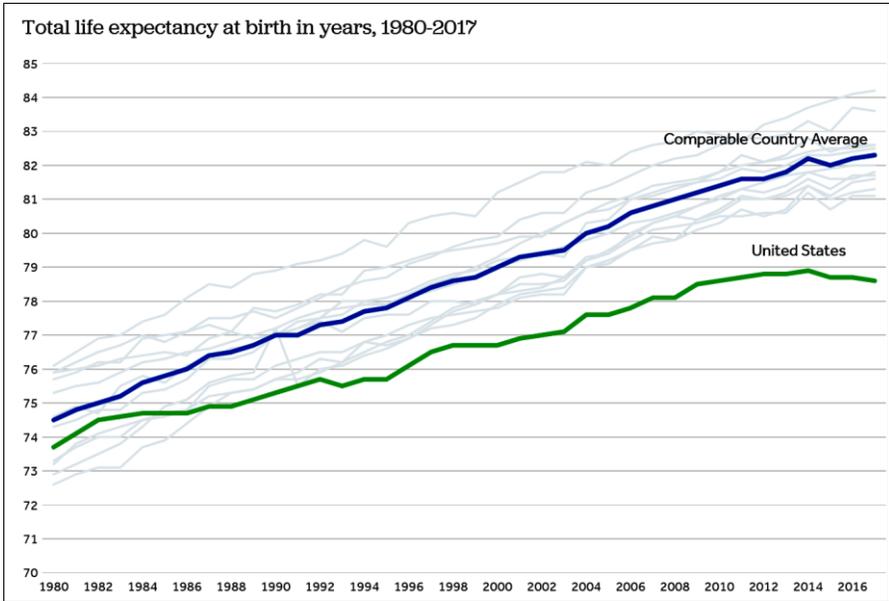
## The United States of America Are Profoundly Unhealthy

I used to have a friend living in Red Lion who was very much into martial arts; let’s call him Roberto. He used to work out on any available parking lot or publicly accessible lawn in the downtown area of Red Lion, with his upper body naked and his lower body dressed in camouflage cargo pants. Roberto was the town’s “weirdo.” People suspected him of being mentally out of balance. Roberto saw me come home in the early morning hours from my bike rides in my skimpy shorts and shirt. This is how we initially connected. We understood each other. It’s tough to pursue a healthy lifestyle in a society that is by its very structure unhealthy.

Let me explain.

What is the national flower of the United States? It is the carnation – car nation. Get it? This nation has been built for and around cars, not humans. You can go everywhere by car, but walking from one shopping mall on one side of a major road to another mall on the other side of the road is virtually impossible. If towns and cities in America have sidewalks at all, they are usually limited to downtown areas and to older towns in the east or on the west coast. Drive-ins, drive-throughs etc. As mentioned before, if you walk along the side of a road without a sidewalk, people think you’re a weirdo or some anti-social misfit, since evidently you cannot afford a car. If in the US you want to go on walks or want to jog, you either have to use roads – with the risk of getting plowed over – or drive (again) to the few trails and parks that may exist in your area. People drive to the gym in their cars – what a counter-intuitive nonsense!

There is a subculture of people doing calisthenics – free-body workout, mainly it seems in California. Just Google the term, or look up videos on YouTube. But the rest of the country seems to be pretty much oblivious to



Ill. 24: Development of average life expectancy of the U.S. population (green curve) compared to that of other similar industrialized nations (blue curve; countries included as grey lines, from top to bottom: Japan, Switzerland, Sweden, Netherlands, Canada, Australia, France, Germany, UK, Belgium, Austria. Source: [www.healthsystemtracker.org/chart-collection/u-s-life-expectancy-compare-countries](http://www.healthsystemtracker.org/chart-collection/u-s-life-expectancy-compare-countries))

the fact that a good workout does not require any gym. In fact, training your muscles in isolation by using certain workout equipment as offered by any gym isn't even very healthy. If you do that, the risk of overloading the connective tissue is big, and training muscles in isolation neglects supportive muscles that are needed to stabilize motions when not supported by the restraints of a machine. So, it gives you the illusion of being strong, when in fact your strength is asymmetric, one-sided and potentially dangerous.

Furthermore, doing cardiovascular exercises in a gym isn't a good concept either. We should all swim, run, cycle and row outdoors whenever we can, weather permitting. This brings us all closer to nature, which makes us appreciate and protect nature more. I have lived in many different cultures, and I have observed nowhere such a strong disconnect between humans and nature as in the U.S. It seems like most Americans want to keep nature out there, and us in here. Wherever we consider something "ours," we want to tame it, subdue it, make it behave as we want. A lawn is supposed to have grass in it and nothing else. Flowers and herbs are unwelcome. Bugs need to be wiped out. Where does this all lead?

A rational way of looking at things is to apply Immanuel Kant's Categorical Imperative to the problem: what if everyone acted the way I did, meaning: working out in public, only partially but still legally dressed?

First of all:

- there would be not a single victim, and nothing would be damaged, because all we do is work out peacefully, minding our own business, trying not to interfere with what others do, and staying out of people's way.

Then, and more important:

- The U.S.'s obesity rate – the highest in the world – would plummet from 30% to zero.
- The U.S.'s rate of overweight people – the highest in the world – would plummet from 66% to zero.
- The U.S.'s pre-diabetes and diabetes-type-2 rate – the highest in the world – would plummet from 30% to almost zero.
- The U.S. citizens' average life expectancy – among the lowest of industrialized nations and the only one actually sinking (see Ill. 22) – would increase by maybe five years.
- The U.S. would save health-care costs worth billions of dollars every year.
- The U.S. would create many more public parks for people to use in order to increase their physical, mental and emotional health.
- The U.S. would save mental-health costs worth billions of dollars every year.
- The U.S. population would become much more appreciative of nature itself and would take much better care of its natural resources upon which all life depends.

And because people would have a much-more-relaxed attitude toward their bodies and exposing parts of it to view (save the private ones, of course), I am certain that:

- The U.S. would lose its leadership position in teen pregnancies.
- The U.S. would lose its leadership position in pornography.
- The U.S. would lose its leadership in trafficking women as sex and pornography slaves.

Let me explain the last three points in more detail, starting with an example. A few days after I had come to the US in August of 2011, my then-6-year-old daughter and I accompanied my wife to her workplace in Kenosha, Wisconsin, just north of the border with Illinois. From there, it was only a short walk

to the beach of Lake Michigan. So, my daughter and I went there. While she had her bathing suit already on underneath her clothes, I had merely taken my Speedos with me. When at the beach, I quickly got out of my shorts and put on my Speedo. While doing this, a lady with a maybe 4-year-old daughter some 50 yards away – she was behind me – suddenly started screaming hysterically. I looked around and thought to myself, “My god, what’s wrong with her?” She stopped, and nothing else followed. I have changed hundreds of times this way in all kinds of countries all over the world and never encountered anything like this. I had to learn later that quickly changing in public view is not acceptable.

I am on no mission to change the American Way, if this is part of it. But I see a connection between the fact that anything connected with sexuality or private parts is a strict taboo, and the fact that the U.S. leads the world in teen pregnancies and pornography production.

There are two main instincts that drive us. The strongest is our survival instinct as individuals, which shows as basic, primordial feelings such as hunger and thirst, and then there is our survival instinct as a species, which shows as our sex drive, which is similarly primordial. The problems the U.S. has with the first set I already mentioned: world leader in obesity and all the other things connected with it due to undisciplined catering to the hunger beast.

Now we have the second one: sex drive. In U.S. society, this natural instinct, urge or drive, whatever you want to call it, is being suppressed to the point that it looks for channels of relief which are inherently unsafe and unhealthy. Giving young people proper sex education and making them have no unreasonable inhibitions to talk about sexual issues would go a long way to preventing teen pregnancies, and it would also allow the U.S. to address the big elephant in the room nobody wants to see:

When researchers tried to evaluate the influence of internet pornography on males, they needed to find a control group of males who do *not* consume internet porn. The study could not be made, because no males could be found not consuming internet porn.<sup>18</sup> Most porn consumers are males, and most of them use “free” porn; but it is an illusion to think it is free: Every click, every visit to a certain site or page means revenue for the operators, because advertisers pay by visit and click rates. So, no matter what you visit – paid “service” or free – you fund the industry. On most sites, it is not possi-

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<sup>18</sup> This information was taken from a 2019 issue of the magazine *Nautilus* (<http://nautilus.us>), of which I received only one issue – and threw it away.

ble to distinguish between “legitimate” porn, meaning sex recorded between consenting adults, and illegitimate or even illegal porn, meaning sexual acts performed mostly on women who were forced into it by poverty, blackmail (of illegal immigrants) or by outright human trafficking. Any porn visitor also finances to some degree or another these dark branches of the porn industry, whether he wants to or not.

The U.S. is the worldwide leader in internet pornography, and as a consequence, is also the worldwide leader in sex slavery – yes, the U.S. is a worldwide leader in slavery – again, one might say. While this society is still struggling to cope with the ripple effects of historical slavery, a new kind of slavery has the nation in a firm stranglehold, and very few take notice. This time, the victims are not sub-Saharan Africans, but women, and the vast majority of American males are drooling over these acts flickering over their internet screens – if it is indeed true that there are hardly any adult males not consuming internet porn.

What does it tell us about male sexuality that almost all males – not just in the U.S., but apparently anywhere in the world where there is internet access – seem to be caught in this cyberspace pheromone trap that entices them to make “love” to color pixels on a screen rather than to their girlfriends, lovers and spouses? Along the line, social relationships suffer, marriages deteriorate, and families fall apart. How much sexual misguidance and repression does it take for an entire population to turn away from real-world relationships to virtual encounters, to a Matrix of surreal illusions? Oh, sex, porn, naked, private parts – don’t talk about them. Don’t live them out in the real world, live them out in your backroom staring at a screen... That’s what a society gets from suppressing the second-strongest human instinct.

Chances are high that the middle-aged man residing near the park who has been complaining evidently for years about my workouts in skimpy shorts is also an internet-porn consumer. He gets alarmed by my working out near his front-yard, but – if my assumption is correct – he is not the least alarmed by watching sexual acts flickering over his screen at his wish, accessible by the public *in public* at any time, by anyone, children included. This resident is not the least alarmed by the human tragedies caused to millions of women worldwide and in particular within the U.S. by this industry. He just doesn’t want to see a fit male in skimpy clothes anywhere near his house.

It is probably safe to assume that many Americans have a similar attitude, but I hope this is *not* what the American Way of Life is all about. It shouldn’t be.

We all should teach our children to develop a relaxed and natural relationship to their bodies and sexuality; yes, even to celebrate a beautiful and healthy body, and more important still, how to enjoy obtaining and maintaining it. Telling people to visit hamster cages and run around in hamster wheels is never going to cut it for the majority of people. Because it's not natural. It makes no sense.

Moreover, we all should fight the new slavery and human trafficking committed in the name of porn by turning off the screens, one by one; and we all should get out into nature and exercise more. And if by so doing the majority in this country realizes that working out during the summer is best done in the wee hours of the morning, and in vibrantly colored clothes to be visible and thus safe, and in skimpy, airy styles to stay cool and thus healthy, then this society will have made huge strides to become a much healthier and happier one.

For now, however, people who practice this lifestyle get dragged into court, are charged with “open lewdness” and “indecent exposure,” and must have their mental health evaluated. *That* should alarm all of us.

Red Lion, August 11, 2019  
revised and expanded between July and September 2020  
and again revised and expanded on August 21, 2022

## Post Scriptum

On July 22, 2020, my immigration lawyer confirms that I understand correctly the text of the U.S. immigration law that defines which aliens can be deported under which circumstances. See the Section “The Law” in the Appendix.

According to this, I would have been deportable from the U.S., if I had been “convicted of a crime involving moral turpitude committed within five years [...] after the date of admission” to the U.S. Since I was admitted to the U.S. on August 2, 2011, I would have been deportable if I had committed this claimed act between that day and August 1, 2016. However, the date of the event was July 2, 2019, so almost three years later.

Looks like I dodged that bullet.

But, as my lawyer wrote:

*“Be careful, you have no room for error. Another conviction will have you packing your things.”*



## Appendix

### The Law

**§ 3127. Indecent exposure.**

(a) **Offense defined.**--A person commits indecent exposure if that person exposes his or her genitals in any public place or in any place where there are present other persons under circumstances in which he or she knows or should know that this conduct is likely to offend, affront or alarm.

(b) **Grading.**--If the person knows or should have known that any of the persons present are less than 16 years of age, indecent exposure under subsection (a) is a misdemeanor of the first degree. Otherwise, indecent exposure under subsection (a) is a misdemeanor of the second degree.  
(Mar. 31, 1995, 1st Sp.Sess., P.L.985, No.10, eff. 60 days)

[<https://www.legis.state.pa.us/WU01/LI/LI/CT/HTM/18/00.031.027.000..HTM>]

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[<https://www.legis.state.pa.us/cfdocs/legis/LI/consCheck.cfm>]

Text Size: /

**§ 923. Classification of offenses and penalties.**

(a) **General rule.**--The following penalties shall be imposed for violations of this title:

(1) For a summary offense of the first degree, a fine of \$250 or imprisonment not exceeding 90 days.

(2) For a summary offense of the second degree, a fine of \$150 or imprisonment not exceeding 20 days.

(3) For a summary offense of the third degree, a fine of \$75.

(4) For a summary offense of the fourth degree, a fine of \$25.

(5) For a misdemeanor of the third degree, a fine of not less than \$250 nor more than \$5,000, or imprisonment not exceeding 90 days, or both.

(6) For a misdemeanor of the second degree, a fine of not less than \$500 nor more than \$5,000, or imprisonment not exceeding two years, or both.

<https://uscode.house.gov/view.xhtml?req=granuleid:USC-prelim-title8-section1227&num=0&edition=prelim>

TITLE 8 / CHAPTER 12 / SUBCHAPTER II / Part IV / § 1227

## 8 USC 1227: Deportable aliens

Text contains those laws in effect on July 18, 2020

### From Title 8-ALIENS AND NATIONALITY

#### CHAPTER 12-IMMIGRATION AND NATIONALITY

#### SUBCHAPTER II-IMMIGRATION

Part IV-Inspection, Apprehension, Examination, Exclusion, and Removal

### §1227. Deportable aliens

#### (a) Classes of deportable aliens

Any alien (including an alien crewman) in and admitted to the United States shall, upon the order of the Attorney General, be removed if the alien is within one or more of the following classes of deportable aliens:

#### **(1) Inadmissible at time of entry or of adjustment of status or violates status**

[...]

#### **(2) Criminal offenses**

##### **(A) General crimes**

##### **(i) Crimes of moral turpitude**

Any alien who-

(I) is convicted of a crime involving moral turpitude ***committed within five years*** (or 10 years in the case of an alien provided lawful permanent resident status under [section 1255\(j\) of this title](#)) ***after the date of admission [here: before August 2, 2016!!!], and***

(II) is convicted of a crime for which a sentence of one year or longer may be imposed,

is deportable.

[...]

# Transcript of Preliminary Hearing

COMMONWEALTH OF	:	District No. 19-3-01
PENNSYLVANIA	:	
	:	
VS	:	
	:	
GERMAR RUDOLF,	:	
Defendant	:	OTN U724889-4

TRANSCRIPT OF PROCEEDINGS  
OF PRELIMINARY HEARING

BEFORE: JOHN H. FISHEL  
Magisterial District Judge

DATE : August 8, 2019, 4:32 p.m.

PLACE : 2997 Cape Horn Road  
Red Lion, PA 17356

BY : Cynthia A. Repman, RPR, CRR  
Reporter - Notary Public

APPEARANCES:

LOWER WINDSOR TOWNSHIP POLICE DEPARTMENT  
BY: OFFICER BENJAMIN WIND

For - Commonwealth

MPL LAW FIRM  
BY: J. RICHARD ROBINSON, ESQUIRE

For - Defendant

INDEX  
WITNESSES

<u>FOR THE COMMONWEALTH:</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>
Benjamin Wind	3	5	15	16

1                    PROCEEDINGS HELD ON THURSDAY, AUGUST 8, 2019

2  
3                    THE COURT: Counsel, officer, anything  
4 to address before we begin?

5                    OFFICER WIND: No, sir.

6                    ATTORNEY ROBINSON: No, Your Honor.

7                    THE COURT: All right. We're here in  
8 the matter of GERMAR RUDOLF, and he's charged with open  
9 lewdness. Officer, if you'll stand and raise your  
10 right hand, I'll let you stay where you're at.

11                    \* \* \*

12                    BENJAMIN WIND, called as a witness,  
13 being duly sworn according to law, testified as  
14 follows:

15                    THE COURT: Thank you. Please be  
16 seated.

17                    And then if you'll explain what led to  
18 your charges here.

19                    DIRECT EXAMINATION

20 BY OFFICER WIND:

21                    A. Yes, sir. On July 2nd of this year just  
22 after 4:00 o'clock in the morning, I was on uniformed  
23 marked patrol in the area of the 2100 block of Long  
24 Level Road where it comes together with Fishing Creek  
25 Road. I had increased my patrols in that area after

1 receiving complaints from residents about a -- an  
2 individual who was seen several times naked in the  
3 area. As I came into the area, I saw an individual off  
4 to my left standing next to a playset. From the  
5 ambient light, I could see that he was wearing a neon  
6 yellow shirt and no pants, so when I put my spotlight  
7 on him, he turned and ran towards a tree near the  
8 playset. I could see from the waist down he was naked.  
9 He went behind the tree. I called out to him. He  
10 continued to run.

11 He had a small dog with him, kind of gave him  
12 away because the dog -- you could see the dog running  
13 through the darkness. I put my flashlight on him over  
14 by the picnic table. He appeared to be putting on  
15 pants or putting on something on his lower part of his  
16 body. I called out to him again. Finally he  
17 acknowledged me, came walking over to me. We had a  
18 conversation. During that conversation, it was  
19 discovered that he had a car parked in the church  
20 parking lot right across the street. I asked him if he  
21 had identification in his car. He said he did. As he  
22 was -- before he could retrieve it, he said he had to  
23 get his keys, which were over on the steps of this  
24 playset, children's playset. He picked up a towel. He  
25 picked up his keys.

1           I shined my flashlight where he was  
2     retrieving these items from, and I also saw a bottle of  
3     appeared to be baby oil, so clear oil. I asked him if  
4     that was his. He said it was. That was given to him  
5     as well. He did give me his ID once we got back to his  
6     car. He was positively identified as Gernar Rudolf,  
7     who is present here today in court, has a floral print  
8     shirt at defense table. He was asked to leave the  
9     area. He left the area briefly, came back to the area.  
10    He was asked to leave the area again and did, and this  
11    criminal complaint was filed for open lewdness.

12                   THE COURT: Counsel.

13                   ATTORNEY ROBINSON: Oh, okay.

14                               CROSS EXAMINATION

15    BY ATTORNEY ROBINSON:

16           Q.    Officer, you said this was about 4:00 --  
17    well, your complaint says 4:06 a.m.

18           A.    Correct.

19           Q.    Okay. Had you received a call or a complaint  
20    that morning?

21           A.    No.

22           Q.    Okay. That was prior?

23           A.    A few days prior than that.

24           Q.    A few days prior, okay. So I mean obviously  
25    it's 4:00 o'clock in the morning or so. It's dark

1 outside, correct?

2 A. It is.

3 Q. Okay. So you come into the area of Fishing  
4 Creek and Long Level. Where were you when you first  
5 saw him, just so I'm clear?

6 A. I was only about 20 feet from the playset on  
7 the road.

8 Q. Okay.

9 ATTORNEY ROBINSON: I'll just have  
10 this -- well, I'll just have that marked as Defendant's  
11 Exhibit Number 1.

12 BY ATTORNEY ROBINSON:

13 Q. Can you just put me an X somewhere -- do you  
14 need that --

15 A. No, I have one.

16 Q. -- an X where you were when you first saw  
17 him.

18 A. Yeah, I was about (indicating), right there.

19 Q. Where did you put it? I didn't see.

20 A. Right there (indicating).

21 Q. Oh, okay.

22 A. He was about right in this area (indicating).

23 Q. I was going to ask you to put an X right  
24 where he was.

25 A. Yeah, he was about right there (indicating).

1 Q. Right there (indicating)? I'll put it a  
2 little darker; is that correct?

3 A. Yeah, right about there (indicating).

4 Q. Okay. So that's when you first observed my  
5 client?

6 A. Correct.

7 Q. Okay. And the -- you made a comment, you  
8 said that you -- you said -- said a word, something  
9 lights that enabled you to observe him.

10 A. Yeah, he was still within the -- the light of  
11 my headlights.

12 Q. Oh, your headlights?

13 A. Headlights.

14 Q. I missed what you said. Okay. What, those  
15 were directly on him?

16 A. No, not directly.

17 Q. Okay. Other than your headlights, was there  
18 any kind of other areas that are lit up?

19 A. The church parking lot has -- the church has  
20 a light.

21 Q. Okay. And that's the Ebenezer Church down in  
22 the lower left-hand corner?

23 A. Correct. And then further to the south,  
24 there is a light there at the boat launch.

25 Q. Down this way (indicating)?

1           A. Right down this way (indicating), probably  
2 about where -- it's down here (indicating).

3           Q. Oh, down this -- down --

4           A. Yeah.

5           Q. So off picture?

6           A. So there's some ambient light, but there's  
7 not a lot.

8           Q. Okay. But you were able to see him because  
9 you said you had your headlights on?

10          A. Yeah, he just went through. I saw him just  
11 as plain as day.

12          Q. Okay. And when you first observed him, was  
13 his back to you or was --

14          A. No, his front was to me.

15          Q. Okay. Other than yourself, were there any  
16 other cars on the roadway --

17          A. No, not at that particular morning.

18          Q. -- at that time of the morning?

19                 Okay. Had you just arrived in the area?

20          A. Correct.

21          Q. You were just coming down I guess it would  
22 have been Fishing Creek?

23          A. Well, this was Long Level this way  
24 (indicating) --

25          Q. Okay.

1           A.    -- that once you get to -- once you get to up  
2 here, this is Fishing Creek (indicating).

3           Q.    Okay. But you were coming down from --

4           A.    Long Level.

5           Q.    From the top of Defendant's Exhibit Number 1,  
6 down towards where your X is?

7           A.    Right.

8           Q.    Okay. And you were the only -- only  
9 individual in your car?

10          A.    I was the only individual working for my  
11 department at the time.

12          Q.    Okay. So you've testified there's no other  
13 cars in the area at that time. Were there any other  
14 people in the area at that time?

15          A.    I can't say for sure. There's houses across  
16 the street.

17          Q.    Okay.

18          A.    I know that the individual that lives in the  
19 very last house leaves for work at around that time.  
20 Whether he saw him that particular day or not, I don't  
21 know.

22          Q.    Okay. But you already testified you didn't  
23 get any complaints that day --

24          A.    Not that day.

25          Q.    -- or anything like that. Okay.

1                   ATTORNEY ROBINSON: I'll just have this  
2 one marked as 2.

3 BY ATTORNEY ROBINSON:

4           Q. Are the houses you're referring to indicated  
5 on Defendant's Exhibit Number 2 at all?

6           A. There's a church here (indicating), and then  
7 there's three houses here (indicating).

8           Q. Okay. That are off picture to the top?

9           A. Yes. Right across from the park, yeah.

10          Q. Okay. All right. So these buildings here  
11 (indicating) at the lower right-hand corner of  
12 Defendant's Exhibit Number 2, those are not houses?

13          A. That's Shank's Mare, and these are houses  
14 (indicating).

15          Q. Okay. And then you've indicated there's  
16 houses which are outside of the picture to the --

17          A. Just outside -- just on the other side of the  
18 road, there are three houses.

19          Q. Okay. All right. So the light that you  
20 testified -- the lighting that you testified that would  
21 have been over at the Ebenezer's Church area --

22          A. Um-hum.

23          Q. -- did that illuminate the area where you saw  
24 my client?

25          A. Not a lot.

1           Q.    So without your headlights, you wouldn't have  
2    been able to see him?

3           A.    I would hope I would.

4           Q.    Okay.

5           A.    I was there to -- I was getting ready to turn  
6    spotlights on when I saw him.

7           Q.    Maybe I didn't ask the question properly.  If  
8    you didn't have your headlights on or other lighting  
9    equipment there, you wouldn't have been able to see  
10   him?

11          A.    I don't -- I can't answer.  I don't know.

12          Q.    Okay.  Now, where was he at when you put your  
13   spotlight on him?

14          A.    About the same spot, maybe a little bit  
15   closer to the playset.

16          Q.    Okay.

17          A.    He had just turned around and was in a fast  
18   walk, slow jog type of -- he was going over to the tree  
19   located between the playset and the river.

20          Q.    Okay.  Which tree?  This one right over here  
21   (indicating)?

22          A.    No.  It's actually this one (indicating).  
23   This is a big, tall tree here (indicating).  He ran  
24   over and hid behind that.  I followed.  He came down  
25   along here (indicating) --

1 Q. Okay.

2 A. -- just like your lines there indicate that  
3 the --

4 Q. Okay. And did you end up meeting him over in  
5 the parking lot area?

6 A. Yeah, over in the right -- right about in  
7 this area here (indicating). He came walking back up,  
8 and I came walking this way (indicating).

9 Q. Okay. But you had parked your car in the  
10 parking lot area?

11 A. No. I was in the middle of the street.

12 Q. Still where you put your X?

13 A. That's right.

14 Q. Okay. Could you just put a mark -- marking  
15 on there as to where you guys met up then?

16 A. Yeah. I'd say right about in this area here  
17 (indicating).

18 Q. Okay. And that's the X on the pink line?

19 A. Yeah, right in that area there (indicating).  
20 We met in the roadway together.

21 Q. And at that time, did he have his clothes on?

22 A. He still had the neon yellow sleeveless shirt  
23 and leopard stripe silk -- I guess they were underwear.

24 Q. Okay.

25 A. I don't know what they were.

1           Q.    Okay. Did he have the leopard skin underwear  
2 or what have you on when you first saw him?

3           A.    No.

4           Q.    Okay. Because I thought you testified on  
5 direct -- on your direct examination that you saw him  
6 put his clothes on or --

7           A.    Yeah, I appeared to see him put his clothes  
8 on at a picnic table over here (indicating).

9           Q.    Okay.

10          A.    He was bending over, lifted one leg, and then  
11 lifted the other leg.

12          Q.    Okay. So then when he came back over to you  
13 where we have the X on the pink line on Defendant's  
14 1 --

15          A.    Right.

16          Q.    -- then he had on the underwear let's just  
17 call it, correct?

18          A.    Yep.

19          Q.    Other than the dog, was there anybody with  
20 him?

21          A.    Not that I'm aware of.

22          Q.    Okay. Relative to your engagement of him  
23 when you first saw him -- well, does your car have  
24 dash cam, MVR recording?

25          A.    No, it doesn't.

1 Q. Okay. Did you have a body cam on?

2 A. Nope.

3 Q. Okay. Relative to the surrounding areas,  
4 just if you know, during the course of your  
5 investigation, is there any either from the church or  
6 any other establishment where there was any  
7 surveillance or videos that may have provided --

8 A. Not that I'm aware of.

9 Q. Not that you're aware of?

10 A. Not that I'm aware of.

11 Q. Okay. And I believe you testified that my  
12 client was parked near the church; am I correct?

13 A. He was.

14 Q. Okay. Can you show me on Defendant's Exhibit  
15 Number 1 where his car may have been?

16 A. His car was in this area here (indicating).

17 Q. Okay. And there you've drawn a circle?

18 A. Yep.

19 Q. Kind of right to the right of the Ebenezer  
20 Church?

21 A. Yes.

22 Q. Okay. Did -- did you talk to my client then  
23 when you got his general information or anything?

24 A. A little bit.

25 Q. Okay. Did he indicate to you when he had

1 arrived there?

2 A. I didn't -- I don't remember him saying that.  
3 We had a conversation about whether or not he was the  
4 guy that was caught down there the last time doing  
5 this. He said he was. I asked him why he was doing  
6 it, and he said that in his country, he's allowed to do  
7 it. We had conversations like that, but that was --

8 Q. Okay. Did he give you any explanation or  
9 reason why he was there that morning?

10 A. To work out.

11 Q. Okay. All right.

12 ATTORNEY ROBINSON: One second, Your  
13 Honor.

14 THE COURT: Certainly.

15 ATTORNEY ROBINSON: I don't have any  
16 further cross.

17 THE COURT: Commonwealth, anything else?

18 REDIRECT EXAMINATION

19 BY OFFICER WIND:

20 A. I would just like to -- to say that this park  
21 is owned by Safe Harbor, so it is a private park open  
22 to the public. He has no rights to be there. Just  
23 because it's open to the public doesn't mean you can go  
24 there and do whatever you like. During the summertime,  
25 the spring, summer, and fall, that park can be -- there

1 can be several individuals coming and going, fishing,  
2 boating, that sort of thing.

3 THE COURT: Okay. Counsel, anything?

4 RECROSS EXAMINATION

5 BY ATTORNEY ROBINSON:

6 Q. Well, you say it's privately owned, but it is  
7 a public location, it's open to the public, correct?

8 A. Right.

9 Q. And the last part there, you know, people,  
10 well, obviously come boating and things like that. Do  
11 they typically do that at 4:00 in the morning?

12 A. Yes.

13 Q. Did you see any boaters out that morning?

14 A. There were boats -- there were boats or truck  
15 and trailers in the parking lot, yes.

16 Q. Okay. Did you see any people?

17 A. No, I didn't.

18 ATTORNEY ROBINSON: Okay. That's all.

19 OFFICER WIND: That's it.

20 THE COURT: Counselor.

21 ATTORNEY ROBINSON: We don't have any  
22 witnesses, Your Honor, just -- the only argument I  
23 make, Your Honor, is he's charged with open lewdness,  
24 which states that a person that does any lewd act which  
25 he knows is likely to be observed by others who would

1 be affronted or alarmed. I think the operative thing  
2 in this case would be knows is likely to be observed by  
3 others. It's 4:00 in the morning. It's dark, in a  
4 location where no other people are around. Houses  
5 appear to be off at a distance. There was -- I mean it  
6 was dark, so in other words, there's not sufficient  
7 evidence that my client would at that time of the day  
8 in that area would have known or had reason to know  
9 that it was likely that somebody was going to see him  
10 in that area. I'm not sure it's a lewd act either.

11 THE COURT: Okay. Anything else?

12 ATTORNEY ROBINSON: No.

13 OFFICER WIND: I think the fact that  
14 we're sitting here today is proof enough that someone  
15 was going to see him. The fact that he's been arrested  
16 in the area for doing the same thing and that the  
17 complaint came from people who live right across the  
18 street --

19 ATTORNEY ROBINSON: Well, I'm going to  
20 object to that.

21 THE COURT: Previous act --

22 ATTORNEY ROBINSON: That's not relevant  
23 for today.

24 THE COURT: But in any event, I can't  
25 fathom the belief that -- that somebody would do this

1 in an area that -- where there is a likelihood that  
2 that could occur. It's just you're out in the middle  
3 in the open, and it's not acceptable conduct, and  
4 whether, you know, somebody did see him at this  
5 particular time, you have to believe that, you know,  
6 it's a very good possibility that somebody would,  
7 especially if he knew from in the past that he had been  
8 seen in that same condition. So in either event, I  
9 mean, he didn't learn I guess from the previous act and  
10 came back and did it again.

11                   So based on the information at this  
12 point, I am going to hold it for Common Pleas Court.  
13 The next court date in this case will occur on the 13th  
14 of September at 9:00 o'clock in the morning. That's  
15 when the formal arraignment is scheduled for. That's  
16 when your formal arraignment is scheduled. Your  
17 counsel's office may very well take care of this for  
18 you. If they do, then, of course, you will not need to  
19 be there in person. However, if they don't, then you  
20 will need to be there. This is just a formality to  
21 enter a plea and advise you of your rights going  
22 forward from that point. No decisions in your case are  
23 going to be made at that particular time.

24                   I'm going to set your bail today at  
25 R.O.R., meaning released on your own recognizance or

1 signature bail. You are indicating you are going to  
2 show up for your required court date. Notify us if you  
3 move within 48 hours and only if you move from your  
4 current address. And don't get yourself arrested or  
5 anything else in the process of this case. It does  
6 appear that you have been here and got photographs, so  
7 that was taken care of. I am going to order a mental  
8 health evaluation as a part of the conditions for your  
9 bail, so you will need to make arrangements to have  
10 that completed as well.

11 ATTORNEY ROBINSON: Do you have a waiver  
12 up there, Your Honor?

13 THE COURT: I can get one. You can sign  
14 those two awhile then, counsel.

15 ATTORNEY ROBINSON: All right. Thanks.

16 THE COURT: Here, counsel.

17 ATTORNEY ROBINSON: Sign right there  
18 (indicating).

19 THE COURT: All right. There are your  
20 copies, and you're good to go.

21 ATTORNEY ROBINSON: All right.

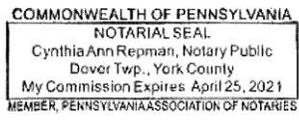
22 (Whereupon, the proceedings were  
23 concluded at 4:54 p.m.)  
24  
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I hereby certify that the proceedings and evidence are contained fully and accurately in the notes taken by me on the within proceedings, and that this copy is a correct transcript of the same.

08/08/19  
Date

*Cynthia Ann Repman*  
Cynthia Ann Repman, RPR, CRR  
Reporter - Notary Public



# Excerpts from the Transcript of the Trial Testimony by Benjamin Wind

13989 1	reasonable doubt is at that date and time, Mr. Rudolf	14024 1	* * *
13990 2	was actually exposing his genitalia and was in fact	14024 2	THE CLERK: You may be seated.
13997 3	naked so to speak from the waist down.	14027 3	THE WITNESS: Should I remove my mask,
13998 4	I submit to you, Ladies and gentlemen,	14030 4	Your Honor?
13999 5	after you hear all of the evidence in this case, the	14030 5	THE COURT: Yes, please.
13994 6	Commonwealth will not be able to because of distance,	14033 6	* * *
13996 7	because of lighting, darkness will not be able to	14033 7	DIRECT EXAMINATION
13992 8	satisfy you beyond a reasonable doubt that Mr. Rudolf	14038 8	BY ATTORNEY MONROE:
13994 9	is guilty of both of these offenses.	14038 9	Q. Could you please state and spell your name
13996 10	So again, once after you hear all of the	14038 10	for the record?
13998 11	evidence in this case, I'll come back and talk to you	14039 11	A. Sure. First name is Benjamin. Last name is
13999 12	more in my closing argument. But I'm going to ask you	14043 12	Wind, M-I-N-D.
13993 13	to find Mr. Rudolf not guilty of both offenses. Thank	14043 13	Q. How are you employed?
13996 14	you.	14044 14	A. I work for the Lower Windsor Township Police
13998 15	THE COURT: please call your first	14044 15	Department.
13994 16	witness.	14044 16	Q. How long have you worked in that capacity?
13993 17	ATTORNEY MONROE: Your Honor, the	14044 17	A. For Lower Windsor, I've been there for
13994 18	Commonwealth will be utilizing the projector for this	14051 18	15 years.
13997 19	witness. While that is being set up, the Commonwealth	14054 19	THE COURT: Can everyone hear him?
13995 20	does call Officer Benjamin Wind.	20	BY ATTORNEY MONROE:
14004 21	* * *	14059 21	Q. In that line, did you become familiar with
22	BENJAMIN WIND,	14060 22	Lower Windsor and the surrounding areas?
23	called as a witness	14063 23	A. Yes. I not only work there, I live there.
24	having been duly sworn according to law,	14068 24	Q. Were you working on July 2nd, 2019, around
25	testified as follows:	14071 25	four in the morning?

44012 1	A. I was.	44024 1	1	identification as Commonwealth's Exhibit No. 1.)
44012 2	Q. Were you in a marked patrol unit?	44024 2	BY ATTORNEY MONROE:	
44015 3	A. I was.	44024 3	Q. I want to turn your attention to -- I have a	
44015 4	Q. Full uniform?	440230 4	folder in front of you with a large number one on it.	
44018 5	A. Yes.	440233 5	Inside that folder is what has been previously marked	
44017 6	Q. What were you doing at that time?	440235 6	as Commonwealth's Exhibit No. 1. If you could open	
44019 7	A. Patrolling the boat launches and parts of the	440237 7	that, what is that in the folder?	
44028 8	river that people frequent, fish, that sort of thing.	440240 8	A. That's an aerial depiction photograph of the	
44027 9	Q. During your patrol, did you come to the area	440245 9	area that I was talking about.	
44031 10	of Long Level Road and Fishing Creek?	440247 10	Q. Is that a fair and accurate representation of	
44033 11	A. I did.	440250 11	that area you were just describing?	
44033 12	Q. Briefly can you describe this area?	440251 12	A. It is.	
44037 13	A. Long Level Road at the end there you can veer	440255 13	ATTORNEY MONROE: Your Honor, at this	
44043 14	off right and go up Bull Run Road or you can continue	440256 14	time, I would ask to publish this to the jury.	
44047 15	straight towards the boat launch and it turns into	440300 15	THE COURT: I'm not sure why it isn't	
44050 16	Fishing Creek Road. There is a big parking lot there	440302 16	going up there. It is not popping up on mine. You are	
44052 17	and then the boat launch with the park on it. There is	440421 17	all plugged in, right?	
44054 18	a park there with a play set. Across the street, there	440426 18	ATTORNEY MONROE: It looks like it. Let	
44058 19	is a church, three houses, and Shank's Mare. I don't	440450 19	me try the other hookup. Is there a signal now?	
44064 20	know if you're familiar. It is a kayak outdoors store.	440526 20	THE COURT: I'm not getting anything.	
44067 21	Q. How is the lighting in that area?	440529 21	ATTORNEY MONROE: Your Honor, I have	
44071 22	A. At night, there is a light down at the boat	440530 22	individual copies to go back with the jury. I could	
44077 23	launch. There is a street light in the church parking	440532 23	have those distributed at this time for them to look	
44081 24	lot. Other than that, it is pretty dark out there.	440536 24	at.	
44082 25	(Aerial photograph previously marked for	440538 25	THE COURT: Who has gloves on, anyone?	

440650	1	THE TIRESTAFF: I do.	440626	1	A. There are three houses right there.
	2	BY ATTORNEY MONROE:	440641	2	Q. Specifically with respect to that playground,
440701	3	Q. Officer Wind, now that the jurors all have a	440643	3	how far would you estimate that to be from the road?
440703	4	copy of what is in front of you marked as	440646	4	A. 30, 40 feet maybe.
440707	5	Commonwealth's Exhibit No. 1, if you can, just describe	440650	5	Q. Is there anything in the way between the road
440709	6	where on that the playground is located.	440654	6	and that playground that would obstruct your view?
440713	7	A. If you look, there is a big parking lot right	440657	7	A. It depends on if you're coming -- if you go
440715	8	in the middle of the photograph. Then you'll see a	440660	8	back to the north, there is a tree there. But as from
440720	9	square piece of it looks like sand, a sand color. That	440665	9	the roadway directly to it, no, there is nothing.
440727	10	is the playground there.	440669	10	There is no obstruction.
440731	11	Q. You said there is a light by a church. If		11	(Photograph previously marked for
440736	12	you can, just describe on there where that church and	440670	12	identification as Commonwealth's Exhibit No. 2.)
440738	13	where that light are.			BY ATTORNEY MONROE:
440740	14	A. If you -- if you're holding the photograph so	440670	13	Q. I want to turn your attention to the folder I
440744	15	that the river is at the bottom, on the left-hand side	440674	14	have placed up there with the two on it. Inside of
440752	16	you'll see Ebenezer Baptist Church. In that parking	440676	15	that is what I've previously marked as Commonwealth's
440678	17	lot as you come down the road, it looks like a little	440681	16	Exhibit 2. Can you describe what that item is?
440680	18	silver dot down there. But that is a street light.	440683	17	A. That's the play set, jungle gym, whatever you
440688	19	Q. Lastly, you indicated there is some	440686	18	want to call it.
440692	20	residential housing in that area. Is that pictured on	440687	19	Q. Does that -- notwithstanding the time of day
440693	21	this?	440695	20	that photo may be from, is that a fair and accurate
440698	22	A. Yes -- well, no. The residents that are	440696	21	representation of the either lack of or any
440699	23	closest to the playground if you're looking at the	440694	22	obstructions that would be in the viewpoint of that
440701	24	church there, it would be to the left of that.	440697	23	playground from the roadway?
440702	25	Q. How far away would you estimate that to be?	440698	24	A. Right. There is nothing between the roadway
			440698	25	

440850 1 higher than ankle height.

440855 2 Q. And on the date in question, that wouldn't  
440857 3 have been the view you would have specifically had as  
440900 4 it was dark outside. But that obstruction or lack  
440904 5 thereof would be the same?

440906 6 A. Correct.

440908 7 ATTORNEY MONROE: Your Honor, again, I  
440908 8 would like to publish Commonwealth's Exhibit No. 2 to  
440912 9 the jury. I have multiple copies to be handed out.

440920 10 THE COURT: Go ahead.

440924 11 BY ATTORNEY MONROE:  
441002 12 Q. Again, Officer Wind, that would be the view  
441004 13 that you would have of that playground if you were  
441006 14 traveling on Fishing Creek Road?

441008 15 A. Yes.

441011 16 Q. Okay. So turning back to the night that you  
441013 17 were on patrol. While you were traveling down Fishing  
441018 18 Creek Road, did you notice anything that brings you  
441021 19 into court today?

441022 20 A. I noticed an individual standing. He had on  
441028 21 a bright yellow sleeveless shirt. And I noticed he  
441033 22 wasn't wearing any pants and also noticed there was a  
441037 23 small dog with him. I stopped my vehicle. And as I  
441044 24 began to move my spotlight towards him, he ran.  
441046 25 Q. So you saw this individual standing there.

---

441140 1 How well could you see him?

441150 2 A. I could see the yellow shirt and he had no  
441157 3 pants.

441157 4 Q. Now said you see he had no pants. Could you  
441159 5 see his genitalia?

441200 6 A. Yes.

441201 7 Q. And how bright was this yellow shirt?

441206 8 A. It was pretty bright. Like that silky like a  
441213 9 runner's shirt.

441218 10 Q. So if you were traveling -- that drew your  
441217 11 attention as you were traveling down the road?

441218 12 A. It did.

441221 13 Q. Turning back to Commonwealth's 1, the  
441227 14 overhead map, I believe we don't have it on the screen.  
441231 15 But if you could, describe a landmark for the jury who  
441234 16 you are looking at the map themselves. Where  
441238 17 approximately were you in your patrol vehicle when you  
441239 18 first saw the Defendant?

441240 19 A. I'm going to say if you look at the roadway  
441245 20 where it says Fishing Creek Road, right about where the  
441250 21 C is where I first noticed him.

441259 22 THE COURT: Since it says that at  
441301 23 multiple places, perhaps you want to define that a  
441304 24 little bit better.  
441304 25 BY ATTORNEY MONROE:

14305 1	Q. Which specific Fishing Creek -- is it before	14420 1	play set. Towards the river you see from obviously
14306 2	or after the entrance to the parking lot?	14421 2	from the air there is a tree there. It looks like it
14310 3	A. You see the big parking lot. If you come	14422 3	is white. And if look you at the play set, just beyond
14312 4	like you're going to exit that and make a left and	14423 4	the play set you can see the tree from the ground. He
14315 5	right there it says Fishing Creek Road. I'm referring	14424 5	ran over behind that.
14317 6	to the C in the Creek there.	14425 6	Q. So he was behind that tree?
14325 7	Q. Now turning back again to Commonwealth's 2,	14427 7	A. Correct.
14329 8	the image of the playground, if you could, describe on	14427 8	Q. Did you eventually make contact with this
14332 9	there for the jury where approximately you saw this	14445 9	person?
14336 10	person standing.	14445 10	A. I did.
14338 11	A. Okay. Looking at the play set, there is a	14445 11	Q. Is this person that you saw with the yellow
14341 12	green -- there are two green slides. The one on the	14448 12	shirt and no pants present in court towards?
14344 13	left if you look just to the left of that, you can see	14449 13	A. He is.
14346 14	some stairs, maybe two or three stairs and there is a	14451 14	Q. Could you please point him out and identify
14351 15	little flat landing there. He was standing on the sand	14454 15	an item of clothing he's wearing?
14354 16	in front of that right in that area.	14455 16	A. Sure. He's at the defense table. He has on
14357 17	Q. You testified you see him, shine the	14459 17	a dark gray jacket. I want to say Flower print mask.
14407 18	spotlight, and he runs off.	14504 18	ATTORNEY MONROE: Your Honor, may the
14408 19	A. No. He started to run before I actually got	14505 19	record reflect the witness has identified the
14410 20	the spotlight on him.	14507 20	defendant?
14411 21	Q. Okay. So he's running as you get the	14508 21	THE COURT: So noted.
14412 22	spotlight on him?	14509 22	BY ATTORNEY MONROE:
14413 23	A. Yes.	14512 23	Q. When you made contact with him, after you had
14413 24	Q. Where did he go?	14515 24	him initially and he ran back to the bushes, did you
14415 25	A. The aerial picture of the parking lot, the	14517 25	notice anything different about him when you actually

141820 1 spoke with him? Was he still naked from the waist  
 141824 2 down?  
 141824 3 A. No, no, no. It took a while to get him to  
 141829 4 come over to me. I was yelling to him. From the tree,  
 141834 5 I watched him and it was easy because of the shirt and  
 141838 6 his dog. But he ran to the right. There is a picnic  
 141842 7 table right there. He sat down at the picnic table and  
 141846 8 appeared to be putting on pants.  
 141848 9 Q. So when you finally made contact, then he  
 141857 10 had on --  
 141857 11 A. I don't know if they were shorts or  
 141859 12 underwear, leopard -- like a silk leopard pants shorts.  
 141865 13 Q. When you made contact with him, did you ask  
 141867 14 him what he was doing?  
 141868 15 A. I did.  
 141869 16 Q. What was his response?  
 141869 17 A. He told me he was there to workout.  
 141869 18 Q. Did you notice in the area of the playground  
 141869 19 where he was any fitness equipment, dumbbells, jumping  
 141871 20 ropes, yoga mats?  
 141872 21 A. I did not other than eventually the towel.  
 141873 22 Q. Turning to that, did you find anything else  
 141873 23 there other than him and the dog?  
 141874 24 A. Yes. His -- when I asked him for  
 141874 25 identification, it was in the car. His car was in the

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141842 1 church parking lot there. He explained that his keys  
 141846 2 were over on the play set. We walked over to the play  
 141849 3 set. He got his keys and his towel. And I pointed out  
 141854 4 the bottle of lotion. I asked him if it was his. And  
 141859 5 he said, yes. And I told him to take that with him.  
 141861 6 And we went and got his identification from his car.  
 141864 7 Q. Did you notice anything peculiar about that  
 141866 8 lotion, what specifically it was?  
 141868 9 A. I would have to say it was some type of baby  
 141870 10 oil. It was -- yeah.  
 141871 11 Q. And those are on the play set right by where  
 141875 12 he was standing?  
 141876 13 A. Yes.  
 141876 14 Q. After interacting with him, did you tell him  
 141876 15 to leave the area?  
 141876 16 A. I did.  
 141876 17 Q. Did he leave the area --  
 141877 18 A. I told him he was going to --  
 141879 19 Q. --- at that time?  
 141879 20 A. At that time, he did. He left the area in  
 141879 21 his vehicle. He went up Bull Run Road towards Craley.  
 141879 22 Q. As your shift continued, did you encounter  
 141874 23 the Defendant later that morning?  
 141876 24 A. I did. It was maybe a half hour later. I  
 141876 25 encountered him again just up the street at the other

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441757	1	boat launch parked at the boat launch.	441905	1	THE COURT: Cross-examine.
441759	2	Q. Roughly how far from this playground is the	441908	2	ATTORNEY ROBINSON: Thank you, Your
441804	3	boat launch?	441909	3	Honor.
441805	4	A. The boat launch is probably 600 yards apart.	441909	4	* * *
441809	5	This parking lot, it is probably a couple hundred yards	441909	5	CROSS-EXAMINATION
441812	6	up the road.	441910	6	BY ATTORNEY ROBINSON:
441812	7	Q. Did you make contact with him at that time?	441910	7	Q. Officer Wind, did you do a report in this
441816	8	A. I did.	441913	8	matter?
441817	9	Q. And did you advise him of anything?	441913	9	A. I did.
441820	10	A. I did. I asked him what he was doing. You	441914	10	Q. Okay. Was it done in the normal course of
441824	11	know, I asked him to leave the area.	441917	11	your investigation so to speak?
441826	12	Q. Did he comply?	441920	12	A. Every incident we handle that is done, there
441827	13	A. Initially he asked why. And I reminded him I	441924	13	is a report.
441833	14	just caught him in the park with no pants on and he	441925	14	Q. Typically you write a report?
441835	15	needed to leave the area.	441927	15	A. Yeah.
441839	16	Q. And then he did leave?	441927	16	Q. Okay. Up to you -- up there you will see on
441840	17	A. He did.	441932	17	the witness stand there is a red expandable. Do you
441840	18	Q. As a result of your interactions with this	441936	18	see that?
441843	19	Defendant, did you file charges against him?	441937	19	A. Yes, I do.
441846	20	A. I did.	441938	20	Q. That has various items in it. Could you look
441846	21	Q. Just to clarify when you first came upon him	441936	21	through that and retrieve your police report? Do you
441849	22	and he was pantsless, did you see his genitalia?	441936	22	have it?
441900	23	A. Yes, I did.	442000	23	A. Yes, sir.
441904	24	ATTORNEY MONROE: That's all of the	442000	24	Q. Sorry. Essentially it is not very long.
441904	25	questions that I have for this witness.	442002	25	It's about a page and then it looks like three

142004	1	paragraphs or three sentences on the second page?	142130	1	(Photograph previously marked for
142007	2	A. Yes.	142130	2	identification as Defendant's Exhibit No. 1.)
142007	3	Q. Is that correct?	142130	3	ATTORNEY ROBINSON: Does Your Honor want
142008	4	A. Yes.	142136	4	a copy?
142008	5	Q. Could you just to yourself just review that	142137	5	THE COURT: That's okay.
142015	6	real quickly?	142140	6	THE WITNESS: Yes, I have it.
142015	7	A. Sure.	7	7	BY ATTORNEY ROBINSON:
142040	8	Q. Are you done?	142142	8	Q. You have that in front of you?
142041	9	A. Yeah.	142143	9	A. Yes.
142042	10	Q. Okay. Again, that is your report?	142143	10	Q. It is essentially more or less about maybe
142043	11	A. It is.	142149	11	just slightly different angle. It is almost identical
142044	12	Q. After having reviewed your report that you	142151	12	to Commonwealth's Exhibit No. 1, correct?
142046	13	prepared in this matter, did you state anywhere in your	142153	13	A. Yes.
142049	14	report that you saw my client's genitals?	142155	14	Q. Same aerial view?
142051	15	A. I wrote that he had no pants on.	142156	15	A. Yes.
142055	16	Q. Okay. Specifically though, did you say you	142157	16	Q. And do you see on that picture -- do you
142056	17	did see his genitals?	142203	17	remember me showing this picture at a prior proceeding?
142059	18	A. No.	142205	18	A. I do.
142059	19	Q. Also again up in the red expandable or --	142206	19	Q. And on my Commonwealth -- or my Defendant's
142109	20	A. I took it all out.	142211	20	Exhibit No. 1, there is an X mark up there on the road.
142112	21	Q. You got it?	142215	21	Do you see that?
142113	22	A. I have it all.	142216	22	A. I do.
142114	23	Q. Yeah, I want you to look in there. There	142216	23	Q. Fishing Creek Road.
142117	24	are some photographs as well. There should be one that	142217	24	A. I do.
142119	25	is marked Defendant's Exhibit I believe No. 1.	142218	25	Q. And did you put that X there?

42219 1	A. I did.	42226 1	Q. Okay. Is that not where Mr. Rudolf went when you caught up to him?
42220 2	Q. Okay. And is that where you were indicating today you were when you first saw Mr. Rudolf?	42230 2	A. No. When I caught up to him, he was all of the way down. It is not even on this photograph.
42223 3	A. Nearly identical.	42231 3	Q. Okay. As you indicated in Commonwealth's Exhibit No. 1, it was passed the white looking tree; am I correct?
42231 4	Q. Okay. And then again looking at Defendant's Exhibit No. 1 -- I'll publish these to the jury at a later time. But you see there is an X over towards essentially the play slide area?	42234 4	A. Correct.
42237 6	A. Yeah.	42237 8	Q. Okay. I believe Attorney Monroe asked you -- well, you're traveling down Fishing Creek Road, correct?
42238 7	Q. Kind of directly over in that direction do you see that X?	42256 10	A. Correct.
42246 8	A. I do.	42259 11	Q. It is about 4:00 in the morning, correct?
42252 9	Q. And did you place that X on that exhibit?	42300 12	A. Correct.
42254 10	A. I did.	42301 13	Q. Correct.
42256 11	Q. Okay. And is that where you first observed Mr. Rudolf?	42305 14	Q. I believe in your direct examination you did indicate it is pretty dark down there. That's your words, correct?
42257 12	A. It is.	42310 15	A. It is.
42259 13	Q. Okay. Then there is a third X if you're looking at Defendant's Exhibit No. 1 somewhere to the right and below the play station area so to speak. Do you see that?	42311 16	Q. Okay. If you want a reference, use Commonwealth's Exhibit No. 1. You're coming down this way on Fishing Creek; am I correct? Basically --
42259 14	A. Yes.	42316 17	A. I would be -- if you hold that picture where your right hand is as the bottom, I'd be able to reference it better.
42260 15	Q. Is that the X that you put on Defendant's Exhibit No. 1?	42318 18	Q. Just do it that way?
42261 16	A. I don't recall what that X was for.	42319 19	
42263 17		42320 20	
42264 18		42321 21	
42265 19		42322 22	
42266 20		42323 23	
42267 21		42324 24	
42268 22		42325 25	
42269 23			
42270 24			
42271 25			

142437	1	A. No. Give it straight up and down.	142523	1	Q. Okay. Did you have your overhead lights on at all?
142440	2	Q. Like that?	142526	2	A. No.
142440	3	A. Yeah.	142526	3	Q. Okay. You didn't have your spotlight on at that time either?
142441	4	Q. Okay.	142531	4	A. Correct.
142442	5	A. That's the way I have it here. So from with that, I would be going from right to left.	142532	5	Q. And it is when you turned your -- you went to turn your spotlight on is when he went in the other direction, correct?
142446	6	Q. From this direction here?	142541	6	A. Correct.
142447	7	A. Correct.	142542	7	Q. Okay. So when you saw him in the first instance, you did not have the spotlight on him, correct?
142448	8	Q. Okay. And it is 4:00 in the morning. So you have your headlights on?	142549	8	A. Correct.
142452	9	A. I do.	142551	9	Q. Okay. Was anybody else on the roadway at that time of the morning --
142453	10	Q. And you're traveling on Fishing Creek with your headlights on where you get to the X you've indicated in the roadway?	142559	10	A. I didn't see anybody else.
142453	11	A. Yep.	142599	11	Q. -- when you were out?
142453	12	Q. Correct? Your headlights are still facing in front of you, correct?	142601	12	A. I didn't see anybody else.
142457	13	A. Yes.	142604	13	Q. Other than Mr. Rudolf, did you see anybody out in the area that night?
142502	14	Q. Correct? Your headlights are still facing in front of you, correct?	142605	14	A. I don't recall seeing anybody during this interaction, no.
142504	15	A. Yes.	142609	15	Q. Okay. So just you and him?
142504	16	Q. Correct? Your headlights are still facing in front of you, correct?	142611	16	A. Correct.
142508	17	A. Yes.			
142511	18	Q. Okay. And Mr. Rudolf is over to your left?			
142517	19	A. Correct.			
142517	20	Q. Is that correct?			
142518	21	A. Yes.			
142518	22	Q. Okay. Now at that point in time, did you have your sirens on or anything?			
142522	23	A. No.			
142522	24				
142523	25				

142811	1	Q. Were you the only officer in your car, you	142733	1	ask you this. When you put the X up on Defendant's
142822	2	alone --	142737	2	Exhibit No. 1 and on Commonwealth's Exhibit No. 1
142822	3	A. Yes.	142738	3	where you said right around where the C is on Fishing
142822	4	Q. -- that night?	142744	4	Creek --
142823	5	A. Yes.	142744	5	A. Yeah.
142823	6	Q. Did you -- did your vehicle at that time on	142744	6	Q. -- did you stop your vehicle right there?
142828	7	July 2nd of 2019 have dash cam accommodations?	142747	7	A. I did.
142833	8	A. No, we don't have dash cam. No.	142749	8	Q. Or did you continue proceeding on Fishing
142835	9	Q. Did you have body cam accommodations?	142751	9	Creek?
142837	10	A. We don't have body cams.	142751	10	A. No. Initially that's where I stopped. I was
142838	11	Q. So I think Attorney Monroe asked you how far	142754	11	going to position my spotlight on him.
142851	12	were you when you first saw Mr. Rudolf. Is that what	142757	12	Q. Okay.
142854	13	you indicated was about 43 feet?	142758	13	A. That's initially where I stopped. That's not
142857	14	A. I'd say maybe 30 or 40 feet.	142800	14	where I exited my vehicle. That's where I stopped.
142705	15	Q. Okay. And again, nobody else was in the park	142801	15	Q. Was that further down Fishing Creek?
142705	16	area that evening?	142804	16	A. Yes. As he moved towards the river and to
142705	17	A. I didn't see anybody, no.	142806	17	the left of that photograph, I moved my vehicle all of
142707	18	Q. Did you subsequently learn that anybody else	142811	18	the way up passed the Y intersection there. And I was
142719	19	was in the park that evening?	142816	19	actually up in that area.
142720	20	A. If there was, it was never brought to my	142818	20	Q. Okay. Is that visible on Commonwealth's
142724	21	attention.	142821	21	Exhibit No. 1?
142722	22	ATTORNEY ROBINSON: One second, your	142822	22	A. It is.
142723	23	Honor.	142823	23	Q. If I'm holding that up like you're looking at
142724	24	BY ATTORNEY ROBINSON:	142826	24	it --
142728	25	Q. The area where you indicated on -- I want to	142827	25	A. Yes, sir.

44227 1 Q. -- you're talking about up this way? 44293 1 A. Nope. These are all township and state

44229 2 A. Yeah. I was actually right about where -- 44296 2 roads.

44231 3 almost where the roadway goes off the map there for 44297 3 Q. If you know, the playground, do you know what

44234 4 this map. 44297 4 the surface is under that playground? Is it sand? Is

44235 5 Q. I'm sorry. Goes off the map? 44298 5 it tanbark?

44236 6 A. Yeah. If you touched the roadway there. 44298 6 A. It is sand.

44240 7 Q. Right here? 44298 7 ATTORNEY MONROE: It is sand. That's

44241 8 A. Back up. Back up right about there. That's 44299 8 all the questions that I have.

44243 9 where I got out of my car. 44299 9 THE COURT: Anything further?

44246 10 ATTORNEY ROBINSON: Okay. That's all I 44299 10 ATTORNEY ROBINSON: One second, Your

44248 11 have. 44299 11 Honor. I have nothing further.

44250 12 THE COURT: Redirect. 44299 12 THE COURT: You may stand down.

44257 13 ATTORNEY MONROE: Just briefly, Your 44300 13 ATTORNEY MONROE: Your Honor, that's all

44258 14 Honor. 44300 14 the witnesses the Commonwealth would have at this time.

44258 15 \* \* \* 44301 15 We would rest and move for the admission of

44258 16 REDIRECT EXAMINATION 44302 16 Commonwealth's Exhibits 1 and 2 into evidence.

17 BY ATTORNEY MONROE: 44304 17 THE COURT: Any objection?

44259 18 Q. Officer, you testified about the area that 44305 18 ATTORNEY ROBINSON: No objection.

44261 19 there are boat launches. Are those public launches? 44307 19 THE COURT: We will admit Commonwealth's

44264 20 A. They are. 44309 20 Exhibits 1 and 2 into the record.

44265 21 Q. The roads that go to them, are they public 44309 21 (Commonwealth's Exhibit Nos. 1 and 2

44267 22 roads? 44309 22 were admitted.)

44269 23 A. Yes. 44309 23 THE COURT: Do you need a recess,

44269 24 Q. This isn't a private yacht club or anything 44311 24 Attorney Robinson?

44271 25 where you would have to have access to get in? 44313 25 ATTORNEY ROBINSON: Yeah. Could we just

# Defendant's Testimony

151732	1	this witness excused?	151851	1	spelled G-e-r-m-a-n-f. And Rudolf is R-u-d-o-l-f.
151734	2	ATTORNEY ROBINSON: Yes.	151858	2	Q. And where do you live at? I mean you live in
151736	3	ATTORNEY MONROE: Yes.	151901	3	York County?
151737	4	ATTORNEY ROBINSON: Or he may remain if	151901	4	A. I live in Red Lion, York County, yes.
151739	5	he would like.	151904	5	Q. Okay. I want to direct your attention back
151739	6	THE COURT: Sir, you're free to go or	151908	6	to July 2nd of 2019. You've been present here during
151742	7	slay if you wish.	151915	7	the testimony in this case?
151743	8	THE WITNESS: Okay.	151916	8	A. Yes.
151750	9	THE COURT: Are you done with the	151916	9	Q. Directing your attention back to July 2nd of
151751	10	photos?	151921	10	2019, at or about 4:00 or 4:30 a.m., where were you?
151751	11	ATTORNEY ROBINSON: I'm sorry. Yes,	151928	11	A. I was down at Long Level at the area of the
151755	12	Your Honor. We would call Mr. Rudolf.	151931	12	park there. And I had driven down there with my car,
151829	13	* * *	151937	13	arrived around 4:00-ish and got my car parked at the
151829	14	GERMAR RUDOLF,	151942	14	parking lot at Ebenezer's church, got my workout stuff,
151829	15	called as a witness	151947	15	and moved down to the playground, and got myself set up
151829	16	having duly affirmed according to law,	151953	16	to do my morning workout.
151829	17	testified as follows:	151956	17	Q. Okay. What does your morning workout consist
151829	18	* * *	151959	18	of?
151841	19	THE CLERK: You may be seated.	152000	19	A. It has changed over time. But I've been
152000	20	* * *	152004	20	going out early in the morning since I would say 2012,
152008	21	DIRECT EXAMINATION	152008	21	2013, increasing 2013. In years past up to 2016, '17,
152019	22	BY ATTORNEY ROBINSON:	152019	22	I would go down to that area on my bicycle from Red
152024	23	Q. Please state your full name and spell it for	152024	23	Lion and workout in the park, use the playground
152024	24	the Court.	152028	24	equipment, the monkey bars for pull-ups, and those kind
152028	25	A. Full name is Gernar Rudolf. First name is	152035	25	of inverted pull-ups, do sit-ups, and leg raises, and

152038	1	that kind of stuff, variation of planks. The whole set	152113	1	I had some white dress shorts on in the
152043	2	up is called calisthenics. You use your body weight to	152116	2	morning, got into my shoes and socks and grabbed my
152046	3	do the workout. It would last three-quarters of an	152221	3	gear consisting of towel, water bottle, and my workout
152050	4	hour maybe. And very often after that, I would also	152230	4	pants and sleeveless shirt. I got into the car, drove
152055	5	swim in the river. Even though during that time, it	152233	5	down there.
152101	6	had changed a little bit because I had a jogging	152234	6	And as I arrived, I had look that stuff, went
152104	7	accident in 2017 where I chipped my left meniscus and	152238	7	down to the playground equipment, and put that stuff on
152109	8	that disabled me from riding my bicycle. I had surgery	152243	8	the deck there. And since I had white dress shorts on,
152113	9	in early 2019 to have that fixed. And I was slowly	152246	9	I changed. I don't remember anymore when I got into my
152117	10	getting back to riding my bicycle down there again on	152252	10	shirt.
152120	11	occasion. But I would say two-thirds of the time I was	152252	11	But I was then about to change into my
152126	12	going down there with my car just to let the knee heal	152256	12	shorts. And at that moment when I was changing, I saw
152129	13	and do my workout there and drive back in the car too.	152300	13	a light coming from a car evidently moving in from Long
152131	14	Q. So you arrived down there about 4:00 or so on	152308	14	Level Road. When I first saw the car, I would say it
152136	15	July 2nd?	152312	15	was still half a mile away. And at that moment being
152136	16	A. That's correct.	152319	16	the purpose was to get changed from one to the other, I
152137	17	Q. What did you do once you got there?	152324	17	was in a compromising situation. So I removed myself
152138	18	A. Well, as I said, during that morning, my	152325	18	behind a bush that is visible on some of the exhibits.
152144	19	usual morning routine during that time was I have an	152331	19	Actually on the satellite image you can see it.
152149	20	adopted son who has bedwetting issues and we drain him	152336	20	And I was just waiting for the car to pass.
152153	21	early in the morning. My wife goes back to bed late at	152339	21	Because most cars if they are coming in the early
152158	22	night to drain him a little after midnight. I get up	152343	22	morning, they are really rare. But if they do, usually
152200	23	at 3:30 in the morning to drain him again. And usually	152346	23	they pass by and that's what I expected with that car
152206	24	I can't go back to sleep. So very frequently I start	152349	24	too. It didn't happen though.
152208	25	my workout. And that's what happened on that day.	152352	25	That car actually pulled into the

15254 1	parking lot, big parking lot that we have seen a number	15250 1	which I use as my first exercise to do dips. So you
15257 2	of times on the exhibits, and moved behind the very	15253 2	basically support yourself on the wooden bench and do
15260 3	bush where I was on the other side of and I stood	15252 3	dips from there. That was the plan. Now, as I moved
15260 4	there. I was a little bit of a surprising element but	15254 4	from the play set trying to go the shortest way to the
15262 5	nothing to worry about at that time since the bush was	15251 5	river --
15264 6	between the car and me.	15251 6	Q. Let me stop you there.
15265 7		15252 7	A. Yes.
15269 8	But then this car turned the high beams	15262 8	ATTORNEY ROBINSON: The monitor, your
15269 9	on which puzzled me. Because why would anybody parking	15264 9	Honor.
15272 10	their car put a high beam on? And that's when I	10	(Photograph previously marked for
15277 11	realized, well, whoever that person is must have seen	11	identification as Defendant's Exhibit No. 2.)
15282 12	something. And being in the compromising situation as	12	BY ATTORNEY ROBINSON:
15284 13	I was, I decided to quickly get back to the playground	13	Q. I'm showing you what has been marked as
15284 14	to that little deck and get into my workout shorts.	15284 14	Defendant's Exhibit --
15284 15	As I turned around and started moving,	15285 15	A. My car was parked --
15284 16	the car started moving too. I saw that by light moving	15286 16	Q. Let me finish. This is marked as Defendant's
15285 17	or rather the shadow it cast I saw moving. So I knew	15287 17	Exhibit No. 2.
15285 18	the light was moving which was the car. And the car	15288 18	A. All right.
15286 19	was moving from the parking lot pointing toward the	15289 19	Q. Okay.
15286 20	east to the river and then turned around while I was	15289 20	A. Backtracking, my car was parked roughly here
15286 21	getting my pants on and my workout pants.	15290 21	at the edge of the Ebenezer Church parking lot. I went
15286 22	And then the car left the parking lot	15290 22	from there to that playground equipment and put my
15286 23	and turned left on Fishing Creek Road. And at this	15296 23	workout gear there. And then I was actually putting my
15286 24	point I thought the situation was over. I had my	15291 24	towel on a step there, wide metal area where I do some
15286 25	workout gear complete on, and I intended to go to the	15292 25	planks. That is an intermediate between all other
	riverbank where there are a number of picnic tables		

152706	1	exercises. That's where I saw the car coming from	152840	1	And then the car drove this way. And I
152708	2	down -- way down here. It is not on the picture.	152843	2	turned then to go the shortest way to the river, cut
152711	3	So I removed myself beyond this bush here.	152847	3	through the grass here. The reason I do that is early
152714	4	You can see there a bush. And I waited there for the	152851	4	in the morning, the grass is too wet. Sometimes if
152720	5	car to pass. However, the car pulled into that parking	152855	5	there has been rain, this area is very marshy. It gets
152724	6	lot and parked where you see the trailer right behind	152858	6	very swampy. So I don't want to expose myself to
152730	7	the bush. I don't know how close he got because it	152902	7	getting soaked feet and socks. Sometimes I even go out
152733	8	seemed to have been able to pull away when it did	152905	8	here and around here. But that night it wasn't very
152738	9	without backing off. But that is only conjecture	152908	9	wet. So I cut through here.
152739	10	because I saw only the shadows move.	152910	10	But I didn't get very far. As I arrived
152741	11	Anyway it was shining through that bush. I	152913	11	roughly here, an intense light struck me from the back.
152742	12	was behind that bush -- no. Wait. That is wrong.	152919	12	I was startled by it because I had assumed the car had
152747	13	This bush, yeah. Sorry. I need to correct myself.	152924	13	pulled out here which is going away and somewhere else.
152750	14	Because I was close to the playground equipment. So it	152928	14	But evidently it had pulled over and was shining some
152753	15	was this bush. There are two of them, and I just	152932	15	intense light on me which at that time I didn't like
152756	16	confused them. So it is the one -- the lower one.	152935	16	being exposed like it was. So I turned.
152759	17	This is a little tree. This is a bush.	152937	17	Q. Let me stop you right there. Did you know
152801	18	So I was standing behind it and the car was	18	18	who it was?
152807	19	pulling up here. As the car was moving this way, I was	152940	19	A. Huh?
152814	20	rushing over here to where I had my water bottle and my	152940	20	Q. Did you know who it was shining the light?
152820	21	Ziploc bag with equipment. And I got my pants on. The	152944	21	A. No. I had no -- no clue of who that was. At
152828	22	car was in the meantime moving out here, stopped	152947	22	that time, I assumed it's some -- any regular person.
152831	23	briefly there. I remember looking at it while I was	152951	23	Q. Go ahead.
152834	24	just finishing up putting my pants back on or rather	152952	24	A. No. I felt at that moment a little bit
152838	25	workout shorts on.	152957	25	stalked. I had issues in the past when one -- people

153002	1	not used to it. It has improved in the Covid	153175	1	Q. Were they small?
153006	2	environment. People go out a lot and workout. But	153175	2	A. Yes. They were pretty skimpy.
153008	3	going out in a public park and working out particularly	153177	3	Q. Okay. Like a thong?
153012	4	in the morning, some people from about it, don't know	153178	4	A. Like what?
153015	5	what is going on.	153180	5	Q. A thong.
153016	6	And also, I had some confrontation with	153181	6	A. No. No, not that short. They have full
153021	7	people who don't like that I wear flashy colored	153183	7	coverage in the back and front. But on the side they
153025	8	clothes.	153188	8	open up.
153027	9	Q. Let me stop you there. What were you wearing	153188	9	Q. Okay. Go ahead.
153028	10	at this point in time?	153190	10	A. Right. I was hit then by this intense light.
153030	11	A. I was wearing a sleeveless neon green shirt,	153195	11	And I instantly turned 90 degrees to the right to reach
153037	12	my workout gloves, leopard patterned split running	153198	12	the tree that -- the shadow of the tree was casting
153043	13	shorts, white socks, and some sneakers.	153192	13	just maybe three or four steps away from where I was at
153046	14	Q. Okay.	153195	14	that point in a swift walk to it. I wasn't running but
153048	15	A. And --	153201	15	in a swift walk. I tried to reach that shadow because
153050	16	Q. Could you describe the Leopard running	153205	16	I didn't like being exposed in that intense light.
153053	17	shorts, whatever you described?	153208	17	But as soon as I reached that shadow, I
153054	18	A. Split running shorts are -- the split means	153212	18	carried on following down to the river. And as I did
153058	19	they are -- they have full coverage front and back but	153217	19	that, initially the light that had been directed on me
153102	20	on the side they kind of -- they kind of open. So if	153224	20	extended a tiny little bit to the right of as I was
153106	21	you look at the side, they rise pretty high on the hip.	153228	21	traveling to the right of the tree. But most of it was
153111	22	That's what split means.	153233	22	to the left, that is to say where the playground
153113	23	Running shorts is -- running shorts are	153233	23	equipment was.
153115	24	usually pretty short because of heat management and	153233	24	And then the light moved ever so slightly and
153121	25	then free movement of the legs.	153238	25	then there was no light on the right side of the tree

15324	1	anyone. Everything was in the playground area. And	153409	1	But as I reach the first corral, as Mr.
15326	2	pure conjecture, I assumed maybe the person driving the	153414	2	Morrison called it, the first fenced off area, that's
15328	3	car was putting it into park and then the car jolts	153416	3	where the pavement actually is collapsed. That's why
15329	4	forward and the wheels are turned a little bit. The	153420	4	they put the fence around it so people don't fall into
15325	5	car moves ever so slightly and that's what may have	153422	5	it. The person calls out again this time louder not to
15327	6	happened.	153426	6	miss and I recognize, yes, he is indeed saying -- as he
15328	7	Next thing I know, four, five, six steps	153430	7	said, he calls out, stop hiding naked behind the tree.
15330	8	further, I hear a door. So somebody was evidently	153433	8	I know you're there.
15336	9	getting out of the car. I carry on toward the river.	153437	9	At that point, I was well away from any tree
15333	10	And at that point, I hear very subdued speaking of	153443	10	and down the river. And I thought to myself, what is
15339	11	someone. I cannot make out what that person is saying.	153446	11	going on? That person has no idea where I am. And
15323	12	But somebody is talking in a muffled low voice	153449	12	what is going on? What am I supposed to do? Who could
15327	13	evidently to someone else. At that point I assumed the	153453	13	possibly do that? I keep going thinking what are my
15329	14	person got out of the car and is talking through an	153457	14	options here. Evidently that person doesn't know where
15333	15	open window to somebody who is in the car. But that	153500	15	I am, and I might just walk away from the scene because
15334	16	was only my assumption. It turns out to be wrong.	153503	16	I felt kind of threatened. Somebody tries to go after
15337	17	Evidently he was alone. But I didn't know	153506	17	me since I had no indication at that point at all that
15339	18	that back then. I didn't know who and what was going	153508	18	it was police, I thought, well, that's maybe not a good
15333	19	on. I carried on and reached the river, then turned	153515	19	idea. I just carry on with my workout as I planned. I
15337	20	right as soon as I was on the pavement that goes along	153517	20	reach the table there.
15335	21	the riverside.	153518	21	But then I thought, what if it is the police?
15332	22	And as I had progressed maybe 10, 15 yard,	153523	22	Probably not the best tactic to just ignore. And,
15339	23	out of the blue I heard someone call. And initially	153527	23	therefore, I told myself, no, let's just face the music
15340	24	since I wasn't caught off guard and didn't pay	153530	24	since I am neither hiding nor naked, there is no
15346	25	attention, I wasn't sure whether I heard right or not.	153534	25	problem and the whole thing can resolve.

153838	1	So I turned back, went across the lawn and	153716	1	answered, I got here by car. And then he asked, where
153840	2	approached the person that I could see the silhouette	153720	2	is your car? I pointed over there on the parking lot.
153844	3	of because there was evidently some background light	153726	3	And then he asked me, do you have an ID in there? I
153847	4	from the car and approached to that person.	153732	4	said, yes, I do. Then he said, well, then go over to
153850	5	And as I got closer to that person, he	153735	5	your car and wait there for me. Okay, I said.
153855	6	directed a flashlight that he had so far directed	153738	6	Q. Let me stop you there. Did you go to your
153858	7	somewhere else -- I don't know where because I didn't	153741	7	car?
153861	8	see anyone -- toward me evidently. I then heard as I	153741	8	A. Excuse me.
153865	9	was approaching because I was making some noise walking	153741	9	Q. So you went to your car?
153869	10	through the grass there and approaching him. He turned	153743	10	A. Initially we both headed towards the same
153871	11	the flashlight on me. And as I arrived maybe 5 or	153744	11	direction, similar direction because he evidently was
153872	12	10 feet away, he asked me, what are you doing up	153747	12	going back to his car which was kind of in a similar
153873	13	here -- out here running around naked? And to this I	153752	13	area. If we look, my car was here. His car was
153876	14	replied, I'm not naked.	153756	14	somewhere here. And we had met somewhere here.
153878	15	At that point, there was a moment of silence.	153802	15	That's -- I had come from here where I
153878	16	And then this person -- and at that proximity I did see	153804	16	decided not to do my dips on the bench but walk over.
153879	17	that it was a police officer's uniform. That was the	153809	17	And he was standing here. And that's where I met him.
153882	18	first moment in the entire encounter that I knew it was	153812	18	Then he went to his car and I started going to my car.
153884	19	actually police. The flashlight then moved from my	153816	19	But then I realized after ten steps or so, oh, my car
153887	20	head slowly down to my crotch area and stayed there for	153819	20	is locked. I don't have my keys because they were
153888	21	a while constantly in silence, and then it moved back	153822	21	still there with my other stuff.
153707	22	up to my face again.	153824	22	So I made a 90-degree turn to go back to my
153708	23	And then the police officer asked me, do you	153827	23	playground to the playground equipment. And when the
153708	24	have an ID? And I respond, I don't have one on me.	153830	24	police officer noticed that I was veering off course,
153712	25	And then he asked me, how did you get down here? And I	153833	25	he asked, what are you doing? I said, well, my car is

15335 1 Locked. I need to get my keys. They are over there at  
 15336 2 the playground equipment. He said, okay.  
 15340 3 So I went there. I fetched my water bottle  
 15347 4 and I fetched my towel. And I got from there to my  
 15356 5 car. As a matter of fact, the towel -- I had my dress  
 15363 6 shorts -- my dress shorts I had wrapped up in the towel  
 15365 7 because I didn't want to put them on the playground  
 15368 8 equipment since the playground equipment is dew wet and  
 15373 9 children soil it up. So it would have gotten dirty.  
 15377 10 So I thought the best way was to wrap it up in the  
 15386 11 towel and use it as additional padding. So I grabbed  
 15391 12 this from there and went back to my car. Set in my car  
 15397 13 with my little doggie hopping on my lap and waited  
 15398 14 there.  
 15399 15 Now, some minute or two later the officer --  
 15394 16 police officer came to my car to the left side and I  
 15396 17 rolled down my window. And he held a little plastic  
 15392 18 bottle up and asked whether that is mine. And I said,  
 15395 19 oh, yes. And he asked, what is in it? I said, it is  
 15399 20 baby oil I think. And what do you use it for? I said,  
 15404 21 I use it. Do you put it on? Yes, I do. Have you  
 15408 22 already used it this night? No. I just got here, I  
 15412 23 answer.  
 15416 24 Q. Let me stop you there. What do you use it  
 15417 25 for, your workout?

116

15408 1 A. The background is that initially I was doing  
 15409 2 my workout down there by putting a towel on the grass.  
 15408 3 And my wife after two or three years of complaining  
 15402 4 that I would come home with grass stains and soiled the  
 15403 5 towels and she had a hard time cleaning them came up  
 15406 6 with the solution doing my workout on -- partly  
 15404 7 push-ups and sit-ups on picnic tables and my plank  
 15403 8 variations on that little metal that is on the  
 15407 9 playground and use the towel as padding. But this is  
 15410 10 very tough on your knuckles. And depending on how you  
 15405 11 do the planks, on the elbows. So they got cracked.  
 15412 12 And also the pull-ups, I was doing those using workout  
 15417 13 gloves, actually my bicycle gloves. The calluses I got  
 15422 14 massive and they cracked. So I was using baby oil to  
 15429 15 basically soothe those problem areas after half a  
 15438 16 workout or so. I would put it on and then toward the  
 15440 17 end again.  
 15442 18 I use baby oil in general as my go to lotion.  
 15446 19 That's what I use. Okay. So where were we? Oh, yes.  
 15452 20 Then he asked me for where my ID was in the car. I  
 15456 21 give him my ID, asked me whether the address on my  
 15420 22 driver's license is good. I confirmed that.  
 15424 23 And then he asked me again, what were you  
 15422 24 doing out here running around naked? And I was  
 15428 25 speechless at this point because we had that exchange

117

15420 1	already. I had already said that I wasn't naked and he	15401 1	some more research on that.
15424 2	had seen that I wasn't.	15405 2	And then he asked me, do you have a gym
15425 3	So I hesitated and just looked back with	15407 3	membership? I said, yes. Where do you have that? I
15428 4	mouth opened not knowing what to do now. And he	15412 4	said with LA Fitness, I answer. And do they allow you
15432 5	evidently took that as some kind of defiance because he	15417 5	there to workout naked? I said, no, of course not.
15435 6	then with some excitement said, well, are you trying to	15422 6	And after a while he stated I want you to
15440 7	tell me that I'm lying? Do you think that after	15425 7	leave the area now and don't come back anymore. So I
15442 8	20 years of duty I don't know what I've seen? And to	15432 8	at this point drive away. And then I realized that I
15446 9	that I said, I don't know what you saw. And then he	15435 9	left the Ziploc bag where I keep my baby oil bottle
15450 10	asked me, don't you know that they now have	15442 10	because baby oil bottles seep and I don't want the oil
15451 11	surveillance cameras down here? And I answered, no.	15443 11	in my equipment, on the playground equipment.
15459 12	And then he asked me, you have some kind of	15446 12	So I had driven away. I turned around to
15404 13	an accent. Where are you from? I said, I'm originally	15445 13	come back and just fetch that Ziploc bag because I
15407 14	from Germany. He said, isn't that the case -- weren't	15449 14	don't want to let my stuff lie around. And as I
15414 15	you the guy we had a case with several years ago? I	15451 15	approached the area from Long Level Road, I see -- at
15418 16	said, yes. But that was completely different case. He	15456 16	that point we have damn light, middle damn I would say
15425 17	said, well, I'm going to charge you with open lewdness	15462 17	we are talking about.
15427 18	and illegal trespassing because this here is not a	15463 18	So I could see from the distance not only
15431 19	public area. It is private property. You can't just	15466 19	that a car was coming but at that point I could see it
15434 20	do everything that you want here.	15469 20	is a police car. Oh, my God, he's still here. I'm
15437 21	And then -- let me recollect. Oh, he said	15473 21	going back. I'm in trouble. So I pull over to the
15446 22	something like Judge Fishel will not be happy to see	15476 22	boat launch next to that, maybe quarter mile away from
15450 23	you again. Wasn't there an order out you're not	15481 23	where the scene of the encounter was and wait there.
15454 24	allowed to be here? I said, absolutely not aware of	15486 24	And he pulls up right next to me and asked me what I'm
15457 25	any of such order. And he said, well, I have to do	15492 25	doing here. I was supposed to leave. And I said,

154546 1	well, does that include the whole area or just the	154704 1	record?
154546 2	playground area? And he said, the whole area. I said,	154705 2	ATTORNEY MONROE: Yes, please.
154551 3	okay.	154940 3	(Sidebar held on the record in the jury
154552 4	And then I drove up Bull Run Road and	154940 4	room.)
154601 5	actually parked my car there because I wanted to get	154940 5	THE COURT: Now we are on the record.
154603 6	that Ziploc bag. And I -- then I went into the woods	154940 6	ATTORNEY MONROE: Your Honor, during the
154608 7	behind one of the residential houses and waited and saw	154940 7	Defendant's testimony he referenced a case that he had
154611 8	what he was doing. Police officer returned to the	154940 8	before.
154614 9	parking lot, was pretty much standing where he stood	154940 9	THE COURT: He did.
154618 10	during the initial encounter. However, his car wasn't	154940 10	ATTORNEY MONROE: I would argue that he
154621 11	pointed toward the bush but was standing laterally to	154940 11	opened the door towards testimony that would allow me
154624 12	it. And he was standing there after I had arrived	154940 12	to cross him on that and reserve the right to call
154627 13	maybe another 20 minutes and at some point turning on	154940 13	Officer Wind to testify as to the exchange in which he
154631 14	his spotlight again shining towards the playground. I	154940 14	asked the Defendant, are you the guy who was arrested
154634 15	don't know why.	154940 15	for this before? And the Defendant responded in the
154634 16	But I was just waiting for him to disappear	154940 16	affirmative. I wanted to avoid that prior to that --
154637 17	which he then did. And I just walked over and grabbed	154940 17	ATTORNEY ROBINSON: So did I.
154639 18	my Ziploc bag and got to my car and went home.	154940 18	ATTORNEY MONROE: -- to avoid a
154643 19	Q. Okay. That's it. You went home?	154940 19	mistrial. The Commonwealth argues that door is open
154645 20	A. That's the encounter, yes.	20	now --
154648 21	ATTORNEY ROBINSON: That's all I have.	154941 21	THE COURT: What was the prior charge?
154649 22	THE COURT: Cross.	154941 22	I'm not aware.
154651 23	ATTORNEY MONROE: Your Honor, I'm not	154941 23	ATTORNEY ROBINSON: I don't have
154653 24	sure how you want to do this. But may we approach?	154941 24	documentation so to speak. My understanding was in
154703 25	THE COURT: Which is outside. On the	154941 25	talking to the officer and Judge Fishel, whom he went

155004 1	to for the preliminary hearing, was some years	155004 1	him not to say anything about this. I knew what would
155004 2	before -- I don't remember how long, same place.	155004 2	happen.
155004 3	ATTORNEY MONROE: Um-hum.	155004 3	THE COURT: Okay. So you're conceding
155004 4	ATTORNEY ROBINSON: Naked, same thing is	155004 4	that's the Law.
155004 5	why he was told not to --	155004 5	ATTORNEY ROBINSON: I don't know what to
155004 6	THE COURT: Was he charged with the	155004 6	say, Your Honor.
7	same --	155004 7	THE COURT: Yeah, I think he opened the
155004 8	ATTORNEY ROBINSON: I think he was	155004 8	door. So.
155004 9	charged with disorderly conduct.	9	(The sidebar concluded in the jury
155004 10	ATTORNEY MONROE: Yeah. He wasn't	10	room.)
155004 11	charged with indecent exposure or at least convicted of	155004 11	(Proceedings held in the courtroom.)
155004 12	it.	155004 12	THE COURT: Back in the courtroom.
155004 13	ATTORNEY ROBINSON: It was summary	155004 13	ATTORNEY MONROE: Attorney Monroe.
155004 14	disorder orderly. Apparently he's been --	14	* * *
155004 15	THE COURT: I think he opened that door.	15	CROSS-EXAMINATION
155004 16	I was hoping he was going to stop talking but he	16	BY ATTORNEY MONROE:
155004 17	didn't.	155004 17	Q. Good afternoon, Mr. Rudolf.
155004 18	ATTORNEY ROBINSON: I kept trying to	155004 18	A. Good afternoon.
155004 19	stop him.	155004 19	Q. It is your testimony you were there that
155004 20	THE COURT: Yeah, I do think you can go	155004 20	morning to workout?
155004 21	there.	155004 21	A. Indeed.
155004 22	ATTORNEY MONROE: Okay.	155004 22	Q. You were wearing, as you testified, a pair of
155004 23	THE COURT: Do you want to respond to	155004 23	white dress shorts driving there and changed once you
155004 24	that?	155004 24	got there, correct?
155004 25	ATTORNEY ROBINSON: That's why I told	155004 25	A. Correct.

155104 1 Q. You changed once you got to the playground?  
 155107 2 A. Yes.  
 155107 3 Q. You didn't change in the car beforehand,  
 155109 4 correct?  
 155109 5 A. That's correct.  
 155110 6 Q. Or at home, correct?  
 155111 7 A. That's correct.  
 155112 8 Q. And I believe your testimony was that when  
 155119 9 you went back to the car, you gathered your keys, your  
 155122 10 towel, and your water bottle and go back to the car?  
 155124 11 A. What was that again?  
 155128 12 Q. The items you gathered when you went back to  
 155128 13 your car were your keys, water bottle, and your towel?  
 155130 14 A. The towel and the pants back on, yes.  
 155134 15 Q. You said you drove to workout?  
 155138 16 A. Yes.  
 155138 17 Q. Did you have any equipment for working out  
 155138 18 with you?  
 155139 19 A. Callisthenics is the kind of workout where  
 155142 20 you use your body.  
 155148 21 Q. You didn't have any resistance bands or --  
 155148 22 A. Not at that time.  
 155147 23 Q. You said you use the baby oil as your lotion?  
 155156 24 A. Yes.  
 155156 25 Q. You bring that with you? You don't wait to

155158 1 put it on in the car?  
 155158 2 A. What was that again?  
 155200 3 Q. You bring the baby oil with you while you're  
 155204 4 working out. You don't leave it in the car and put it  
 155207 5 on afterwards, is that your testimony?  
 155208 6 A. My testimony is I keep it actually in a  
 155211 7 ziploc bag. I used keep to keep it in my car. I had  
 155214 8 it there all of the time because sometimes if I don't,  
 155216 9 I forget it when I go to the gym or down to the river  
 155220 10 like that as I call it. And so I used to have it  
 155228 11 always in the car.  
 155228 12 Q. Sir, you testified that you are a member of  
 155229 13 LA Fitness I believe, is that correct?  
 155230 14 A. That is correct.  
 155230 15 Q. Does that LA Fitness have pull-up bars?  
 155235 16 A. It does indeed.  
 155236 17 Q. Does it have a dip station?  
 155237 18 A. I would assume so.  
 155238 19 Q. Does it have ab mats?  
 155240 20 A. What is that?  
 155241 21 Q. Mats you can put on the ground to do  
 155245 22 abdominal crunches?  
 155246 23 A. Oh, of course. Yes.  
 155246 24 Q. Roman chair to do leg lifts?  
 155248 25 A. Yes.

155448 1	Q. Sir, you testified when you were having your	155428 1	right next to the park area.
155449 2	exchange with the officer about a prior case.	155431 2	ATTORNEY MONROE: That's all I have.
155450 3	A. Correct.	155432 3	THE COURT: Any redirect?
155452 4	Q. What were the circumstances of that?	155434 4	ATTORNEY ROBINSON: No, Your Honor.
155454 5	A. I started going down to the river in 2012,	155435 5	THE COURT: Okay. Sir, you may stand
155456 6	2013. As I mentioned, I would with some regularity go	155438 6	down.
155458 7	swimming in the river too. And back in the early	155447 7	ATTORNEY ROBINSON: Your Honor, defense
155459 8	years, 2012, 2013, sometimes I would go in the river	155448 8	has no other witnesses. We move for the admission of
155459 9	skinny dipping. And the early -- the earlier case that	155451 9	Defendant's Exhibits 1 through 12.
155459 10	I referred to 2014 was when I had my usual -- I drove	155455 10	ATTORNEY MONROE: No objection from the
155459 11	to the river on my bicycle. I worked out down there.	155456 11	Commonwealth.
155459 12	And at the end of the workout, I pushed my bicycle to	155457 12	THE COURT: I only have nine. What is
155459 13	the riverbank and got undressed and went into the river	155459 13	10, 11, 12?
155459 14	and swam half a mile down and again half a mile back up	155461 14	ATTORNEY MONROE: Well, 10 and 11 were
155459 15	stream back. And by the time I came back, my bicycle	155465 15	two photographs which were not produced. Mr. Morrison
155460 16	with my clothes on it disappeared which was a problem.	155466 16	identified them from witness stand. And Defendant's
155460 17	And as I approached the site, two police	155467 17	Exhibit 12 was the disk that contained the photographs
155460 18	officers showed up and asked me to get out of the	155468 18	that were viewed.
155462 19	river. And I said, no, I don't want to. Can you	155471 19	THE COURT: All right. We will admit
155466 20	please get my pants from my bicycle and throw it in the	155472 20	Defendant's Exhibits 1 through 12 into the record. Any
155469 21	river so I can pull them on. They didn't --	155473 21	rebuttal?
155472 22	Q. I'm going to stop you, sir. So you had an	155473 22	(Defendant's Exhibit Nos. 1 through 12
155472 23	incident prior where you were naked at this same park	155473 23	were admitted.)
155473 24	area, correct?	155473 24	ATTORNEY MONROE: Yes, Your Honor. We
155473 25	A. Not the park area, the river. But the river	155473 25	would recall Officer Mind briefly.

Pleas

09:444	1	mask?	09:546	1	life, you go to buy a house. You go to a realtor, find
09:444	2	THE COURT: Yes.	09:546	2	a house in a good school district that you would like
09:445	3	ATTORNEY ROBINSON: Ladies and	09:551	3	to have, seems like a reasonable price. You go with
09:445	4	gentlemen, I have to wait for my glasses to defog there	09:554	4	the realtor and you go take a look at the house. So
09:449	5	for a second.	09:558	5	going through the house you get to the basement. You
09:451	6	Ladies and gentlemen, as we discussed	09:560	6	notice there is a puddle of water over in the corner.
09:453	7	yesterday during the voir dire process as well as at	09:564	7	Didn't rain last night. In fact, it hasn't rained in a
09:456	8	the beginning of the trial, the burden in this case is	09:566	8	week or so. Very hot, humid out, seems to be no
09:458	9	on the Commonwealth of Pennsylvania to prove their case	09:561	9	explanation upon viewing it as to what caused that
09:500	10	beyond a reasonable doubt. That burden still remains	09:564	10	water to arrive in the basement.
09:504	11	with the Commonwealth. It has not shifted to the	09:566	11	So you ask the realtor, any problems
09:506	12	defense at any point during this trial.	09:568	12	with the house? Is there any reason why this water
09:508	13	That burden remains with the	09:572	13	would be sitting in here in the basement? Realtor
09:509	14	Commonwealth until such time as 12 out of 12 of you	09:574	14	says, I don't know. I'm not sure. I'll have to check
09:514	15	begin your deliberations and arrive at a verdict.	09:577	15	into it. So he didn't give you a fair and complete
09:517	16	Until that time, Mr. Rudolf is presumed innocent and	09:580	16	answer. So you go home that night. You're thinking
09:521	17	he's entitled to the presumption of innocence according	09:582	17	about whether or not to buy the house, talking about it
09:523	18	to the constitution of Pennsylvania and the	09:585	18	with your significant other. And, you know, again, you
09:526	19	constitution of the United States of America.	09:589	19	love the location, you love the price. But there is
09:527	20	I gave you a brief definition and Judge	09:592	20	that problem that you don't have an answer to. You
09:531	21	Mustl Cook will give you the definition of reasonable	09:594	21	know, you decide, you know, spending all of the money
09:534	22	doubt. Essentially what reasonable doubt is in a doubt	09:596	22	on this, we have to move. I'm not sure we want that
09:536	23	that would make a reasonable person hesitate in making	09:594	23	house. Let's keep looking.
09:540	24	an important decision in his or her own affairs.	09:594	24	So you have a doubt. That's a
09:543	25	Just to give you an example of everyday	09:596	25	reasonable doubt. It is based upon something that you

091658 1 saw and something that could not be explained to your  
 091722 2 satisfaction in proceeding with buying the house.  
 091726 3 That's an example of making an important decision in  
 091727 4 your own life during your daily affairs.  
 091731 5 The same applies here. As indicated it  
 091733 6 is -- this is a quick trial. It took all of about an  
 091736 7 hour and a half as far as the testimony goes. And  
 091739 8 that's only because there was not a lot of witnesses in  
 091720 9 the case. Nonetheless, the matter is very important to  
 091724 10 Mr. Rudolf, very important to the Commonwealth of  
 091726 11 Pennsylvania.  
 091727 12 What I'm going to ask you to do when you  
 091728 13 go back to deliberate after you heard my closing,  
 091732 14 Attorney Monroe's closing argument, and Judge Musti  
 091735 15 Cook's instructions is you hold the Commonwealth to  
 091738 16 that burden when arriving at your verdict.  
 091741 17 So the first witness we heard from  
 091746 18 yesterday was Officer Wind. And obviously he was the  
 091749 19 police officer from Lower Windsor who was on patrol  
 091752 20 that night or early morning on July 2nd, 2019, about  
 091757 21 4:00 in the morning.  
 091820 22 You're going to get copies of these  
 091823 23 exhibits to take back with you I presume. Some of them  
 091827 24 you saw up on the big screen yesterday, some were  
 091829 25 published by handing out to you. But you should be

091813 1 receiving copies of all of the photographs that were  
 091816 2 introduced into evidence. But anyway, as indicated by  
 091819 3 Officer Wind, he's coming down Fishing Creek Road down  
 091822 4 in this direction here. Here is the playground area  
 091825 5 I'm going to call it over here. And he sees -- his  
 091829 6 first sighting of Mr. Rudolf is right about there.  
 091833 7 That's where he indicated on Defendant's Exhibit No. 1  
 091836 8 from his vantage point. That's where he sees Mr.  
 091839 9 Rudolf. That's the issue in this case right here.  
 091843 10 When he observed Mr. Rudolf at that  
 091846 11 point, did Mr. Rudolf -- was he naked from the waist  
 091847 12 down? At that point in time, Officer Wind is driving,  
 091855 13 I'm just going to use this as an example, in this  
 091858 14 direction on Fishing Creek Road just as he testified  
 091902 15 to.  
 091903 16 So Mr. Rudolf's location is going to be  
 091905 17 to his left-hand side. He's traveling in this  
 091908 18 direction. And I ask him a question, were your  
 091912 19 headlights that way in front of you as they well should  
 091915 20 be? His answer was yes. At that point in time, he  
 091919 21 says he's driving headlights lighting going that way,  
 091923 22 he says he turned -- he looks over and sees Mr. Rudolf.  
 091927 23 Now he testified that there is ambient  
 091932 24 light but it is -- his exact words were it was very  
 091939 25 dark down there. So when he turns around to his left

092014 1 with his headlights going in the direction in front of  
 092016 2 him with no direct light going to his left, you heard  
 092019 3 the testimony of Mr. Morrison, the private detective  
 092024 4 who testified yesterday. And he took two pictures.  
 092026 5 Well, he took several. But the ones I want to talk  
 092029 6 about are Commonwealth's Exhibits 10 and 11 -- or  
 092032 7 Defendant's Exhibits 10 and 11.  
 092034 8 He testified he went out that night. He  
 092036 9 tried to take pictures. It was very dark. Attorney  
 092038 10 Monroe asked him, did you use your headlights in an  
 092041 11 effort to take that picture that -- assist you in  
 092044 12 taking that picture? And he said, no. The reason  
 092047 13 being because Officer Wind's headlights were not in  
 092049 14 that direction. They were straight ahead.  
 092051 15 So I submit to you based upon Officer  
 092053 16 Wind's testimony, headlights lighting that way, ambient  
 092055 17 light, still very dark, he turns to his left. That's  
 092057 18 what he sees which is what Mr. Morrison saw that night  
 092059 19 when he went to take pictures, darkness.  
 092061 20 As you can see in those pictures, you  
 092063 21 can barely make out what I've been calling the play  
 092065 22 station, the kids little playground thing there. I  
 092067 23 don't know what else to call it. But that's what he  
 092069 24 would have saw.  
 092071 25 This is what George Morrison saw when he

092101 1 took that picture at about 4:00 in the morning.  
 092103 2 Granted it was in October. It wasn't on July 2nd of  
 092105 3 2019. That would have been impossible. But when he  
 092107 4 took the pictures, I believe he indicated in  
 092109 5 October 2019 at or about the same time in the morning,  
 092111 6 4:00 in the morning, that's what he saw. That's what  
 092113 7 he took the picture of in Defendant's Exhibits 10 and  
 092115 8 11.  
 092117 9 At that point in time, Officer Wind  
 092119 10 testifies he then tried to shine the spotlight and Mr.  
 092121 11 Rudolf runs. We will talk about the running here and  
 092123 12 there. When Officer Wind says that he saw him and he  
 092125 13 was naked from the waist down was at this location, not  
 092127 14 subsequently.  
 092129 15 As you recall, he testified subsequently  
 092131 16 he had the underwear on or running shorts or whatever  
 092133 17 he was wearing. Mr. Rudolf told you he was wearing the  
 092135 18 entire time these shorts, skimpo running shorts.  
 092137 19 So the issue is, has the Commonwealth  
 092139 20 established beyond a reasonable doubt whether or not at  
 092141 21 that point in time on Fishing Creek Road when Officer  
 092143 22 Wind looked over was Gernar Rudolf naked from the waist  
 092145 23 down. I submit to you, ladies and gentlemen, the  
 092147 24 Commonwealth has not met their burden in that regard.  
 092149 25 Attorney Monroe is going to talk to you

092222	1	about some other things. I'm sure one of which is that	092351	1	during the course of this trial that Officer Wind came
092227	2	Mr. Rudolf is out there at 4:00 in the morning. Mr.	092359	2	in here and lied. I'm not saying that at all. I think
092231	3	Rudolf explained to you why he was out there at 4:00 in	092357	3	Officer Wind was mistaken as to what he saw that
092234	4	the morning. Because of a family situation, sleeping	092400	4	morning. When he looked and saw a figure wearing short
092237	5	arrangements between him and his wife, watching kids,	092405	5	shorts and that pitch black darkness, he made a mistake
092240	6	he decided to go since he was up at 3:30, 4:00 in the	092412	6	as to what Mr. Rudolf was wearing at that point in
092243	7	morning. He's done it before to workout.	092415	7	time.
092246	8	So Attorney Monroe is going to touch on	092416	8	He indicated yesterday he saw his
092248	9	the fact that he had a gym membership. Well, a lot of	092417	9	genitals. He did note that no where in his report that
092252	10	people have gym memberships and they still do workout	092421	10	he prepared did he say he saw Mr. Rudolf's genitals. I
092256	11	activities outside. I don't think that is so	092425	11	submit to you possibly he wasn't sure at the time.
092259	12	unreasonable as to cloud or affect Mr. Rudolf's	092429	12	So again, I'm not submitting to you that
092304	13	explanation of the events that day.	092431	13	Officer Wind came in here and lied to you to your face
092307	14	He's also going to talk to you about,	092434	14	or was being dishonest in any way. He may very well
092309	15	well, when he saw the car, he ran. When Officer Wind	092438	15	have thought what he saw is what he saw.
092314	16	testified, he did not testify at all that when he	092441	16	But I submit to you, ladies and
092317	17	pulled up and he stopped, that he identified himself as	092442	17	gentlemen, the absolute facts in this case support the
092322	18	a police officer. I asked him, did you have your	092446	18	fact that he could not -- could not have done it.
092325	19	lights on? No. Did you have your siren on? No.	092449	19	So again, ladies and gentlemen, defense
092329	20	There is no testimony that he got out or yelled out of	092449	20	in this case doesn't have to prove anything. Mr.
092331	21	his car, hey, stop, it is the police.	092500	21	Rudolf doesn't have to prove he's innocent. It is the
092335	22	As Mr. Rudolf told you, he didn't know	092509	22	Commonwealth's burden to prove beyond a reasonable
092336	23	who it was. He had his clothes on. He didn't know who	092506	23	doubt that Mr. Rudolf committed the offenses of
092340	24	somebody was out there 4:00 in the morning. That's why	092510	24	indecent exposure and open lewdness.
092341	25	he ran. I'm not suggesting in my closing argument or	092511	25	I submit to you, ladies and gentlemen,

092512	1	based upon all of the evidence in this case, the	092630	1	did the Defendant do? He ran off into the bushes. Was
092514	2	Commonwealth has not met their burden and I'd ask you	092633	2	it because Officer Wind was a police officer? Was it
092517	3	to find Mr. Rudolf not guilty of both charges. Thank	092637	3	because he identified himself upon his lights and
092520	4	you very much.	092641	4	sirens? Ladies and gentlemen, it is not because of
	5	THE COURT: Attorney Monroe.	092643	5	that. It is because Mr. Rudolf was ashamed. Mr.
092538	6	ATTORNEY MONROE: May it please the	092647	6	Rudolf was naked.
092538	7	Court, Attorney Robinson.	092650	7	And after he makes contact with him, he
092538	8	ATTORNEY ROBINSON: Attorney Monroe.	092652	8	sees that he's put on some underpants. He's scurrying
092540	9	ATTORNEY MONROE: Ladies and gentlemen	092655	9	back into the bushes. He finds on the scene along with
092540	10	of the jury, when I gave my opening statement to you, I	092659	10	a towel and some keys, a bottle of baby oil. After
092544	11	stated that this is a short incident, short trial, and	092707	11	Officer Wind tells him to leave, what does he find
092548	12	I would keep my remarks then short.	092709	12	30 minutes later in that same area? The Defendant back
092550	13	As you heard from the testimony, it was	092710	13	in his car.
092552	14	a short incident. This was a very short trial. So	092713	14	You heard the argument from Attorney
092555	15	I'll try to be brief and keep these closing arguments	092716	15	Robinson about the conditions that evening, how the
092559	16	as short as possible.	092717	16	light was. You saw those photos were taken by his
092600	17	Ladies and gentlemen, you heard the	092720	17	private investigator. Now keep in mind those photos
092601	18	testimony from Officer Ben Wind of Lower Windsor	092723	18	were taken during October, in the fall. This incident
092605	19	Township Police Department. On July 2nd of 2019, he	092726	19	happened in July, some of the longest days of the year.
092607	20	was on patrol on Fishing Creek Road in the area of Long	092733	20	You heard the testimony. He didn't
092610	21	Level Road by the public boat ramp. As he was passing	092735	21	illuminate any of those. He just took them with his
092613	22	a children's park, he saw that Defendant, Gernar	092736	22	camera. And yes, the officer would have his headlights
092618	23	Rudolf, in a bright yellow neon shirt and no pants with	092738	23	on going straight ahead. As we all know when you are
092622	24	his genitals exposed to the world.	092741	24	driving with your headlights, it is not just straight
092628	25	When he came upon the Defendant, what	092744	25	ahead that is illuminated but there is ambient light

092745	1	that comes off of the headlights of your vehicle which	092800	1	Nor did he change, as his story is, in his car. No.
092746	2	would have illuminated that playground for Officer Wind	092804	2	He waited until he was out of his car, next to a
092747	3	to see what he saw which was the Defendant's exposed	092807	3	children's playground in public to remove his white
092748	4	genitals.	092811	4	dress pants to put on his workout gear.
092749	5	Let's turn to the Defendant's testimony.	092815	5	Ladies and gentlemen, that explanation
092802	6	What he wants you to believe is that he went there that	092816	6	is even more incredible based upon the Defendant's own
092804	7	morning to exercise. Now as Attorney Robinson touched	092821	7	testimony that he had a prior incident where he was
092809	8	on, the Defendant has a gym membership with all the	092826	8	cited by police for being naked in that same area.
092814	9	nice new equipment, pull-up bars. I asked him about	092831	9	Now I submit to you that someone if they
092818	10	dip stations, all of those things.	092833	10	had that contact before that was reasonable to think,
092819	11	But he wants you to believe that he	092838	11	well, the last time I was here and got caught changing,
092820	12	chose to go to a public park at four in the morning to	092839	12	I got in trouble. So maybe I should change at home or
092822	13	do dips on a picnic table and pull-ups on a children's	092842	13	in the car. But no. He wants you to believe that he
092826	14	playground set.	092846	14	is just changing and taking his pants off in a public
092829	15	He also wants you to believe that he	092848	15	park even after being found naked in that same area
092830	16	uses that baby oil that was found as some type of hand	092852	16	previously.
092833	17	lotion to keep from his calluses forming. Even though	092857	17	In a moment, the judge is going to give
092836	18	what would baby oil do to your grip as you were trying	092858	18	you instructions. I want to touch on some of them with
092838	19	to do pull-ups and dips? It would make your hands slip	093000	19	respect to the charges in this case.
092842	20	out.	093004	20	The Defendant is charged first with
092844	21	Most importantly, the Defendant wants	093007	21	indecent exposure. The elements we must prove beyond a
092847	22	you to believe that he was there that morning to	093011	22	reasonable doubt are first that the Defendant exposed
092850	23	workout. And when the officer came upon him, he was	093012	23	his genitals. I submit to you that based upon the
092853	24	changing. He didn't put on his workout clothes and	093016	24	testimony of Officer Wind, the Defendant did in fact
092857	25	change at home before he left home to go to this park.	093018	25	expose his genitals.

093021 1 Second, that he did so in a public  
 093023 2 place. I don't believe it is any dispute whatsoever  
 093025 3 that that children's park in that area is a public  
 093027 4 place.  
 093028 5 And lastly, that he did so under  
 093031 6 circumstances in which he knew or should have known  
 093034 7 that his conduct was likely to offend, affront, or  
 093036 8 alarm. I can't think of many more things that might  
 093043 9 offend, affront, or alarm than driving along a road at  
 093044 10 4:00 in the morning and seeing a naked man standing in  
 093046 11 a children's playground.  
 093051 12 He's also charged with open lewdness.  
 093054 13 The first element of that is that the Defendant  
 093056 14 committed a lewd act by walking around in a public park  
 093059 15 with exposed genitals. That's what we are submitting  
 093102 16 to you.  
 093104 17 A lewd act is defined as an act if it  
 093105 18 were done in public would grossly flout community  
 093109 19 standards regarding nudity in public. I think it is  
 093110 20 pretty indisputable that walking around without pants  
 093113 21 on is grossly flouting community standards of York  
 093117 22 County.  
 093119 23 Second, that he knew his act was likely  
 093121 24 to be observed by other persons who are affronted or  
 093125 25 alarmed.

093125 1 Look what we have here. We have the  
 093127 2 Defendant naked from the waist down, manhood out for  
 093131 3 all to see in a public park, a public playground right  
 093136 4 next to a road. Right by that park about a stone's  
 093140 5 throw away as you saw in some of the photos is  
 093143 6 residential houses. And the cherry on top of all of  
 093147 7 this of him being likely to be seen, what does he got  
 093150 8 on top? A bright yellow shirt acting as a beacon for  
 093153 9 anyone passing by. Look at me, look at my genitals.  
 093200 10 Ladies and gentlemen, you heard the  
 093201 11 testimony, heard the evidence in this case. And as I  
 093205 12 said, in a second the judge will inform you of the law.  
 093209 13 And once you have all of that and you retire to  
 093212 14 deliberate, the only verdict you can find in this case  
 093214 15 is guilty of open lewdness and indecent exposure.  
 093216 16 Thank you.  
 093221 17 THE COURT: Members of the jury, now  
 093243 18 that all of the evidence has been presented and  
 093245 19 attorneys for both sides have made their closing  
 093247 20 arguments, it becomes my duty to instruct you in the  
 093250 21 law that you must apply to the facts as you find them  
 093253 22 in reaching your verdict.  
 093254 23 In doing this, I will be reading to you  
 093256 24 from a written charge for which I always make an  
 093258 25 apology as I know most people especially at 9:30 in the

## BOOKS BY GERMAR RUDOLF

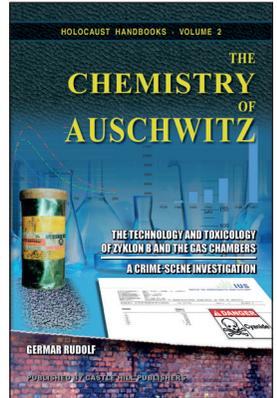
The books are listed chronologically by their first edition's appearance, and with brief explanations of their background. All books are paperbacks and 6"×9" in size unless stated otherwise.

### ***The Chemistry of Auschwitz. The Technology and Toxicology of Zyklon B and the Gas Chambers – A Crime-Scene Investigation***

After some preliminary research on how the active ingredient in Zyklon B reacts with masonry, and how stable the resulting compounds are, defense lawyers asked me in 1991 to prepare an expert report on what that means for mass-gassing claims at Auschwitz. The resulting study was introduced in a number of German and Swiss court cases in subsequent years. This expert report was later expanded into a book which I keep up-to-date with occasional new editions. This is the 2020 edition.

This study documents forensic research on Auschwitz, where material traces and their interpretation reign supreme. Most of the claimed crime scenes – the claimed homicidal gas chambers – are still accessible to forensic examination to some degree. This book addresses questions such as: How were these gas chambers configured? How did they operate? In addition, the infamous Zyklon B can also be examined. What exactly was it? How does it kill? Does it leave traces in masonry that can be found still today? The author also discusses in depth similar forensic research conducted by other scholars.

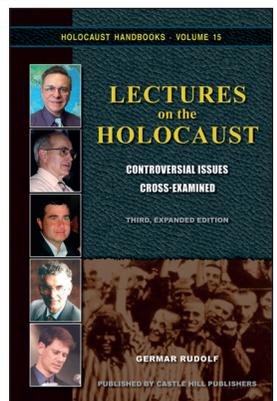
4th ed., 454 pages, more than 120 color and over 100 b&w illustrations, bibliography, index.  
(Holocaust Handbooks, Vol. #2)



### ***Lectures on the Holocaust. Controversial Issues Cross-Examined***

When starting my research into “the chemistry of Auschwitz,” I early realized that looking at just the chemical aspect of one type of structure (gas chambers) in one camp was insufficient to understand the larger topic. I contacted other researchers in the field, and we set out to publish a compendium of research on various aspects of the “Holocaust.” In the fall and winter of 1992, I gave two multi-media presentations to academic audiences in Germany where I presented some of our research results up to that point. The resounding success of these presentations inspired me to turn them into a book, the first (German) edition of which appeared in 1993. This is the updated and expanded 2017 edition.

This book first explains why “the Holocaust” is an important topic, and that it is essential to keep an open mind about it. It then tells how many mainstream scholars expressed doubts and subsequently fell from grace. Next, the physical traces and documents about the various claimed crime scenes and murder weapons are discussed.



For prices and availability see [www.shop.codoh.com](http://www.shop.codoh.com) or write to: CHP, PO Box 231, Dallastown, PA 17313, USA

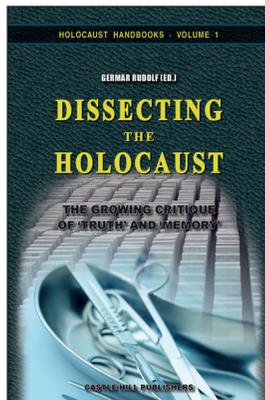
After that, the reliability of witness testimony is examined. Finally, the author argues for a free exchange of ideas on this topic. This book gives the most-comprehensive and up-to-date overview of the critical research into the Holocaust. With its dialogue style, it is easy to read, and it can even be used as an encyclopedic compendium.

3rd ed., 596 pages, b&w illustrations, bibliography, index. (Holocaust Handbooks, Vol. #15)

### ***Dissecting the Holocaust. The Growing Critique of ‘Truth’ and ‘Memory’***

*This is the anthology initiated by me collecting numerous research papers on the Holocaust by various authors, as mentioned in the description of the previous book. Its first (German) edition appeared in late 1994. With its updated and expanded first English edition of 2000, I launched the series “Holocaust Handbooks.” This updated edition appeared in 2019.*

*Dissecting the Holocaust* applies state-of-the-art scientific technique and classic methods of detection to investigate the alleged murder of millions of Jews by Germans during World War II. In 22 contributions—each of some 30 pages—the 17 authors dissect generally accepted paradigms of the “Holocaust.” It reads as excitingly as a crime novel: so many lies, forgeries and deceptions by politicians, historians and scientists are proven. This is the intellectual adventure of the 21st Century. Be part of it!



3rd ed., 635 pages, b&w illustrations, bibliography, index. (Holocaust Handbooks, Vol. 1)

### ***Auschwitz: Plain Facts. A Response to Jean-Claude Pressac***

*During the final phase of preparing the anthology “Dissecting the Holocaust” (previous book), a book appeared in France with huge mainstream media fanfare declaring that the “technique of mass murder” presumably used at Auschwitz has been proven for the first time with scientific and technological means. Urged by Italian researcher Carlo Mattogno to make publishing a critical review of that French book a priority over wrapping up “Dissecting,” I put this project containing the reviews of four Auschwitz researchers on the fast track. Its first German edition appeared in 1995; this updated English edition appeared in 2016.*

French pharmacist Jean-Claude Pressac tried to refute revisionist findings with the “technical” method. For this, he was praised by the mainstream, and they proclaimed victory over the “revisionists.” In his book, Pressac’s works and claims are shown to be unscientific in nature, as he never substantiates what he claims, and historically false, because he systematically misrepresents, misinterprets and misunderstands German wartime documents. With contributions by Germar Rudolf, Serge Thion, Robert Faurisson and Carlo Mattogno.

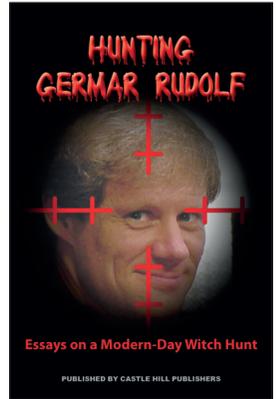


2nd ed., 226 pages, b&w illustrations, glossary, bibliography, index. (Holocaust Handbooks, Vol. 14)

## ***Hunting Germar Rudolf. Essays on a Modern-Day Witch Hunt***

German society and in particular the German legal authorities reacted quite allergically to the above four books. The societal persecution and legal prosecution I experienced in those years induced me to write a number of autobiographical essays which I published in 1996 as a book. As my activities as an author, editor and publisher continued, so did the subsequent persecution. I chronicled these events in various articles, which I eventually gathered in English translation in this book. This updated edition appeared in late 2016.

German-born revisionist activist, author and publisher Germar Rudolf describes which events made him convert from a Holocaust believer to a Holocaust skeptic, quickly rising to a leading personality within the revisionist movement. This in turn unleashed a tsunami of persecution against him: loss of his job, denied his PhD exam, destruction of his family, driven into exile, slandered by the mass media, literally hunted, caught, put on a show trial where filing motions to introduce evidence is illegal under the threat of further prosecution, and finally locked up in prison for years for nothing else than his peaceful yet controversial scholarly writings. In several essays, Rudolf takes the reader on a journey through an absurd world of government and societal persecution which most of us could never even fathom actually exists in a “Western democracy”...



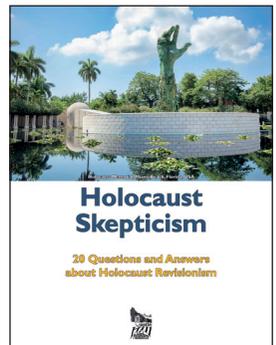
304 pages, bibliography, index, b&w illustrations

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## ***Holocaust Skepticism. 20 Questions and Answers about Holocaust Revisionism***

In 2001, some mainstream lobby group in Germany started raising funds for a huge Holocaust memorial to be erected in the center of Berlin. One of their advertisement posters read provocatively “The Holocaust Never Happened.” Needless to say, this campaign backfired on them, and it inspired me to write an introduction brochure, the first edition of which appeared that same year. This is an updated and expanded edition of 2018.

This 15-page brochure introduces the novice to the concept of Holocaust revisionism, and answers 20 tough questions, among them: What does Holocaust revisionism claim? Why should I take Holocaust revisionism more seriously than the claim that the earth is flat? How about the testimonies by survivors and confessions by perpetrators? What about the pictures of corpse piles in the camps? Why does it matter how many Jews were killed by the Nazis, since even 1,000 would have been too many? ... Glossy full-color brochure. PDF file free of charge available at [www.HolocaustHandbooks.com](http://www.HolocaustHandbooks.com), [Option “Promotion”](#). This item is *not* copyright-protected. Hence, you can do with it whatever you want: download, post, email, print, multiply, hand out, sell...



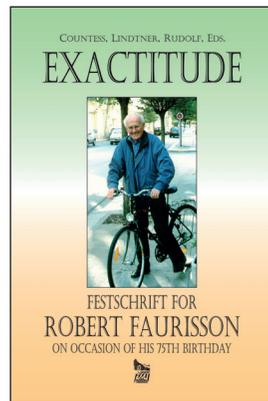
20 pp., stapled, 8.5“×11“, full-color throughout

### ***Exactitude. Festschrift for Prof. Dr. Robert Faurisson***

*In 2003, I was approached by my friend Dr. Bob Countess asking me whether I would be willing to organize a commemorative publication with several contributions of various scholars in celebration of the 75th birthday of the late French scholar Robert Faurisson, a retired professor for the critical analysis of literary and documentary texts and witness testimonies who is best known, loved or despised (depending on which side you're on) for his trail-blazing forays into critical Holocaust research. I gladly accepted the challenge. The book appeared exactly on his 75th birthday in early 2004.*

On January 25, 1929, a man was born who probably deserves the title of the most-courageous intellectual of the 20th Century and the early 21st Century: Robert Faurisson. With bravery and steadfastness, he challenged the dark forces of historical and political fraud with his unrelenting exposure of their lies and hoaxes surrounding the orthodox Holocaust narrative. This book describes and celebrates the man, who passed away on October 21, 2018, and his work dedicated to accuracy and marked by insubmission.

*146 pages, b&w illustrations*

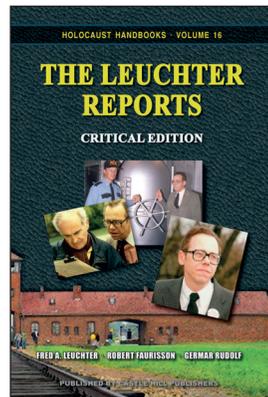


### ***The Leuchter Reports. Critical Edition***

*During the years 2004/2005, my series "Holocaust Handbooks" gained traction and grew rapidly. In 2005, I realized that one of the most-influential publications of critical Holocaust research, the "Leuchter Report," should be put back in print and should definitely be included in that series, although heavily footnoted and commented in order to bring it up to the current state of research. Ernst Zündel and his wife, who held the copyright back then, happily agreed and helped me with gathering the many photos and documents included in this book. The book appeared in 2005; this updated edition appeared in 2017.*

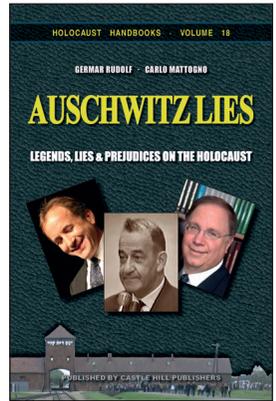
Between 1988 and 1991, U.S. expert on execution technologies Fred Leuchter wrote four detailed reports addressing whether the Third Reich operated homicidal gas chambers. The first report on Auschwitz and Majdanek became world-famous. Based on chemical analyses and various technical points, Leuchter concluded that the locations investigated "could not have then been, or now be, utilized or seriously considered to function as execution gas chambers." The second report deals with gas-chamber claims for the camps Dachau, Mauthausen and Hartheim, while the third reviews design criteria and operation procedures of execution gas chambers in the U.S. The fourth report reviews Pressac's 1989 tome about Auschwitz.

*4th ed., 252 pages, b&w illustrations (Holocaust Handbooks, Vol. #16)*



## ***Auschwitz Lies. Legends, Lies and Prejudices on the Holocaust***

*The first German edition of my “Lectures on the Holocaust” included a fifth part, which is not included in more-recent editions. It addressed a number of mainstream reactions to the research results presented in the “Lectures.” As “Lectures” grew with every new expanded edition, so would have that last part of it, making the book become too unwieldy. Hence I decided in 2005 to detach these discussions of mainstream reactions and gather them all in a separate volume. The English edition was co-authored with Italian scholar Carlo Mattogno, who contributed several major sections to the tome. This edition appeared in 2017.*

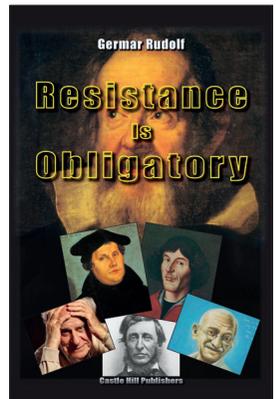


The fallacious research and alleged “refutation” of Revisionist scholars by French biochemist G. Wellers (attacking Leuchter’s famous report), Polish chemist Dr. J. Markiewicz and U.S. chemist Dr. Richard Green (taking on Rudolf’s chemical research), Dr. John Zimmerman (tackling Mattogno on cremation issues), Michael Shermer and Alex Grobman (trying to prove it all), as well as researchers Keren, McCarthy and Mazal (who turned cracks into architectural features), are exposed for what they are: blatant and easily exposed political lies created to ostracize dissident historians.

*4th ed., 420 pages, b&w illustrations, index (Holocaust Handbooks, Vol. #18)*

## ***Resistance Is Obligatory! Address to the Mannheim District Court, 15 November 2006 to 29 January 2007***

*In 2006, I was put on trial and convicted in Germany for my book “Lectures on the Holocaust” and for an earlier edition of the brochure “Holocaust Skepticism.” I was slated to spend at least five years in prison for them, but this defense speech changed the judges’ and prosecution’s mind, so they let me get away with “only” two and a half years. This edition is of 2016. In 2005 Rudolf, a peaceful dissident and publisher of revisionist literature, was deported by the U.S. government to Germany. There he was put on trial for his historical writings. Rudolf was not permitted to defend his historical opinions, as German penal law prohibits this. Yet he defended himself anyway: Rudolf delivered a speech in the court room lasting seven days, during which he proved systematically that only the revisionists are scholarly in their attitude, whereas the Holocaust orthodoxy is merely pseudo-scientific. He then explained in detail why it is everyone’s obligation to resist, without violence, a government which throws peaceful dissident into dungeons. When Rudolf tried to publish his public defense speech as a book from his prison cell, the public prosecutor initiated a new criminal investigation against him. After his probation time ended in 2011, he dared publish this speech anyway...*



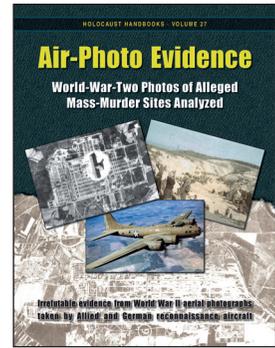
*2nd ed., 378 pages, b&w illustrations*

## ***Air-Photo Evidence. World-War-Two Photos of Alleged Mass-Murder Sites Analyzed***

Canadian mineral-exploration geologist John C. Ball first published this trail-blazing study in 1992. As a result, his livelihood was destroyed, so he decided a few years later to change his name and disappear. In 2014, I decided to put this classic back in print. Subsequent editions were corrected, revised and expanded. When John Ball finally took notice, he agreed that his material keeps being used, but asked that he no longer be named as the author of this book. This edition is of 2020.

During World War Two both German and Allied reconnaissance aircraft took countless air photos of places of tactical and strategic interest in Europe. These photos are prime evidence for the investigation of the Holocaust. Air photos of locations like Auschwitz, Majdanek, Treblinka, Babi Yar etc. permit an insight into what did or did not happen there. The author has unearthed many pertinent photos and has thoroughly analyzed them. This book is full of air-photo reproductions and schematic drawings explaining them. According to the author, these images refute many of the atrocity claims made by witnesses in connection with events in the German sphere of influence. 6th edition; with a contribution by Carlo Mattogno.

*167 pages, 8.5"×11", b&w illustrations, bibliography, index (Holocaust Handbooks, Vol. #27).*

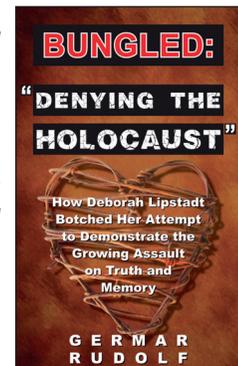


## ***Bungled: “Denying the Holocaust.” How Deborah Lipstadt Botched Her Attempt to Demonstrate the Growing Assault on Truth and Memory***

Deborah Lipstadt's 1993 book "Denying the Holocaust" has been one of the most influential mainstream books in vilifying and misrepresenting Holocaust revisionism as an irrational ideological movement rather than a legitimate scholarly method which critically reviews the historical record in the light of new research results. When I heard in 2016 that a new edition of Dr. Lipstadt's book was about to be released, I decided to subject her political hatchet job to a book-length analysis, exposing its many flaws. This edition appeared in 2017.

With her book *Denying the Holocaust*, Deborah Lipstadt tried to show the flawed methods and extremist motives of "Holocaust deniers." This book demonstrates that Dr. Lipstadt clearly has neither understood the principles of science and scholarship, nor has she any clue about the historical topics she is writing about. She misquotes, mistranslates, misrepresents, misinterprets, and makes a plethora of wild claims without backing them up with anything. Rather than dealing thoroughly with factual arguments, Lipstadt's book is full of *ad hominem* attacks on her opponents. It is an exercise in anti-intellectual pseudo-scientific arguments, an exhibition of ideological radicalism that rejects anything which contradicts its preset conclusions.

*2nd ed., 224 pages, 5"×8", bibliography, index, b&w illustrations*

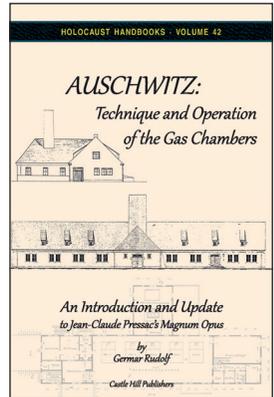


## ***Auschwitz: Technique and Operation of the Gas Chambers. An Introduction and Update***

*In 2017, a German publishing company asked me to contribute a thorough introduction to a reprint edition of Jean-Claude Pressac's 1989 book of the same title. Unfortunately, this German publisher went out of business in late 2018, so no such reprint ever appeared. My introduction is still valuable, though; hence I published it in January 2019.*

Pressac's 1989 oversized book of the same title was a trail blazer, as its many reproductions of documents from the Auschwitz Museum's archives made them accessible for the first time to the general public. The book is still valuable today, but after decades of additional research, Pressac's annotations are outdated. This book summarizes the most pertinent research results on Auschwitz gained during the past 30 years. With many references to Pressac's epic tome, it serves as an update and correction to it, whether you own an original hard copy of it, read it online, borrow it from a library, purchase a reprint, or are just interested in such a summary in general.

*144 pages, b&w illustrations, bibliography. (Holocaust Handbooks, Vol. #42)*



## ***The Day Amazon Murdered Free Speech***

*This book initially existed only as a YouTube video, but I turned it into a book in February 2018. However, YouTube censored this video in April 2019, and the book and its second edition disappeared from the world's book market in early 2022.*

Amazon dominates the U.S. and several foreign book markets. Pursuant to the 1998 declaration of Amazon's founder Jeff Bezos to offer "the good, the bad and the ugly," customers once could buy every book that was in print and was legal to sell. However, in early 2017, a series of anonymous bomb threats against Jewish community centers occurred in the U.S., fueling a campaign to coax Amazon into banning revisionist writings, falsely portraying them as anti-Semitic. On March 6, 2017, Amazon caved in and banned more than 100 books with dissenting viewpoints on the Holocaust. In April 2017, an Israeli Jew was arrested for having placed the fake bomb threats, a paid "service" he had offered for years. But that did not change Amazon's mind. Its stores remain closed for history books Jewish lobby groups disapprove of. Amazon next culled any literature critical of Jews or Judaism; then they enforced these bans at all its subsidiaries; then they banned books other pressure groups don't like; finally, they bullied the U.S. book-distribution monopoly Ingram to enforce the same rules by banning from the entire world-wide book market all books Amazon doesn't like. This book accompanies the documentary of the same title. Both reveal how revisionist publications had become so powerfully convincing that the powers that be resorted to what looks like a dirty false-flag operation in order to get these books banned from Amazon...



*158 pages, 5"×8", bibliography, b&w illustrations*

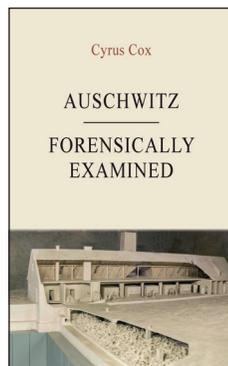
For prices and availability see [www.shop.codoh.com](http://www.shop.codoh.com) or write to: CHP, PO Box 231, Dallastown, PA 17313, USA

## ***Auschwitz – Forensically Examined***

*While I was serving time in a German prison, a friend of mine wrote a small booklet summarizing the results of forensic research I had done on Auschwitz back in the early 1990s, spiced up with some of his own observations. As he was not a scholar of any kind, his 2008 booklet did not live up to my standards, so when we finally ran out of his booklet, I decided to completely rewrite it while keeping my friend's pen name Cyrus Cox. It was published in March 2019.*

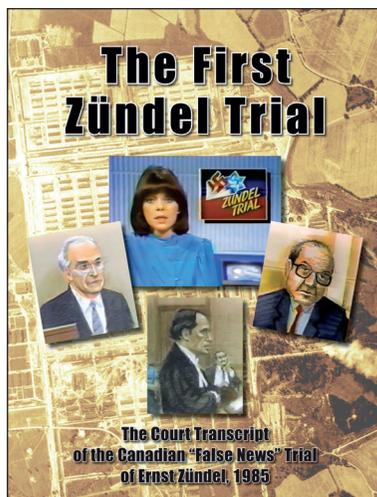
It is amazing what modern forensic crime-scene investigations can reveal. This is also true for the Holocaust. There are many big tomes about this, such as Rudolf's 400+ page book on *The Chemistry of Auschwitz*, or Mattogno's 1200-page work on the crematoria of Auschwitz. But who reads those doorstops? Here is a booklet that condenses the most-important findings of Auschwitz forensics into a nutshell, quick and easy to read. In the first section, the forensic investigations conducted so far are reviewed. In the second section, the most-important results of these studies are summarized, making them accessible to everyone. The main arguments focus on two topics. The first centers around the poison allegedly used at Auschwitz for mass murder: Zyklon B. Did it leave any traces in masonry where it was used? Can it be detected to this day? The second topic deals with mass cremations. Did the crematoria of Auschwitz have the claimed huge capacity claimed for them? Do air photos taken during the war confirm witness statements on huge smoking pyres? Find the answers to these questions in this booklet, together with many references to source material and further reading. The third section reports on how the establishment has reacted to these research results.

*124 pages, 5"×8", b&w illustrations, bibliography, index*



## ***The First Zündel Trial: The Transcript***

*Several years ago, I reached out to Barbara Kulaszka in order to obtain PDF scans of the transcript of the 1985 Canadian trial against German immigrant Ernst Zündel for allegedly "spreading false news" on the Holocaust. During that trial, Mrs. Kulaszka had assisted Zündel's defense counsel, her later husband Douglas Christie. While Mrs. Kulaszka had published a heavily edited version of the transcript of the Second Zündel Trial of 1988, she was reluctant to publish any unredacted transcripts of court proceedings, fearing this might violate someone's copyright. Hence, when she sent the 1985 trial transcript to me, she insisted that it not be published. After Mrs. Kulaszka passed away, I set aside these worries (who would hold a copyright on a public document any-*



way?) and published the transcript in its entirety in early 2020. Kudos to my unpaid volunteer who slogged through the messy OCR results and prepared the scans for publication.

In the early 1980s, Ernst Zündel, a German immigrant living in Toronto, was indicted for allegedly spreading “false news” by selling copies of Richard Hardwood’s brochure *Did Six Million Really Die?*, which challenged the accuracy of the orthodox Holocaust narrative. When the case went to court in 1985, so-called Holocaust experts and “eye-witnesses” of the alleged homicidal gas chambers at Auschwitz were cross-examined for the first time in history by a competent and skeptical legal team. The results were absolutely devastating for the Holocaust orthodoxy. Even the prosecutor, who had summoned these witnesses to bolster the mainstream Holocaust narrative, became at times annoyed by their incompetence and mendacity. For decades, these mind-boggling trial transcripts were hidden from public view. Now, for the first time, they have been published in print in this new book – unabridged and unedited.

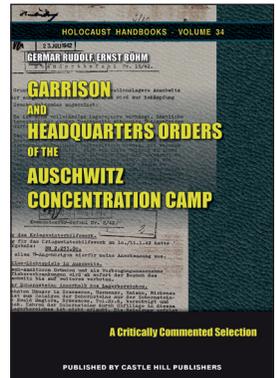
820 pages, 8.5”×11”

## ***Garrison and Headquarters Orders of the Auschwitz Camp***

*In 2015, my dear friend Dr. Ursula Haverbeck was interviewed by German mainstream TV about her iconoclastic views on the Holocaust. During the interview, she frequently referred to a mainstream book containing the text of hundreds of orders issued by the Auschwitz camp authorities during the war. They proved, Dr. Haverbeck argued, that no extermination could have been going on in that camp. The (mainly negative) public attention this interview received inspired me to define a new book project for our series “Holocaust Handbooks”: a summary of the most-interesting Auschwitz orders highlighting that Dr. Haverbeck is indeed correct. Unfortunately the project stalled, and it took the initiative of one of my customers to reignite it. He sifted through hundreds of orders and compiled a collection of quotations from them flying in the face of the mainstream’s Auschwitz narrative. Starting out from this preliminary study, and with the expert help from Italian scholar Carlo Mattogno, we turned this study into a gem of our series, which was finally published in early 2020. While all this was going on, Dr. Haverbeck languished in prison, convicted by a German court for her peaceful dissent...*

A large number of all the orders ever issued by the various commandants of the infamous Auschwitz Camp have been preserved. They reveal the true nature of the camp with all its daily events. There is not a trace in these orders pointing at anything sinister going on in this camp. Quite to the contrary, many orders are in clear and insurmountable contradiction to claims that prisoners were mass murdered. This is a selection of the most pertinent of these orders together with comments putting them into their proper historical context.

185 pages, b&w illustrations, bibliography, index (*Holocaust Handbooks, Vol. #34*)



## ***The Holocaust: Facts versus Fiction***

*Around the turn of the millennium, an anonymous author wrote a cheap brochure titled “Auschwitz: Facts versus Fiction”, had it printed in great numbers, and wanted me to distribute it as well. However, the brochure’s contents were not always accurate, somewhat incomplete and outdated, and made some untenable remarks on the persecution of the Jews. 20 years later, some activist discovered this old brochure, deemed it convincing and important, scanned and reset it, and offered me the file hoping that I would revise it were needed and re-publish it. Instead of fixing a bad text, however, I sat down and wrote a completely new one meant to serve as a comprehensive yet concise introduction to Holocaust revisionism in general rather than just Auschwitz.*

This 29-page booklet gives a condensed overview of the latest research on the Holocaust with references to literature where you can find more on the subject. It also explains why the issue is important and why many governments brutally suppresses dissenting views. This is an information brochure on a topic that still affects everyone today, perhaps more than ever. With lots of references to free e-books and videos, and listings for the entire book program of Castle Hill Publishers (at the time of going to press). Here is an appetizer from the back of the brochure:

### **Introduction**

Majdanek is the name of a German concentration camp that operated from 1939 to 1944 on the outskirts of the Polish city of Lublin. It was the first of the large German camps to be occupied by Allied troops – in the summer of 1944. During a press conference on August 25th, 1944, the Soviets claimed a death toll of some two million for that camp.

About a year later, during the Nuremberg Military Tribunal, the Soviets claimed death toll of up to 1.5 million. Many of these victims are said to have been murdered in seven gas chambers.

Three years after the war, this number was reduced to 360,000 by a Polish commission. The next drop to 235,000 victims came after the collapse of the communist Eastern bloc. The last reduction so far was made in 2005 by the director of the Majdanek Museum: According to this, there were 78,000 victims, and five of the seven gas chambers originally claimed were no longer mentioned without giving any reason for this revision.

Hence, of the initially claimed 2,000,000 victims, only just under 4% are left today.

Critical historians have always insisted that the Majdanek death-toll figures have been greatly exaggerated (about 42,000 victims can be documented) and that there were no homicidal gas chambers in that camp at all. For this dissent they were slandered and persecuted.

If we look at the development of the orthodox narrative about other National-Socialist camps, it looks rather similar: Since the end of the war, the claimed death tolls have been drastically reduced over and over again, and all kinds of atrocity allegations had to be dropped. So who can you still believe? Read for yourself...

*29 pages, b&w illustrations*

