

EXHIBIT A

HHH/RPM: Oct., 2001

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA

SOUTHERN DIVISION

UNITED STATES OF AMERICA

v.

WILLIAM ANTHONY FAGNES

)
)
)
)

INDICTMENT

COUNT ONE: 21 U.S.C. § 846

The Grand Jury charges:

That on or about the 7th day of September, 2001, in Jefferson County, within the Northern District of Alabama, the defendant,

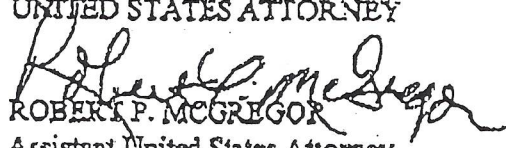
WILLIAM ANTHONY FAGNES,

did knowingly and willfully attempt to possess with the intent to distribute five (5) kilograms or more of a mixture and substance containing a detectable amount of cocaine hydrochloride, a controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1), (B)(1)(A), and 846.

A TRUE BILL

FOREMAN OF THE GRAND JURY

HERBERT H. HENRY III
UNITED STATES ATTORNEY


ROBERT P. MCGREGOR
Assistant United States Attorney

TOTAL P.02

CJ#29

YB

HHH/RPM: Oct., 2001

01 SEP 26 PM 4: 13

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA

U.S. DISTRICT COURT
N.D. OF ALABAMA

SOUTHERN DIVISION

UNITED STATES OF AMERICA

v.

WILLIAM ANTHONY FAGNES

)
)
)
)

CR-01-S-0414-S

INDICTMENT

COUNT ONE : 21 U.S.C. § 846

The Grand Jury charges:

That on or about the 7th day of September, 2001, in Jefferson County, within the Northern District of Alabama, the defendant,

WILLIAM ANTHONY FAGNES,

did knowingly and willfully attempt to possess with the intent to distribute five (5) kilograms or more of a mixture and substance containing a detectable amount of cocaine hydrochloride, a controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1), (B)(i)(A), and 846.

A TRUE BILL

FOREMAN OF THE GRAND JURY

Tennell Clement

HERBERT H. HENRY III
UNITED STATES ATTORNEY

Robert P. McGregor
ROBERT P. MCGREGOR
Assistant United States Attorney

HHH/RPM: Oct, 2001

01 SEP 26 PM 4: 13

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA

U.S. DISTRICT COURT
N.D. OF ALABAMA

SOUTHERN DIVISION

UNITED STATES OF AMERICA

v.

WILLIAM ANTHONY FAGNES

CR-01-S-0414-S

INDICTMENTCOUNT ONE : 21 U.S.C. § 846

The Grand Jury charges:

That on or about the 7th day of September, 2001, in Jefferson County, within the Northern
District of Alabama, the defendant,

WILLIAM ANTHONY FAGNES,

did knowingly and willfully attempt to possess with the intent to distribute five (5) kilograms or
more of a mixture and substance containing a detectable amount of cocaine hydrochloride, a
controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1), (B)(1)(A),
and 846.

A TRUE BILL

FOREMAN OF THE GRAND JURY

*Terrell Clement*HERBERT H. HENRY III
UNITED STATES ATTORNEY*Robert P. McGregor*
ROBERT P. MCGREGOR
Assistant United States Attorney

TRUE COPY:

By: *Y. Berry*

EXHIBIT D

FILED

AHM/RPM: Nov. 2001

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA

NOV-1 PM 1:30
U.S. DISTRICT COURT
ALABAMA

SOUTHERN DIVISION

UNITED STATES OF AMERICA

-v-

WILLIAM ANTHONY FAGNES

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)
)

CR01-S-414-S
CASE NO-CR-01-414-01
(SUPERSEDING)

INDICTMENT

COUNT ONE : [21 U.S.C. §§ 846, 841(a)(1) and (b)(1)(A)]

The Grand Jury charges:

That on or about the 7th day of September, 2001, in Jefferson County, within the Northern District of Alabama, the defendant,

WILLIAM ANTHONY FAGNES,

did knowingly and intentionally attempt to possess with the intent to distribute in excess of five (5) kilograms (approximately 29 kilograms) of a mixture and substance containing a detectable amount of cocaine hydrochloride, a controlled substance, in violation of Title 21, United States Code, Sections 846, 841(a)(1), 841 (B)(1)(A) and 846.

COUNT TWO: [21 U.S.C §§ 841(a)(1) and 841(b)(1)(B)]

The Grand Jury charges:

That on or about the 9th day of December 1998, in Jefferson County, within the Northern District of Alabama, the defendant,

WILLIAM ANTHONY FAGNES,

did knowingly and intentionally distribute a controlled substance, that is, a mixture and substance

EXHIBIT D

containing in excess of 500 grams (approximately two kilograms) of cocaine hydrochloride, in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(B).

A TRUE BILL

FOREMAN OF THE GRAND JURY

Ernell Clement

ALICE H. MARTIN
UNITED STATES ATTORNEY

Robert P. McGregor
ROBERT P. MCGREGOR
Assistant United States Attorney



U.S. Department of Justice

EXHIBIT E

Executive Office for United States Attorneys
Freedom of Information/Privacy Act Staff
600 E Street, N.W., Room 7300
Washington, D.C. 20530
202-616-6757 Fax 202-616-6478

MAY 11 2004

Requester: William Fagnes Request Number: 03-3921
Subject of Request: Grand Jury information

Dear Requester:

Your request for records under the Freedom of Information Act/Privacy Act has been processed. This letter constitutes a reply from the Executive Office for United States Attorneys, the official record-keeper for all records located in this office and the various United States Attorneys' Offices.

To provide you the greatest degree of access authorized by the Freedom of Information Act and the Privacy Act, we have considered your request in light of the provisions of both statutes.

The records you seek are located in a Privacy Act system of records that, in accordance with regulations promulgated by the Attorney General, is exempt from the access provisions of the Privacy Act. 28 C.F.R. §16.81. We have also processed your request under the Freedom of Information Act and are making all records required to be released, or considered appropriate for release as a matter of discretion, available to you. This letter is a [XX] partial [] full denial.

2 page(s) are being released in full (RIF);
_____ page(s) are being released in part (RIP);
_____ page(s) are withheld in full (WIF). The redacted/withheld documents were reviewed to determine if any information could be segregated for release. (Please see attached Continuation Sheet).

The exemption(s) cited for withholding records or portions of records are marked below. An enclosure to this letter explains the exemptions in more detail.

Section 552

Section 552a

<input type="checkbox"/> (b) (1)	<input type="checkbox"/> (b) (4)	<input type="checkbox"/> (b) (7) (B)	<input type="checkbox"/> (j) (2)
<input type="checkbox"/> (b) (2)	<input type="checkbox"/> (b) (5)	<input type="checkbox"/> (b) (7) (C)	<input type="checkbox"/> (k) (2)
<input checked="" type="checkbox"/> (b) (3)	<input type="checkbox"/> (b) (6)	<input type="checkbox"/> (b) (7) (D)	<input type="checkbox"/> (k) (5)
<u>FRCP Rule 6(e)</u>	<input type="checkbox"/> (b) (7) (A)	<input type="checkbox"/> (b) (7) (E)	<input type="checkbox"/> _____
		<input type="checkbox"/> (b) (7) (F)	

[XX] In addition, this office is withholding grand jury material which is retained in the District.

[] A review of the material revealed:

[] _____ page(s) originated with another government component. These records were found in the U.S. Attorney's Office files and may or may not be responsive to your request. These records will be referred to the following component(s) listed for review and direct response to you: _____

[] There are public records which may be obtained from the clerk of the court or this office, upon specific request. If you wish to obtain a copy of these records, you must submit a new request. These records will be provided to you subject to copying fees.

[XX] See additional information attached.

This is the final action this office will take concerning your request.

You may appeal my decision to withhold records in this matter by writing within sixty (60) days from the date of this letter, to:

Office of Information and Privacy
United States Department of Justice
Flag Building, Suite 570
Washington, D.C. 20530

Both the envelope and letter of appeal must be clearly marked "Freedom of Information Act/Privacy Act Appeal."

After the appeal has been decided, you may have judicial review by filing a complaint in the United States District Court for the judicial district in which you reside or have your principal place of business; the judicial district in which the requested records are located; or in the District of Columbia.

Sincerely,

Marie A. O'Rourke /MBU

Marie A. O'Rourke
Assistant Director

Enclosure(s)

CONTINUATION SHEET

This is in response to your original FOIA request, formulated in a form of a question, wherein you requested the following information: "were there any Grand Jury proceeding held on September 26, 2001, or any indictment handed down in the Northern District of Alabama, which charges me with Attempt to possess or any Grand Jury Foreman by the name of Terrell Clement was the Grand Jury Foreman".

In response to your request, attached is a copy of your indictment signed by the Grand Jury Foreman, Mr. Terrell Clement.

As to your request for any grand jury information that you requested in the form of a question, this is to advise you that this office can only provide documents contained within the United States Attorney's Offices. We are unable to respond to your FOIA request because you are requesting information which would require this office to provide you an answer posed as a FOIA request. In this regard, FOIA regulations and case law does not require agencies to either provide legal research or answer questions as part of FOIA requests.

Additionally, grand jury material is exempt from mandatory release pursuant to 5 U.S.C. §552(b)(3), which exempts from release "matters specifically exempted from disclosure by statute." Since Rule 6(e) of the Federal Rules of Criminal Procedure (Pub. L. 95-78, 91 Stat. 319(1977)) provides that grand jury proceedings shall be secret, disclosure of grand jury information is prohibited by law. This office does not have any discretion to release records that are exempt by statute.

EXPLANATION OF EXEMPTIONS

EXHIBIT E

SUBSECTIONS OF TITLE 5, UNITED STATES CODE, SECTION 552

- (b)(1) (A) specifically authorized under criteria established by and Executive order to be kept secret in the interest of national defense or foreign policy and (B) are in fact properly classified pursuant to such Executive order;
- (b)(2) related solely to the internal personnel rules and practices of an agency;
- (b)(3) specifically exempted from disclosure by statute (other than section 552b of this title), provided that such statute (A) requires that the matters be withheld from the public in such a manner as to leave no discretion on the issue, or (B) establishes particular criteria for withholding or refers to particular types of matters to be withheld;
- (b)(4) trade secrets and commercial or financial information obtained from a person and privileged or confidential;
- (b)(5) inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency;
- (b)(6) personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;
- (b)(7) records or information compiled for law enforcement purposes, but only the extent that the production of such law enforcement records or information (A) could reasonably be expected to interfere with enforcement proceedings, (B) would deprive a person of a right to a fair trial or an impartial adjudication, (C) could reasonably be expected to constitute an unwarranted invasion of personal privacy, (D) could reasonably be expected to disclose the identity of a confidential source, (E) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law, or (F) could reasonably be expected to endanger the life of physical safety of any individual.
- (b)(8) contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions; or
- (b)(9) geological and geophysical information and data, including maps, concerning wells.

SUBSECTION OF TITLE 5, UNITED STATES CODE, SECTION 552a

- (d)(5) information compiled in reasonable anticipation of a civil action proceeding;
- (j)(2) material reporting investigative efforts pertaining to the enforcement of criminal law including efforts to prevent, control, or reduce crime or apprehend criminals, except records of arrest;
- (k)(1) information which is currently and properly classified pursuant to Executive Order 12356 in the interest of the national defense or foreign policy, for example, information involving intelligence sources or methods;
- (k)(2) investigatory material compiled for law enforcement purposes, other than criminal, which did not result in loss of a right, benefit or privilege under Federal programs, or which would identify a source who furnished information pursuant to a promise that his/her identity would be held in confidence;
- (k)(3) material maintained in connection with providing protective services to the President of the United States or any other individual pursuant to the authority of Title 18, United States Code, Section 3056;
- (k)(4) required by statute to be maintained and used solely as statistical records;
- (k)(5) investigatory material compiled solely for the purpose of determining suitability eligibility, or qualification for Federal civilian employment or for access to classified information, the disclosure of which would reveal the identity of the person who furnished information pursuant to a promise that his identity would be held in confidence;
- (k)(6) testing or examination material used to determine individual qualifications for appointment or promotion in Federal Government service the release of which would compromise the testing or examination process;
- (k)(7) material used to determine potential for promotion in the armed services, the disclosure of which would reveal the identity of the person who furnished the material pursuant to a promise that his identity would be held in confidence.

ADDENDUM TO THE EXPLANATION OF EXEMPTIONS SHEET

☒ Rule 6(e) of the Federal Rules of Criminal Procedure pertains to the Federal Grand Jury, its integrity and the secrecy surrounding the Jury.

☐ Under the Freedom of Information Act, an agency has no discretion to release any record covered by an injunction, protective order, or court seal which prohibits disclosure. See GTE Sylvania, Inc. v. Consumers Union, 445 U.S. 375, 386-387 (1980); See also Robert Tyrone Morgan v. U.S. Dept. of Justice, 923 F.2d 195 (D.C. Cir. 1991).

EXHIBIT

FILED

AHM/RPM: Nov. 2001

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA

NOV-1 PM 1:30 6JH5

U.S. DISTRICT COURT
ALABAMA

SOUTHERN DIVISION

UNITED STATES OF AMERICA

-v-

WILLIAM ANTHONY FAGNES

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)
)
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CR01-S-414-S
CASE NO-CR-01-414-01
(SUPERSEDING)

INDICTMENT

COUNT ONE: [21 U.S.C. §§ 846, 841(a)(1) and (b)(1)(A)]

The Grand Jury charges:

That on or about the 7th day of September, 2001, in Jefferson County, within the Northern District of Alabama, the defendant,

WILLIAM ANTHONY FAGNES,

did knowingly and intentionally attempt to possess with the intent to distribute in excess of five (5) kilograms (approximately 29 kilograms) of a mixture and substance containing a detectable amount of cocaine hydrochloride, a controlled substance, in violation of Title 21, United States Code, Sections 846, 841(a)(1), 841 (B)(1)(A) and 846.

COUNT TWO: [21 U.S.C §§ 841(a)(1) and 841(b)(1)(B)]

The Grand Jury charges:

That on or about the 9th day of December 1998, in Jefferson County, within the Northern District of Alabama, the defendant,

WILLIAM ANTHONY FAGNES,

did knowingly and intentionally distribute a controlled substance, that is, a mixture and substance

RIF

EXHIBIT

containing in excess of 500 grams (approximately two kilograms) of cocaine hydrochloride, in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(B).

A TRUE BILL

FOREMAN OF THE GRAND JURY

Ernest Clement

ALICE H. MARTIN

UNITED STATES ATTORNEY

Robert P. McGregor
ROBERT P. MCGREGOR

Assistant United States Attorney

EXHIBIT F

DTF-GJ#2
FILED
HHH/JAS:OCT 2001. *ys*

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA

01 SEP 26 AM 9:06

U.S. DISTRICT COURT
N.D. OF ALABAMA

MIDDLE DIVISION

UNITED STATES OF AMERICA)

v.)

KENNY T. JACKSON,)
JERMAINE JACKSON,)
LESTER GENE JACKSON, and)
SURINA MILLER)

CR-01-N-0403-M

INDICTMENT

COUNT ONE: [21 U.S.C. § 846] - *consp.*

The Grand Jury charges:

That from in or about January, 1997, a more specific date being unknown to the Grand Jury and continuing until the 2nd day of March, 2001, in Etowah County and elsewhere, within the Northern District of Alabama, the defendants,

KENNY T. JACKSON,
JERMAINE JACKSON,
LESTER GENE JACKSON, and
SURINA MILLER,

did knowingly, intentionally, and unlawfully conspire and agree with other individuals, both known and unknown to the Grand Jury, to knowingly and intentionally possess with the intent to distribute in excess of 50 grams of a mixture and substance containing a detectable amount of cocaine base, commonly referred to as "crack", a controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(A)(iii), all in violation of Title 21, United States Code, Section 846.

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EXHIBIT F

COUNT TWO: [21 U.S.C. §§ 841(a)(1) & (b)(1)(C)] - *distribution (apprais)*

The Grand Jury charges:

That on or about the 11th day of July, 1997, in Etowah County, within the Northern District of Alabama, the defendant,

§
LESTER GENE JACKSON,

did knowingly, intentionally, and unlawfully distribute a mixture and substance containing a detectable amount of cocaine base, commonly referred to as "crack", a controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C).

COUNT THREE: [21 U.S.C. §§ 841(a)(1) & (b)(1)(B)] - *distribution 5+*

The Grand Jury charges:

That on or about the 20th day of January, 2000, in Etowah County, within the Northern District of Alabama, the defendants,

§
JERMAINE JACKSON and
LESTER GENE JACKSON,

did knowingly, intentionally, and unlawfully possess with the intent to distribute in excess of five (5) grams of a mixture and substance containing a detectable amount of cocaine base, commonly referred to as "crack", a controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(B).

COUNT FOUR: [21 U.S.C. §§ 841(a)(1) & (b)(1)(B)]

The Grand Jury charges:

That on or about the 29th day of January, 2000, in Etowah County, within the Northern District of Alabama, the defendant,

EXHIBIT F

KENNY T. JACKSON,

did knowingly, intentionally, and unlawfully possess with the intent to distribute in excess of five (5) grams of a mixture and substance containing a detectable amount of cocaine base, commonly referred to as "crack", a controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(B).

COUNT FIVE: [21 U.S.C. §§ 841(a)(1) & (b)(1)(B)]

The Grand Jury charges:

That on or about the 13th day of March, 2000, in Etowah County, within the Northern District of Alabama, the defendant,

KENNY T. JACKSON,

did knowingly, intentionally, and unlawfully possess with the intent to distribute in excess of five (5) grams of a mixture and substance containing a detectable amount of cocaine base, commonly referred to as "crack", a controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(B).

COUNT SIX: [21 U.S.C. §§ 841(a)(1) & (b)(1)(A) - dist. 50+

The Grand Jury charges:

That on or about the 2nd day of March, 2001, in Etowah County, within the Northern District of Alabama, the defendants,

KENNY T. JACKSON,
JERMAINE JACKSON,
LESTER GENE JACKSON, and
SURINA MILLER,

g. found in Kenny's house

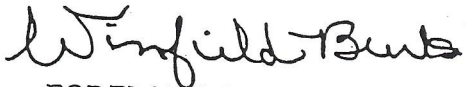
KT's girl friend
Christy Ferdson
- statement on
Leah & Surina

did knowingly, intentionally, and unlawfully possess with the intent to distribute in excess

EXHIBIT F

of 50 grams of a mixture and substance containing a detectable amount of cocaine base,
commonly referred to as "crack", a controlled substance, in violation of Title 21, United States
Code, Sections 841(a)(1) and 841(b)(1)(A).

A TRUE BILL



FOREMAN OF THE GRAND JURY

HERBERT H. HENRY III
United States Attorney

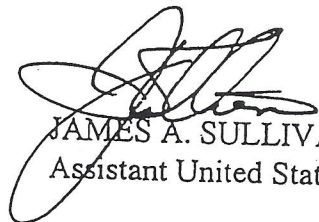

JAMES A. SULLIVAN
Assistant United States Attorney

EXHIBIT G

Sharon Harris

United States District Court
Northern District of Alabama
1729 - 5th Avenue, North
Birmingham, Alabama 35203
e-mail: Sharon_Harris@alnd.uscourts.gov



205 - 278-1717

March 23, 2005

Mr. William A. Fagnes
Unit - J-A 22619-001
Ashland FCI
P. O. Box #6001
Ashland, Kentucky 41105

In Re: Your letter dated March 19, 2005

Dear Mr. Fagnes,

The make-up of the grand jury is not publicly disclosed. Your question about the identity of the grand jury foreman is a question regarding the makeup of the grand jury. A request for non-public information citing the Freedom of Information Act is not sufficient to have information or documents produced. Grand jurors in the Northern District are drawn from all thirty-one counties of the district. Terms of grand jurors normally run six months, but the term can be extended.

If you have additional questions, please direct them to me at the address and or number listed in the letterhead.

Sincerely,

A handwritten signature in cursive script that reads "Sharon Harris".

Sharon Harris
Chief Deputy Clerk

Encls.
/snh

EXHIBIT H

UNITED STATES DISTRICT COURT

OFFICE OF THE CLERK
NORTHERN DISTRICT OF ALABAMA
ROOM 140, UNITED STATES COURTHOUSE
1729 5TH AVENUE NORTH
BIRMINGHAM, ALABAMA 35203

April 19, 2005

Mr. William A. Fagnes
Unit-J-A 22619-001
Ashland FCI
P.O. Box #6001
Ashland, Kentucky 41105

In Re: Your letter dated March 29, 2005

Dear Mr. Fagnes:

The grand jury foreman, or in his/her absence the deputy foreman, signs indictments for _____
all 31 counties that comprise the Northern District of Alabama.

Sincerely,



Cindy Kimbrell
Jury Administrator

08/02 FRI 17:34 FAX 205 278 1716

USDC BHAM CR SEC

006

The Grand Jury charges:

That on or about the 7th day of February, 2002, within the Northern District of Alabama,
the defendants,

RICKY JAY LEWIS and
MARLAINE D. WARD,
Also known as "Marla,"

did knowingly and intentionally possess with intent to distribute five (5) grams or more of
methamphetamine, a controlled substance, in violation of Title 21, United States Code, Section
841(a)(1) and 841(b)(1)(B).

TRUE BILL

Winfield Burt

FOREMAN OF THE GRAND JURY

ALICE H. MARTIN
United States Attorney

Russell E. Penfield
RUSSELL E. PENFIELD
Assistant United States Attorney



TRUE COPY:

By: *W. Berry*

EXHIBIT J

28

AHM/LJW: MAR. 2002

02 FEB 28 PM 4: 50

65#11

U.S. DISTRICT COURT
NORTHERN DISTRICT OF ALABAMA

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA

SOUTHERN DIVISION

UNITED STATES OF AMERICA

v.

MARIO DEJUAN SANDERS

CR-02-J-0084-S

INDICTMENT

COUNT ONE: [21 U.S.C. § 841(a)(1)]

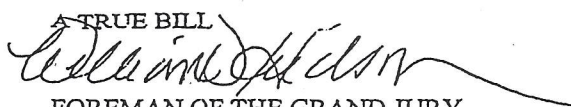
The Grand Jury charges:

That on or about the 3RD day of August, 2001, in Jefferson County, within the Northern District of Alabama, the defendant,

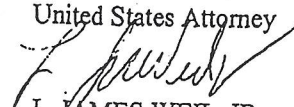
MARIO DEJUAN SANDERS,

did knowingly, intentionally and unlawfully possess with the intent to distribute more than fifty (50) grams of a mixture and substance containing a detectable amount of cocaine base, a controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(A).

A TRUE BILL


FOREMAN OF THE GRAND JURY

ALICE H. MARTIN
United States Attorney


L. JAMES WEIL, JR.
Assistant United States Attorney