

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)

Ms. Yolanda N. Berry
1729-5th Avenue
North Birmingham, Alabama
35203-2195

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
By *[Signature]* Deputy Clerk

- 1) Mary Lee Abela, 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 1989

09-13160-F

IN THE UNITED STATES ELEVENTH CIRCUIT COURT
COURT OF APPEALS

WILLIAM 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

Deputy Clerk Yolanda N. Berry
Northern District of Alabama
1729 - 5th Avenue North
Birmingham, Alabama 35203-2195
Residence
510 Asben Run
Birmingham, Alabama 35209-3081

These questions being presented to you are regarding the signature of the Grand Jury Foreman, Mr. Terrell Clement. The signature in which I am referring to is reflected on indictment #CR-01-S-0414, U.S.A. v. William Anthony Fagnes issued on October 2, 2001, and faxed to the Richard B. Russell building on the same day. Evidence provides, the Foreman signed an affidavit stating that his signature has been forged and it appears that your participation has called for you to have to answer the following questions.

Question (1)

Were you employed as a deputy clerk at the Northern District of Alabama in the year 2001 between September 26th and October 2?

Question (2)

You are being investigated because you assisted Asst. U.S. Attorney Robert P. McGregor manufacture a fraudulent indictment and arrest warrant that was back dated and prepared for October 2, 2001 on a fraudulent indictment that was purportedly manufactured on September 26, 2001. Did you sign the indictment and arrest warrant under the direction of Asst. U.S. Attorney Robert P. McGregor?

Question (3)

Did you witness the Grand Jury vote and the Foreman sign the indictment against the Plaintiff William Anthony Fagnes?

Question (4)

Are you aware that by assisting Asst. U.S. Attorney Robert P. McGregor, that you have committed Federal violations including Aid and Abetting, Falsifying government seals, Fraud, Conspiracy, Peonage and racketeering to further the efforts of a Criminal Enterprise?

Question (5)

Ms. Marie A. O'Rourke is the Assistant Director of the United States Attorney's Office in Washington D.C. Our investigation finds that under case #03-3921, "there is no record of Grand Jury ballots, records, or testimony of any proceeding # CR-01-S-0414-S., U.S.A. v. William Anthony Fagnes. Are you aware that the office of Ms. Marie A. O'Rourke is the Official Office of all records are kept regarding the United States Attorney's Office's in America. Were you aware that the indictment that you signed, "did not" originate from the vote of a sitting Grand Jury, and the signature on the indictment was forged?

Question (6)

Ms. Berry, the indictment that was created on September 26, 2001, and or October 2, 2001 has been confirmed by Mr. Terrell Clement as a Fraudulent indictment. Under Rule 6, once the Grand Jury indictments are unsealed, the matter becomes a part of the public record. This information only reflects the events that the Grand Jury is reviewing at that time. After signing an "affidavit under the penalty of perjury", Mr. Clement swore under oath that someone signed his signature, and that he never heard of Mr. William Anthony Fagnes, or even heard of anything related to the content of the indictment against the Plaintiff. Ms. Yolanda N. Berry, did you sign the name of Mr. Terrell Clement on the indictment against William Anthony Fagnes that was faxed to the Richard B. Russell Building on October 2, 2001 at 2:10 p.m.?

Question (7)

On December 1, 2009, one of the most experienced Forensic Document Scientist confirmed that the signature of the Foreman and the signature of the plea agreement that reflects my name also being forged are fraudulent. The handwriting expert agreed with Mr. Terrell Clements affidavit, "the signature was forged". This is your opportunity to straighten out the record, or you can face the multiple charges that will be handed down by this Honorable Court once all of the documents and evidence has been submitted. Ms. Berry, it is possible that you can exonerate yourself if you assist this Honorable Court with the name of the person[s] who advised you to present the fraudulent indictment to the Rule 40 hearing in Atlanta, Georgia, which is an interstate wire fraud charge. Will you name the co-conspirator for this Honorable Court?

Question (8)

Judge C. Lynwood Smith, Jr., was the sentencing judge. As soon as he found out that he was involved in a fraudulent scheme when Terrell Brett Clement exposed the fact that his signature was fraudulent, within 60 days, he resigned. The Criminal Enterprise was about to unravel. The 400 year era of Jim Crow law was coming down in the Federal Court System. Judge C. Lynwood Smith's name, Yolanda N. Berry's name appear on a fraudulent indictment, and the information is being presented to the Honorable Attorney General Eric Holder, who is oh so well familiar with Jim Crow, Gov. Wallace, and Hugo Black's brand of Justice. At the present time, you are facing a violation of Title 18 U.S.C. §1961 (1 through 5); Title 21 U.S.C. §848 (a,b, & c), and several more individual charges 18 U.S.C. §506, 18 U.S.C. §2, and State to State wire fraud. The reason that these actions were taken was to suppress and conceal the murder of Ms. Ada Mays Jones, the wealthiest African American woman in Alabama. Can you identify who signed the indictment, if you were not instructed too sign the indictment?

Question (9)

The arrest warrant that was faxed over to the Richard B. Russell building had some very obvious mistakes. These mistakes obviously came from the comfort level in which these fraudulent documents are being prepared. If this was not your idea to create this document, can you circle the name[s] of those who instructed you to commit this criminal act?

- 1) Chief Clerk Perry D. Mathis
- 2) Magistrate Judge Michael T. Putnam
- 3) Sharon N. Harris (Deputy Clerk)
- 4) Asst. U.S. Attorney Robert P. McGregor
- 5) Asst. U.S. Attorney Billy Lee Barnett

Question (10)

Ms. Berry, there had to be a witness when you signed the indictment as a true bill and the arrest warrant. For this Honorable Court, will you name those who coerced your participation, or did you do this alone?

Question (11)

As you are aware, there is enough evidence already gathered inclusive of Mr. Terrell Clements affidavit stating this is not signed by him. were you compensated for your efforts to sign and fax the fraudulent indictment and arrest warrant, or were you a volunteer in the conspiracy?

Question (12)

If ever you had the opportunity to correct something that is obviously evident that is wrong, now is your chance. It is the interest of the Courts and the Justice Departments Office of Information Policy in Washington to receive the truth, "before the investigation" by Washington begins. Fraud has occurred in your jurisdiction, and in the past, officials in your jurisdiction were able to protect you and your activities, but time has changed. Do you feel that your life would be endangered if you revealed the truth to this Honorable Court?

Question (13)

Ms. Berry, it is a very serious criminal enterprise who has already murdered two people to embezzle (46) million dollars from a 69 year old Christian woman because she was African American. I have served over 8 years in Federal prison for a crime that did not take place. I am fully aware of the malice of each and every individual who has co-conspired with you, and their collective and individual deeds. We are presently working on a process of elimination. And as you know, you are on the low end of the power pole and they will dump all the evidence in your lap. The last question is, were you paid for your services, or is this something that takes place as often as it appears?

Question (14)

Ms. Barry, the Foreman, Terrell Clement signed a Affidavit under the penalty of perjury that his signature was forged on the indictment of U.S.A. v. William Anthony Fagnes on September 26, 2001, and faxed on October 2nd, 2001 to Atlanta, Georgia. An independant Forensic Examiner stated that the signature on the indictment was reproduced by a computer and super imposed on the indictment. Ms. Barry, when the indictment was created, were you alone when the signatures were placed on the indictment, or were you instructed by someone else to perform the forgery?

Question (15)

Ms. Barry, are you prepared to spend many years in prison for covering up evidence and telling the truth regarding your supervisors past experiences in practicing Jim Crow law?