

In The United States Court of Appeals

NORTHERN

DISTRICT OF

GEORGIA

WILLIAM ANTHONY FAGNES
(Plaintiff)

SUMMONS IN A CIVIL ACTION

V.

CASE NUMBER:) 09-13160-F

District Court # 09-CV-1258-RWS

MARY LEE ABELE et. Al
(Defendants)

TO: (Name and Address of Defendant) Gary T. Simmons
Jefferson County Medical Examiner Director
1515 6th Avenue South
Birmingham, Alabama 35233

YOU ARE HEREBY SUMMONED and required to file with the Clerk of this Court and serve upon

PLAINTIFF'S ATTORNEY (name and address)

William Anthony Fagnes, 22619-001
Federal Prison Camp
P.O. Box 150160
Atlanta, Georgia 30315
Unit - H

an answer to the complaint which is herewith served upon you, within 30 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint.

CLERK

DATE

January 19, 2010

BY DEPUTY CLERK

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

WILLIAM ANTHONY FAGNES

(PLAINTIFF)

v.

FILED IN CLERK'S OFFICE
U.S.D.C. Atlanta

MAY - 8 2009

JAMES N. HATTEN, CLERK
[Signature]
Deputy Clerk

- 1) Mary Lee Abala, Trustee of the Estate
- 2) Judge O. H. Florence, Jefferson County Probate Judge
- 3) William (Bill) Dawson, Atty. and husband of Trustee
- 4) F.B.I. Agent Jeffery Burgess,
- 5) Asst. U.S. Attorney Billy Lee Barnett,
- 6) Asst. U.S. Attorney Robert P. McGregor,
- 7) Attorney Randy Dempsey, Jr.,
- 8) Congressman Spencer T. Bachus III,
- 9) Magistrate T. Michael Putnam,
- 10) Deputy Clerk Yolanda Berry,
- 11) F.B.I. agent Raymond Smith, Jr.,
- 12) Magistrate Judge R. Hopkins Kidd, Jr.,
- 13) Detective U.D. Rios,
- 14) F.B.I. Agent Jay Bartholomew,
- 15) Christina K. Decker, Federal Court Reporter
- 16) U.S. Attorney Alice H. Martin,
- 17) Ms. Sharon Harris, Deputy Chief Federal Clerk
- 18) Ms. Elaine Terry, Counselor, Federal Camp
- 19) Warden Grayer,
- 20) Mr. Gee, Camp Administrator Atl. Federal Camp
- 21) Gary T. Simmons, Coroner for Jefferson County
- 22) Annie Bushelon, Funeral Director for Bushelon Funeral Home
- 23) Federal Judge C. Lynwood Smith (DEFENDANTS)

1 09-CV-1258

RWS

i.

COMES NOW, WILLIAM ANTHONY FAGNES, hereinafter referred to as the Plaintiff.
Do hereby swear under the penalty of perjury that the following information
herein is the truth to the best of my ability.

ii.

The Plaintiff is a natural born citizen of the United States of America,
and a residence of the state of Georgia at 601 McDonough Blvd., Atlanta, Georgia
30315, where I am presently being held in peonage against my will.

i.

SEP 10 2009

IN THE UNITED STATES ELEVENTH CIRCUIT COURT
COURT OF APPEALSWILLIAM ANTHONY FAGNES,
(Plaintiff)

v.

MARY LEE ABELE, et. Al
(Defendant)) District Court #:1:09-CV-1258-RWS
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RULE 26.1

INTERROGATORY QUESTIONS

NOW COMES, Mr. William Anthony Fagnes, Pro Se, herein referred to as the Plaintiff. The Plaintiff provides this Honorable Court with a list of names that are Defendants in the aforementioned case which will receive Interrogatory Questions that will allow the Plaintiff to receive relevant information as evidence to be used in discovery. The Rules of Criminal Procedure do not permit the Defendants to plead the (Fifth Amendment), as only (11) of the (23) twenty three Defendants are presented with Interrogatory Questions, as they are central players in the Murder and cover up of Ms. Ada Mays Jones, and recipients of the estate in which the Plaintiff is the true heir. Some of the Defendants have aid and abett to create a fraudulent indictment

Pursuant to Rule 26.1, this rule allows the Defendants the opportunity to tell the truth before this Honorable Court under the penalty of perjury, as evidence and witnesses have already verified and documented events and other pertinent information that qualifies the Defendants are participant's in the Continuing Criminal Enterprise operating "Under the Color of Law".

The Questions that are directed to each individual Defendant is structured and asked to give their account of the situation that they have participated in individually as it relates to the Murder, Cover up, Aid and abetting, suppression and concealment of evidence, or the set up of the Plaintiff through forgery scheme of the Grand Jury Foreman's signature, and the signature of the Plaintiff himself.

The Petitioner contends, evidence and witnesses support the foundation of the questions asked each Defendant, and if the Defendants do not respond to the questions, it will be deemed that they admit to the actions accused. The Plaintiff respectfully asks this Court for (30) thirty days to allow the Defendants to respond with their answers from the questions presented. The Defendant respectfully requires that the answers be submitted directly to the Honorable United States Court of Appeals, as well as the Plaintiff, as the information will be forwarded to the Honorable Office of the United States Attorney General just as this entire case has been presented thus far.

The Plaintiff declares, the questions are directed to each individual that has participated in the conspiracy to embezzle the estate of Ms. ADA MAYS JONES, and the Plaintiff's truly is the truthful heir of that estate. Evidence provides, from the coroner to the Probate Court that foul play is evident. Each Defendant plays a role that is covered in their legal capacity as Lawyers, F.B.I. agents, U.S. Attorney's, Coroner's and judicial capacities. Each role that is identified is linked to another player in this scheme, which qualifies this Continuing Criminal Enterprise as a Racketeering Criminal Organization as identified under Title 18 U.S.C. §1961 (1 through 5).

IDENTITY OF THE DEFENDANTS

- 1) Attorney Mary Lee Abele - Trustee for the estate of Ms. Ada Mays Jones.
- 2) Probate Judge Orris H. Florence - Alabama, Jefferson County
- 3) Attorney William (Bill) Dawson - Partner of Mary Lee Abele
- 4) Asst. U. S. Attorney Billy Lee Barnett
- 5) Asst. U.S. Attorney Robert P. McGregor -
- 6) Attorney Randy Dempsey - Former lawyer for the Plaintiff
- 7) Jefferson County Medical Examiner, Gary T. Simmons
- 8) Bushelon Funeral Home, Ms. Annie Bushelon Holt
- 9) Federal Court Reporter, Ms. Christina L. Decker
- 10) Ms. Yolanda N. Berry
- 11) F.B.I. Agent, Jeffery Burgess

Jefferson County Medical Examiner, Gary T. Simmons, M.D. Corner's Office
1515 6th Avenue, North
Birmingham Alabama 35233

Residence: 2109 Lerk Spur Lane
Birmingham, Alabama 35226

Medical Examiner, Dr. Gary T. Simmons, I would like to request that you answer the following questions related to the murder cover up of Ms. Ada Mays Jones and embezzlement of her estate that exceeded (35) million dollars, November 1988, at the time of her murder conspiracy.

Question (1)

Dr. Gary T. Simmons, your name appears on Ms. Ada Lee Mays Jones Death Certificate: State of Alabama registered under, State File Number: 88-038500 Date of Birth December 23, 1919, Social Security Number 416-14-7012, and on line 35c., your name appears as the certifier who signed on line 29 of Ms. Ada Mays Jones death certificate as "**Natural Causes**". Dr. Simmons, would you confirm that you are the physician who signed Ms. Ada Mays Jones State of Alabama Certificate of Death as "Natural Causes?"

Question (2)

Dr. Simmons, on line 34a., 34b of Ms. Ada Mays Jones State of Alabama Certificate for Death reveals that Ms. Ada Mays Jones was pronounced dead at 6:37a.m. on November 16, 1988, on line 35a. It states, "certifier-physician, Medical Examiner- coroner or health officer. Your name appears, typed in, as the physician who pronounced Ms. Ada Mays Jones dead. In section 35d, on January 12, 1989, you signed as certifier of Ms. Ada Mays Jones. But, no name appears for the physician who pronounced Ms. Ada Mays Jones dead. And, on line 25, reveals the name Gwendolyn Davis as the informant who gave you the information regarding the the death of Ms. Ada Mays Jones, as Gwendolyn Davis was the actual murder of her aunt, Ada Mays Jones. Asst. coroner Jack A. Parker did not sign at the scene of the crime because he knew that it was suspicious. Was the deputy coroner, Jack Parker unwilling to sign the death certificate due to the fact that he knew that Ms. Ada Mays Jones "did not" just die recently?

Question (3)

On State File #88-038500, certificate of death, deputy Jack Parker appears nowhere on the death certificate being the first one on the scene. Is this a correct statement Dr. Simmons?

Question (4)

On line 25, on Ada Mays Jones death certificate, Gwendolyn Davis name appears as the person who gave officer Richard Landers a story about Ada Mays Jones dying around 5:45 a.m. on the morning of November 16, 1988, and that Ada Mays Jones took some stomach medicine called Phenegran, in the records that you have surrounding the "particulars" surrounding death "file No. 88-1771." Dr. Simmons, your name is typed in as the pathologist, and there is no signature of a (yes or no) for the autopsy. There is no indication related to the manner of death. Where it states the condition of the premise, the word "unremarkable" appears. Meaning the home was not remarkable, extraordinary, marvelous, special or unforgettable, wonder and or outstanding. Dr. Simmons, it was common knowledge that Ms. Ada Mays Jones has won numerous State Wide awards for her home decor. Can you explain what was "unremarkable about the location?

Question (5)

On the case 88-1771 file, the time last seen alive "is blank". According to officer Richard Lander who gave the information to Jack Parker, who was at Ms. Ada Mays Jones home first, coroner Parker pronounced Ada Mays Jones dead at 6:37 a.m. on November 16, 1988. Isn't it strange for Ms. Ada Mays Jones to be alive and alert at 5:45 a.m. taking medicine in her home on November 16, 1988, and in 52 minutes, Ms. Ada Mays Jones died, the coroner was called, the coroner came to the house, the police was called after 6:15 a.m., and no ambulance. Dr. Simmons, the mere fact that Coroner Jack Parker arrived to the home of Ms. Ada Mays Jones and states, "the body has been dead for at least 36 to 48 hours determined by the rigormortis that has set up in her body. In consideration that the officer Landers was dispatched after 6:15 a.m. to the home of Ada Mays Jones and noticed a Carraway Hospital emergency band on her arm from 10:35 p.m. and released at 11:19 p.m., the time lines just don't add up.

The time line in question; according to Gwendolyn Davis...

- 1) At 10:35 p.m. on November 15, 1988, Ada Mays Jones was alive and well resting on a stretcher at Carraway Hospital, and discharged at 11:19p.m. in less than 45 minutes. And was to return to the emergency room if the conditions got worse. The records reflect a possible "food poisoning", or "gastroenteritis."
- 2) As you well know, Carraway Hospital is a run down hospital for the general public, and Ms. Ada Mays Jones was the wealthiest African American woman in Alabama in 1988. She would never go to that hospital in life.
- 3) On November 14, 1988, according to the time line that coroner Jack Parker states from his expertise that Ms. Ada Mays Jones died. The cause of death reveals that it was a mixture of a powerful medication and "cocaine", in Ms. Ada Mays Jones stomach and in her system.
- 4) On the section, Particulars of Death, where the documents states "scene visited" there is a "NO" in that space. Which is true, because Jack Parker who pronounced Ada Mays Jones dead, never signed her death certificate.
- 5) Jack Parker did not sign anything related to the death of Ms. Ada Mays Jones and has remained incorruptible to the point that he called for an investigation.
- 6) The local F.B.I. interceded in on the Jefferson County District Atty's Office where the murder investigation started due to two conflicting autopsy statements.
- 7) The F.B.I. agency in Birmingham, and the U.S. Attorney's Office in Birmingham stepped in to cover up the murder to take control of the estate of Ms. Ada Mays Jones (46) million dollars and assets.
- 8) On November 17, 1988, I received a return call from Jack Parker which stated, "I have never seen a murder such as this", to my wife and I at our home in Perrine, Florida.
- 9) On November 17, 1988, after one day, my wife received a call (1) day after Jack Parker pronounced Ms. Ada Mays Jones dead, my wifes Grandmother would report the death to her sister in law. It was strange for the Grandmother to call and report the death a day after.
- 10) Ethel Mae Dallas Hardy then stated that Iris Elaine Hardy and Ethel Mae, (the Grandmother) had dropped off some Chinese Food to the home of Ms. Ada Mays Jones on November 14, 1988, at her residence located at 1124-24th Avenue, North Birmingham, where Ada Mays Jones was working in her yard. This was Ms. Ada Mays Jones past time, and has many awards for her efforts.
- 11) Ms. Ada Mays Jones had no heart problems in her entire life, and was the picture of health for a 69 year old woman, in great shape.
- 12) Gwendolyn Davis told officer Landers a story about Ms. Ada Mays Jones going downtown to pay some bills, and stopped in an unknown Chinese restaurant and ate some rice, chicken and egg rolls, and within two hours, she was dead and had experienced nausea, vomiting and stomach cramps.

- 13) On November 16, 1988, when Jack Parker and yourself began to do the autopsy, a few hours after Parker pronounced Ada Mays Jones dead at 6:37 a.m.
- 14) Captain Robert L. Walker, from the Birmingham Police Department stated that "foul play is evident in Ada Mays Jones death".
- 15) The Birmingham Police Department Homicide Division's detectives would start an immediate investigation upon request from the Jefferson County coroner's office.
- 16) The Birmingham detectives would question neighbors about the last time they saw Ada Mays Jones alive. All the neighbors stated that they saw her working in her garden as usual, and two ladies drove up in a Blue Nissan Station wagon and blew the horn. Gwendolyn Davis came out of the house and get what appears to be Chinese food, and Ada Mays Jones would go up to the car and chat with the ladies in the car for a few minutes. This supports Jack Parkers time line as to when Ada Mays Jones died, November 14, 1988.
- 17) Following the November 16, 1988 autopsy, you sent blood sample to the Alabama forensic Science lab on November 18, 1988, where it was reported that a powerful medication and cocaine mix was found in Ms. Ada Mays Jones blood. It also reveals that food was stuffed in the mouth of Ada Mays Jones, which includes crackers that were forced down her throat.
- 18) After the coroner's office in which you were employed, received knowledge that cocaine was found in the blood of Ada Mays Jones, you tried to contact the home of Ms. Ada Mays Jones to retrieve the Chinese Food. Gwendolyn Davis would inform you that the garbage was taken out and it was taken away. The garbage was picked up on November 15, 1988
- 19) Carraway Hospital was contacted seeking information regarding Ada Mays Jones due the fact that she had on a wrist band. Carraway reported that they had no record of Ms. Ada Mays Jones ever visiting or checking into that Hospital.
- 20) Dr. Simmons, with all these inconsistencies, you chose to state that the death of Ms. Ada Mays Jones was that of natural causes.
- 21) As a matter of record, the pages that are stating the Particulars Surrounding Death, the niece stated that there were no bowel movements. Can your office furnish the following pages that are missing in document 88-1771 starting with page (2) ?

Question (6)

On November 18, 1988, you released Ada Mays Jones to the Alabama Department of Forensic Science (Birmingham Division) for a report of Toxicological analysis, which received case number 27-89-25658.

The report from Mrs. Marilyn Hall and Mr. Alan J. Lee reported that on December 30, 1988, an analysis sample showed the following results:

1) Ethanol	Acid /Neutral	Cocaine		
(g/100ml)	(Drugs)	02.MG/dl		
ND	ND	02.MG/dl	ND	Blood
ND				Vitreous
				Liver

Your Office received a full Forensic Science report on January 3, 1989, that was signed by Toxicologist, Dr. Joerg N. Pirl, DABTF Toxicologist II. The Plaintiff would like you to explain who made the recommendation to send Ada Mays Jones to the Forensic Science Laboratory, and can you provide a full documented report of Case #:27-89-25658?

Question (7)

On November 16, 1988, you ordered an autopsy, without the consent for Ms. Ada Mays Jones. After you received consent, within hours, you performed that autopsy, is this correct?

Question (8)

On January 13, 1989, you filed a case summary for Ms. Jones family, regarding her death. This examination revealed the presence of purulent pericarditis, which would be the inflammation around the heart, then you stated that descendent was noted to have a normal temperature when she visited Carraway Hospital the day before she died. Mrs. Buelah, the supervisor of records stated that she can go back 30 years, and can find no record of Ms. Ada Mays Jones ever entering Carraway Hospital. Mrs. Buelah searched any and all records with Ada Mays Jones Social Security Number, Date of Birth, Residence and Insurance, but there was no record of her existence. Can you produce any medical records regarding Ms. Ada Mays Jones referring to her temperature being 97, and discharged at 11:19 as you stated? (If the answer is yes, please submit a copy)

Question (9)

Can you produce any records of Ms. Ada Mays Jones entering or exiting Carraway Hospital at any time in her life? (If the answer is yes, please submit a copy.)

Question (10)

Can you produce a record of an ambulance record of any kind taking Ms. Ada Mays Jones to or from the Carraway Hospital on November 14, 15, 16, or 17th, 1988?

Question (11)

From your case summary of Ada Mays Jones, Dr. Simmons, in your report, Carraway Hospital stated, "Ms. Ada Mays Jones was alert and cooperative and at no time in any danger while resting on a stretcher. The Hospital checked her chest area and it was clear, her heart had no gallops or ribs. They checked her skin, there were no signs of turgor or rash, they checked her abdomen, it reveals decreased bowel sounds and was completely soft with no mass and no peritoneal signs. The Hospital checked her neuro and it was intact with no lateralizing signs. The Hospital checked her pulse and it was 120, and her blood pressure and it was 120/84. While in the emergency room, Ada Mays Jones was given Vistaril 50VA which is an antihistamine used for nausea and vomiting, with rx of 6 Phenegran 25 mg. Suppose to be taken every four hours rectally for nausea and vomiting. She was to be on a diet of clear liquid. You said, the Hospital stated that there was a dx of possible food poisoning/ gastroenteritis. This report was made by deputy coroner Jack Parker. Can you state for the record the correct date that the Particulars Surrounding Death of Ms. Jones was made out by the Jefferson County coroner Jack Parker?

Question (12)

Can you produce any of the records that Carraway Hospital presented to you with signatures with Dr. Hoyt Price on November 15, 1988 for attending Ms. Ada Mays Jones in the emergency room at Carraway Hospital?

Question (13)

Ada Mays Jones had a thorough medical history from Lloyd Nolan Hospital in Fairfield. She has records of normal and regular check-ups. Considering there was cocaine found in the body of a 69 year old woman in perfect health, did you ever make contact with her "regular doctor"?

Question (14)

Are you aware that perjury in a criminal investigation can carry ten years in prison and you will lose your medical license?

Question (15)

Dr. Simmons, you stated that Ada Mays Jones was 67 inches, and 148 lbs., a black female who looked slightly younger than her age. You stated that the report was "remarkable", for a trace of less than .02mg/dl of cocaine within the blood. Then you stated that cocaine has been associated with adverse cardiovascular effects, including coronary artery vasospasm. Therefore, you stated that this could contribute to Ada Mays Jones heart problems. If this be the case, how could you possibly state that Ms. Ada Mays Jones died of "natural causes"?

Question (16)

In your external examination, you stated that Ada Mays Jones mouth was edentulous, which means no teeth in her mouth. And, there were soft white food particles in her mouth. This appears to be that of crackers. From your observation, does it seem as if the crackers were entered into her mouth before or after her death?

Question (17)

In your investigation, on Ada Mays Jones external, you stated that there was a wrist band with the name, Hospital registration number, and Dr.s name should all be on the band. Do you have any pictures or information regarding the I.D. number of the patient? (If yes, please provide.)

Question (18)

Murder is a Capital offense. To aid and abet as a professional in any individual field qualifies anyone who aids and abets as a principle. Being that a Capital offense carries no statute of limitations, are you aware that by supporting the cover up of a murder, you are liable as a leader or one of the principles of the orchestration of the murder?

Question (19)

Dr. Simmons, are you aware that the records reveal that the Jefferson County Coroner's Office released Ada Mays Jones body to Bushelon Funeral Home, and the report stated that Ms. Ada Mays Jones had been dead for at least 36 to 48 hours before they arrived?

Question (20)

Dr. Simmons, witnesses who lived next door and across the street from Ms. Ada Mays Jones last witnessed Ada Mays Jones alive on November 14, 1988, when she went in to eat the chinese food that was dropped off to her home. The deputy coroner, Jack Parker stated that Ada Mays Jones body was dead at least 36 to 48 hours before his arrival on November 16, 1988, 6:37 a.m. Will you confirm or deny that the coroner report states that the body had been dead for at least 36 to 48 hours?

Question (21)

Dr. Simmons, are you aware that the Hospital information that you proclaimed to have regarding Ms. Ada Mays Jones was fraudulent. This is the reason that I would like for you to produce the information regarding the wrist band. What you are telling this Honorable Court is the descendant, Ms. Ada Mays Jones was dead and alive at the very same time. Are you prepared to be charged as a principle, or are you prepared to reveal what influenced you to participate in the fraud scheme to embezzle the (46) million dollar estate of Ms. Ada Mays Jones?

Question (22)

Dr. Simmons, are you aware that deputy coroner Jack Parker did not sign the coroners report because he did not know the exact time of death and or the reason for Ms. Ada Mays death. His statement to the Plaintiff, "he had never seen a murder such as this", means, he thought Ms. Ada Mays Jones was in fact murdered. Obviously, Jack Parker did not take a suborn, or had any intent to become a part of a murder cover up, and therefore, as the first person to respond to the call, even before the ambulance was called, there is nothing that he would sign for in the report. If Ms. Ada Mays Jones was pronounced that she was murdered, this would have initiated a Statewide investigation that the co-conspirator's could not internally control. Is this the reason that you conspired with this Criminal Enterprise operating under the color of law, to keep this information out of the media and responsible authorities hands?

Question (23)

Dr. Simmons, can you produce the murder investigation reports dealing with the Birmingham Homicide Division? (If yes, please attach the documents)

Question (24)

Dr. Simmons, do you know any of the following individuals;

- 1) F.B.I. agent Jeffery L. Burgess
- 2) Attorney Randy Allen Dempsey, Jr.
- 3) Congressman Spencer T. Bachus III
- 4) Asst. U.S. Attorney Robert P. McGregor, Jr.
- 5) Asst. U.S. Attorney Billy Lee Barnett
- 6) Attorney William (Bill) Dawson
- 7) Probate judge Orris H. Florence
- 8) Birmingham Police Chief Robert P. Walker - Homicide Division

Question (25)

If you know any of the aforementioned individuals, can you explain your relationship with each one, and when was the last time that you came in contact with them?

Question (26)

Have you ever received any money, gifts or a suborn from any of the aforementioned people who are listed above?

Question (27)

Were any of the individuals mentioned above affiliated with the murder investigation of Ms. Ada Mays Jones directly or indirectly at any given time?

Question (28)

Did you ever contact the Birmingham, Alabama police department, Homicide division and report anything related to foul play regarding Ada Mays Jones?

Question (29)

Dr. Simmons, you are aware that a coroner has the capability to tell how long a person has been dead, almost to the exact hour. Jack Parker was able to recognize this from the very beginning of his investigation on the scene. As you know, a Forensic Scientist was called in on this case because of what was found in the blood stream of Ms. Ada Mays Jones. It is possible for them to tell what food was eaten days before her death, and if cocaine was eaten, smoked, shot up snorted or otherwise. The forensic scientist can also tell what kind of drugs, and how much of those drugs were in the body of Ms. Ada Mays Jones even today. In your conclusion of the autopsy of Ms. Ada Mays Jones, you stated that she was prescribed many different medicines at Carraway Hospital, and she was to take them every four hours. But, when the Forensic Scientist Toxicology report was returned, it "did not" register any of these medicines in Ms. Ada Mays Jones body. Could this mistake be due to the fact that she was already dead, or you have just been caught up in an unraveling murder conspiracy?

Question (30)

Dr. Simmons, everything that you have just reviewed, there is evidence here to back up. Even if you don't have evidence to clear your name, we have evidence to include your name. These questions have reflect views that will either include you in the murder conspiracy, or exclude from the murder conspiracy. Will you like to submit the aforementioned documents and answer the questions honestly, or should this Honorable Court subpoena the documents and order you to testify before a Grand Jury and the Honorable Department of Justice office under the direction of Attorney General Eric Holder who fully understands Jim Crow Law?