

Michael Caine Redifer Sr.
22681031, I Unit
Federal Correctional Institution
P.O. Box 1000
Sandstone, MN 55072
August 5, 2018

Noel,

My name is Michael Caine Redifer Sr. and I am writing to you in connection to the Writ of Certiorari I filed in the Supreme Court, Case No. 18-5357.

There is an intervening issue that requires that I file a Supplemental Brief to the Supreme Court. The issue is in connection to a recent Court order by District Court Judge Julie Robinson in connection to warrantless surveillance being conducted of attorney-client meetings at CCA (Core Civic) in Leavenworth, KS. See (Exhibit A). I have requested that the attorney handling the cases possibly assist me in this matter, see (Exhibit B); but I have not been given a response yet. I have also learned and I have always known that I am an aggrieved person. See (Exhibit C). So according to the Supreme Court's precedents in connection to unlawful intrusions into attorney-client meetings, see *Black v. United States*, 385 US 26 (1966)(A defendant is entitled to a new trial when the Prosecution has unlawfully intercepted, disclosed, and used warrantless surveillance of attorney-client meetings); and the fact the unlawful surveillance methods are violations of numerous criminal statutes, then this means that there is three forms of warrantless surveillance and numerous other Constitutional provisions that require that me and my co-defendants and several other aggrieved people be granted acquittals. See (PETITION FOR WRIT OF CERTIORARI)(Can you imagine that any Jury would convict a defendant when the law enforcement officers, Prosecutors, and other legal professionals are wearing jail house jumpsuits when appearing before the Court during the defendant's trial).

If Melody Brannon does not immediately respond, gives ineffective counsel, or refuses to assist me with the filing of the Supplemental Brief, then I will immediately file a Supplemental Brief to the Supreme Court. Of course, this office is free to intervene in this issue to ensure that justice is served by advocating to the Supreme Court to exercise its supervisory power in order to end warrantless wire, oral, and electronic surveillance. After all, criminal statutes do not seem to be enough of a deterrent to stop the tyranny.

Respectfully submitted,

Michael Caine Redifer Sr.

Michael Caine Redifer Sr.

August 5, 2018

EXHIBIT A

**In the United States District Court
for the District of Kansas**

Standing Order No. 18-3

**Jointly Proposed Standing Order Appointing the Federal Public Defender to
Represent Defendants with Post-conviction Sixth Amendment Claims
Regarding Attorney-Client Recordings in Criminal Cases**

The litigation in *United States v. Black, et. al.*, 16-cr-200032-JAR, has brought to the Court's attention the possibility of Sixth Amendment violations in this district. Some defendants were held in the custody of the U.S. Marshal at CCA-Leavenworth (now CoreCivic). CCA video recorded in-person attorney-client meetings; the U.S. Attorney's Office later obtained some of those video recordings. CCA also recorded attorney-client phone calls; the U.S. Attorney's Office obtained some of those recordings, as well. Defendants whose in-person attorney-client meetings or attorney-client phone calls were recorded may be entitled to post-conviction relief.

For these reasons, the Court appoints the Federal Public Defender to represent any defendant from the District of Kansas who may have a post-conviction Sixth Amendment claim based on the recording of in-person attorney-client meetings or attorney-client phone calls by any holding facility housing federal detainees within this District. The FPD is appointed to review potential cases regardless of whether the FPD represented the defendant in earlier district court proceedings. The FPD will

alert the Court to any disqualifying conflicts and will obtain the consent of the defendant before filing any petition for relief. Furthermore, the FPD is authorized to raise any other claims in the interest of the defendant.

IT IS SO ORDERED THIS 17th DAY OF July, 2018.

s/ Julie A. Robinson

Julie A. Robinson

Chief Judge, U.S. District Court

District of Kansas

Kansas Federal Public Defender

www.ks.fd.org

Federal Public Defender Melody Brannon
First Assistant Federal Public Defender Kirk Redmond



Topeka Division Attorneys
Branden A. Bell
Rich Federico
Carl Folsom
David Magariel
Andrew McGowan
Paige A. Nichols

July 18, 2018

Michael C. Redifer (#22681-031)
FCI Sandstone
P.O. Box 1000
Sandstone, MN 55072

Dear Mr. Redifer:

My name is Melody Brannon, and I am the Federal Public Defender for the District of Kansas. I write to you because our office has been appointed by the Chief Judge of the District of Kansas to represent clients who may have suffered Sixth Amendment violations while in custody at CCA. The appointment order is enclosed.

We are investigating your case to determine if you are eligible for relief, and would like to speak with you.

Please understand that our investigation concerns a narrow slice of cases. Only attorney visits conducted at CCA in certain visitation rooms during a fairly short timeframe are subject to challenge. Because our investigation is ongoing, we cannot ensure you that you are eligible for any kind of relief. We would, however, appreciate the chance to discuss your case with you.

Please call 785-232-9828. You may ask to talk with me, Kirk Redmond, or Rich Federico.

Respectfully,

/s/ Melody Brannon

MELODY BRANNON
Federal Public Defender
For the District of Kansas

MB/jkw
Enclosure

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Fax 913.551.6562

Topeka Division
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EXHIBIT B

Michael Caine Redifer Sr.
22681031, I Unit
Federal Correctional Institution
P.O. Box 1000
Sandstone, MN 55072
July 29, 2018

Melody,

I am writing to you in response to your letter dated July 18, 2018, that includes Judge Robinson's order in connection to the unlawful surveillance being conducted by the DOJ at CCA (Core Civic). I cannot call you at this time because I do not have enough money on my books to do so. However, even if I had money on my books I would not call you or any other attorney due to how I do not want to discuss any issue when any Government employee or uninvited person is monitoring or participating in the phone call. To make matters worse, even if you were to set up an attorney-client phone call a BOP staff member is still present in the room when the attorney-client conversation occurs (how is this Constitutional?). But I would like to discuss this matter with you because I know that I am an aggrieved person.

Before I get into the unlawful surveillance at CCA, I should inform you that I recently submitted a Writ of Certiorari to the Supreme Court. I cannot send you a copy of the Writ (again my financial situation prevents me from doing so) but I can inform you of the questions presented. They include:

Does the Rules Enabling Act, 28 USCS § 2071 et seq., preclude a Court from invoking the law of the case doctrine against a defendant in a criminal proceeding, when the law of the case is egregiously in violation of numerous items of Congressional Legislation and/or Supreme Court precedents? Does the Rules Enabling Act, 28 USCS § 2071 et seq., preclude a Court from invoking the law of the case doctrine against a defendant in a criminal proceeding, when an issue being raised is a new issue that was not ruled on in the prior mandate? Should 18 USCS § 6002 be declared Unconstitutional and *Kastigar v. United States*, 406 US 441 (1972) overruled?

The issues in my Writ of Certiorari are unquestionably relevant to the unlawful surveillance at CCA. The Prosecution in my case conducted warrantless GPS and utility pole camera surveillance, see (Doc. #667, SUPPORTING ARGUMENT FOR THE PSR OBJECTIONS--TRACY ROCKERS'S AND MICHAEL QUICK'S CONFESSIONS AND PLEAS WERE INVOLUNTARILY MADE, at 16-25)(hereinafter (Doc. #667, Supp.)); and the Rules Enabling Act precludes a Court from creating Judicially created good-faith exceptions for Government employees who intercept, disclose, and/or use warrantless surveillance that is intercepted by electronic means due to how any good-faith exception for the unlawful surveillance would be a violation of a Court's rule-making power. See 28 USCS § 2072(b)

("Such rules shall not abridge, enlarge or modify any substantive right").

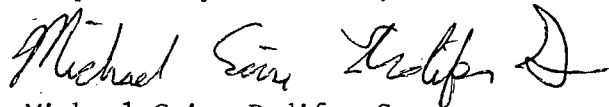
Indeed the law enforcement officers, Prosecutors, and CCA employees who participated or had knowledge of the unlawful surveillance must be charged for their crimes and the proceedings in connection to the unlawful surveillance must also be conducted pursuant to 18 USCS § 2510 et seq.. This is due to how the unlawful surveillance is unquestionably a warrantless wire, oral, or electronic surveillance (depending on the capabilities and circumstances of the surveillance) and subject to 18 USCS § 2510 et seq.. So the DOJ employees (CCA employees are also DOJ employees) violated numerous laws and do not have a Constitutional defense for their actions, nor can a Court create one for them. Especially considering how 50 USCS § 1812 requires that Congressional Legislation is the exclusive means for any Government employee to conduct surveillance by electronic means and only Congressional Legislation can provide another exclusive means to conduct surveillance by electronic means. In other words, the narrow Sixth Amendment violations in these cases that are currently being adjudicated are usurpations of authority if 18 USCS § 2510 et seq. is not governing the proceedings because the Executive Branch and defense attorneys cannot covertly advocate for a Judicially created concept in connection to warrantless electronic surveillance that will abridge or modify aggrieved people's Constitutional rights, privileges, and immunities by enlarging Prosecutorial powers that are strictly forbidden by an Act of Congress, nor can any Court abridge, enlarge or modify any item of Congressional Legislation. So the legal professionals and CCA employees must be held accountable for their egregiously unlawful actions.

I also have absolutely no doubt that I am an aggrieved person. The unlawful surveillance has been conducted at CCA since at least 2012. See (Doc. #639, at 9)(Government employees are sadists so they enjoy making people paranoid, see (Doc. #667, Supp., at 105-106)). Thus, my Constitutional rights, privileges, and immunities got violated and so did my co-defendants. These violations of the Constitution and Laws of the United States obviously make the totality of the Prosecution's several times over unlawfully seized and inadmissible evidence even more egregiously Unconstitutional, see (Doc. #671); due to how all of the Prosecution's evidence got seized or directly derived from three forms of warrantless surveillance, so none of the Prosecution's evidence is admissible against any of the charged defendants in my case and always has been inadmissible. See (Doc. #672). Therefore, the unlawful

surveillance at CCA is another reason why me and my co-defendants are entitled to acquittals.

I am going to file a Supplemental Brief to the Supreme Court in connection to this intervening issue. After all, three forms of warrantless surveillance that independently and collectively require that every defendant in my case be granted an acquittal is a very important issue. So if you would like to assist me in the filing of the Supplemental Brief please immediately respond to this letter with the particulars of your assistance so I can decide if your assistance is Constitutional.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Michael Caine Redifer Sr.", written in dark ink.

Michael Caine Redifer Sr.

P.S. What is being done about the other unlawful surveillance devices at CCA?

ALWAYS SEND LEGAL MAIL WITH THE FOLLOWING INSTRUCTIONS:
OPEN IN THE PRESENCE OF THE INMATE.

EXHIBIT C

Kansas Federal Public Defender

www.ks.fd.org

Federal Public Defender Melody Brannon
First Assistant Federal Public Defender Kirk Redmond



Topeka Division Attorneys
Branden A. Bell
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David Magariel
Andrew McGowan
Paige A. Nichols

July 30, 2018

Michael C. Redifer (#22681-031)
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Dear Mr. Redifer:

We are sending you this second letter to update you on the CCA litigation. The FPD was appointed to represent any District of Kansas defendant who may have a Sixth Amendment claim arising from unauthorized recording of attorney-client communication at CCA. The FPD reached an agreement with the United States Attorney's Office to consider a certain sentence reduction for those affected, which, we believe, would have included your case. Unfortunately, the Department of Justice has now backed out of that agreement.

With your consent, we will continue to represent you. Rather than an agreed reduction, we are reviewing individual cases, including yours, to determine whether to file a 2255 challenging both the conviction and the sentence. Please contact us immediately if you do not wish us to represent you, or if you have any questions.

Respectfully,

/Melody Brannon

MELODY BRANNON
Federal Public Defender
For the District of Kansas

MB/jkw

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