

APPENDIX B

Sworn affidavit of the Petitioner, showing that his name has been forged.  
[ Violation Title 18 U.S.C. 505 and 506 ]

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

William Anthony Fagnes \*  
Petitioner \*

Criminal Case Number: CR-01-S-0414-S

vs. \*

United States of America \*  
Respondent \*

Civil Action Number: 2:05-CV-8065-KOB

\*\*\*\*\*

AFFIDAVIT

Personally appeared before the undersigned attesting officer, William Anthony Fagnes, who after being duly sworn does hereby attest and state under oath the following:

1.

The signature appearing under paragraph one of "acknowledgements on page 9 of the document attached hereto as Exhibit "A" and entitled "Plea agreement and Conditions" dated March 18, 2002 is a forgery.

2.

I never signed a plea agreement of any kind or nature in criminal case number 01-CR-414 and in fact refused to sign the document shown as Exhibit "A" hereto when it was presented to me by my attorney, Mr. Randy A. Dempsey.

EXHIBIT-(B)

I did in fact sign that certain document dated March 18, 2002 attached hereto as Exhibit "B" entitled "Guilty Plea Advice of Rights Certification," and the signature "William Fagnes" appearing under paragraph G on page 6 thereof is my signature.

4.

"C" is the Handwriting Analysis of Mr. William Anthony Fagnes actual signature and the forged plea agreement. (Exhibit C)

5.

Examples of my bona fide signature appear in the record of said case and copies of same are attached hereto as Exhibits "D," "E," "F," "G," "H," "I," "J," "K," "L," "M," and "N."

6.

While there are numerous discrepancies between the forged signature and my actual signature, the most obvious ones are as follows:

(List a. thru n. in attached memo)

Further Deponent Sayeth Not.

Deponent.

*William Anthony Fagnes*  
William Anthony Fagnes

Sworn and Subscribed  
before me, this 21<sup>st</sup> day of Nov. 2007

\_\_\_\_\_  
Notary Public

Seal

*D. E. Reynolds*  
NAME TITLE  
AUTHORIZED BY THE ACT OF JULY 7, 1955  
AS AMENDED TO ADMINISTER OATHS  
(18 USC 4004).  
*verifies name only*

Exhibit - A (1)

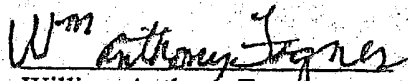
COMPETENCE

The defendant has not had any drugs, medication or alcohol within the past 48 hours except as stated hereafter and is competent to enter the plea agreement stated above.

ACKNOWLEDGMENTS


1. I have READ this document, DISCUSSED it with my attorney and UNDERSTAND and AGREE with all its provisions, both individually and totally.

3/18/02  
DATE

  
William Anthony Fagnes  
Defendant

2. I have discussed this case with the defendant in detail and have advised the defendant of the defendant's rights and all possible defenses. The defendant has conveyed to me that the defendant has read and understands this document and consents to all its terms. I believe the plea and disposition set forth herein are appropriate under the facts of this case. I concur in the entry of the plea as indicated above and on the terms and conditions set forth herein.

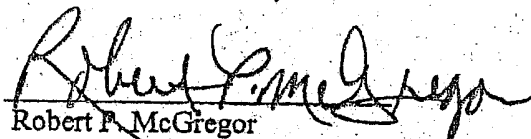
3/18/02  
DATE

  
Randy Dempsey  
Defendant's Counsel

3. I have reviewed this document and agree to its provisions.

ALICE H. MARTIN  
United States Attorney

3/18/02  
DATE

  
Robert P. McGregor  
Assistant United States Attorney

*Exhibit (A-II)*COMPETENCE

The defendant has not had any drugs, medication or alcohol within the past 48 hours except as stated hereafter and is competent to enter the plea agreement stated above.

ACKNOWLEDGMENTS

*original signature for 11/15/2007 → W<sup>m</sup> Anthony Fagnès*

1. I have READ this document, DISCUSSED it with my attorney and UNDERSTAND and AGREE with all its provisions, both individually and totally.

3/18/02  
DATE

*W<sup>m</sup> Anthony Fagnès - Forgery*  
William Anthony Fagnès  
Defendant

2. I have discussed this case with the defendant in detail and have advised the defendant of the defendant's rights and all possible defenses. The defendant has conveyed to me that the defendant has read and understands this document and consents to all its terms. I believe the plea and disposition set forth herein are appropriate under the facts of this case. I concur in the entry of the plea as indicated above and on the terms and conditions set forth herein.

3/18/02  
DATE

*Randy Dempsey*  
Randy Dempsey  
Defendant's Counsel

3. I have reviewed this document and agree to its provisions.

ALICE H. MARTIN  
United States Attorney

3/18/02  
DATE

*Robert P. McGregor*  
Robert P. McGregor  
Assistant United States Attorney

IN THE CIRCUIT COURT OF JEFFERSON COUNTY

WILLIAM FAGNES,

PETITIONER,

VS.

JAMES WOODWARD, Sheriff of  
Jefferson County,

RESPONDENT.

01 SEP 13 P2:40

CASE NO. \_\_\_\_\_

PETITION FOR WRIT OF HABEAS CORPUS

The petition of William Fagnes respectfully shows:

1. That petitioner is imprisoned and restrained of his liberty within the County of Jefferson, State of Alabama, by Sheriff James Woodward.
2. That petitioner has not been committed and is not detained by virtue of any judgment, decree, final order, or process issued by a court or judge of the United States in a case where such courts or judge have exclusive jurisdiction under the laws of the United States or have acquired exclusive jurisdiction by the commencement of legal proceedings in such a court; nor is he committed or detained by virtue of the final judgment or decree of a competent tribunal of civil or criminal jurisdiction; or the final order of such a tribunal made in a special proceeding instituted for any cause except to punish him for contempt; or by virtue of an execution or other process issued upon such a judgment, decree or final order.
3. That the cause or pretense of the imprisonment or restraint of petitioner, according to the best knowledge and belief of petitioner is an arrest pursuant to a warrant issued by the State of Alabama reciting that the petitioner has been charged by a complaint for Trafficking, said act

occurring sometime in 2001.

4. That a hearing was held before the Honorable O.L. Johnson, District Judge in September of this year and that court to set a bond in the amount of One Million Dollars (\$1,000,000.00). This amount is unreasonable and the equivalent of a "No Bond."

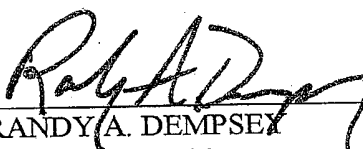
That petitioner is not a fugitive and has not at any time attempted to hide from or elude any law enforcement agency or representative whatsoever.

That in consequence of the aforesaid, petitioner is unlawfully restrained of his liberty in violation of the Fifth Amendment to the Constitution of the United States and of the Constitution of the State of Alabama.

5. That no previous application has been made for the relief sought herein.

WHEREFORE, petitioner prays that a Writ of Habeas Corpus issue, requiring James Woodward, as Sheriff of Jefferson County, to appear before this Court and that after due hearing, petitioner be discharged from custody, and for such other and further relief that this Honorable Court may deem just and proper in the premises.

Respectfully submitted,

  
\_\_\_\_\_  
RANDY A. DEMPSEY  
Attorney for Petitioner

**OF COUNSEL:**

DEMPSEY, STEED & STEWART, P.C.

Attorneys at Law

Civic Center Professional Building

1122 - 22<sup>nd</sup> Street North

Birmingham, Alabama 35234

Telephone: (205) 328-0162

**NOTICE OF HEARING**

This matter has been set for hearing on the \_\_\_\_\_ day of \_\_\_\_\_, 2001, at \_\_\_\_\_ m.

\_\_\_\_\_  
Circuit Judge

**CERTIFICATE OF SERVICE**

This is to certify that I have this day served the District Attorney for Jefferson County, Alabama, in the foregoing matter with a copy of the foregoing document by hand delivery this the 13<sup>th</sup> day of September 2001.

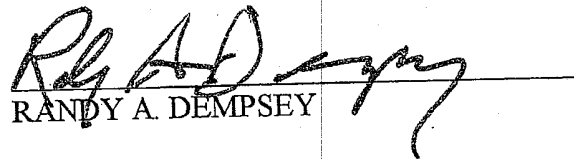
  
\_\_\_\_\_  
RANDY A. DEMPSEY



EXHIBIT - B

**F. Accuracy of the Plea.**

1. The court will not accept the plea of guilty until it has made such inquiry, as it may deem appropriate, to satisfy itself that there is a factual basis for the plea of guilty.

Done: ☒ Not Done: ☐

**G. Acknowledgment of the Defendant.**

I, William Lagne, hereby acknowledge that my attorney, whose name is signed to the attorney certification below, has explained to me, in detail, each of the matters set out above. As to any matters I do not fully understand at this point, I will specifically call to the court's attention during the plea proceeding in open court.

3/18/08  
Date

Wm Lagne  
Defendant

**H. Certification of Counsel.**

As counsel of record for the above named defendant, I hereby certify that:

1. I have discussed with the defendant, in detail, each of the matters set out above;

2. I have observed the defendant today prior to the plea proceeding and am aware of no reason why he/she is not competent to enter a plea of guilty at this time;

3. I am aware of no reason, at this time, why the defendant's plea of guilty should not be accepted.

3/18/08  
Date

[Signature]  
Counsel for the Defendant

Handwriting Analysis of William Anthony Fagnes

In this exhibit the defendant will explain certain inconsistencies in his actual signature from the forged signature on the plea agreement, document filed on March 18, 2002, which is page 9 of the plea agreement with three signatures:

William Anthony Fagnes, Defendant

Randy Dempsey, Defendant's Counsel

Robert McGregor, AUSA

- (A) The capital initial "W" in William appears choppy as it was jerky to a start - stop nature.
- (B) The capital initial "W" has a negative left-handed slope to neutral, where the actual signature for Mr. Fagnes signature has a positive right hand slope.
- (C) The initial "M" is more rounded than the actual true handwriting samples, and flatter in the document's signature.
- (D) Starting with the initial capital "A" in Anthony, which is almost identical to the lower case "A" that appears in Randy Dempsey name that appears on page 9 of the plea agreement. All signatures for Anthony's actual signature in the Exhibit Section of this petition have an opening at 2mm, the document has no opening at all.
- (E) The lower case "N" is much tighter on the document signature, the "N" is more rounded in Mr. Fagnes actual signature.

- (F) The "t" is much taller in the document signature, and the cross of the "t" is far longer than the actual signature of Mr. Fagnes.
- (G) The "O" is more oval in the document, and much more rounded in the actual sample signatures of Mr. Fagnes true signature.
- (H) The second "N" in the document comes to a point, where the actual "N" is more rounded in Mr. Fagnes actual signature.
- (I) The "Y" in the document has a tail that leads to the right. The actual "Y" is more rounded and has a closing loop tail in Mr. Fagnes signature.
- (J) Starting with the capital initial "F" in Fagnes, the "F" starts with a flow of right to left, which is consistent with the capital "D" in Dempsey. The actual "F" in the signature starts left to right.
- (K) The initial "A" in Fagnes is the same "A" that appears in (D) "William," which both (A's) is consistent with the initial "A" that appears in Randy Dempsey name.
- (L) The initial "g" goes to a high position leading into the "n" in Fagnes in the plea agreement signature above defendant. The tail of the "g" appears to have a positive left-handed slope, where the actual signature flows to a similiar size "n." There seems to be a pause in the syllable break. A signal that a pause in the writing to check the spelling of the last syllable and the forger made the "g" to appear to be a small initial "q" in the forging of the defendant actual signature.

(M) The initial "N" in the document is taller and higher, compared to a more rounded original "N" in Mr. Fagnes actual signature.

(N) The weight of the initial "e" is not consistent with the whole letter "e" and it appears to be written with a heavier stroke on the left hand emphasis. The actual "e" in Mr. Fagnes true signature is much more uniform.

(O) The initial "S" has a pause at the top in the document. There is no permanent stop in Mr. Fagnes actual signature and the initial "S" in Mr. Fagnes true signature is much more rounded.

The tail in the "S" of the document is non-existent in Mr. Fagnes actual signature and the initial "S" slightly curves.