

APPENDIX C

Request to the Court Reporter to sign under penalty of perjury, that the court reporter's transcripts were correct at the sentencing hearing and were correct and true.

EXHIBIT "C" *plea And Sentencing Hearing*
ROBINSON & BRANDT, P.S.C. *Transcript Section*

Attorneys and Counselors at Law
OFFICES IN KENTUCKY AND OHIO

PLEASE RESPOND TO US AT
11331 Grooms Road
Suite 3000
Cincinnati, Ohio 45242

Matthew M. Robinson, Esq.
Jeffrey M. Brandt, Esq.

Voice (513) 381-8033
Facsimile (513) 381-8043

October 7, 2004

Christina Decker
2300 Meadowwood Circle
Guntersville, AL 35976

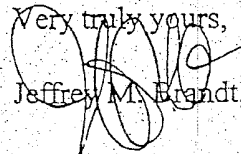
Re: *United States v. William Anthony Fagnes*, Case No. 01-CR-414-ALL

Dear Ms. Decker:

On September 3, 2004, we provided you a check in the amount of \$350 for the plea and sentencing transcripts for Mr. William Fagnes.

Since then, we have received no information from you. Please contact me as soon as you receive this letter with an update.

Very truly yours,


Jeffrey M. Brandt, Esq.

JMB:hg

cc: William Anthony Fagnes
22619-001
FCI Ashland
P.O. Box 6001-41105, Unit J-A
Ashland, KY 41105

bcc: Billy Fagnes
3006 Anniston Ave.
Birmingham, AL 35208

TO: Ms. Christina K. Decker, RPR, CRR
Federal Official Court Reporter
101 Holmes Avenue, NE, Suite 305
Huntsville, AL 35801

FROM: William Anthony Fagnes
Reg. No. 22619-001
Federal Correctional Institution
Post Office Box 6001
Ashland, KY 41105-6001

DATE: 03/30/05

RE: USA V. WILLIAM ANTHONY FAGNES, CASE NO. CR01-S-414-S.

Dear Ms. Decker:

I have a problem that I hope you can help me with. On September 23, 2004, you transcribed a change of plea hearing in the above styled case that occurred before the Honorable C. Lynwood Smith, Jr., United States District Judge.

The sum of the problem centers on the fact that the subject transcripts have been altered to reflect additions and deletions which imply or express statements that never occurred during those proceedings.

Ms. Decker, the transcripts have never been signed by you in order to reflect a certified verbatim copy of the proceedings that occurred on the date in question. Thus, I am not sure that your original stenographic notes would support the additions and deletions that appear, or fail to appear, in the transcripts.

Therefore, what I need from you is for you to compare the original stenographic notes with relevant transcripts that I have included with this letter and certify (through your signature) that the relevant transcript sections are a verbatim copy of the proceedings; alternatively, transcribe the relevant sections from the original stenographic notes and certify those sections of the transcripts as reflecting what actually occurred at the proceedings.

Examples of the additions and deletions appear in the transcripts as follows:

(1) On page 6 of the change of plea transcripts, the district court proceeds to read Count Two of the indictment and asked me how I plead to the charge. The transcripts reflect that I enter a plea of guilty. However, that never happen because at no

time during the change of plea hearing did I admit guilt or enter a guilty plea to Count Two of the indictment.

(2) On page 28-29, the prosecutor is summarizing what he believes to be the facts that he would be able to prove should the case proceed to trial. During his summary, he states that a cooperating government witness, a Miguel Mike Davila, and myself was standing near the rear of a rental car, and that the trunk of the rental car was open, and blocks of cocaine were in plain view. The prosecutor then ask me if the facts he recited was substantially correct? The transcripts reflect that I agreed with the facts. However, I never admitted to standing behind the rental car with the trunk open and cocaine in plain view. In fact, that was one set of facts that I repeatedly contested at the change of plea hearing.

(3) On page 32, the prosecutor states that I met the cooperating government witness, Miguel Mike Davila, at an apartment complex where I gave him about \$200,000. in a plastic bag. The record reflects that I also admitted those facts. However, I have never admitted meeting Mr. Davila at an apartment complex and giving him any money, much less \$200,000. dollars.

(4) On page 34, the district court asked the prosecutor what evidence he had (through photographs and laboratory analysis) to support a conclusion that cocaine was in the trunk of the rental car? However, the record does not reflect the prosecutor's answer to the specific question, and the record also fails to reflect the district court's statements that he would not accept a guilty plea to the indictment unless the prosecutor could produce photographs and laboratory analysis to support the allegation that cocaine was in the trunk of the rental car.

(5) On page 63 and 64, the transcripts reflect that the district court is making findings of fact in relation to me admitting that I was standing outside the Jeep Grand Cherokee that I was driving; that I was near the open trunk of the rental car with approximately 34 blocks of cocaine hydrochloride in plain view; that I admitted to knowing that the Jeep Grand Cherokee had hidden cargo compartments; that I admitted meeting Mr. Davila at an apartment complex in Center Point area where I gave him \$200,000. in a plastic bag, and from those finding of facts, the evidence would be sufficient to hold me accountable for at least 5 kilograms of cocaine. However, because none of the forementioned ever occurred or developed at the change of plea hearing, the district court did not, and had no reason to, make such findings in the record.

(6) The transcripts also fail to reflect that the district court had questioned defense counsel on at least three separate occasions about why he had not filed a motion to dismiss the indictment. Nor does defense counsel's response to the court's question appear anywhere in the transcripts.

Ms. Decker, I am fully aware of how serious the allegations are that I have made in this letter, but I was also present at the change of plea hearing and therefore, personally aware of what actually occurred there.

You should also know that I am not claiming that you are the person responsible for the additions and deletions, for that is premature at this point. However, you must understand that when I receive an unverified copy of transcripts that contain an abundance of alterations, it causes me concern.

Someone at some point must accept responsibility for the additions and deletions that occurred to the change of plea transcripts, and that is why I have asked you to verify or correct them as reflected in the original stenographic notes.

I also respectfully ask that you retain the original stenographic notes until this disagreement is settled in that I may have an independent Court Reporter transcribe the change of plea hearing if necessary.

Mr. Decker, I look forward to hearing from you soon.

Thank you.

Sincerely,

William Anthony Fagnes
William Anthony Fagnes

TO: MS CHRISTINA K. DECKER, RPR, CRR
FEDERAL OFFICIAL COURT REPORTER
101 HOLMES AVENUE, N.E., SUITE 305
HUNTSVILLE, ALABAMA 35801

FROM: WILLIAM ANTHONY FAGNES
REG.# 22619-001
FEDERAL PRISON CAMP
P.O. BOX 150160
ATLANTA, GA. 30315

DATE: 03/07/07

RE: USA V. WILLIAM ANTHONY FAGNES, CASE NO. CR01-S-414-S
CIVIL CASE NO. 2:05-CV-8065
CLS-TMP

DEAR MS. DECKER:

I am contacting you again, Ms. Decker, for the same reason I contacted you at first, on date 3/30/05. Nearly two years have passed by. You completely ignored me, which is not professional after receiving \$350 through my Correspondent, Attorney Jeffery M. Brandt, who sent you on September 3rd, 2004, a check for the amount of \$350 dollars to transcribe the Plea and Sentencing Hearing Transcripts pertaining to Case No. CR01-S-0414-S, which it took you over 7 weeks for you to send the Subject Transcripts, which you did not sign as being true and correct, which we both know they have been tampered with and altered and deleted and added with additions which imply or express statements that never occurred during those proceedings.

As of today, Ms. Decker, the Transcripts have never been signed by you in order to reflect a certified verbatim copy of the proceedings that occurred on the date in question. Ms. Decker, I am filing a major lawsuit against the corrupt officials from the Northern District of Alabama who has conspired to incarcerate me with Perjury and a Fraudulent Manufactured Indictment Scheme created by the same individual behind tampering with and deleting the Subject Transcripts, which is Ex-Assistant U.S. Attorney Robert P. McGregor.

Ms. Decker; I am also filing a criminal complaint with the F.B.I. against the so called honest officials from the Northern District of Alabama, who has conspired to hide my Aunt Ada Lee Mays Jones, death, a wealthy Black Heiress,

who was fatally poisoned November 14, 1998, and her death became a cover up. Ms. Ada Jones was worth over \$30 Million Dollars in 1988, money she inherited from her mother, Anna Wilson Harrell, a long time employee for Stockham Valve Pipe & Fitting Inc., that originated in Birmingham, Alabama in 1903.

Ms. Decker, I am sending a copy of this letter to F.B.I. Director, Robert Mueller, which evidence will show that the above mentioned corrupt officials who framed me with perjury, is the same individuals behind concealing the circumstances surrounding Ada Lee Mays Jones death in order for the dirty minded thieves to steal \$28 Million dollars in 1988 from my family left to us by Ada Lee Mays Jones, which became the motive for her to be fatally poisoned, and for me to be held in false imprisonment.

Ms. Decker, I know you're a honest official because you would not sign the altered, deleted, and perjury transcripts as being true and correct. Ms. Decker, I have sent you a copy of the motion I'm sending to Judge C. Lynwood Smith Jr. to release this so called signed plea transcripts that Judge Smith stated he just unsealed. The government did not have a copy of the signed plea agreement, neither does ^(m)dirty Ex-Attorney Randy Allen Dempsey, who has conspired with dirty corrupt officials to embezzle the Estate of Ada Lee Mays Jones, over to their lawless hands. Dempsey do not have a copy also.

Ms. Decker, it is too much evidence against the conspirators. A lot of dirty officials are going down for their role in embezzling money from Ada Jones Estate.

Ms. Decker, I am not indicted legally by a Federal Grand Jury which my investigators have found and located Mr. Terrell Clement, my alleged Grand Jury Foreperson, who has admitted that he did not sign no indictment against me on 9/26/01, and that the indictment signature is a forgery, and Mr. Terrell Clement will testify on my behalf.

Ms. Decker, the reason for the perjury transcripts at the plea hearing that you have not signed as being true and correct, is that the perjury transcripts at the plea hearing would match up with this so called signed plea agreement with me admitting to a frame job and lie created by Assistant U.S. Attorney Robert P. McGregor. I have repeatably made my truthful allegations and accusations under penalty of perjury and dared Ms. Martin to charge me with perjury, which she never will, concerning me stating her assistants is involved with concealing Ada Jones Death.

Ms. Decker, I am giving you one more chance to be an honest court reporter. About 10 days after you receive this request for you to sign page 67, the 3/18/02 Plea Hearing Transcripts, 10/28/02 Sentencing Hearing Transcripts page 22 and page 9 as being true and correct which if you do not sign and immediately and expeditiously send the 3 pages back, it will be an admission from you that the transcripts have been altered and deleted by Assistant U.S. Attorney Robert P. McGregor in his zest to cover up framing me with perjury.

Ms. Decker, again, I'm sending you also another copy of the 3/30/05 request, which you have completely ignored me, which you has (Exhibit - O) on the top page, which is a Exhibit filed in Federal Court to show unto the court that you will not sign the plea and sentencing transcripts as being true and correct.

Ms. Decker, you can listen to Judge Smith or Magistrate Putnam, and ignore my warning. Your name will definitely be on the lawsuit which will be filed at the Richard Russell Federal Building in Atlanta, Georgia, where I was first brought to court to a Rule 40 Hearing to answer charges which is now proven a fraudulent indictment scheme created by the dirty punk, Robert P. McGregor, who is going down and will be a witness against his conspirators.

This is bigger than Judge Smith and Putnam. The media is very aware of the wrongdoings against me and the Estate of Ada Jones, and her death being a cover up by corrupt officials who has stolen her Estate and not defended my truthful accusations against them.

Now, Ms. Decker, confirm or deny, or immediately write me back and state you're not signing the plea and sentencing hearing transcripts as being true and correct, and you must remember Ms. Decker, "no one is above the law". Wrong is wrong, and your name will not be included on the lawsuit.

Thanks in advance for attention given to this matter,

Truthfully yours,

William A. Fagnès
William A. Fagnès

Thank you and God Bless you and yours

FILED

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

2007 MAY -2 PM 2:22

U.S. UNITED STATES OF AMERICA
N.D. OF ALABAMA

vs.

WILLIAM ANTHONY FAGNES

§
§
§ Case No.. 2:01-CR-0414-CLS-TMP
§ 2:05-CV-8065-CLS-TMP
§
§

NOTICE TO THE COURT PERTAINING TO CERTIFICATE OF APPEAL-
ABILITY AND UNSIGNED PLEA AGREEMENT PERTAINING TO COURT
REPORTER CHRISTINA DECKER NOT SIGNING PLEA & SENTENCING
TRANSCRIPTS AS BEING TRUE AND CORRECT

The Defendant is filing this motion to the court, making the court aware again that the defendant sent to Court Reporter, Christina Decker on 03/07/07, a certified copy of a request asking Ms. Decker again to certify and sign page 67 of the Defendants Plea Hearing Transcripts dated 3/18/02, page 22, page 9 Sentencing Hearing Transcripts as being true and correct, which she received \$350.00 in early September 2004 to transcribe the proceedings.

Ms. Decker has not responded to the Defendants request to sign the plea and sentencing transcripts as being true and correct. The defendant sent to Ms. Decker on 3/30/05, a request asking her to sign the above-mentioned plea and sentencing transcripts as being true and correct.

The defendant is now sending to the court a copy of the request, which proves to the court that Ex-Assistant U.S. Attorney Robert P. McGregor, who is the same individual the U.S. Attorneys office won't release the exact date of McGregor's retirement, which is public record information.

U.S. Attorney Alice H. Martin's office has completely refused to release McGregor's date of retirement for some strange reason, which is a violation of public record information.

McGregor is the person responsible for adding and deleting testimony from the transcripts, which perjury was added and testimony was deleted.

which McGregor was covering his tracks for framing the defendant with perjury. The crime committed by McGregor and the defendant, dirty Ex-Attorney Randy Allen Dempsey partners in crime with McGregor, who conspired together to try to trick the defendant to sign a perjury plea agreement on 3/18/02 in Huntsville Alabama in Judge C. Lynwood Smith, Jr.'s Courtroom, who also knows that the defendant is not legally indicted by a Federal Grand Jury on 9/26/01, which all the conspirators of conspiring to conceal the crime will all be arrested in the near future for conspiring to keep the defendant held in prison on a fraud, and find out they're not "Above the Law", for their roles of cronyism and violating justice.

Ms. Decker was explained to by the defendant 3/7/07 again that if you don't sign the plea and sentencing hearing transcripts as being true and correct, it will be an "admission" from you MS. Decker that the original transcripts has been altered to reflect additions and deletions that appear, or fail to appeal in the transcripts.

Ms. Decker was asked to certify her signature that the transcripts she allegedly transcribed is true and correct. Ms. Decker knows that perjury was added in the transcripts. If the defendant had committed the crime of tampering with transcripts then the court would have been brought charges against the defendant, but since corrupt officials have committed the crime the court turns a blind eye pertaining to racism and cronyism and it explains why Justice Scales is not balanced and her eyes are blind folded???

Ms. Decker has again proven that McGregor tampered with the transcripts of the defendant's plea and sentencing hearing transcripts, which his motive conspiring with dirty attorney, Randy Allen Dempsey who double crosses his clients, Mr. Dempsey's motive for conspiring to trick the defendant with dirty McGregor at the helm to sign the fraudulent transcripts.

McGregor, Dempsey, and McGregor's Supervisor, dirty Bill Barnett, is in on a conspiracy to embezzle \$30 + Million Dollars from the defendant's family, which the court needs to know that this is the reason and motive for the defendant to be framed with perjury, and for dirty attorney, Dempsey to hide the reports of 9/7/01, the night the defendant was arrested, which is exculpatory evidence.

The plan to entrap the defendant backfired on the arresting officers on 9/7/01 which included FBI Agent Jeffery Burgess, a Drug Supervisor, who conspired to use his police powers to hide the reports of the

defendants aunts death, Ada Jones, who was fatally poisoned with an overdose of "heart medication and cocaine", which induced a heart attack by money hungry family members and Trustees of Ada Jones "Final Will", dirty Attorney Mary Lee Abele, which the defendant has shown unto the court repeatably that the dirty officials won't sign no affidavits, depositions, to the court stating the defendant is committing perjury. if so the defendant would have been charged with committing perjury, the prejudice court would have been charged the defendant with perjury, but pertaining to cronyism, racism, and nepotism, the racist court turns a blindeye to the dirty officials evil crime against the Estate of Ada Jones.

By Ms. Decker not signing the perjury transcripts as being true and correct, it's an admission from her that the transcripts has been tampered with, which was nothing more of a scheme by McGregor and Dempsey to frame the defendant with perjury and then trick the defendant to sign the transcripts admitting to the perjury job created by McGregor who conspired to frame the defendant with perjury, creating a crime scene that never occurred.

McGregor committed massive perjury to the court, telling the court that he could produce photographs of the crime scene showing the trunk of a cooperative witness trunk open with a box of drugs.

Dirty McGregor knew he was lying. The punk is no good, but this shows that the court is prejudice to defendants. Judge Smith knows that no photographs exist, and it clearly proves that the defendant was framed.

McGregor and Dempsey conspired to tamper with the transcripts to match the fraudulent plea agreement. The court claims on 1/31/07 that it unsealed, which the court needs to know that FBI Robert Mueller's office will get a copy of the so called signed plea agreement which a computer signature will be easily noticed by Forensic Document Examiners for the FBI Central Headquarters, whose office is well aware of the wrong doings against Mr. Fagnès, and the threat to kill Lt. General Robert L. Vines brother, CPA Gerald L. Vines if he ever exposed dirty Billy Lee Barnett's role in freezing Ada Jones Estate in December 1988 and January 1989, which Barnett later conspired to conceal Ada Jones heinous murder with Agent Jeffery Burgess so they could embezzle the estate for themselves, which McGregor and Dempsey, and persons

known and unknown is involved in the conspiracy using fraudulent misrepresentation embezzling Ada Jones Estate. The punk Dempsey, as of today, is scared to death and stressing, hoping that Judge Smith and Magistrate Putnam can help the dirty officials conceal the true facts that Fagnes is in prison on a fraudulent indictment scheme created by dirty McGregor.

The court has stated that it released the plea agreement that the defendant allegedly signed on 3/18/02. The truth is, the government would have had a signature for McGregor, Dempsey, and Fagnes. Mr. Dempsey would have had a signed copy of the signed plea agreement. The truthful transcripts would show 3/18/02 that the defendant did not stand up in court and admit to being at the back of cooperative witness trunk, which is a "lie" created by McGregor in his zest to fabricate evidence against the defendant to frame the defendant with perjury, and from McGregor's dirty actions, this is Dempsey's motive for hiding the reports from the different law enforcement agencies present on 9/7/01.

No reports show that the cooperative witness was outside his vehicle on 9/7/01. No reports of any photographs taken at the crime scene showing the defendant at the back of the cooperative witness car trunk, no photographs of a car trunk opened with a box of drugs in plain view, no audio of the defendant incriminating himself on 9/7/01, only dirty McGregor committing perjury to Judge Smith that he could produce photographs of a crime scene that McGregor knows never existed.

The motive for the perjury transcripts and so signed perjury plea agreements is Dempsey is in concert with McGregor and Barnett in on a scheme to trick Fagnes to sign a fraudulent plea agreement which would trick Fagnes to admit to the perjury job created by McGregor and the plea hearing transcripts Ms. Decker won't sign as being true and correct would match up, then McGregor could deceive the court which has backfired. There are no signed plea agreements.

Ms. Decker won't sign the perjury transcripts as being true and correct. Mr. Terrell Clement's so called Grand Jury Foreman for the 183 U.S.C. Grand Jury, has admitted that he did not sign any indictment on 9/26/01 against Mr Fagnes, who is being held in false imprisonment by U.S. Attorney Alice H. Martin, Judge C. Lynwood Smith Jr., and Magistrate Putnam in on a scheme to protect the wrongdoings against Fagnes and the Estate and crime and murder

against Ada Jones to keep it concealed which it won't be concealed.

The media, major Hollywood producers as of today, wants the rights to Fagnes story. They know it is the truth, which the dirty corrupt officials from Alabama want defend their dirty names. It will be Obstruction of Justice on their behalf. They all know it was a bad mistake framing Fagnes with perjury, and Dempsey was correct when he told the conspirators on 10/19/01 that it will be a bad idea framing Fagnes, we could all get exposed embezzling Ada Jones Estate and concealing her murder, and Elaine Hardy's murder, which is now exposed because of Fagnes illegal incarceration.

Judge Smith, you can release Fagnes from this injustice. It's looking bad on you, Judge Smith, as an honest Judge, letting Magistrate Putnam rubber stamp your name to protect his role of having Fagnes illegally arrested on 9/29/01 on a Fraudulent Indictment Scheme.

Remember that the Secretary of State has released all information pertaining to Terrell Clement's name as a registered voter, not only the 31 counties pertaining to the Northern District of Alabama, but the complete 67 counties. Mr. Terrell Davis Clement became active in 1974 as a Registered Voter, and has admitted he did not sign no indictment on 9/26/01 against Fagnes. It's another Terrell B. Clement, he became active in 1998 as a Registered Voter at the age of 18. He is a relative of Mr. Terrell Davis Clement. He did not sign no indictment, also he would have only been 20 years old on 9/26/01. Both men are from Jasper, Alabama, Walker County. There are no other Terrell Clement's that's ever been a registered voter in none of the 67 counties history that comprises the State of Alabama, which Fagnes will Subpeona both men to the Richard Russell Federal Building in Atlanta, GA., where Fagnes was first brought to a Rule 40 Hearing to face charges for a Fraudulent Indictment Scheme created by Putnam and McGregor and the Clerk of Court Office for the Northern District of Alabama, who is conspiring as of today, to keep Fagnes held in false imprisonment which has backfired on the culprits.

When Fagnes files the lawsuit which won't be frivolous, he is going to include Judge C. Lynwood Smith Jr., and U.S. Attorney Alice H. Martin for their roles of misprison of felony crimes knowing about Fagnes being illegally held in false imprisonment, and knowing about the crime against the Estate of Ada Jones and for turning a blind eye to the crime.

CERTIFICATE OF SERVICE

This is to certify that I have this day served a true and correct copy of the within and foregoing documents upon the party(s) listed below by depositing a copy of the same in the United States Mail in a properly addressed envelope with adequate postage to insure that it reaches its destination properly addressed upon:

1. Clerk of U.S. District Court
Northern District of Alabama
Hugo L. Black United States Courthouse
179 5th Avenue North
Birmingham, AL 35203-2040
2. Mrs Alice Martin, United States Attorney
1801 4th Avenue, North
Birmingham, AL 35203-2101
3. Honorable Judge C. Lynwood Smith, Jr.
U.S. District Court Judge
101 Holmes Avenue, NW
Huntsville, AL 35801

THIS 29th day of April, 2007.

William Anthony Fagnes
William Anthony Fagnes, Pro Se
#22619-001
Ashland Federal Correctional Inst.
P.O. Box 6001
Ashland, KY 41105

CERTIFICATE

I certify that the foregoing is a correct transcript from the record of proceedings in the above-entitled matter.

9-23-04

Christina K. Decker, RPR, CRR
Federal Official Court Reporter

Date

CERTIFICATE

I certify that the foregoing is a correct transcript from the record of proceedings in the above-entitled matter.

9-23-04

Christina K. Decker, RPR, CRR
Federal Official Court Reporter

Date

CERTIFICATE

I certify that the foregoing is a correct transcript from the record of proceedings in the above-entitled matter.

9-23-04Christina K. Decker, RPR, CRR

Date

Federal Official Court Reporter