**LIES, MISREPRESENTATIONS AND CRITICAL OMISSIONS**

**OF JEREMY LUBERTS BOOK, MURDER ON ELM STREET (2023)**

**Part I – The Lies of Others, Wrongly Spread**

1. Luberts writes that the female attacker said, “I’m sorry!” (p. 184)

This is a total lie. Prosecutor Orput came up with this lie, repeating it over and over knowing that some gullible people (like Luberts) would eventually believe it. In the courtroom Judge Anderson listened (to the audio recording) again and again eventually stating, “I don’t hear.”

Note that this is exactly the same three seconds when Smith experience a smirk and a chuckle (unwittingly described as a “laugh”). Nothing was heard, not even a bomb that Orput could have eagerly misinterpreted.

Furthermore, when Orput played the audio recording at the end of the trial (Day 7, p. 253), no apology was heard. If it had been there, Orput would most certainly have played it. Nor was it in the written transcript. Luberts just ignores all the evidence and repeats the lie anyway. That is vicious gossip-mongering.

1. Luberts repeats Orputs lies. Orput said, “You know what his state of mind was.” (pg. 256). This
2. was after Orput’s motion to deny “state of mind” testimony by an expert in conflict psychology. The motion was approved by Judge Anderson despite hundred of law review articles and thousands of court cases giving the importance of such testimony.

In Chapter 31, “Trial Day 1” Luberts neglects reporting this critical omission, whose significance was amplified by numerous subsequent appeals.

1. On the last day of the trial, Luberts writes that the attacker’s grandmother said “Smith seemed like a sour, angry old recluse who felt he was above the law.” (page 263). But this grandmother had never met Smith, had no personal knowledge of him, not even that one of his retirement goals had been to help teenagers, and she had reason to hate him. Her testimony obviously has no validity. So why does Luberts report unreliable lies? Actually, they’re worse than lies. It’s malicious gossip and Luberts is the gossip monger. This book must be suppressed.
2. Luberts reports prosecutor Orput saying “We’ve got two dead kids (sic: adults), over nothing.” NOTHING!!

That prosecutor and Luberts knew that there had been six felony burglaries within five months, with $53,000 lost; four violent home break-ins’ within 30 days and three guns stolen. The attacks came sooner and sooner with increasing amounts of loss. He denied testimony about three months of Smith’s fear, then four weeks of terror and then the panic and shock of a home invasion. NOTHING! Orput is a LIAR. Luberts, repeating this lie after years of consideration makes Luberts a damn LIAR.

1. In Chapter 24 (p. 189) Luberts reports on the second bail hearing, repeating prosecutor Kosovich’s numerous lies without any corrections:
   1. “This was an ambush”, but ambushes are in unexpected locations. Buth where is anyone more likely to be than in their own home. Not an “ambush.”
   2. “He had unscrewed light bulbs from sockets” (p. 190) – but that happened five hours later, at sunset and is irrelevant.
   3. Kosovich: “(he) had his guns within reach,” but Smith’s testimony said “5 to 8 steps away (p. 45), as he had for the past four weeks, ever since the sheriff’s dept. abandoned him by refusing to respond to his written “Request for Investigation and Documentation>’
   4. “From the sounds of the window breaking to when Brady came downstairs, seven minutes passed”, (p. 191). An ABSOLUTE LIE, closer to ten seconds (p. 43). Done so that they could falsely claim Smith could’ve called for help.
   5. CRITICAL: County attorney Middendorf is quoted saying “They went back to Smith’s again, not knowing that this time he’d set a trap for them.” (p. ). Again Luberts hides his co-worker’s stupidity: 1) Hadn’t Middendorf heard the half-past midnight interrogation when it became obvious that no trap had been planned?; 2) Are both of them so dense that they don’t realize that the “so-called” trap couldn’t have worked as Byron moved his vehicle one block on the north end of town and the attacker lived two miles away on the south end. \*HOW WOULD THEY HAVE KNOWN? \*Gross misrepresentation!

**PART II – Legally Trivial Lies with Important Implications**

Introduction: It’s not that these lies are individual significant, instead it’s that they’re consistent, pervasive effort to diminish and devalue Mr. Smith is libelous. Continued publications is prevented by libel law.

1. When Luberts came to Smith’s door, he reported Smith’s hair as “gray” (p. 7). In that year, Smith’s hair was 10% gray, 90% brown. Ten years later it’s still only 20% gray and 80% brown. Why the lie? Throughout the book Luberts treats old age as derogatory.
2. Driving to Smith’s home, Luberts reports a “dirt” driveway. (p. 5). But that driveway has been 100% paved for over 30 years. Why the lie? Does “dirt” make someone poor, ignorant and primitive?
3. Luberts reports “turning onto Elm Street, the road (sic: street) continues about a quarter mile.” (p. 6). Actually, Elm Street is 650 feet long, which is only 0.12 miles long, less than one-eighth. Is Luberts just sloppy with facts? And since he is that sloppy, we should distrust the rest of his facts.
4. Luberts writes about Smith having “energy bars and water bottles” by his chair in the basement (p. 19). No. They were only ordinary granola bards and only one single, half-empty, recycled juice bottle with water. Again, not critical, but demonstrating cops and prosecutor’s inability to be satisfied with accuracy. They’re compulsive about exaggerating. Then he expands upon his lie, speculating they “suggested that Byron was planning (sic: already had) (spent) a lot of time in that chair.” (Note: Byron is a compulsive eader and will commonly read four to six hours without getting up.) But bars and bottles of water were in three other locations in the house, as Luberts would have photographed (p. 18-20): a) in the basement shop; b) in the upstairs computer room; and c) in the bedroom nightstand. So why does Luberts assume these are special? Because Luberts is cluelessly groping for clues. As Luberts writes: “Its funny how people jump to conclusions without knowing the facts.” (p. 161).
5. Luberts makes another stupid, careless, but typical mistake by referring to “his (Byron’s) neighbor, Ashley Olson.” (p. 86). As given on pages 34-35 and 210, her name is Ashley Williams.
6. Continuing with the careless observation and exaggeration, that chair for reading was not a “La-Z-boy” (p. 9, 19) ass Luberts reports. Not even close. It has 10 inch legs and does not recline. Why is he putting in details when he won’t be accurate about them? (He claims “I was kind of a perfectionist when it came to my job. (p. 222). Maybe he’s just emphasizing a comfortable chair chosen for his hypothetical “long wait.”
7. Luberts also writes about (without admitting it) a lie (perjury!) On the witness stand by BCA agent Pearlson: “Pearlson said a metal bar (sic: ¾ inch steel pipe) had been taken into evidence.” (p.240). But NO, they had not. When Byron’s brother, Bruce arrived, he found it leaning against the house, as later seen in Luberts evidence photos. Bruce collected the pipe and Byron still has it.
8. Luberts reports that the broken window had “old, thin glass.” (p.8). Again, derogatory diminuation. In 1966, the home was built with the best thermal windows by Anderson Windows. Luberts knew this because an example was brought to the trial. (p. 256).
9. As an investigator, Luberts should be able to tell the difference between the front side and back side of a house. On the north side of Byron’s home is a laundry room, a bathroom and two bedrooms, as Luberts knows from photographing the entire interior. (p. 18-20). There is no door on the north side, not a front door, no door. It IS the back side. Also, there are clothes lines, which nobody puts in their front yard. The south (river) side has a living room with a picture window, typical for a front year and a front door with a fancy handle. A dining area with large windows is in the southeast corner. Outside is a wood planked deck over the walk-out basement entry, all on the FRONT side. Luberts reputation as an accurate observer and truthful reporter is destroyed as he repeatedly confuses front and back of Byron’s home: upper deck on the backside.” (p. 19), “behind the house where there is any entry” (P. 157), “rear entry door” (P. 157). He ignores Byron’s testimony “FRONT living room door” (p. 98). This confusion was grossly exploited by Orput when he falsely accused Byron of “sneaking” around to the back of his home.
10. Luberts starts Chapter 26 with “a year went by” and in the next sentence gives the date as April 23, 2013. The final attack on Byron was on November 22, 2012. That’s five months, not even half a year. Trivial, yes, but an important indication of Lubert’s carelessness with the truth. The relevant legal phrase is “falsus in unam, falsus in summan,” which translates loosely to “if he lies once, he’ll lie about everything.”
11. On page 9, 10 and 11, Luberts put quotation marks around what were supposedly Byron Smith’s statements. But Byron would never say “stairwell,” (p. 9, 10 (2x), that’s cop-talk. Byron says “stairs”. Similarly, Byron would never say “male porty” (p. 10), again that’s cop talk. Luberts says “female party (p. 52) and “male party” (p. 44, 48). Byron despises such cliché’s. Again, this is legally trivial, but important in showing the accuracy and truthfulness of Luberts statements. Putting quote marks around fuzzily mis-remembered misstatements is a literary crime and puts everything the misquoter says into doubt.

**PART III -UNJUSTIFIABLE OMISSION OF ESSENTIAL INFORMATION**

Introduction: Lies by omission are as damaging as direct lies. In Luberts book he demonstrates that omission of causes can be even more damaging than direct lies.

1. A full report of all attacks with dates and receipts for properties stolen was compiled by Mr. Smith. It was accepted without comment by the prosecution and the judge, but not until August, four months AFTER the (grand jury) trial, Prosecutor Orput and Judge Anderson collaborated to hide it from the jury. As an official court record, it was full available to Luberts. Here is what Luberts intentionally omitted from his book:
   1. The gang inflicted six burglaries on Byron within five months.
   2. Byron’s total loss was $53,000.
   3. There were four violent home break-ins within the final 30 days.
   4. After they stole three of his guns, Byron knew they were armed.
   5. After stealing guns, the attackers came back and broke in again.

Actions have causes, and by condemning the action without acknowledging the causes, Luberts has intentionally created an unjustified massive negative bias against the victimized homeowner.

1. Luberts commits another unjustifiable omission when reporting on county attorney Middendorf, who claims “Smith decided to take revenge rather than seek justice.” (p. 175). But neither Luberts nor Middendorf ever cite Minnesota’s self-defense law, statute 609.065. During the trial, Judge Anderson withheld that law from the jury. All of these omissions are because by that statute, Byron Smith’s actions were clearly within the law. Luberts omission of this crucial law is profoundly prejudicial.
2. Luberts falsely references Minnesota’s self-defense statute (609.065), by referring to it as “The Castle Doctrine.” (all of Ch. 29, p. 224). The correct title is “Justifiable Taking of Life.” That statute refers to the word “reasonably” meaning the homeowner reasonably believes a felony is going to be committed or harm against him. Luberts hides this false reference by failing to print that simple, single sentence statute, thus falsely implying Smith violated the law. Thus, Luberts falsely concludes Smith must be guilty. Falsely incriminating misinterpretations must be removed from public sale.
3. Another state statute that Luberts and the prosecutors carefully avoided is just one simple sentence: “A perpetrator assumes the risk of loss, injury, or **death** resulting from violent crime.” (Minn. Statute 611A.08, Subd. 2) Violent break-in leads to death! No excuses, no qualifications, no demands for reasonableness or promptness or anything. Byron Smith is not guilty.
4. All of Chapter 19 is devoted to the confiscation of Byron’s computer, laptop and all memory devices. Luberts brags about this, writing “to see if Byron talked about or search for information regarding a plan to set a trap or kill someone.” (p. 176). In legal work this is sarcastically known as a “fishing expedition”, as we don’t know what’s there, but we’ll drag some hooks to see what comes up. The obvious intent is to find evidence of premeditation. Since this is worth its own chapter, with bragging about how it was done and detailing the importance of it (pages 176-178), why does he LEAVE THE READERS DANGLING without writing what was found? And, oh-by-the-way, do you think these enforcers knew that they were depriving their victim of his files and records, his email and internet and financial work and his ability to type and print out letters and documents? And cops wonder why so many people hate them. WHAT WAS FOUND? Again, omission of critical information creates huge, unfair bias against Smith. NOTHING WAS FOUND. If the presence of threatening statements and incriminating searches shows guilt, then the absence of those statements and searches demonstrates innocence! This is a libelous pretention of guilt, without evidence.
5. When the computer confiscation began, (p. 177), they showed up at Bill Anderson’s house (a neighbor) demanding the keys, claiming that Byron’s brother Bruce had left that morning. They had checked his flight reservations at MSP, to allow themselves to search Byron’s home after Bruce left. They were fooled by their own cleverness, the reservation had been cancelled. So Luberts fictional lie about first calling Bruce for a key (p. 177) is another lie in the massive deception of their attempted unmonitored raid.
6. In Chapters 5 and 6, pages 243-251, Luberts floats past one of the most critical decisions of the trial. That is “state of mind” testimony. The defense attorney tried to call a psychology witness and Orput objected, saying “We don’t need to hear about fear, everybody knows about fear.” He assumed, without justification, what the witness would say. Judge Anderson, like a conditioned reflex, approved the prosecutor’s motion, despite hundreds of law review articles and thousands of court cases demonstrating the importance of state of mind. The relevant statutes for this trial are 609.748 and 749 on stalking and harassment. They say that three attacks within one year results in TERROR. Not fear, but TERROR. That’s not “terrorism” which is merely the intent to cause terror, but the real thing, TERROR!. Then Orput with total hypocrosy says, “You know what his state of mind was.” Ouch! Smith suffered six attacks within five months, that is four times terror. And then they smashed open his home and invaded. Webster defines “panic” as a sudden increase in terror. And then, just when the victimized homeowner thought he was, at last, safe – another attacker appears. Byron was slammed from panic into shock. By eliminated fear, terror, panic and shock from his tale, Luberts creates unjustifiable prejudice against the victim of the attacks.
7. Luberts clueless, psychologically untrained mental evaluation of Byron, as in “for his own self-gratification (p. 15) and “stand(ing) there with a relative calm” (p. 10) when actually stunned with panic and shock, which take days or months of recovery, shows ignorance of psychology. Using his ignorance to condemn Byron for not acting “normally” is an “unprofessional presumption”.
8. Luberts listened to the audio recording (p. 183) and during the trial Orput played it (p. 253). Both made the same inexcusably prejudicial omission – without the necessary background of Byron’s three months of fear, four weeks of terror and the escalation into panic and shock, no listener and especially no reader could possibly understand the reasons why the suffering victim was so off-normal. Presenting this without the essential background is grossly prejudicial.
9. Luberts writes Matthew Kasper and his seventeen year old son (Cody)…were interviewed regarding the prior burglaries of Smith’s residence. (p. 148). Why does Luberts omit that within a few months Cody was tried and convicted of $4,000 felony theft from Byron? (Only $4,000 out of $53,000 lost?) Then later county attorney Middendorf forgave Kasper his $4,000 restitution (no fine!), so that Kasper got to keep everything he’d stolen! Deliberate exclusion of bad justice done to the victimized homeowner is nasty misrepresentation. Shameful Luberts!
10. Luberts writes “some of the light bulbs in the basement had been removed, particularly in the area Byron was sitting.” (p. 93). (LIE – the three ceiling lamps were spread uniformly), continuing, “It appeared Byron removed these light bulbs so that if someone broke into the house and turned on the lights to walk downstairs”. (LIE- the stair lamp was not removed.) This is also a false implication because the switch for the removed bulbs was at the bottom of the stairs! In these lies, Lubert deliberately omitted two pieces of critical information:
    1. That “basement” (walk-out) room was fully illuminated by the bright noon-time sun shining through the room onto the back wall during the attack;
    2. The audio recording proves that the light bulbs were not removed until five hours later, at sunset. These omissions make Luberts a total LIAR.
11. Luberts writes that “My wife is worried that Byron might come over after me and my family if he gets released. I told her not to worry, but to tell you the truth, I’m a little worried myself.” (p. 187). These fears of his were not based on any objective statements about him or actions towards him by anyone else. If there had been, he certainly would have stated that. He himself fabricated this image of a “boogie-man” out of the horribly attacked homeowner and now he was afraid of his own fake-up and wants sympathy for his fears. Contrast that with the multiple reports to Byron and his friends that Grama Schaeffel was bragging in bards that when he saw Byron, he’d shoot him dead. Far worse, two cars with teenagers pulled into Smith’s driveway and sat there. John Lange walked down Elm Street to investigate, then they drove away, over the speed limit, hollering out the window, “I’m gonna kill that fucking old man!” John immediately called the sheriff’s dept, who caught the teens. Even though death threats are a felony, all the deputies did was to “give them a talking to”. As a deputy, Luberts surely knew about this. So while Luberts ignores death threats to Smith, he devotes pages 227-230 to his own fearful fantasies. Suppress this! The sheriff’s dept didn’t even care enough about Byron to warm him about death threats. Luberts’ omissions are disgusting.
12. Byron requested a silent approach, no lights, which they did. He thought (hoped) the deputies might catch other gang members outside. Actually, there were two outside, later identified as Cody Kasper and Chase Fortier, as later seen on video at 10:30 a.m. But Luberts incredibly prejudiced selection of facts allows no sympathy for the victimized homeowner.
13. CRITICAL: During his half-past midnight interrogation (when Byron was at his weakest), Luberts ask about Byron’s truck:

How far from your residence is (not was) it parked.” How many blocks away?”

Smith: “One”; Luberts: How many? Smith: “One”. (p. 107)

Luberts: …is it in front of some property you own there?”

Smith: “No, no it’s out of the way and out of sight. I didn’t want it vandalized.”

Luberts: But wouldn’t you be afraid somebody would come and break into it while it’s parked along the road there?” (p. 110)

Smith: “They’re not being raided over there. I am being raided!”

\*Then Byron suddenly realizes what caused the attack.

Luberts: Okay, okay, alright. Byron, I…(interrupted)” (p. 113)

Smith: “I now realize why they came while I was there.” (listen to the audio for the shocked tone of voice.)

Luberts: Why is that? Why you…(interrupted)

Smith: Because they thought I was gone. (listen to audio)

Smith: I moved the truck out of vandalism range and so they assumed I was gone.

Luberts: Okay, Okay Byron that’s all the questions I have at this point, so… (interrupted)

Smith: I’m – I’m shocked. I didn’t even realize that...(cut off)

Omission: Luberts’ printed version does not show that he turned off the recorder while Byron was still talking! What interviewer ever shuts off his recorder while the subject is explaining a sudden revelation about how he came to be attacked? This shut off not only explains, it was also a refusal to ask any follow-up questions. Something stinks and Luberts is hiding it!

NOTE: This totally destroys Luberts’ much-hyped false assumption of a pre-planned trap.

1. The previous was after midnight, Saturday morning. Then Luberts writes about later that day: “The main evidence regarding Byron’s pickup was that he parked it away from his residence to make it look like he wasn’t at home.” (p. 125). Considering that he’d taken the previous testimony earlier that same day, this is a flat-out, blatant and obvious LIE. It’s shameful to see how many people are suckers for him.

P ) In another area of critical omission, Luberts writes that the cell phone messages of the night before were not allowed into the trial as evidence. During the trial BCA agent Museus committed perjury saying, “We Don’t have any information on the text messages that would indicate anything regarding the Smith residence at all.”

Some of the messages are listed here:

Brady (male attacker): What do you mean you didn’t text me back ass face!”

Cody Kasper: I know I’m sorry byran’s (sic: Byron’s)

Brady: “When ??’ Kasper: “Soon!”

Brady: “Yea, we keep sayin that and not doing it!”; Kasper: “Well let’s do it!”

Brady: “Tomoro?”; Kasper: “Yea”

Thanksgiving morning:

Kifer (female attacker): “I wish you were going with: we are doing it tonight if you wanna”

Brady (Rachel-sister to Nick): “I wish I was too!”

Kifer: “Yeah”

Brady: Meh. 😊 I hope tonight is fun and works out! 😊

Anybody care to guess why Luberts, Orput and Museus hid all this? Then Judge Anderson approved that terribly unjust denial of evidence.

The following day (Brady) sister filed a missing person’s report. She knew.

**Q) There’s another deceptive omission, one that’s traditional among cops and prosecutors.** When trying to destroy someone, they always pound and pound upon that person’s previous criminal record. Everything that person has ever done wrong is held up as evidence of his corrupt character. So why didn’t Luberts even mention Smith’s previous criminal record? Not even a hint? Because it was perfectly clean! There were no convictions, indictments, no arrests, no complaints, not even a parking ticket! Fairness has nothing to do with the law enforcement way of business. It’s all just smearing their target any way they can. That is why Luberts book must be suppressed.

PART IV LIES TOLD BY LUBERTS

1. The biggest lie of all lies told in this case is a total reversal of the truth. As Goebbels practiced in Nazi Germany, if a lie is sufficiently massive, it overwhelms reasons and is accepted with realizing the impossibility.
   1. Here is the lie: The criminals who smashed through his bedroom window for their fourth home break in and sixth felony burglary must be called “victims”. Similarly, the homeowner who thought himself safe behind his locked and dead-bolted doors must be called the “attacker.” By this logic, the dead Israeli and dead Ukranians are the attackers and Hamas and the Russians are victims. Listen to these liars, they explicitly proclaim their falsehoods. Luberts demonstrates his own inability to detect lies by claiming to be not “judgmental” (p. 24). He repeats this reversal of facts throughout the entire book.
2. Luberts writes repeatedly about Smith setting up a “trap”. This is pure gossip/conjecture, he began repeating it because others did. Why people believe this fabrication is a mystery, because just a little analytical thought shows the idea to be totally foolish. Smith moved his vehicle one block on the north end of town. The attackers lived two miles away on the south end of town. HOW WOULD THEY HAVE KNOWN?
   1. No one has ever answered this question. Almost no one has asked. Why isn’t an “investigative officer”, like Lubert describes himself, at all concerned about this critical factor? Without an explanation, the whole “premeditation” fantasy collapses. That is blatant libel.
   2. Note that Luberts described Byron’s explanation of why he moved his vehicle (p. 113). And then he ignores it because the libelous accusation is just too delicious.
3. Luberts writes repeatedly about “brain matter”…by the stairs. (Stairwell is Luberts cop talk). He writes as if that was real. IT’S NOT REAL. This is total fabrication.
   1. The male attacker did trip on the stairs, but he landed on his hands and knees between the stairs and the table to the south (outside). Then he jumped up, crouching. His best choice would have been to raise his hands and say “Don’t shoot, I give up.” But that wasn’t in his character. Instead, he continued his attack! The prosecutor’s lie, Luberts’ LIES, again and again, that he was “laying there helpless.” Note: Brady ran about 14 feet toward Byron, arms outstretched to grab away Byron’s gun. But his loose, untied, slip-in skateboard show fell off, tripping him. The carpet sample with his blood was cut out adjacent to the bookshelves, 14 feet away. This is a critically deceptive LIE by Luberts. He doesn’t (couldn’t) know and yet he writes as if he were there. This lie is then expanded into further lies about over reaction. These lies must be removed for the public market and the book suppressed.
4. Luberts writes “He parked his pickup away from his home to make it look like no one was at home. This is not only a LIE, it’s not even possible. Byron’s home cannot be seen from any city street. His driveway is 600 feet long and the home is offset from the end, so that it is totally obscured by intervening woods. Liars like Luberts depend on never clarifying the reality, so that readers will fantasize what’s ordinary. In federal appeal briefs, prosecutors LIED about people “driving by” to observe – NO, that’s absolutely impossible.
   1. No matter how the home might look, NOBODY COULD SEE IT. In this apparently incriminating fantasy, Luberts depends upon the readers being totally ignorant of the actual physical layout. Fantasizing the impossible to create an appearance of guilt is vicious libel and deserves financial punishment.
5. Luberts writes Byron killed them “for his own self-gratification.” LIE! It was self-preservation after a five-month long, apparently, never-ending series of attacks, theft of his guns; fear and terror and panic. There was no choice. They had broken into a locked home.

Statements have been made by surviving gang members (we have the names of six), but there may have been more). The statements say that the male attacker swore that if he was sent to prison, the first thing he’d do when he got out would be to kill Byron. If the sheriff’s department ever interviewed any of the gang members, they never shared that with their victim, Byron.

1. Luberts writes that Byron “sat downstairs in his home WAITING for someone to break in so he could get his revenge.” (p. 87). “Waiting” is a total LIE. It was concocted by the prosecutors as a necessary ingredient in their fabrication of a “trap” fantasy. In his own statements, Byron said that after four hours outside on a cold, late-November morning, he needed to go inside to warm up. Neither Luberts nor the prosecutors give any justification at all for their false assumption that Byron’s warming up was a “waiting”. Is everyone, or anyone, who is merely inside their home guilty of “waiting”? Remember, the burden of proof is on the accuser, as Luberts knows but ignores. This is another derogatory, rumor-mongoring LIE.
2. Referring to the rug paced on the floor at the bottom of the stairs, Luberts writes unfounded speculation as if it was the truth. That’s lying, and it is illegal as libel when it’s claimed to prove guilt. This was done throughout by the prosecutors. In this instance, Luberts’ speculation is not only false, it directly contradicts testimony given by Smith.
   1. Luberts: “What tie did this happen yesterday?”
   2. Smith: “It would have been about 12:00.”
   3. Luberts: “So 12:00 noon yesterday.”
   4. Smith: “Yeah, And maybe one o’clock or two o’clock. I spread the carpets over the blood.

Contrarily, Luberts claims Byron covered up his “kill.” If he had not covered it up, the girl probably wouldn’t have continued down the stairs to become his second victim (sic) (page 91). Byron failed to tell me in his interview he had done this. LIAR, see page 44, above. But poor Luberts can’t reference page 44 because it destroys his “cover it up” false fantasy. Then Luberts’ lies spread. During the trial, BCA Agent Museus commits perjury when he testifies. “It appears Byron must have put the rug over the blood and brain matter after shooting the boy (sic: adult) to cover it up.” But the male attacker didn’t even die there, it was 14 feet away. But wait, there’s more: Luberts “when did the female party come in?” Smith stated “two to five minutes later, and since I was just sitting there stunned…” Luberts: You said you were just sitting there stunned. (p 183), then Byron was breathing heavily, moving closer to the recorder and it sounded like he sat back down in a chair.” (p. 184). Note: No sounds, no carpets being laid, not feet walking. The entire preparation for a second attacker and blood-hiding is a LIE!

1. Both Luberts and Orput fantasize throughout about Byron preparing in advance for the arrival of the second attacker. They need this fabrication in order to fulfil their desire to find premeditation. But that’s one of the worst forms of invalid logic where a predetermined conclusion is used to create the necessary conditions. It’s backwards. They make enough noise to keep anyone from asking the essential questions – how could Byron have known there would be a second attacker. And then why not a third or fourth? Byron stated that he thought the attacks were all over, that he was, at last, SAFE. And then he was shocked to hear the second attacker coming. Horor movie makers love this – “ Just when you thought you were safe.” No one ever gives any explanation of how Byron should have expected this. And then they attack Byron for not being “reasonable”. All this bad logic is a derogatory, incriminating LIE.
2. At several times the prosecution emphasizes that seven minutes lapsed between the window breaking and the male attacker coming down the stairs. Luberts gives this lie total credibility, blaming Byron, along with the prosecutors for failing to call for help at that time. That supposedly proves premeditation. But it’s a LIE. Luberts states, “after breaking the window…you heard the footsteps coming down the hallway. (p. 44) Smith: Yeah. Luberts: “Then immediately did he turn and come down the stair(well), or did he go into any other rooms first?” Smith: “He came directly down the stairs. This is confirmed by the audio at least until BCA media person, Janet Nelson, tampered with it.
3. Throughout his book Luberts is unable to refrain from making plays to gain personal sympathy. No excuses why he deserves it, he just wants it. One of the most obnoxious lies Luberts writes to both tediously repetitive and a cyrical play on the inexperience of most people. He complains about the smell of the bodies (p. 20, 118). These two attackers had only been dead 24 hours in a winter-time basement room whose natural temperature was only 55 degrees. There was no decomposition. That takes much longer, esp. at food cooler temperatures. But most people don’t know that, so he lies, and lies and lies expecting to get away with these lies because most people have no experience with immediate death. He may have been delusional, fantasizing because of his stress, possibly recalling previous experience with long-dead bodies. Leave that to the psych’s, we shouldn’t guess. But I have experienced that smell, I know that smell and IT WAS NOT THERE. Such a lie, whether delusional or intentional, serves only one purpose – to goose the readers of this garbage into the horror that those sickies love. That’s EVIL of Luberts despite his altar-boy pretensions. People who think should be careful to note that the absence or presence of any odor is completely unrelated to whether or not Byron complied with MN Statute 609.065, Justifiable Taking of Life. This issue is not merely Luberts begging for sympathy, it is sensationalist smoke-blowing. Ban this book, stop Luberts’ LIES.
4. Throughout his book, Luberts brags about being non-judgmental, “I can’t afford to be judgmental.” (p. 24) but look what he writes: “True-life horror story and a “sinister trap” (on back cover). And Byron’s call for help is lableled “a suspicious activity complaint.” Again on page 10 “what kind of sick, twisted person does something like that.” And again on page 30, “I felt like I was sitting across from Freddy Krueger.” Note that Luberts self-damaging comment – he is unable to tell the difference between an attacker and a defender – was Freddy inside, defending his own home?
5. When Luberts first approached Byron’s home he says, I tried to approach the situation with kindness and understanding. (p. 7). Utter crap! His hand was two inches away from his gun and shaking like palsy.
6. Throughout his book Luberts lays heavy-handed emphasis on his Christian beliefs and nature. Presumably he wants to impress us with his quality and good character. But even in something as carefully written and edited as a published book, his character leaks through in the language he uses:
   1. His grey-haired balls and wrinkled pecker were flopping in the breeze – p. 163
   2. His naked old ass scurried into the house – p. 163

(Ask yourself why Luberts fails to emphasize that this was not Byron.)

* 1. The head of a big pink dildo – p. 123
  2. Laughing their asses off – p. 123
  3. You asshole – p. 124
  4. Why the hell would you – p. 10
  5. No one ever gives a shit -p. 11
  6. I almost shit myself – p. 229
  7. The best way to piss somebody off – p. 24
  8. Rise above dog shit – p. 24
  9. If someone is a dick to me… I will be a dick to them. – p.25

None of this is related to Smith’s defense. Compare these to what Byron says – 0r doesn’t say – in the many recordings. He has spent years in the military, and spent several years working in Utah and California oilfields, so he certainly knows the words and how to use them. But even in his most horrific stress and terror, we don’t hear any of the words that television and movies about violent crime expect us to hear. So ask yourself the easy questions. Who here is the “good guy” and who here is really a scumbag?

In the “Castle Doctrine” Chapter (29, p. 224), Luberts derogates the “concealed carry people”. This is utter irrelevant inside any home, so we must wonder who he’s trying to please, or to agitate. Within any home there are no restrictions on concealment, placement, or carrying. It is simply not an issue. Luberts is intentionally misleading because the vast majority of people’s comments were about HOME defense, not self-defense. “Concealed carry” is an intentionally irrelevant distraction, apparently intended to incite gun-haters into further hatred of Byron Smith. That’s clearly Luberts program throughout the book and it needs to be stopped NOW!

Luberts writes about Byron’s high school neighbor, Dilan and his friends rehearsing their band in his garage (sic: outdoor shop). Byron said it got out of hand…so he didn’t allow them over anymore (page 156). That’s another LIE, playing the “mean old man” card. Actually, they continued to practice there for another two months until it got too cold.

In Luberts book, he compares Byron to “Freddy Krueger from Friday the 13th movies. How scary would the movies have been if Freddy had locked himself into his own home.