

No. _____

18-8720

IN THE
SUPREME COURT OF THE UNITED STATES

Rodney Reep — PETITIONER
(Your Name)

vs.

United States of America — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

FILED

MAR 18 2019

OFFICE OF THE CLERK
SUPREME COURT U.S.

United States Court of Appeals for the District of Columbia

(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Rodney Reep
(Your Name)

P.O. Box 759
(Address)

Minersville, PA 17954-0759
(City, State, Zip Code)

N/A
(Phone Number)

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LIST OF PARTIES

- ☒ All parties appear in the caption of the case on the cover page.
- ☐ All parties **do not** appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgment is the subject of this petition is as follows:

QUESTION(S) PRESENTED

1. Does 28 U.S.C. §2401 (a) apply to FOIA?

The government is using 28 U.S.C. §2401(a) to claim that Plaintiff passed the six (6) year statute of limitation. But 2401(a) is inapplicable to FOIA.

2. Should the Grand Jury's meeting date and the date the Grand Jury convened fall under FOIA's exemption?

Unless the government can demonstrate the disclosure of the Jury's meeting date and the Grand Jury convened would tend to reveal the inner workings of the Grand Jury investigation, that date is not exempt from disclosure under the FOIA's third exemption.

3. Can you expose the government's improper conduct under 5 U.S.C. §552(b)(7)(C), Exemption 7(c)?

The purpose of the FOIA is to protect "The citizens' right to be informed about what their government is up to". United States Dept. of Justice v. Reports Comm. for Freedom of the Press, 749, 772, 1095.Ct. 1468, 103 L.Ed2d 774 (1989), exposing improper conduct by agency officials in the interest that comports with the purpose of FOIA.

4. Should the defendant refer documents to other agencies after a final release?

Plaintiff objects to the treatment of documents the E.O.U.S.A. subsequently referred to the ATF and the FBI for final disposition, rather than releasing them or citing exemptions directly, rather than engaging in "Consultation". After final release on October 29, 2009, the defendants on December 1st, 2009, referencing material was located in these referred documents.

IN THE
SUPREME COURT OF THE UNITED STATES
PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of certiorari issue to review the judgment below.

OPINIONS BELOW

☒ For cases from **federal courts**:

The opinion of the United States court of appeals appears at Appendix A to the petition and is

- ☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

The opinion of the United States district court appears at Appendix B to the petition and is

- ☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

☐ For cases from **state courts**:

The opinion of the highest state court to review the merits appears at Appendix _____ to the petition and is

- ☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

The opinion of the _____ court appears at Appendix _____ to the petition and is

- ☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

JURISDICTION

☒ For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was December 18, 2018.

☒ No petition for rehearing was timely filed in my case.

☐ A timely petition for rehearing was denied by the United States Court of Appeals on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. A .

The jurisdiction of this Court is invoked under 28 U. S. C. § 1254(1).

☐ For cases from **state courts**:

The date on which the highest state court decided my case was _____.
A copy of that decision appears at Appendix _____.

☐ A timely petition for rehearing was thereafter denied on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. A .

The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a).

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STATEMENT OF THE CASE

Rodney Reep, a prisoner proceeding pro se, brought suit under FOIA for records held by defendants EOUSA, FBI, DEA, and ATF. The records sought concerned Reep and two criminal cases prosecuted against him in the United States District Court for the Eastern District of Virginia. The original indictments returned against Plaintiff in the case of United States v. Rodney Reep, Case No. 2:02-CR_52, as well as a Superceding Indictment United States v. Rodney Reep, Case No. 2:02-CR_217. The Superceding Indictment appears as United States v. Karl Moore Sr., Case No. 2:02-CR_217. Following two FOIA requests documents were provided to reep, while others were withheld pursuant to various FOIA Exemptions. Reep's suit contends that the Defendant agencies failed to uphold their obligations under FOIA, as well as failed to do a proper search, etc.

On date unknown, 2002, a grand jury, sitting in session for the United States District Court in the Eastern District of Virginia, Norfolk Division did not return an indictment charging Reep as sole defendant in acts violating the laws of the United States.

Specifically, this indictment charged Reep with violations of the various drug laws under 21 U.S.C. §856(a)(1), Establishment of Manufacturing Operations; 21 U.S.C. 841(a)(1), Possession of Crack Cocaine with intent to distribute; 21 U.S.C. §922(g), Felon in possession of Ammunition; 21 U.S.C. §841(a)(1) Possession of powder cocaine with intent to distribute. Five counts in total, and in November 2002, before the Honorable Justice Dumar, however,

Reep proceeded to trial on the existing indictment.

On November 14th, 2002, a mistrial ensued based upon motion of the defendant granted by Judge Dumar. The attorney Andrew Sacks had been having a disagreement with the Honorable Judge Dumar. Certain comments which the court had made during the sidebar discussion were overheard by investigator Jay Daniel Seacrist. Seacrist who had been seated in the back of the courtroom claimed that he had heard the sidebar conference from where he sat. This forced the Judge to declare a mistrial. The reason for Mr. Seacrist's claim is that during the trial his principal material witness Mr. Curtis Roberson had exited the courthouse building before direct examination. Mr. Irvin Riddick, a witness for the defense, had seen Mr. Roberson leaving the courthouse as he was entering. The retrial was scheduled thus for December 11th, 2002.

Once again, Reep proceeded in selecting a jury. The jury was sworn in on December 13th, 2002, and once the defendants moved for a declaration of mistrial, the case was postponed until December 16th, 2002. A continuation of the above trial commenced on the 16th of December, 2002.

The witness was scheduled to testify as the government's first witness of the day. The witness had not been provided his medication while he was in custody. The witness admitted that he had been prescribed the medication because he heard voices and experienced hallucinations.

Counsel for the defendant previously submitted "motion of a declaration of a mistrial", the Court did grant a second mistrial

and the case was set for re-trial on March 17th, 2003, again before Honorable Judge Dumar, and prosecuted by Michael Moore, United States Attorney.

The court ordered that he undergo a psychiatric examination to determine his competency to testify at trial.

"The Court continues this matter, and finds that in the interests of justice, it is necessary to set the trial on the first available date, which is March 17th, 2003."

"The court now sets forth the details of the court-ordered psychiatric evaluation."

"The Court orders that the examination and the expert report of the results be completed no later than 30 days (on February 17, 2003) prior to the new trial date (March 17, 2003)."

"The Assistant United States Attorney shall insure that Roberson receives a subpoena at least 14 days prior to the new trial and shall contact Roberson regarding his testimony two days prior to the new trial date."

The Government failed to comply with the court orders set forth. Details on December 17th, 2002.

The Government sent a plea agreement, and if Reep did not accept by February 14th, 2003, they were going to put Reep in a superceding indictment.

However, prior to Reep's third trial upon the existing indictment, the government sought and obtained a "Superceding Indictment", date unknown, 2003, in another Case No. 2:02-CR-217; and another title with a different United States Attorney, Laura Everhart. Here, for the very first time, Reep was implicated

within a conspiracy never before mentioned. The United States Government added (5) five **new** Crack Cocaine offenses.

The Government implicated Reep in the superceding indictment, and changed an ammunition count to a firearm charge.

See transcripts of arraignment proceedings of March 19, 2003. Also, see exhibit "Firearm Technology Branch Report of Technical Examination", dated March 24, 2003, and "Evidence Transmittal Form" dated March 4, 2003, along with other exhibits.

TRIAL PROCEEDING OF THE SUPERCEDING INDICTMENT

After the motion hearings, the government was notified of an alibi. The alibi was that Reep could not have had anything to do with this Superceding Conspiracy or participated in it. The reason was that he was confined for sixteen (16) years and had no visits or communication from the alleged co-defendant or conspirator. The government's response to the alibi was Clarence Coles, Jr. was going to prove and testify of Reeps involvement. Now that was the first time Clarence Coles, Jr. was brought to my attention. I didn't have personal knowledge of this person. The prosecutor, Ms. Laura Everhart, provided the grand jury testimony of Clarence Coles, Jr. from April 23, 2003. It was later determined during the trial that this testimony was given to the Grand Jury after the superceding indictment.

Later, after filing the **Freedom of Information Act**, I found that Karl Moore, Jr. also gave his statements after the superceding indictment took place. The government got statements from Clarence

REASONS FOR GRANTING THE PETITION

1. Plaintiff asserts that jurisdiction is conferred on this Court by 5 U.S.C. §§ 701-706 (Administrative procedure Act). The APA provides that a "person suffering legal wrong because of agency action, or adversely affected by agency action within the meaning of a relevant statute" is entitled to judicial review for such a claim. 5 U.S.C. §§ 702 and 706. "In making the forgoing determinations, the court shall review the whole record...".

2. A CLAIM FOR RELIEF § 702. RIGHT OF REVIEW

U.S.C. §702. A person suffering legal wrong because of agency action, or adversely affected or aggrieved by agency action within the meaning of a relevant statute is entitled to judicial review thereof. An action in a court of the United States seeking relief other than money damages.

2(a) A claim for relief the plaintiff cannot receive monetary damages but it can be awarded for attorney fees and filing cost.

28 U.S.C. § 2401(a)

2(b) The government is using 28 U.S.C. § 2401(a) to claim that Plaintiff passed the six (6) year statute of limitation. But 2401(a) is inapplicable to FOIA.

2(c) The plaintiff refiled his request June 2010, and this in itself restarts the process.

2(d) I sent my Freedom of Information complaint seeking disclosure to the District court of Columbia on May 20th, 2016, which they received on May 23rd, 2016.

3. **NATIONAL ARCHIVES AND RECORDS ADMINISTRATION**

Office of Government Information Service (OGIS) and Plaintiff had ongoing litigations dating April 30, 2010, case No. 10-0166. OGIS has been committed to providing mediator services as part of the 2007 FOIA amendments.

3(a)

2007 FOIA amendments

§ 303.12 Appeals. (b) AND § 9901.7 Appeals (c)

(b) A response to an appeal will advise the requester that the 2007 FOIA amendments created the Office of Government Information Services (OGIS) to offer mediation services to resolve disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. A requester may contact OGIS in any of the following ways:

Office of Government Information Services, National Archives and Records Administration, 8601 Adelphia Road---OGIS, College Park, MD 20740, ogis.archives.gov, Email ogis@nara.gov, Telephone: 202-741-5770 Facsimile: 202-741-5769, Toll Free: 1-877-684-6448.

4. **FOIA's purpose to encourage administrative resolution**

The Plaintiff pursued an administrative appeal, the statute of limitations does not begin until final administrative disposition. The statute of limitations cannot begin to run against a plaintiff before the plaintiff can maintain a suit in court. In McMahon v. United States, 342 U.S. 25, 96 L. Ed. 26, 72 S. Ct. 17 (1951), a case not involving § 2401(a), the supreme court held that a statute of limitations on suits by seamen against the United States for negligence and unseaworthiness began to run at the time of injury, even though administrative exhaustion was a prerequisite to suit.

5. PLAINTIFF IS NOT BARRED BY STATUTE OF LIMITATIONS

Complaint against FBI, DEA, and EOUSA is not barred by the statute of limitations. Plaintiff exhaustion of such administrative remedies is required under Freedom of Information Act before a party can seek judicial review. Stebbins v. Nationwide Mutual Insurance Co., 244 U.S. App. D.C. 289, 757 F.2d 364 (D.C. 1985).

5(a) The plaintiff is expected to present in one suit all the claims for relief that may have arisen out of the same transaction or occurrence. U.S. Indus. Inc. v. Blake Const. Co., Inc. 246 U.S. App. D.C. 326, 765 F. 2d 195, 205 (D.C. Cir. 1985).

**6. PLAINTIFF REQUESTING INFORMATION PERTAINING
TO THE FOLLOWING DATES AS WELL AS THE GRAND JURY DATES
AND NO NAMES ARE BEING REQUESTED**

Defendant released some dates in the January 31st, 2017 package of records including dates for the public voucher, dates for advance of funds and date for [ROI][Report of Investigation] partially. Withhold dates included [ROE][reports of expenditures], Request for advance of Funds, application and public voucher for Reward and date in which Grand Jury convened for original indictments returned against Plaintiff in the case of United States v. Rodney Reep, Case no. 2:02-CR-217. Certain documents released by the ATF, USAO, and the DEA to Plaintiff consisted of redacted information, specifically dates that cannot reasonably fall within the perimeters of any exemptions.

Unless the government can demonstrate the disclosure of the Jury's meeting date and the Grand Jury convened would tend to reveal the inner workings of the Grand Jury investigation, that date is not exempt from disclosure under the FOIA's third exemption.

Exemption 3 is not exempt **the dates the Grand Jury issued its indictments.** See Lazaridis v. Dept. of Justice, 766 F. Supp. 2d 134 February 24th, 2011. Peay v. Dept. of Justice, 2007 U.S. Dist. LEXIS 17586.

7.

GRAND JURY EXHIBITS

"Grand Jury exhibits reveal information discussed before the Grand Jury, and were created for the purpose of the investigation at issue." While this may be true, "[t]here is no per se rule against disclosure of any and all information which has reached the Grand Jury Chambers." Senate of the Commonwealth of Puerto Rico v. U.S. Dept. of Justice, 262 U.S. App. 166, 823 F.2d 574, 582 (D.C. Cir. 1987).³⁹

8.

FOR RULE 6(e) to be applicable

For rule 6(e) to be applicable, "The touchstone is whether disclosure would tend to reveal some secret aspect of the Grand Jury's investigation.

8(a) Rule 6(e) as a Statute under Exemption 3. The scope of Rule 6(e) is a relevant statute within the meaning of FOIA exemption 3. There are four exemptions to the general rule of secrecy enumerated in a rule. The first two, involving limited disclosure to government attorneys and other government personnel, are clearly inapplicable. The remaining two permit disclosure to a criminal defendant for use in preparing a motion to dismiss an indictment. Rule 6(e)(3)(C)(ii). The only exemption even arguable applicable to the present proceeding. Fed. R. Crim. P. 6(e) does not draw a veil of secrecy over all matters occurring in the world that happen to be investigated by a grand jury. Instead, the "touchstone" is whether the information sought would reveal something about the Grand

Jury's identity, investigation, or deliberation. The mere fact that information has been presented to the grand jury does not itself permit withholding. Plaintiff arguing that the defendants had not carried their burden of establishing affirmatively that interfere with the federal prosecution of a 15 year old conviction.

9. Fed. R. Crim. P. 6(e)(3)(C)

Moreover, the Fed. R. Crim. P. 6(e)(3)(C) was not strong enough to resist the force of the U.S. Constitution Amendments. Exemption 3, U.S.C. §552(b)(3) permits an agency to with hold information. "specifically exempted from disclosure by statute." The government contended that the documents were exempted from disclosure under Rule 6(e) of the Fed. R. Crim. P. Rule 6(e) prohibits with exceptions, the disclosure of matters "occurring before the grand jury," in violation of the Fifth Amendment.

9(a) Plaintiff states that certain documents were not dated, also states that obtaining dates is a "crucial factor in determining whether the documents were post-litigation and thus not attorney work product". The documents contained legal analysis by AUSA and ATF case counsel work product litigation and not under attorney--client privilege.

9(b) The most valuable function of the Grand Jury is not only to examine into the commission of crimes, but to stand between the prosecutor and the plaintiff. In Plaintiff's request to obtain certain information, dates for grand jury records unexplained and the date of the preliminary witness interviews, are not exempt from disclosure. Because dates on which prosecutors interviewed, either as part of a screening process in advance or the actual grand jury testimony, do not inherently reveal secret matters

occurring before a grand jury.

**10. THE PLAINTIFF CHALLENGES THE DENIAL OF ACCESS OF RECORDS
FOIA EXEMPTION 6, 5U.S.C.(b)(6)**

Which protects personal and medical files and similar files, some other information currently protected by regulation No. 12 Payment to individual in advance of funds made available, by the Treasury Department for the Government Program Project Exile. The Plaintiff is not requesting any medical records.

11. DEFENDANT REFERRED DOCUMENTS TO OTHER AGENCIES

The Plaintiff objects to the treatment of documents the E.O.U.S.A. subsequently referred to the ATF and the FBI for final disposition, rather than releasing them or citing exemptions directly.

The E.O.U.S.A. should not simply refer documents to the other agencies as a matter of course, but must show that the procedure is reasonable under the circumstances, rather than engaging in "consultation".

After the final release on October 29, 2009, the defendants on December 1st, 2009, referencing material was located in these referred documents which originated with the U.S.A.O. These agencies have been requested to process and correspond directly with Plaintiff regarding their documents. Id. n.4. Plaintiff complains that he "has not been provided with a Vaughn index or any inventory or accounting of these referrals", so he has "no way of knowing what materials remained unaccounted for.

12. DEFENDANTS HAVE NOT MET ITS OBLIGATION UNDER FOIA. THAT THERE IS GENUINE ISSUES OF MATERIAL FACT ARE IN DISPUTE

Petitioner received a letter from Office of Information Policy

Dated April 26, 2011. Appeal No. AP-2011-00217, Request No. 10-1142 KWC: Aec. You appealed from the action of the Bureau of Alcohol, Tobacco, and Firearms and Explosives (ATF) on your request for access to records pertaining to yourself. I note that you specified the case numbers 768025-02-0042 and 768025-03-0042.

With regard to your question about the research of records pertaining to the case number 768025-03-0042, as a result of discussions between ATF personal and a member of my staff, I have determined that ATF's response was not correct. The case you provided is not an identifier for you. If you are dissatisfied with my action on your appeal, you may file a lawsuit in accordance with 5U.S.C. (a)(4)(B).

12(a) Petitioner filed a letter going to the Office of Information Policy. October 10, 2010. Reference No. 10-1141:JMP

This appeal concern ATF Records with reference to the above stated reference number" 10-1142:JMP. The correct case number is "768025-02-0042" and "768025-03-0042". These correct numbers which I requested is to be searched for information, pertaining to myself. The numbers they claim don't belong to me are documented on two sheets" Department of Treasury, Request for Advance Funds. See exhibit

13. PLAINTIFF ARGUES THAT THE DEFENDANT SEARCHES WERE INADEQUATE

The defendant failed to complete the requested searches, to conduct a thorough search to comply with FOIA. See Olesby v. U.S. of the Army, 268 U.S. App. D.C. 126, 920 F. 2d 57, 68 (D.C. Cir.).

The defendant failed to fulfill their obligations under the FOIA to uncover all relevant documents. The search performed in order to discover the material. After search performed it was inadequate due to Plaintiff did not receive the requested date in which the Grand Jury convene for original indictment and the date the Grand Jury issued the superceding indictment (quoting Truitt v. Dept. of State, 282 U.S. App. D.C. 86, 897, F.2d. 540. 542 (D.C. Cir 1990)), the agency "must make a good faith effort to conduct a search for the requested records, using methods which can be reasonably expected to produce the information requested."

The Government motion for Summary Judgement quoting "Even it failed to turn up the date that the Grand Jury was convened"

It is not a question about the Grand Jury subpoena for record nor the identity of individuals protected by Fed. R. Crim. P. 6(e). The question is the Grand Jury date that had not been redacted.

14. DEFENDANTS FAILED TO HAVE A CORRECT VAUGHN INDEX

Plaintiff moves to compel defendants to serve an unredacted index, with dates and names of investigators. Plaintiff complained specifically that, "the index fails to include the date of each document provided". Defendants failed to explain why the date of the reports of investigation should be deleted. Plaintiff asked that defendants be directed to provide a more detailed index. Plaintiff request specifically the exemption claimed to the deletion of the dates and names (including the names of the investigators) in each document.

(A) Plaintiff is requesting an unredacted copy of the Vaughn index. The review of the FOIA cases "is made difficult by the fact

that the "ATF" Document Cover Sheet: Exemption List and Appeal Rights Number 6, states total number of documents denied, all show zero. (See exhibit E). The petitioner seeking disclosure does not know the contents of the information sought and is, therefore, helpless to contradict the government's description of the information or effectively assist the trial judge in order to "transform a potentially ineffective inquisitorial proceeding against an agency that controls information into a meaningful adversarial process", Plaintiff requesting the reviewing Court to order the government to prepare a particularized discription of how each document withheld falls within the statutory exemption.

15. Plaintiff challenges the exemption 5 U.S.C. §552(a)(J)(2) that the Justice department regulation promulgated pursuant to the governmentt program "Project Exile".

Project Exile is widely publicized on telivision, radio, billboards, and buses. A professional advertising agency is paid with private funds donated by the Project Exile Citizens Support Foundation. However, accepting these relatively insignificant items, federal taxpayers pay for every Project Exile Prosecution. In the enforcement process, a scheme injecting a personal interest, financial or otherwise, into the enforcement process may bring irrelevant or impermissible factors into the prosecutorial decision. Disclosure would serve the strong public interest in the accountability of government programs, revealing how public funds are spent.

- . Plaintiff challenges the assertion of 5 U.S.C. §552(b)(7)(C), Exemption 7(c), and the agencies' decision to withhold records under this exemption.

The purpose of the FOIA is to protect "the citizens' right to be informed about what their government is up to." United States Dept. of Justice v. reports Comm. for Freedom of the Pres, 749,7772, 109, S.Ct. 1468, 103 L.Ed 2d 774 (1989), exposing improper conduct by agency officials in the interest that comports with the purpose of FOIA.

a) LEGAL ANALYSIS

When Congress enacted the FOIA, it sought "to open agency action to the light of the public scrutiny". Dept of Air Force v. Rose, 425 U.S. 352, 361, 96 S.Ct. 1592, 48 L.Ed. 2d 11 (1976)(citation omitted). The basic purpose of the act was to reflect "a general philosophy of full agency disclosure", but rather serves to "shed light on the agency's performance of its statutory duties". U.S. Dept of Justice v. Reporters Comm. for Freedom of the Pres. Exposing improper conduct by agency officials is an interest protected by Exemption 7(C) and the public interest that comports with the purpose of FOIA. "[W]here there is privacy interest protected by Exemption 7(C) and the public interest being asserted is to show that responsible officials acted negligently or otherwise improperly in the performance of their duties".

As it relates to 5 U.S.C. §552(b)(7)(C), when reviewing an agency's decision to withhold records under this exemption, the Court must "weigh the public interest in the release of information against the privacy interest nondisclosure". Shrecker v. Dept of Justice, 538 U.S.

App. D.C. 334, 349 F.3d 657, 661 (D.C. Cir. 2003)(citing Dept of Justice v. Reporters Comm. for Freedom of the Press). The District of Columbia Circuit has instructed that "the public interest disclosure must be evaluated in the light of FOIA's central purpose: to open agency action to the light of public scrutiny".

A). The record demonstrates that there is genuine issue of material fact in dispute.

The Plaintiff express his concern regarding the implications that prosecutor, Ms Everhart, decided not to share this information, and withheld this information from Plaintiff and his lawyer, Andrew M. Sachs, fatally undermining Plaintiff's Brady rights. See Skinner v. Switzer, 131 S.CT. 1289, 1300, 179 L.Ed 233 (2011).

B). DIVISION OF FORENSIC SCIENCE, CERTIFICATE OF ANALYSIS, January 16, 2002.

Case No. 01-54178, FS Lab# T01-12924, evidence submitted by C.E. Payne. Boxes of Winchester, 45 auto cartridge items. 2A-2H. Results: Two (2) latent fingerprints of value for identification purposes were developed as follows:

Item 2A- Plastic insert- One (1) latent fingerprint.
Item 2B- Plastic insert- One (1) latent fingerprint.
Page 2: Leland W. Kennedy, forensic Scientist. (See Exhibit "1A").

See page 207 of FOIA packet received by Plaintiff from ATF.

C). DIVISION OF FORENSIC SCIENCE, CERTIFICATE OF ANALYSIS, May 7, 2002.

Evidence submitted by [b2/7c Exemption].

Item 4: Photocopies and fingerprints & palm prints.

Results: One (1) latent fingerprint of value for identification purposes remained unidentified as previously reported in this case.

[Exemption b2/7c]

Forensic Scientist

See Exhibit "2A".

D). REPORT OF INVESTIGATION

Page 1 of 1, Report number 2

Description of activity: attempt to fingerprint Rodney reep. on May 9, 2002, Task Force Agent Jay D. Seacrist, See Exhibit "3A".

E). REPORT OF INVESTIGATION "DEA" Page 1 of 4.

File No. CW-00-0038, Prepared date: 10/31/02, DEA form 6. The DEA conducted a trash-pull where agents remove trashcans from the property themselves without a warrant on August 22, 2002 and October 31, 2002. All information on the trash-pull is available on report of Investigation. See Exhibit "4A".

F). TRIAL EXHIBIT LIST

Criminal number 2:02-CR-217, in the United States District Court for the Eastern District of Virginia, Norfolk Division, Exhibit 10 is listed as "Photos from 10/31/02 trash-pull". There are five (5) photos, listed as 10(A_E). These photos were in Plaintiff's possession, located on top of a china cabinet during a trash-pull. as USOA alledges.

See Exhibit "5A".

G). USA MS. EVERHART CHANGED THE AMMUNITION COUNT TO A FIREARM CHARGE.

See transcripts of arraignment proceedings of March 19, 2003, See Exhibit "6A".

H). FIREARM TECHNOLOGY BRANCH REPORT OF TECHNICAL EXAMINATION DATED MARCH 24, 2003, AND EVIDENCE TRANSMITTAL FORM DATED MARCH 4, 2003.

See Exhibit "7A". See Transcripts of Arraignment of March 19, 2003, Page 10 at Line 13, Felon in Possession of a Firearm; Page 10 at Line 20:

Mr Sacks: "Your Honor, that firearm charge (Page 10 Line 24) -"

The Court: "Felon in Possession of a firearm, Count 29."

At Page 11, Line 19, Ms. Everhart does not speak of ammunition as opposed to a firearm. Page 11 at Line 25, the Court does not contain a reference to Count 29.

I). TRANSCRIPTS OF CLOSING ARGUMENT, July 17, 2003.

At page 24, line 24 Ms. Everhart stated "also being a felon in possession of a firearm." See Exhibit "8A".

Freedom of Information is to expose improper conduct of the government agencies. It would be a violation of the 5th amendment to the constitution that the government did not have a date of the Grand Jury convene that is needed to institute an indictment.

Grant relief and remand back to Judicial Court.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Rodney Reg

Date: March 15, 2019