

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
ROBERT P. MCGREGOR
Assistant United States Attorney

TOTAL P.02

HHH/RPM: Oct, 2001

01 SEP 26 PM 4: 13

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

DISTRICT COURT
N.D. OF ALABAMASOUTHERN DIVISION

UNITED STATES OF AMERICA

v.

CR-01-S-0414-S

WILLIAM ANTHONY FAGNES

INDICTMENTCOUNT ONE : 21 U.S.C. § 846

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and 846.

A TRUE BILL

FOREMAN OF THE GRAND JURY

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

EXHIBIT(D-VI)

CJ#29

FILED

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

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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*Exh. - D-VI

*** TOTAL PAGE.03 ***



EXHIBIT

(B)

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);
1 page(s) are being released in part (RIP);
1 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 552Section 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.

(Page 1 of 2)

Form No. 021- no fee - 2/04

RIF

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

- (5) information compiled in reasonable anticipation of a civil action proceeding;
- (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;
- (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;
- (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;
- (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;
- (4) required by statute to be maintained and used solely as statistical records;
- (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;
- (1) 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;
- (1) 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.

RIF

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.

RIF

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).

RIF

[] 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 /HBU

Marie A. O'Rourke
Assistant Director

Enclosure(s)

FILED

AHM/RPM: Nov. 2001

NOV-1 PM 1:30

6JH5

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

U.S. DISTRICT COURT
ALABAMA

SOUTHERN DIVISION

UNITED STATES OF AMERICA

-v-

WILLIAM ANTHONY FAGNES

)
)
)
)
)

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

RIP

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

EXHIBITS C-I and C-II

Subject: Self (Removal of Jurisdiction) Request #05-1053

The above-mentioned request to the FOIA/PA unit was pertaining to, are there any records on file between September 7, 2001 and September 26, 2001, that the government filed from the Northern District of Alabama from the Federal Clerk to Jefferson County Criminal Court Clerk for the government to intervene on the Plaintiff, Mr. William A. Fagnes case and take the action from State Jurisdiction to Federal Jurisdiction.

Pertaining to Rules of Criminal Procedure, 1446(a) and 1447, which governs matters from State Jurisdiction to Federal Jurisdiction concerning removal of a case, the government could never entertain the action from State Jurisdiction to Federal Jurisdiction unless they properly drafted a motion or Notice of Removal within the ten days that the law requires under 1446(a) and 1447.

The smoking gun here is, for Asst. U. S. Attorney McGregor to come up with an indictment on the exact same day that the State Court reduced the Plaintiff's bail bond, confirms several facts, (1) the Federal Government was operating outside of the legal frame work outlined by Law, (2) the indictment was created out of thin air, (3) the State had no idea that the Federal government was operating outside of the laws at the time and (4), the Plaintiff's due process was violated as he remains in federal custody illegally due to judicial and prosecutorial misconduct.

On September 30, 2003, Ms. Anne Marie Adams reveals that there are no records of any kind that show the government even filed a motion to transfer the State case to Federal Jurisdiction.

EXHIBIT CIII Notice of reassignment Dated: September 12, 2007

On September 11, 2007, Judge C. Lynwood Smith, Jr. would abandon the Criminal Enterprise as he found out that Mr. Terrell Clement exposed the beginning of the Criminal conspiracy as he swore under oath that the indictment was forged. Being that this was his first day as Grand Jury foreman, he willfully admitted, "I never heard of anything related to 34 Kilos of cocaine on September 26, 2001!" This is an obvious pattern of corruption carried out by the government.

Because of the obvious criminal activity, judge C. Lynwood Smith, Jr. would suddenly recuse himself without explanation. This to is an obvious admit of "Outrageous Government Conduct". To harbor the estate of Ms. Ada Mays Jones and embezzle her blood money for themselves following her murder.



EXHIBIT-(C-I)

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 26 2005

Request Number: 05-1053 Date of Receipt: January 19, 2005

Requester: William A. Fagnes

Subject: Self (Removal of Jurisdiction)

Dear Requester:

In response to your Freedom of Information Act and/or Privacy Act request, the paragraph(s) checked below apply:

1. ☐ A search for records located in this office has revealed no records.
2. ☒ A search for records located in the United States Attorney's Office(s) for the Northern District of Alabama has revealed no records.
3. ☐ The records which you have requested cannot be located.
4. ☐ This office is continuing its work on the other subject/districts mentioned in your request.
5. ☒ This is the final action my office will take on this particular request.

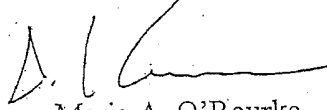
You may appeal my decision in this matter by writing within sixty (60) days, to:

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

Both the envelope and the 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, if any, are located; or in the District of Columbia.

Sincerely,


Marie A. O'Rourke
Assistant Director

ANNE-MARIE ADAMS, CLERK
JEFFERSON COUNTY CIRCUIT COURT, CRIMINAL DIVISION
ROOM 901 MEL BAILEY JUSTICE CENTER
801 RICHARD ARRINGTON, JR., BOULEVARD, NORTH
BIRMINGHAM, AL 35203

LINDA BISHOP
DEPUTY CLERK

SUPERVISOR
(205) 325-5285

Date: Sept 20, 2003

To: William A. Fugues
22619-001 J-A
Ashland F.C.I.
P.O. Box 6001
Ashland, Ky 41105

Re: attached letter

Dear Sir or Madam:

We are unable to fill your recent request for the following reason:

- _____ The information which you requested is not a part of the clerk's file.
- _____ No case can be located under the name you have provided. Please provide a case number, exact name as listed on the arrest warrant or indictment, date of arrest, date of birth, Social Security Number or any other information you have which might help us locate this case.
- _____ A search of our regular index does not indicate a record on the above defendant in the Circuit Criminal Court of Jefferson County, Birmingham Division.
- _____ Your case is in the Bessemer Division of Jefferson County. You will need to send your request for copies to Circuit Clerk, Bessemer Division, Room 606 Courthouse Annex, Bessemer, AL 35020.
- _____ Your case is in District Criminal Court and has been forwarded to that division in Room 207 of the Mel Bailey Justice Center for processing.
- ✓ Other. The only case filed in this county in
Sept, 2001 was a Habeas Corpus to have
the bond amount reduced.

Yours truly,

Anne Marie Adams

Anne-Marie Adams, Clerk
Circuit Criminal Court, Jefferson County

EXHIBIT (C-II)

UNITED STATES DISTRICT COURT

Northern District of Alabama

Office of the Clerk

Room 140, 1729 5th Avenue North

Birmingham, Alabama 35203

(205) 278-1700

2007-09-12 PM 01:40
U.S. DISTRICT COURT
N.D. OF ALABAMA

Sharon N Harris
Clerk

C - III

William Anthony Fagnes

Plaintiff(s)

v.

~~United States of America~~

~~Defendant(s)~~

Case Number: 2:05-cv-8065-CLS-TMP

(2:01-cr-414-CLS-TMP)

NOTICE OF REASSIGNMENT

The above-styled civil action has been reassigned to the Honorable Judge Karen O. Bowdre.
Please use case number 2:05-cv-8065-KOB-TMP (2:01-cr-414-KOB-TMP) on all subsequent
pleadings.

DATED: September 12, 2007

SHARON N. HARRIS, CLERK

By:

Stephane Jolin

Deputy Clerk