

IN THE SUPREME COURT OF THE UNITED STATES

In Re Freya D. Pearson

Case# _____

EMERGENCY MOTION FOR BOND PENDING APPEAL

COMES NOW, Petitioner Freya D. Pearson request this Honorable Court to grant Bond pending her appeal. Petitioner requests an expedited ruling on this motion, given that she has been denied Counsel, and have been "Paying a Debt to Society" that she does not owe. In Support of her motion, Petitioner states as follows:

1. This case is plagued with Prosecutorial Misconduct. Prosecutor Mahoney participated in the presentation of False/Fabricated before the Grand Jury and secured a "Tainted Indictment". Prosecutor Mahoney and the case agent Heather Brittain- Dahmer worked together to obtain the indictment through the use of Perjured Testimony.

There were several instances in front of the Grand Jury of blatant perjured testimony, and from the questions that the Prosecutor asked, they laid the ground for the False/Fabricated testimony to be presented. I was required to submit to a Handwriting Exemplar to verify the signatures on a loan agreement between me and the alleged victim. Neither one of us disputed our signatures on the loan agreement, so why the case agent still wanted an exemplar does not make sense. I completed in its entirety the Exemplar. However, the Prosecutor and Case Agent, although in possession of the Handwriting Exemplar, told the Grand Jury that I refused to complete it. They were specific and told the Grand Jury that I refused to sign Ms. Wilson's name on the Exemplar, which was "False" and Perjured Testimony. They painted a picture that I forged the loan agreement.

The problem is that the primary issue was whether or not we both signed the loan agreement, because if we both did have an agreement, then this would have been a Civil Matter, not criminal. So, the Prosecutor and case agent lied about an issue, that bore directly, on the key issue for the Grand Jury to consider. The Indictment should be dismissed.

2. The Prosecutor and Case agent then told the Grand Jury that I had \$32,000 in the bank, when I said that I had \$60, in order to bolster their Count 9 charge, of "False Statements." But, then the Indictment stated that I had \$3200, not \$32000 in the bank. Neither one should have helped the Prosecutor, because the Application that the Prosecutor accused me of lying on, did not ask me about anything, other than me personally.

3. The Prosecutor also told the Grand Jury that the wires were sent to me personally. "NOT" 1 wire was sent to me personally, they were sent to a Legally Incorporated entity. So, the Prosecutor and case agent lied again.

4. How could I have a Tax Evasion Charge, when "NO" wire was sent to me personally. No argument was made to the Jury on the issue. In addition, The evidence proved that I sent at least 3 emails to the Case Agent asking her, if I had a Tax Liability, and she refused to tell me. I did not see a Tax liability, and if the IRS Case Agent won't tell me about one, when I asked, on multiple occasions, then how can the willful part of Count 8 Tax Evasion be satisfied. How can the IRS refuse to give me the information when I ask, and attempt to address a possible tax issue, then charge me with tax evasion 2 years later.

5. In addressing Counts 1-3 "Wire Fraud by Omission", the indictment did not address any "duty to speak" nor any "acts to conceal". The Prosecutor says that there are many acts to conceal, but she never says what they are. The evidence showed that where the Prosecutor stated in the indictment that money was spent on personal, gambling, etc.. But ignores the fact that Ms. Wilson (alleged victim) was there with me. I did not conceal anything. We went to Las Vegas together to gamble, we went to numerous casinos around Kansas City together gambling. We went shopping together, to restaurants, etc, and the Prosecutors "Own" evidence proved that, so how can the Prosecutor use those instances, as accusations of concealment, when we were together through most of them. The whole point of "Fraud by Omission" is that you hide, or failed to let the person know what you were doing. The Judge and Prosecutor agree that this was not a "Misrepresentation" case, but they ignore the fact that Ms. Wilson was with me through most of the allegations of what the money was spent on. This Prosecutor has done nothing more than use Criminal Charges for a Civil matter.

The Prosecutor is interfering in a Civil matter. Ms. Wilson has complained about every agreement that she has entered into. When she testified, she was shown 5 agreements, and stated that they all bore her signature, then she stated that she had never seen any of them in her life. The documents that she was shown was from UMB Bank, John Hancock annuities, and other of her legal forms that she had signed, only 1, the last 1 was the loan agreement that she signed. She disputed that she had seen any of those documents, but swore that they all bore her signature. She likes to change her mind when she enters into agreements, when she does not get her way. The Prosecutor did not charge any of the company's that she had agreements with, only me.

The Prosecutor seems to be not allowing Ms. Wilson to have free will, to make good and bad decisions. The Prosecutor stated that Ms. Wilson is financially un-sophisticated in the indictment, which is implying what? If that is the case, then why

hasn't the Prosecutor addressed her contractual dealings with the purchase of 2 homes, the purchase of a car, UMB bank fees account issues, John Hancock fees, and more recently, Ms. Wilson signed a contractual agreement for a reverse mortgage. ALL, of which, Ms. Wilson has stated that she is unsatisfied with. The Prosecutor cannot have it both ways. If the Prosecutor does not like the terms, then Wilson is "financially un-sophisticated", however, if the Prosecutor likes the terms, then her financial un-sophistication is irrelevant. The Prosecutors argument, allows Ms. Wilson to keep entering into agreements, and when she can't change them, then the Prosecutor can step in, and rescue her from her decision. That is not within our laws for the Prosecutor to do. Subsequent regrets do not destroy the obligations of prior agreements.

See Miller, 183 Or App at 155-56 ("The law does not protect parties who enter into unwise agreements that are otherwise enforceable") Dalton v. Robert Jahn Corp.

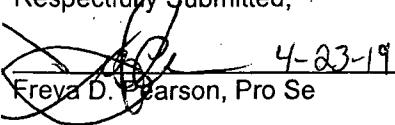
6. Statute 18 U.S.C 1957 should be void for vagueness, or at least restricted back to its original intent by Congress. I do not have a "Racketeering" Charge, and Congress intended for that Statute to be for "Racketeering". I have presented an argument regarding the matter in my Mandamus petition and would like it in my appeal.

7. I would like to incorporate the Arguments from the previous Motions for Bond, but I am not sure how to do that. I have attached the ones from the Attorney and the Governments Response. The ones I submitted are included as exhibits too.

8. Ms. Pearson respectfully submits that the claims of Error, her Attorneys Divided Loyalty, the Prosecutorial Misconduct, and all of the other issues that have been submitted and need to be submitted if Ms. Pearson can get Counsel, are likely to result in her convictions being reversed, and her sentence vacated, and on that basis, the Eight Circuit or this Honorable Court will likely enter a Judgment of acquittal, and reverse her convictions.

9. Accordingly, this Honorable Court should grant this petition for bond pending appeal, and stay all orders concerning monetary penalties.

Respectfully Submitted,


4-23-19

Freya D. Pearson, Pro Se

E X H I B I T 1

Exhibit 1

Ex parte

FROM: Johnson, Justin
To: 27182045
SUBJECT: RE: Our Discussion
Date: 06/26/2017 04:21:01 PM

OK, I understand

FREYA D PEARSON on 6/17/2017 6:23:30 PM

Hey Justin,

I took a few days to think about our talk the other day and I wanted to say something. I hear what you are saying about being unreasonable with the Appellate Court by not agreeing with her continuance, and about how you feel about denying Kate will hurt your other clients. I hear you, however, I cannot let Kate stall on my case just because she wants to. I have to fight her. Also, I know you said Kate agreed to our extensions in the past, but, Justin, I was the one on trial, if I want to delay filing my own Appeal, I can, that doesn't really require her approval. If these delays get out of hand it is MY constitutional rights that are being violated, not Kates. I am in here until the Appellate court says different, and I don't want us agreeing to anymore of Kates stall tactics. She has had plenty of time to get approval from Justice and she is just stalling. She waited until the last minute to ask for and extension. Each delay that we approve, means more unnecessary time away from my kids. My kids are going through something right now Justin, I need to speed this along. I have to have you focus on my case, and not how fighting Kate will affect other cases. I can't not fight for me, because you need to maintain a good relationship with Kate for future cases. I have to fight hard now Justin. I can't and shouldn't have to allow her to stall, and do other things to me, just to maintain a future relationship. I don't think fighting her hard on my case is going to make much difference with your future relationship one way or the other, because she is emotional, and if she does not like something, or it does not go her way, she is going to be upset anyway, and she will show it. So, let's fight her. Justin don't give her anymore extensions, I would rather you call her out for what she is doing in the motion, STALLING, than agree to more time. My kids need me right now, and that Justin, is my only concern, not Kates feelings....

Thanks Justin

"Kate" is Prosecutor Kathleen D. Mahoney.

E X H I B I T 2

"EX Parte"

To: Judge Gary Fenner - lisa_mitchell@mow.uscourts.gov

From: Freya Pearson- **"Filing Ex Parte"**

Re: Case Number: 14-00306-01-CR-W-GAF
Ineffective Counsel Issues with
Bill Raymond- Federal Defenders Office in Kansas City Mo

Date: 4-26-2016

Hi Judge Fenner,

Judge Fenner I am filing this communication **EX Parte**. I am writing to you to address some serious concerns regarding my Court Appointed Attorney Bill Raymond of the Federal Defenders office in Kansas City Mo. My case was assigned to Bill on 10-31-2014 at my arraignment. My court date was coming up shortly and Bill said that he needed more time to prepare and would ask for a continuance, I said ok. Bill, then needed another continuance because of his heavy case load. Since that time, Bill for several months explained how heavy his case load has been and basically asked me to be patient. I was concerned about us meeting because I lived in another state, Bill explained to me from day one, not to worry about us being able to meet, because he would fly to meet me whenever the need arose. His reassurance was appreciated, because my funds are low and I didn't know how I was going to go back and forth. He explained that I did not have to, unless I had to appear in court, and even then he would try to ask if I could be there by phone whenever available.

In the beginning, Bill was pleasant and seemed to express his desire to help me, and I felt we would work well together. Around March 2015, Bill sent a copy of the Prosecutions discovery to the Federal Defenders Office here in GA for me to review, and I went to review it. After reviewing it, I called and told Bill that I had a lot of questions. I explained that there were over 1000 pages to read, and I had not read everything and I needed some help. I told him that I had reviewed the witness statements, and that I saw the Bank statements, but did not know what I needed to be looking for in them. Bill told me don't worry about it, that we would review those things when he came to see me. I want to go and view the discovery regularly to get a full understanding of everything, but, I don't have money to pay every time I need to look at the discovery. So I asked Bill to ask the court if I could have a copy, he never did.

As time progressed, I began to wonder about why things were not progressing with us going over my case, especially since I had court dates coming up. Around September 2015 I had a conversation with Bill regarding my case, and I have to say, I was disturbed at the content. I was concerned about my trial date coming up, and Bill reassured me that he was fully ready for trial. My red flags stood up. I was concerned because the only meeting that Bill and I ever had was on the day that I met him 10-31-2014, and that was for approximately 20 minutes, which was 11 months prior to this conversation. I had only

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spoken to Bill during the whole 11 months, 1hr and 44min over the phone, and none of that was at the same time, we had 2 -30 min conversations and the rest were very short calls. Bill has not interviewed 1 witness, including me, investigated the allegations, obtained defense evidence, or anything to mount a proper defense for me. So, when my Defense attorney tells me that he is ready for trial under these circumstances, I am immediately concerned. How could he possibly be ready for trial on a 9 count indictment, with over 1000 pages of discovery, several witness statements, no witness interviews, no trial plan discussed, no discussion with the Defendant, no evidence supporting the defense, no evidence refuting any prosecution allegations, no discussions regarding the statements in discovery, no verification of the accuracy of the Prosecutions discovery, no interaction with the IRS for anything. There had been no decision or input on my part, regarding anything. I just keep expressing the need to go over the merits of my case. But, he is ready for trial? I was stunned. My Defense Attorney is supposed to be the expert here, so why would my Defense attorney be confused on the basics of what is needed to Defend a case in court. Bill attempted to actually reassure me that he was ready, almost insistent. I told him that we had not even met yet to go over my case, he said he reviewed all of the evidence from the Prosecution and he thinks if I go to trial that I would be convicted, and that I should take the Plea Deal that the Prosecution was offering. I asked him, what about our own evidence, he said what evidence, I said, exactly. I did not and do not understand this. I could have understood his opinion about being convicted, if he had interviewed witnesses, gone over evidence with me, gone over the numerous holes in the witness statements, put together our defense evidence and defense strategy with me, attempted to refute the Prosecutions allegations, and after doing these minimal things was unable to find a good or reasonable way to win. If he had done those things, then I could understand and respect why he had come to the conclusion that he felt I might be convicted. But, when I asked him what he was basing that conclusion on, he said the Prosecutions discovery, so I asked him, was it the same discovery that he sent me to review, or did something new come in. He responded by saying, I am just telling you what I think. I said, I am not sure what that is based on, and I need to know specifically. I never did get an answer. I am not an attorney, and I did not fully understand the reason that Bill is depriving me of a defense. I saw numerous holes in the Prosecutions discovery evidence. I know Bill is supposed to be the expert, but, when you come to this kind of conclusion without investigating any facts, I don't think your conclusions support that of a credible expert.

Bill said that he would come down in 2 weeks and meet with me. 2 weeks passed and no Bill. He said that he had been busy. He was trying to discuss my case with me through email, and had said that we could talk over the phone. I told him that although some matters can be discussed through email, we needed to go over the discovery evidence, and since he said that I could not have a copy of the evidence, we would need to review the Discovery before we can effectively discuss anything over the phone or through email. I asked again if he would ask the court if I could have a copy of the evidence, he replied no. I reminded him that he reassured me several times that it was no problem with him coming to meet me whenever he needed to. He reassured me again and said that it wasn't a problem, but, he was trying to work his schedule and his investigators schedule out to be able to come at the same time. He then repeated that he felt that I would be convicted and should take the plea deal. I explained that the idea of that was still viable, but, as I explained before, I am not making a decision until we go over the merits of my case, to see if that is even necessary.

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Things began to go down hill from there. He became insistent regarding a Plea Deal. I repeatedly told Bill that I would entertain every option available to me, including trial, plea deal, and whatever else, as soon as we go over the merits of my case. I am not making any kind of decision before I know what my case is about. He seemed disturbed. He repeatedly stated that he is afraid that I am going to be convicted if I don't take the plea. I asked him, how could he be so sure, when we have not gone over my case, and he had not investigated the allegations, he said that he and his team have reviewed the discovery, and that is his conclusion. He repeated that I needed to take a Plea Deal. This kind of conversation went on repeatedly, he telling me to take the plea, me telling him I want to review my case first, him telling me that he is coming, and him not actually coming. Bill began to be annoyed with the fact that I would not take a Plea yet.

October 2015 comes and I began to get sick. I was in and out of the hospital. The doctors were trying to figure out what was wrong. They had found a mass in my breast, I was sick to my stomach, stomach pain, and a host of other things. I was going through numerous test and just not well. I was informing Bill the whole time. I spent all of October on pain meds and antibiotics. Then they found one of the major problems and I had to have surgery. I informed Bill immediately as the Doctors were updating me, and when they said I needed surgery, Bill asked for the documentation and I sent it. I found out Oct 22 2015 from my Pre Trial services officer that my change of plea hearing was rescheduled. Your Honor, I did not even know that I had a change of plea hearing, I never told Bill that I was changing my plea, so that was a shocker. I thought that was my trial date. Also, Bill never tells me that my court dates are changed, and to when, I have to find out sometimes through my Pre Trial services officer, and sometimes I just don't know.

My surgery was set for Nov 6 2015. I informed Bill immediately, he wanted to come see me Nov 12 and 13th, although I had previously told him that I would be on pain meds and just out of a major surgery. The day of my surgery Bill was emailing me. I had my surgery and was supposed to be in the hospital 1 day, I had complications and ended up in there 4 days. Bill called me while I was in the hospital, I told him I was in the hospital and having complications and did not feel well, he began to tell me that my surgery was supposed to be one day, I just stopped talking, at that point there was nothing for me to say to that. He then told me that he wanted to come to GA on the 12th and 13th, and I asked him who he was coming to see. At that time, I did not know when I would be released from the hospital and I had told him that, I was in pain, on meds, and fresh out of surgery, and here he is on the phone pressuring me. I finally told him that I had to go. I thought Bill had already informed the court that I would be having surgery, well ahead of time, since he knew in advance. I can't understand why Bill had not informed the court of my illness and upcoming surgery, and why he had not continued my court date that was scheduled for November 17th when he found out that I was having surgery, 2 weeks prior. I don't understand this type of behavior.

This November 17th 2015 Court date was the first time that I actually requested a continuance, and it was because I was ill and was having surgery. All of the other continuances were Bill requesting them, saying it was me, but the truth is, I never had asked for one. Bill considers me asking for a continuance when I tell him that we have not worked on my case and we are not ready for trial. But, the reason that we have not worked on my case is because he was not available. He argues that he has told

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me repeatedly that he is ready for trial, and since I don't agree, then it is me needing more time. Your Honor, I am dumbfounded at this type of logic. This is an attorney licensed by the bar, and entrusted with people's lives daily. An attorney expected to have his clients best interest at heart. Yet he has become complacent with his approach to the due process that is due his clients. He seems to think that his cases should Plea even when he has not done the due diligence necessary to arrive at that conclusion. But, that's not right, people should not be forced to have an attorney who is not willing to do the due diligence to make sure that their case actually needs a Plea deal, and to me that means doing at least the minimum to determine how viable a defense could or could not be. I understand that Bill is overworked and he may feel as though his services unappreciated, but, in this instance, rather, a problem may exist that jeopardizes the very foundation that our legal system relies on, clients having a Defense Attorney with time, and a desire to actually defend. Forcing clients to take Plea Deals by refusing to adequately defend them is wrong, very wrong.

I spent the entire month of Nov and Dec fighting complications from my surgery, in and out of the hospital, my wounds were oozing and not healing. I went so far as to send Bill and his investigator numerous pictures of my wounds, I had my hospital papers, I was on meds, and Bill was still trying to come see me sick and on narcotics. I just could not understand why he wouldn't relay this information to the court. Bills investigator Julie called me in early Dec to discuss an earlier interaction with Bill where I simply hung up on him. He was pressuring me to Plea and I just did not feel well. She explained how he was a man and did not understand the medical problems. She said he had a hard time understanding why a 1 day surgery and hospital visit took 4 days in the hospital. She told me that clients sometimes fake being sick, I responded by saying I am not them, and I have complied with everything that Bill had asked me for, to prove that I was sick. So, I don't understand how those clients apply to me. She explained what a wonderful guy Bill was, over and over. She said that she explained to Bill that this can happen after surgery, and all surgeries are not text book. Finally she claimed to understand, my frustrations with Bill, and told me to call them when I was well. That lasted 3 days, then Julie called and was just like Bill, pressuring me to tell her when I would be well, so they could come visit. I told her that I wish I could answer that question, that I am having complications way past when the Doctor said that I would, I went so far as to send her the ER paper from the day before, trying to show them that I was really sick. I told her that the ER doctors said that this happens occasionally and my wounds would heal and I would feel better, but it was up to my body to decide when. She got upset because she did not like my answer, and I told her that I have been available for a whole year, and this was the first time that I had been unavailable and it is because I am sick for 2 months. She replied sarcastically and said, yea the most important 2 months. By this time, I had had enough of both of them and their sarcastic mouths, and I told her just that. She then hung up and I received a text from her, But, the text was not supposed to come to me, it was supposed to have gone to Bill, It was talking about me, and referring to me as "HER" and using terms like Ugh, and she was "unpleasant" (referring to me). I sent her a response and said, you didn't send it to Bill, you sent it to "HER". She responded by saying, "I Know", when you feel better and are off your meds call, she further expressed that she did not like my tone. She said that maybe my meds were why I was so upset. First of all, my meds had nothing to with why I was upset, I am just sick of her disrespect, attitude, and her tone for that matter. The same things she accuses me of. I can understand an accidental text, but, when you do something like that, the correct response is an

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apology, not an "I Know", followed by some rhetoric implying that I am not rational because I am on meds. Second, she has this habit of speaking to me however she feels, but does not expect the same in return. I have allowed her to speak to me on a couple occasions rudely, and this time, I wasn't feeling well and I spoke up. I had just been in the ER the day before, and even though she knew that, because she called while I was in route to the ER, she still proceeded to pressure me as if she did not know or care that I was ill. Julie is very protective of Bill, in an unusual way. If you ask Bill a question, she answers. She sides with him even when he is wrong, and he does the same for her, it's really strange.

Finally, even though I was still not completely well, I was better, so we made a date for them to come to GA, they arrived the evening of Jan 12, 2016, they stayed all day the 13th, and left by 11am the 14th. I sent them a copy of my notes that I had put together with questions, comments, ideas, and concerns. It contained 66 line items, and I explained that I was just trying to put something together, things that I had thought of that may help. I explained that the list was informal, and just a starting point for us to discuss, and things I have noticed about my case. The notes were not received well by them, it was like I had offended them by trying to help myself.

When we finally sat down for the first time, I told both of them that I don't do the pink elephant in the room, and that we needed to discuss our issues and our lack of communication. I explained to each of them my concerns, Bill simply said that he was sorry that I felt that way, and that we could move forward if I wanted to. Your Honor, notice how in his response, nothing was actually addressed about the concerns, and there were a bunch. I addressed the text that was sent to me, as well as Julies attitude with her, and she defended her response to the text by saying that I misinterpreted her "I Know" response, I informed her that no matter what context you were saying "I Know" in, that it was the wrong response. At that time she should have just apologized for her inappropriateness and moved on. She began to defend her text saying that nothing was wrong with it, and I just shook my head, because I could see, that no matter what, she would not see her behavior as inappropriate. Neither one of them ever take responsibility for anything that they do, let them tell it, its always me. I either go along with the Plea Deal program or I am a bad person to them.

I spent 1.5 days with both Bill and Julie, it was strange, we all sat at a table, they brought 3 pads, I read 786 pages of evidence in virtual silence, and as I was reviewing I was trying to point out to Bill some issues with the witness statements. Bill kept telling me to keep reading and that we would discuss them line by line when I was done. I was concerned because they were only going to be here a day and a half and that was not enough time to read and review. When I finished a large part I asked Bill if we could discuss the statements, he told me that we would go over them line by line when I finish reading everything, I said ok. Later when we began to discuss a few things, Bill asked me to tell him about my history with the people that gave the statements. I did explain our history regarding each witness. Bill then proceeded to ask me questions about my life, and told me that he didn't believe me, I told him that I really didn't care whether he believed my life story or not. I told him that I thought we would be discussing my case, he said we need your life history for mitigating reasons. I did not understand why we weren't discussing my case, my life history for mitigating reasons could have been discussed over the phone. They both seemed more focused on sentencing stuff, mitigating stuff for sentencing, instead of going over my case, which is why I thought they were there, to discuss the case.

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The Pressure to Plea was on again. We talked about his feelings about the case, which amounted to him just saying that he felt that I would be convicted with no explanation why. I asked questions, and he told me that he is afraid that I can't see the forest for the trees, I told him that I would look at the forest and the trees, and he tried to push the Plea Deal again, I told him that we still had not gone over my case, he said we would meet in the am, and then I left their hotel and went home. I came back that morning and we ended up having a heated situation. I told them that we had not discussed my case, they both asked then what have we been doing here, I said reading discovery, you trying to get mitigating information for my sentencing that you say I am going to need, dealing with my pre-conviction items needed by you, instead of going over the merits of my case. I said you told me that we would discuss the witness statements line by line, Bill said no I did not tell you that. He then proceeded to tell me as he always does that I can get another attorney if I am not happy with him. I told him that I don't have money. Julie then chimed in and said, this is what you always do, I looked at her and said, how would you know, I have only spoken to you 4 times, how do you know what I do or don't do. I told Julie that I could say that you are rude, unprofessional, and disrespectful from that text you sent, your response about it, and the attitude that you have had when we have spoken, but, I don't tend to judge people from one or two things that they may or may not have done. I actually like to have a valid reason before I come to a conclusion regarding someone's character.

When Bill was here in Jan 2016 I asked Bill a question, and Julie proceeded to answer, I told her you can't tell me how he feels, I am asking Bill, she said yes I can, I have been knowing Bill for 15-20 years. I said and you still cannot speak for him. Bill did not say one word. It was utterly ridiculous. I am asking my attorney a question and I can't expect him to answer, if I expect him to answer then something is wrong with me, once again. Bill allows Julie to do as she pleases, no matter what, and that is not ok. He is supposed to be the attorney, and sometimes I can't tell which one is which, she speaks for him so often.

I spent a day and a half reviewing discovery, and no discussion of the actual discovery items themselves. Bill called me on Friday Jan 15 2016, and told me that he wanted me to see a doctor and did I mind. I said that was fine. They are so ridiculous, I have to be incompetent, because I require them to actually do their jobs and discuss the merits of my case? They think that I need a psychologist because I want to actually investigate the allegations, challenge Prosecution evidence, find our own evidence, interview witnesses, want to see the merits of my case before I make a decision, don't want to be pressured to take a Plea Deal, and actually require a theory and basis as to why they are making certain conclusions. There is nothing wrong with my competency as their Psychologist told them.

Bill has told me several times that he will file the standard motion to dismiss, and other documents, and he will do everything he can. First of all, I have never heard of a "Standard" motion to dismiss, so he lost me there. Your Honor, I have had several court dates, and he has been requesting last minute continuances on all of them, I must ask, when does he intend to file these documents? At trial? I just don't understand what he is doing, and I don't think that he does either. Bill told me that he has not been to trial in over 4years, and he has not had a fraud or tax case. He is not the expert that he is expected to be here, and I don't want it to cost me my freedom.

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Since January 2016 I have written my own motions, several of them. I have not given them to him, because he shoots down any suggestions that I have, as not having merit or frivolous, or his famous "I can't see the forest for the trees". Since our meeting in Jan, and since I am feeling better, I have taken matters into my own hands, and have done extensive research into my case, case laws, circuit standards, etc.. I have found a lot of help for the type of case that I have. I don't think Bill has looked for ways to win if we go to trial. I think he looks for ways to push Plea deals. I have found several problems for the Prosecution in my case, with the indictment, and with their discovery. I have found some cases in the 8th circuit, and US Supreme Court to support a strong Defense. But, I am alone with a court appointed attorney, with no recent trial experience, according to him, no experience with tax and fraud cases, who does not want to investigate my case, and who is trying to send me somewhere that I may not have to go. I am not trying to make him file my motions, but I just can't sit and have nothing prepared. I just don't know what to do.

When I asked Bill has he had a fraud or tax case in the last 4 years, and had he been to trial in the last 4 years. His answer was no, and he went on to say, that they were tired of me keep telling them that I did not trust them. I responded by saying that I would ask any attorney these questions. I also asked Bill, when did I tell him that I did not trust him. I said you used the words "I keep telling you", when did this happen, I have not said that to Bill. Bill has a habit of accusing me of things, and when I ask for specifics, he never can say. He wants to make the accusation, but not support it.

I reminded him that I had sent him a letter telling him of what my problem is with him in the beginning of Feb 2016 and he never even responded to it. He paid for me to see a Psychologist to find out about communication problems between us, why, when I am telling him myself. I had addressed the subject, because he told me that I was going for competency and somehow it was communication issues added as well. He was upset, and proceeded to tell me, what my asking him about his trial experience meant. I got upset and told him that, he can't derive from a question how I feel about something. He is always trying to read into something, instead of just asking me. You want to know how I feel then ask, if you want to know if I trust you then ask, if you want to know if I like you then ask. Otherwise quit telling me how you think I feel, just ask me and I will tell you. Needless to say, he never did ask.

I told Bill that I am tired of this drama, and I just wanted to go over my case. I told him that several times, he was upset at what I had told the Psychologist and it showed. Once again, the conversation was unproductive and no real movement or direction in my case. Bill did not ask me what the Psychologist and I discussed, nor did he ask me how things went. I would think that if you sent me there, we would discuss what happened after I am done. Your Honor, I did tell the Psychologist that I did not trust Bill and Julie, that we have a lack of communication, and that I don't feel like this situation could be fixed, because she asked me those particular questions. From my understanding, Bill told her to ask me. So, if he asked the Psychologist to find out, then when exactly does he intend to discuss it. Instead of discussing it, he has been lashing out, and yet again, I am not supposed to notice.

Bill always says he is going to do things but never does. Bill tells me that we discussed things that we never did. I sent him an email requesting all of the documents on my case, things that he submitted, responses, case information, etc. It has been 2 months now, and I have not received

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anything. He won't do anything and he won't give me documents and information to do anything. I have asked him to petition the court to ask can I have a copy of the evidence, he said he doesn't know a way to do that. I keep telling him that I cannot afford the cost that I have to pay to review the discovery items at the FD office in GA. Time is just passing, and this case has prolonged way longer than it should have because my Defense Attorney simply won't defend me. Bill is still not ready and I don't see how he can be by my court date, unless he intends to just show up unprepared.

Now Bill tells me that his boss will only let him come to see me one more time. I told him that in the beginning he told me that this would not be a problem, he then began to chastise me and tell me that it is my responsibility to make myself available to my attorney. Your Honor, I am aware of some of my responsibilities, but Bill will tell me a procedure and explain to me how it goes, and when it changes from what he said, he then turns the tables, and somehow, I did something wrong or I am not being responsible. This time, I spoke up and told him that, this was not what he had told me from day one and for this entire year and a half, and this was the first time that I had heard about this being a problem. (coincidentally right before my trial) Bill did not say one word. He always does this, I ask how we are going to do something and he tells me, then it happens differently than what he said, and then he puts it on me like I misunderstood. I am tired of that, he never takes responsibility for anything, never. I have documentation and can prove it.

Both Bill and Julie keep telling me that they are confident that I fully understand my case, they have been telling me that since September 2015. Remember, Your Honor, in September we had only talked a total of 1hr and 44 mins in almost a year, and it was not all at one time, it was spread over several calls. But, they say they are confident that I fully understand my case. I just don't understand this rationale. Your Honor, either we have actually discussed the discovery items, and put together a plan, or we have not. What is the confusion here? We met the beginning of Jan, and this is March and they still have not interviewed 1 witness, obtained any defense discovery, told me what they plan to do, they just keep saying that they are ready for trial. I assume they are using the Prosecutions discovery to prepare questions, because I have not had an input or been able to talk to them about the discovery to explain the issues I see with it. It is my case, who knows better what happened than me. I don't even know how they could defend me at trial, or rebut the witnesses, if we have never discussed the problems with the witness statements, or issues the Prosecution may have in proving their case.

Bill keeps telling me that he has informed me of things that he has not. He received some new evidence and I asked him why he did not tell me, he argued that he did, basically saying that I just don't remember. I asked him when did he receive the new evidence, and it sounded like he was looking to check the date, and then he said around Feb 19 2016, so I asked him when did he tell me about this new evidence, he said he told me in our last conversation. Your Honor, the problem is, our last conversation was Feb 16 2016, I looked at my phone records, so how could he have possibly given me that information, but once again, Bill won't even consider that fact that he could have been mistaken. Better yet, how could I forget that new evidence has surfaced, and I am facing a 9 count indictment? I keep telling Bill that this is the only case that I have, I am not juggling several cases at once, so I know what we discuss. Bill won't even entertain the fact that he is mistaken about things he says we discussed,

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ever, he always says that basically, I just don't remember. I can and will show you my phone log, I have to keep one with him. He says that we have communicated way more than we actually have.

Your Honor, I have tried to be a bit generic, but, I am going to need to be a bit more specific to make sure that you fully understand what I am trying to explain. I am new at this and I want you to understand.

1. My indictment says for count 9 that on 2-14-11 that I said that I had \$60 in the bank, when I had at least \$3200 under my control.
 - a. Bill does not think it is important to pull my bank statements to see if that accusation is accurate. I can come to that conclusion because its March 2016 and he has yet to request my bank statements, nor has he even asked me how much do I think I had in the bank at that time.
 - b. Bill also does not see the necessity in actually finding out where exactly I am supposed to have made these statements, to whom, was a form signed, how were these alleged false statements made. Where is the Prosecution getting that \$3200 figure from? Bill does not seem to think these things are important.
2. In that same count 9, I am accused of falsely stating that I have no other income, when in fact, I received interest income from my bank account Raw.
 - a. Bill does not seem to think it is important to find out what method that I am supposed to have received these payments. I have informed him, that there is no document in existence showing that I received interest payments from RAW or Bank of America, because I never received any. I don't understand why he does not think these things are important enough to investigate and obtain the necessary proof. Not only that, I don't have a personal Bank account RAW. RAW is a legal entity in itself and the AUSA does not say any different.
3. In Count 9, it is alleged that I said that I falsely stated that I lived in Kansas City.
 - a. Once again, Bill does not think it is important to actually find out to whom I am alleged to have made this statement, are they alleging that I wrote it down somewhere, if so, where, how was this statement supposedly made? I assured him that no one else lived in my home. Bill does not seem to think these issues are worth addressing. The bare minimum required in disproving the prosecutions allegations are not being done.

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4. In the indictment, it is alleged that I committed Wire Fraud by failing to inform the alleged victim of my intentions of how I was going to use the money loaned to me. The Prosecution alleges fraud by omission.
 - a. Bill does not seem to think the actual elements of Wire Fraud by omission are important. Since I have done extensive research on that subject, I disagree. Bill does not seem to understand the fact that when you allege wire fraud by omission, it requires additional elements. He seems to read the statute in its original form, and he does not seem to understand that the omission part adds additional requirements. He also does not seem to think that it is important to see how the 8th circuit defines Wire fraud. I did, so I looked it up, and the 8th circuit is very particular in how they define the elements of wire fraud. I don't seem to fit the elements. It bothers me that he does not know these things, and since he thinks that he is right, he puts up a wall that I can't do anything with. Yet, Bill thinks that he is ready for a trial. The Prosecution will eat him up, with no requirement from Bill for them to prove their case. He will just hand them a conviction.
5. In the indictment the Tax Evasion charge is of question. Bill has not even mentioned actually determining whether or not there may be a tax deficiency. He seems to be ignorant to the complexities of a Tax Case. He has not prepared anything making him able to defend the tax issues of this case, nor will he entertain a discussion regarding some of the complexities that he needs to understand to put on a vigorous defense if this case goes to trial. But, I would suggest that the element of the tax deficiency would be first. He just won't investigate. I have extensively. Nowhere in the indictment does the Prosecution show how I have a deficiency. They may have shown how the corporation RAW may have a deficiency, but not how I do. How do they make the leap to me, they don't show that. Being a signing authority on account does not give up the legal status of the corporation. It is a legal entity.
6. My attorney is not helping me. In the indictment the Prosecution gave the Grand Jury false testimony and the SA perjured herself to secure the elements necessary to indict on a few of the Counts against me. There was never a wire from Wilson to Freya Pearson, and they told the Grand Jury that there was. IRS SA Heather Brittains testimony :
 - a. Q.- So Counts 1 through 3 involve wire transmission and are those just the wires from Wilson to Freya Pearson- -
 - b. A.-Yes
 - c. Q.- ---her account? And is that based upon the fraudulent representation that she would use this for some sort of business and, in fact, used it all for her own personal benefit?

d. A.- That's correct.

7. Your honor, earlier in SA Brittains testimony she stated the following:

- a. Q.- So did -- you've talked to both Miss Pearson and Miss Wilson. Did either one of them say that this was a gift or that Miss Wilson was giving it to Miss Pearson to use as she wished for her own personal gambling, cars, trips --
- b. A.- No --
- c. Q.- --spending?
- d. A.- -- Wilson was adamant. She stated that Pearson had asked her repeatedly to invest, or that's the word she used, and Wilson kept telling her, No, no, no. Yeah, so absolutely not.

8. Your Honor, if SA Brittain testified earlier in her testimony that Miss Wilson was adamant about not investing in my business, then how can she and the Prosecutor later in the same testimony tell the Grand Jury that I made a fraudulent representation about using money for business to Miss Wilson:
Q.- "her account? And is that based upon the fraudulent representation that she would use this for some sort of business and, in fact, used it all for her own personal benefit?"
A.- That's correct.

SA Brittain was not truthful in her testimony, and the Prosecutor led with a loaded question/accusation regarding a fraudulent representation that no one has told SA Brittain that I made, Miss Wilson did not say that I told her that either, as you can see in SA Brittains earlier testimony of what Ms Wilson said. So why did SA Brittain tell the Grand Jury that lie. That is perjury again.

Your Honor, the written indictment does not even say that, the Prosecutor alleges Wire Fraud by omission in the written Indictment, not fraudulent misrepresentation. I am confused at what is going on here. What am I defending against ? Why doesn't my attorney have the same question, when there is clear confusion here, at this point the only way he could possibly have an answer is to guess. The AUSA keeps changing her accusation, depending on who she is talking to, the written indictment alleges fraud by omission, but to the Grand Jury it's fraudulent misrepresentation.

9. Your Honor the AUSA and IRS SA Brittain lied to the Grand Jury again. This time it was pertaining to the loan agreement that Ms Wilson and I signed. This was without question, a material lie. I fully signed the entire handwriting exemplar, INCLUDING Ms Wilsons name. But they told the Grand Jury that I refused to fully complete the exemplar and that I refused to sign Ms Wilsons name. They lied to trick the Grand Jury into thinking that I signed Ms Wilsons name on the loan agreement. Not only did I complete the entire exemplar, but Ms Wilson acknowledged signing the loan

agreement in the KCPD report that I read in discovery. So, why lie to the Grand Jury about something that we both have agreed to signing, except to secure an indictment, even though you are missing elements to do so? Why lie at all, you are officers of the Court for Gods sake? I did not trust the IRS Sir, so I made them give me a copy of the exemplar, and they stamped each page. SA Brittain may not be aware that I have a copy because she is in KC and the exemplar was done in CA, and I assume that it was unusual for someone to make that request, because the agents went through a few changes to find out if they could give me a copy. I am including a copy of the handwriting exemplar with this letter, to show you that I am telling the truth. Your Honor, I haven't seen the results of the handwriting exemplar testing, but even though SA Brittain testified that it was inconclusive, I noticed that when referring to being inconclusive she said " they can tell the ink and things like that", I wonder if they found the signatures to match, it seems like she would have gladly said that the signatures didn't match, not something about the ink. Also, SA Brittains comment to further mislead the Grand Jury with saying "obviously", I refused to turn a copy over. But, you would think that my Defense attorney would have asked for a copy of the exemplar by now. After all, he has had a copy of the testimony since 2-19-16, for over 2 months. Look at what they said in SA Brittains testimony regarding the exemplar Sir:

- a. Q- Did you attempt to have those signatures tested by handwriting examples?
- b. A- I did.
- c. Q- And were there some problems with that?
- d. A- It was, it was inconclusive because without the original, the originals they can tell the ink and things like that, and Freya refused to, obviously, turn that over.
- e. Q- Did she also refuse to provide the full handwriting sample --
- f. A- Yes.
- g. Q- --in signing Marva Wilson's name?
- h. A- Yes.

10. Your honor, they lied to secure an indictment that they otherwise could not have secured. US Supreme Court Justice dissenting regarding The United States Attorney ".....But, while he may strike hard blows, he is not at liberty to strike foul ones. It is as much his duty to refrain from improper methods calculated to produce a wrongful conviction as it is to use every legitimate means to bring about a just one." (Berger v. United States, 295 U. S. 78, 88 (1935)).

11. This is a case where the misconduct of the AUSA and the IRS Special Agent was not slight or confined to a single instance, but one where such misconduct was

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pronounced and persistent, with a probable cumulative effect upon the Grand Jury which cannot be disregarded as inconsequential.

12. My attorney had this Grand Testimony for a month before he sent it to me, he received it 2-19-16, he sent it to me 3-16-16, and does not seem to have a problem with what he read. He is going to make me lose my right to challenge the indictment and whatever else needs to be challenged before trial. Some things are supposed to be challenged before trial or I waive my rights. He just keeps saying that he is ready for trial. Bill is going to get me convicted with a Prosecution and/or indictment based on Perjury and False statements, and he can unequivocally prove this accusation, but refuses to.
13. The words of the Justice Department regarding ineffective counsel said it best, "If lawyers do not have the time or resources to serve as effective advocates or do not receive adequate training or supervision, then they inevitably fail to meet the minimum requirements of legal representation. "These conditions lead to de facto non-representation." This is the situation with Bill and me, de facto non-representation. He is not going to challenge this Prosecutor and has not so far. What competent Defense attorney relies solely on the Prosecution's evidence to prepare their case? Then finds out that they committed Perjury, and has nothing to say or do.
14. The AUSA has allowed the IRS to take on the role of an "information-gathering" agency for the Prosecution, a role that Congress did not give authority for the IRS to be. The Prosecutor has conspired with the IRS to expand the enforcement authority granted to the IRS by Congress, by making the IRS an "information-gathering" agency for the Prosecution. If the government denies my allegation, I can further prove my allegation by the fact that SA Brittain is still investigating after the indictment. She obtained more witness testimony for the Prosecution in September 2015 and included it in the latest round of discovery, the indictment was 11-2014, and none of it tax related. SA Brittain has already turned over her recommendation for Prosecution, and DOJ accepted, so why is she still investigating, that's the AUSA's job, not the IRS. My attorney does not seem to have an issue with this, however, the US Supreme Court and Congress does. The IRS in an institutional sense has abandoned its pursuit of a civil tax liability and is simply investigating for the AUSA. Not only has the AUSA crossed over the line by its methods, but it has also allowed SA Brittain to commit perjury to further violate the very laws that the AUSA swore to uphold, as well as my rights. This personal vendetta from SA Brittain goes well beyond the scope of the authority granted to her agency by Congress, why doesn't my attorney have an issue with this?

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15. I am just blunt, I always have been from a child on up, and Bill is not use to that. The kind of blunt that he seems to be used to is that from upset Defendants, who in their desperation lash out, and whose outburst aren't always rational. In that scenario, he can say what he wants and the Defendants stress and un-tailored outburst help Bill look like he is helping and being unjustly accused. Unfortunately for Bill, I am able to actually Defend myself from Bills tyranny. I can communicate efficiently and can explain clearly, what he is doing when no one is looking, and after this ordeal with him and his office, I can boldly say, that either no one is looking, or they just don't care.
16. Bill can say and do what he wants, but when confronted with these issues, he does not argue the merits of my information, concerns, or objections about not investigating, instead, he argues that I don't have the right to question his decisions. How does that make sense, you don't disagree with the observations, however, you just don't want to be questioned about them??!!?? Your Honor, I just don't understand this logic, nor do I want to try, especially when my life is on the line.
17. Your Honor, I asked Bill to petition the court to include rule 3.8 on the courts order regarding discovery, which I hoped would assist with the behavior of the Prosecutor. I asked him to that, for just the very reason that I am facing right now, an AUSA suborning perjury to the Grand Jury. I am forced to try and help myself by learning everything by reading, and I read where a retired Federal District Judge suggested that it be included for legal reasons if needed later. I am not saying that I am going to get it all right, I am just saying that I am trying.
18. Bill seems to be on a power trip about control, and I don't quite understand how he is ignorant to so many aspects of this case, and expect me to be okay with him winging it. Bill seems to think that it is ok just to show up in court unprepared, and whatever happens, happens. The charges require much more in depth understanding and a defense. I have done extensive research on these charges and I have a fighting chance, but not with a closed minded inexperienced attorney on a power trip. This is my life, not his, and his behavior reflects that he fully understands that fact, if nothing else. Bill seems to be blocking my chances at a defense, since I won't Plea right away.
19. I had been requesting Bill to file a petition to see if we could get the Grand Jury testimony of the alleged victim since September 2015. Bill said he did not know how to do that. I hope that statement was just being patronizing and not actually true. He proceeded to tell me that he asked the Prosecutor for it and she said that she had not transcribed the alleged victims Grand Jury testimony. Problem is, Bill is just finding out in the middle of March 2016 that only 2 people testified in front of the Grand Jury, the IRS agent and Ms. Nelson (a witness). Why doesn't my attorney

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know who testified at the Grand Jury hearing and it's a year and a half later. But he says he is ready for trial. What is interesting about this situation is, that when Bill and Julie were here in Jan 2016 meeting with me, I made a statement that we have to do our own investigation because the Prosecutors are tricky. Both Bill and Julie came to the Prosecutions defense by saying , "not in our circuit, we have pretty good people in our circuit". I did not have words for that, It wasn't for me to explain to a defense attorney that he and the prosecutor are on opposing sides, and the prosecutors want to win, and so should he. Now, here we are in March 2016 and Bill is finding out that only 2 people testified in front of the Grand Jury, and the alleged victim is not one of them. So, from this recent last minute information, one can only conclude, that either Bill lied to me about asking the Prosecutor for the alleged victims testimony, or lied about what the Prosecutor said, or the Prosecutor tricked him, by leading him to believe that the alleged victim testified, when in fact she did not. Either one of those scenarios is a problem. If the Prosecutor tricked him, then that is exactly what I was talking to him about, he seems to put too much trust in what the Prosecutor has to say, instead of doing his own due diligence, and if he lied, well, that speaks for itself.

Bills role as my Defense Counsel is to help me have a fair trial, which is one in which evidence subject to adversarial testing is presented. I am entitled to a trial in which my interest are vigorously advocated for by my attorney. Access to my attorneys skills and knowledge are necessary to afford me the ample opportunity to challenge the case of the prosecution. My attorneys assistance is vitally important in fighting my case. Bills conduct undermines the proper functioning of the adversarial process. Bills lack of defense strategy is failing to challenge any of the Prosecutions evidence, tactics and subsequently is violating my right to a fair trial. Bills misplaced trust in the Prosecution is harmful to my Defense, he should be investigating any and all allegations presented to him against his clients by the Prosecution. Bill seems to take on the position that if the Prosecution said it, then it must be true. The Defense must be an effective adversarial testing process in order for our system to work. Bill does not seem to want to test any of their evidence. Not any. The Prosecution is fighting, unfairly of course, but, yet they are fighting, as they should, in the role that they have undertaken. Why isn't my Defense Attorney.

I also had a problem with Bill giving the Psychologist personal information that he and I had discussed without asking me. The information between my attorney and I are private. I feel violated, he should not be discussing things and giving outside people things that are supposed to be private between he and I. I also did not agree to talk to the Psychologist without first calling in front of her to Julie and Bill and making sure that Bill would send over the release for me to have copies of everything. Bill has yet to send over the releases and I would not have spoken to her if they were not going to release my reports and everything to me, as they were told upfront. I feel lied to and tricked by Bill and Julie.

Bill seems to take a lot of liberties with me and my case without first discussing them with me. He flat out said that I don't make any decisions in my case, I only get to make 2 decisions, whether I go

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to trial and what my plea is. I don't get to be involved in anything else is what he told me. I am confused by that, since I have read numerous cases where the US Supreme Court has said that a Public Defender is held by the same standards as a private attorney. So, does the Public Defender get to exclude clients from their cases? How can we as clients be expected to suffer ALL of the consequences from the decisions of an overworked, understaffed, underfunded, frustrated, time challenged, Public Defender, and at the same time, not recognize that our rights are being violated?

How can that be, why are we being forced to accept the Public Defenders decisions, with no input from us on our own cases, when the Public Defenders decisions for us are being made under Duress? How can their decisions not be made under duress with the conditions that they are currently working under? These conditions require them to provide inadequate service to clients, it's not humanly possible for them to do anything else. Yet, we are excluded from decisions that affect our entire lives. How in these circumstances, can anyone say that my rights, and my interest are being protected? They are not. These Defenders are making life altering decisions for other people while under duress. They would not make the same decisions if the circumstances were different. The interesting thing in dealing with Bill, is that Bill spoke to the media in 2013 regarding these same issues, about being overworked and underfunded, and providing less than adequate services to clients.(interview included in email) So, why does he pretend like I am unreasonable to point out the ineffective way that my case is being handled, when he has already expressed his displeasure about his work conditions to the media in 2013 regarding the same issues that I am complaining about right now? His work conditions are negatively affecting my representation. My life is on the line, and I should not be forced to freely give it up, because my attorney has deplorable work conditions. Indigent people who depend on these failing systems often get the poorest representation, relegating them to second-class status in the courts. My Federal Defender agreed with the issues I am raising, until they applied to him, what he appears to not accept, is that they have always applied to him, and still do. How could they not? The circumstances have not improved, they seem to be worse for all Defenders.

I don't want to have a power struggle with anyone, I just want to work together with my attorney to put on a good defense. I have been so frustrated with Bill and his investigator, and the fact that they came here and did not go over the evidence with me is a problem. Now, he has resorted to accusing me of things that I did not do, and constantly telling me to complain to the Judge if I have a problem with him, his behavior is really not helping. Bill is once again not ready for a trial, and my trial is coming up.

We now have new discovery sent over that needs to be investigated, I guess I should not say new, but we, the Defense are just now 1.5yrs later receiving the discovery that the Prosecution has been in possession of this whole time. Utterly ridiculous. The Prosecution violated discovery and, my defense counsel has no problem with that. The discovery that the AUSA finally turned over needed to be turned over long ago, because time is needed to investigate the perjured testimony she presented, and the disputable items that we learned from receiving the late discovery. AUSA had new statements in there from 9/2015, why didn't she turn those items over before now. Why wait until the last minute when she was ordered to turn them over way before now. Now my already overworked, ineffective counsel has more last minute work added to the work that he is already not doing.

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My children and I are really being hurt by this, and this should have been resolved a while ago, but, here we are still receiving discovery that a Judge had already ordered the Prosecution to turn over 1.5 yrs ago, and they did not, and I am paying the price. Bill has dragged this case on and on way past a reasonable time frame, and I am being forced to either accept jail through his Plea Bargain, or accept an attorney refusing to effectively investigate my case, and/or an attorney refusing to challenge the prosecution's case, so ultimately no defense at all. Accept a Plea, or receive no defense at all, what a choice. Those seem to be my choices through Bill right now. Your Honor, what do I do?

I don't see any other alternative then to reach out to you. I told Bill in the last hostile communication that if he wanted to quit then do so, he says no he does not want to quit. And yet, he won't do the minimal things that a defense attorney should be doing. The communication between us is completely shattered, and I have tried to tell Bill the problem, he won't fix it or address it.

How can he put together a case about me, without me. I can't make him discuss my case with me, challenge the evidence, or tell the truth. I can't make him be accountable for his actions. I can't make him work with me, instead of fighting against me. I am tired of trying. Bill won't admit that this type of case is out of his comfort zone, I know that to admit that is unacceptable in his Public Defender world, but, that does not make the fact less true. Bill told me that he has not been to trial in at least 4years. Bill may have had to have trial experience to get the job he has, and may have gone to trial before this job, but, things change in the Court system regularly, 4 years is a long time to be out of sync with trial procedures and trial experience, and this type of case is something that he is not familiar with, because according to him, tax and fraud are not what he does. Peoples skills are not as sharp when they fail to use them regularly, they don't go away, but, they do diminish, and that's assuming that you were good before. That applies to all of us, not just Bill. Bill has no clue what the IRS procedures are and whether or not they were followed in my case, and he won't find out, he does not think that IRS procedure violations are important. If I try to tell him something, he says EVERYTHING is irrelevant, and I can't see the forest for the trees. He thinks basic communication and basic defense due diligence are ridiculous, and they are not, they are actually necessary to mount a defense and to work with your client.

He won't talk to me about my case, so how could he know that IRS SA Brittain lied to the Grand Jury about me not completing the Handwriting exemplar by refusing to sign Ms Wilsons name, how would he know that I insisted on having a copy of it, and it clearly shows that I FULLY completed it, including Miss Wilsons signature. Bill has excluded me, so how could he help me? SA Brittain just flat out lied to the Grand Jury, Lied to the Grand Jury, why would a SA do that? Better yet, why doesn't my Federal Defender want to know that?? I have the stamped Handwriting Exemplar copy from the IRS SA who took the exemplar, to prove my allegation. But, my Defense Attorney does not seem to care that the SA lied to the Grand Jury to secure an indictment. This accusation is not my word against hers, I have the exemplar, that is a fact, she lied !!!! SA Brittain told many flat out lies, that can easily be proven, not defended against, but proven to be actual lies. Either what SA Brittain told the Grand Jury happened, or it didn't, I either completed the exemplar or I did not, Ms Wilson either sent wires to Freya Pearson or she did not, I either made a false misrepresentation to Ms Wilson or I did not, these things are not a matter of interpretation, they either occurred or they did not.

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I am not being communicated with, that bothers me, but, no due diligence or investigation is being done. I could half way deal with minimal communication if the attorney was actually putting together a real defense. Bill should be expected to defend as to require that every element of the case be established, and he is not.

Your Honor, in one of the witness statements, given in 2012, I am accused of taking money from a woman whose mother died and was asking me for help. Problem with the statement is, that the woman's mother is still alive and I visited them out of state 2 years ago at their home for a few days (2014). The woman's mother is still alive today, and we are all still very much good friends. Bill does not think that he needs to know about this lie by the witness in her statement. I was engaged to that witness's ex-boyfriend, and she had a problem with that, so she volunteered a lie, and so did her daughter Ashley in her statement.

A witness Ashley Mims accused me of doing her taxes and putting on her taxes that she had worked for a company and made \$100k, and now she has all kinds of IRS issues behind the taxes. Your Honor, people who don't work and want a refund check have been falsifying their taxes for years, and it is clear that Ashley has done this and I am assuming from her statement got caught. I did not and have never done taxes, hers or otherwise, nor have I ever participated in such tax fraud. This is a big deal, and the IRS agent let her behavior pass in an effort to get false information on me. I did not live in the same state as Ashley at the time of this accusation, so it would not have been difficult for the IRS agent Brittain to verify and actually take action against Ashley for giving false information to the IRS on her taxes as well as making a false statement to the IRS Agent in this matter. But, Agent Brittain has not investigated anything that might suggest that she made a mistake in my case. Which is strange, because, I read somewhere that SA Brittain was and/or is the Coordinator of the Questionable Refund Program/Return Preparer Project (QRP/RPP). So, if what I read is accurate, it would seem as though Ashley Mims false return would be definitely be something that SA Brittain would be interested in. Why is this IRS Agent letting easily provable fraud from these witnesses pass, including finding out that they blatantly lied about their statements in this matter. Your Honor, these are not lies that are of a he say she say nature, these are blatant and easily provable lies, being allowed by Agent Brittain in an attempt to frame me. I would think that if I have been already indicted, and SA Brittain finds out that I may have created FALSE tax returns for someone, then I would imagine that she would investigate that accusation, and if she did investigate the witness's statement and found it to be untrue, then why not deal with the witness for lying to a Federal agent, but, better yet, why would you present this statement to try and get someone convicted of a crime, if you know it to be false. Better yet, why hasn't my attorney attempted to disprove these false statements.

This case is not making sense and the behavior of the IRS Agent and Prosecutor are scary, not because they are right, but, because they don't seem to be concerned about Justice, their witnesses don't seem to fit their allegations against me, and yet they seem to be allowing false statements and Perjured testimony to Prosecute me. I may not be right Sir, but if you have to commit perjury to Prosecute a crime as an Agent or Prosecutor, then there is a bigger problem than we see, where is the Justice in this. These things are facts Your Honor, not my opinions, but no one will listen and really look at what is happening here, its almost like it is simply accepted behavior, and that Sir, IS scary. Lying to a

"EX Parte"

federal agent is a crime, but, in this case, it seems to only be a crime they want to punish me for, whether I did it or not, and yet, they have iron clad cases against the witnesses for lying, their lies are blatant, detailed, and easy to dis-prove. I am being accused of that crime right now, False Statements 18 U.S.C. §§1001 (My Count Nine). I'd say that going over these statements are important, but not according to my attorney.

After I initially wrote this letter, I felt that maybe I should try Bills supervisor first before I sent it to you, so I sent an email to Laine Cardarella, the Federal Defender, on 3-21-2016, as of today 4-26-2016 I have not heard from her and instead of her following up, Bill Raymond called me the same day and was upset. Bill called, and was immediately irritated, he told me that I don't get to make any decisions in my case. He accused me of calling him stupid and retarded, and calling his staff names. I asked Bill when all of this is supposed to have happened. I told him that he was lying and that I have never called any of them names. He tried to keep talking as he always does, but, I stopped him and said, you are making an allegation once again, and I want to know when you are alleging that I called you stupid, and what names did I call your staff. He said I called him stupid the last time we spoke and that I said his staff member had a smart mouth, that is what he says, is calling his staff names. I did say in an email to him that I felt his staff member Julie has a smart mouth, and I never called him stupid. When does saying someone has a smart mouth, equate to you calling them names. Bill interestingly, had no problem when they were here in GA and that same staff member told me that this behavior was typical of me, or when this same staff member sent me that inappropriate text message, speaking negatively about me, and did not handle the situation properly. Bill still has yet to make one comment to me regarding that inappropriate text message situation from his staff member, not one comment, no apology, not anything. That's what he and Julie does, they adamantly defend each other regardless if they are right or wrong. No one can have an opinion but them. He accuses me of things, but never backs them up. I am being truthful, I never called him or her any names, and I don't appreciate these petty games of accusing me of this. I can prove that I did not.

I also noticed that when Bill called this time on 3-21-16 that he referred to me as Ms. Pearson through the whole conversation, and he never does that, he calls me Freya. So I assumed that someone else was in the room that he was putting on a show for. I still have not heard from Laine Cardarella and today is April 26, 2016, the Federal Defender just don't seem to care, how people are treated, and from Lain Cardarella's lack of response, I assume that she believes whatever Bills story is, without even following up to investigate herself. I guess poor people are not worth investigating. In their eyes they get what they deserve. I just feel like I am not worth anything, and I have never felt this way before, until dealing with these people. I can't continue to feel this way, it's not right. We are all worthy, including them.

I told Bill that I want to review any and all documents on my case before they are filed. He told me no, if I did not like that then complain to the Judge. He told me to complain to the Judge several times. I have rights, and they are being violated, this is not how you treat indigent people. I don't know the procedure for complaining to the Judge. I was taught to try and work it out first, then try the supervisor, now, I have done that. I know that I have rights, but, I am not sure how to exercise them

"EX Parte"

properly. I have researched and found that a Marsden Hearing may be what is needed, but, when I called your chambers they said send a letter.

I understand ultimately that Bill is the Attorney, but, according to him he has not been to trial on any case in 4 years, he has not had a Fraud or tax case, so I don't really understand where his expertise is, in holding any position of complete authority, except through the court, but the court in giving him the authority assumes that he is an expert. I can understand the standard rule that the Attorney is supposed to be the expert and the court sides with them, but, when your attorney has focused his career on Plea Deals and not fighting in trials, refuses to investigate and mount a proper Defense, and has not practiced in the field that is assigned to him to defend, tells you that he has not even been to trial in 4 years, how is he the expert, and how can he take the position that he should not be questioned about his actions, even an expert should welcome questions.

Bill flip flops back and forth, he says that we discussed things that we have not. He tells me one day, to put together the names of witnesses, and put together the questions that I would like him to ask them, then he turns right around the next time that we talk, and say that I don't decide what witnesses to call or what questions to ask them. What do I do with this type of unprofessional, confusing, mixed signal behavior, from the so called expert.

I am so frustrated, and disappointed, and I feel violated and abused. I am getting treated like this because I don't have money. Because I don't have money, then I am being treated as if I lack intelligence, and shouldn't be able to recognize that my Attorney is taking Liberties that he is not qualified to take, and that he has no right to take. I am being treated like I am less than, but, I have done more work on my case than he has. He is giving the Prosecution leeway on things that they should have to fight for, and prove. I need help, indigent people should not be treated this way. Some of us are intelligent and can help with our own Defense. I know my Attorney is supposed to be the more experienced, but, my attorney does not display anything like that. Bill is lacking just basic common sense things like, if the Prosecutor says that you made a false statement, and accused you of saying that you had \$60 in the bank, when you really had over \$3200 under your control, the logical thing to do is determine where that figure came from, and determine what amount you actually did have. (And for the record now that I have seen the Grand Jury Testimony they told the Grand Jury that I had \$32,000 not \$3200 like the written indictment says) When I mentioned this (not the Grand Jury part, I just saw that last week) Bill argued with me on saying that they referenced my RAW account. First of all in the indictment, they did not specify what account the \$3200 was in, they simply said under my control. Second, if he is to argue that they were using RAW, a Corporate account (corporate account not my account as stated), then we have reviewed that day and there was nowhere even close to \$3200. Also, he requires no allegation from the prosecution as to how they are using a corporate account without showing any connection between the Defendant and the Corporation. The Prosecution made no mention of an issue with the corporations legal status as its own entity, so how do we leap to ignoring the fact that the corporation is a legal entity in itself, the indictment does not address that. They just simply use the corporate accounts funds as my own without one explanation of how they do that, with the corporation being its own entity. Bill just allows that leap without having them even mention it, nothing can be inferred or implied, it must be stated. He needs to stop helping them with their case.

"EX Parte"

So the question would remain, why haven't we requested all accounts to see where the Prosecution is getting that amount of \$3200 it referred to in the written indictment, or the \$32,000 that it referred to in front of the Grand Jury, so we are not surprised, and maybe we can disprove the allegation. Bill said he has already reviewed RAWs account, the corporate account, But Your Honor, even if the Prosecution could get past the fact that they alleged no corporate entity status issues, RAW's account did not have anywhere near \$3200, in fact, the amount that was in RAWs account at the time, would need to pass the "being material" part of the element of Section 1001, I am pretty sure that it would not, the amount was less than \$205. Bill had not looked at my personal account at all. He said that I am not going to tell him how to investigate. He ignored everything I just said as irrelevant. Because it came from me, he does not feel that I should have an input. He repeatedly says that I can't see the forest for the trees. This is just one example. He is going to get me convicted when I may not have to be. Your Honor, I know that I may be a bit repetitive, I apologize if I am, I am just so frustrated and a lot has happened. I am just trying to make sure that you have a good picture here.

Bill does not want to work together, I am not ok with that, especially when his decision is to trust the Prosecutions discovery and not challenge it. I can tear that indictment apart and use US Supreme Court case law, other case law, and 8th Circuit case law to do it. I just reviewed the Grand Jury Testimony 4-14-16, and we could definitely do something with that. Bill won't even listen to what I have found, nor will he investigate on his own. Bill was nice as long as he thought he could make me Plea Bargain, and no investigation would be needed. He does not go to trial, so he is not open to any other possibility if it's not a Plea Bargain, his mouth says that he is open, but his actions tell a different story. Bill said he was coming to see me in GA April 11th or 12th, he did not show and no call to say different. He simply did not come after telling me that he was. The correct thing to do was to let me know that he can't make it, but not Bill, he does not seem to think that I deserve that simple courtesy.

I understand that even with everything on your side, that does not guarantee a favorable outcome, but, I would expect to put on some type of Defense and investigation into the matter. Why would Bill let his pride cause him to lose a winnable case, when his lost could ultimately be someone's life, and their children's lives, and he is doing it just to show that he has power over them, because they are indigent. Bill seems unwilling to put the Prosecution to its Burden of Proof. Maybe because it might mess up his ability to Plea Bargain with them in the future on his other cases, since that is all he does, he appears to have plea bargained the vast majority of his cases. That's not how the role of Defense Counsel should be.

This situation with me is how this Federal Defender really treats indigent clients, he lies on them, and accuses them of things that didn't happen, outright refuses to investigate their case, then the system believes him, because he is a Federal Defender with a decent reputation, and we are Defendants (although we are supposed to be presumed innocent until proven guilty). This is not right, the price that we pay when treated this way is our freedom.

There should never be that much trust in any individual that possesses this much control over others lives, as to give them the Power to behave inappropriately, just because they have a decent reputation. A decent reputation does not mean an unflawed one, and usually because of the nature of

"EX Parte"

clients that may be complaining, no one looks into the damage that some of those flaws actually caused. This man, the Federal Defender entrusted with my life by the Courts, has flat out lied and accused me of things that I have not done, to damage my reputation, and to have his way in getting away with not properly doing his job, and not even his supervisor will entertain that he may have actually done this, or even cares. That's a lot of Power to give a person, the power of being seen as perfect in your job all the time. They may say that no one is perfect, but their actions, when presented with a conflicting accusation, don't follow any belief in that statement, that no one is perfect. That's the same Power given to Prosecutors, this Prosecutor has presented perjured testimony to secure an indictment. However, when their behavior is discovered as inappropriate, then very minimal is done, even though their wrath severely damages peoples lives. No one even tries to help repair the damage, they simply move on as if nothing happened. And if that is not the power being given to them, then why hasn't anyone investigated the allegations. Every complaining client is not lying, some of us are telling the truth, if they would just listen and check things out. But, I know that is unrealistic. I just wish things were better in area of their accountability, for all of our sakes.

I am just now getting a copy of the Grand Jury Testimony on March 16 2016, my attorney said that he received it Feb 19 2016, and sent it to the FD office here in GA March 16 2016 for me to review. I did not have money needed to view the documents until the 3rd of the month. I immediately called the FD office here in GA on the 4th and the FD assigned to the evidence was out until 4-11-16, and they said that he was the one that I had to work with. I sent Bill an email to ask him if someone else could help me and he said no, so I called and left a couple messages on the 11 and 12th with the GA FD office, the Federal Defender assigned called back the afternoon of the 12th and asked was 4-15 at 9am ok, I agreed, and was there waiting at 7:30am to review the new items. I sent Bill an email regarding what I saw, and about the issues that have arisen, and I expected him to have already noted some of the issues. All I received from him, a few days later, was an email, telling me "Hello. I got your email. I will review it this week and get back to you. Thanks." Needless to say, he did not get back to me. But, I did not raise anything that he should not have already been aware of. I was trying to give him a chance to do or actually say something, well, once again, nothing. I need help.

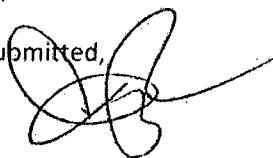
Your Honor, I will prove any and every allegation that I have made to you, if you give me the chance. Please help me. I need new and effective Counsel. I wrote this document at different intervals, meaning that information was added at different times and mixed in, so please Sir be a bit patient with it, I am new at this, and so very frustrated.

Your Honor, I am not sure of how this all works, but, if you get Bills side of the story and it does not match mine, please give me the chance to prove my accusations, because I can. I have not made 1 accusation that I cannot prove. Also, Your Honor, I don't have money, so if there is a way that I can have enough time to get there if you need a hearing or something, I would really appreciate the help Sir. I have been job hunting, but with most places needing background checks, this case is really not helping. This has really been hard. I was nervous to send this letter, because I don't know how I am going to be able to afford to get down there if a hearing is required. I am a single parent raising my daughter and granddaughter and this situation has really been trying.

"EX Parte"

You know, Your Honor, all of these people mentioned here have been entrusted with Judging other people, and are proving to be no better than the people that they Judge, and in some instances, they are worst. Thank you Your Honor for listening. Please help me.

Respectfully Submitted,


Freya Pearson
aimatahomet@aol.com
314 267 5303

Documents Attached- Ex Parte

1. Exhibit 1 – Completed IRS Hand Writing Exemplar
2. Exhibit 2 – Emails between Bill and Freya
3. Exhibit 3 – Letter emailed to Bill from Freya regarding issues 2/8/16
4. Exhibit 4- Copy of text messages between Julie and Freya
5. Exhibit 5 – Call Log
6. Exhibit 6 – News interview of Bill
7. Exhibit 7 - Email to Lain Cardarella asking for help with Bill

Exhibit 1 Ex Parte

Ex2

COPY

Handwriting/Hand printing Exemplar

TO BE COMPLETED BY SUBJECT (not witness)

Name

Freyne Pearson

Social Security Number

548 393942

Address

25151 La Estrada
Laguna Niguel, CA 92677

Birthplace

CA

Birthdate

11-19-72

Your Age

40

Right handed or Left handed Writer

R, left

Your Occupation

Painter

Highest Education Completed

College

Name, Address and Relationship of Nearest Relative

Employer and Employer's Address

Self Employed

Do you have any condition(s) which may affect your present writing ability?

Yes

No

If yes, explain:

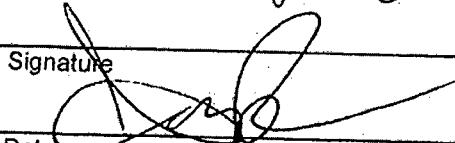
The CAPITAL letters of the Alphabet

A B C D E F G H I J K L M
N O P Q R S T U V W X
Y Z

The lower case letters of the Alphabet

a b c d e f g h i t k
l m n o p s t u v
w x y z

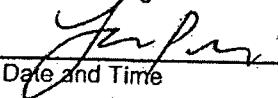
Signature



Date

8-26-13

Witness's Signature



Date and Time

8/26/13

Ex parte

COPY

Handwriting/Hand printing Exemplar -- Continued

Arthur Thomas Rosenburg, Doctor

Arthur Thomas Rosenburg

Marva L. Wilson

Marva L. Wilson

M.L.W.

M.L.W.

Betsy Lynn Sheaffer, Stepdaughter

Betsy Lynn Sheaffer

Marva L. Wilson

Marva L. Wilson

Investor

Investor

Marva L. Wilson

Marva L. Wilson

M.L.W.

M.L.W.

Marva L. Wilson

Marva L. Wilson

Elizabeth Kathlyn Enjoli Regan, C.P.A.

Elizabeth Kathlyn Enjoli Regan

Investor

Investor

Marva L. Wilson

Marva L. Wilson

Gregory Niles Brown Rodgers, Dentist

Gregory Niles Brown Rodgers

Marva L. Wilson

Marva L. Wilson

M.L.W.

M.L.W.

Signature

Date

[Signature]

6-26-13

Witness's Signature

[Signature]

Date and Time

8/26/13

Ex Parte

COPY

Handwriting/Hand printing Exemplar -- Continued

Kyle Mitchell O'Dell, Computer Asst.

Kyle Mitchell O'Dell

Marva L. Wilson

Marva L. Wilson

Quincy Rufus Jones O'Donald, Grantor

Quincy Rufus O'Donald

Reginald Harrison Richardson, Sr.

Reginald Harrison Richardson

Marva L. Wilson

Marva L. Wilson

Timothy Kenneth Ziegler, Ph.D.

Timothy Kenneth Ziegler

Marva L. Wilson

Marva L. Wilson

Valarie Maria Townsend, Dentist

Valarie Maria Townsend

Wallace Harry Ridgley, Secretary

Wallace Harry Ridgley

Marva L. Wilson

Marva L. Wilson

Martin James Oliver Pinkman, O.D.

Martin James Oliver Pinkman

Marva L. Wilson

Marva L. Wilson

M.L.W.

M.L.W.

Marva L. Wilson

Marva L. Wilson

Webster Lawrence Underhill, President

Webster Lawrence Underhill

Signature

Date

8-26-13

Witness's Signature

Date and Time

8/26/13

Ex parte

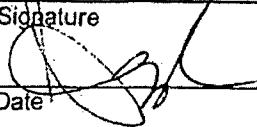
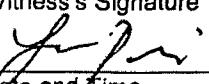
COPY

Handwriting/Hand printing Exemplar -- Continued

Paid Cash	<u>Paid Cash</u>	Interest Expense	<u>Interest Expense</u>
Rec'd Loan	<u>Rec'd Loan</u>	Secured Loan	<u>Secured Loan</u>
Approximate	<u>Approximate</u>	Office Supplies	<u>Office Supplies</u>
Statements	<u>Statements</u>	For Deposit Only	<u>For deposit Only</u>
Balance	<u>Balance</u>	Bank Deposit	<u>Bank Deposit</u>
Withdrawal	<u>Withdrawal</u>	Paid in Full	<u>Paid in Full</u>
Internal Revenue Service Center		<u>Internal Revenue Service Center</u>	

A tour through our national parks would be enjoyable to you, I know. We left Los Angeles at 7:45 a.m., September 20th, via Valley Boulevard, and motored to the Grand Canyon in Arizona. From there we drove to Zion National Park in Utah. Next, a jump to Yellowstone. Then we drove up the coast, into California, and through the Redwood Forest to San Francisco, the commercial hub, arriving at 9:30 p.m., October 21st. Here Mr. and Mrs. John X. Dix of 685 East Queen Street, Topeka, Kansas joined us. Overall, I found the roads good, and some quite equal to the best.

A tour through our national parks would be enjoyable to you, I know. We left Los Angeles at 7:45 a.m., September 20th, via Valley Boulevard, and motored to the Grand Canyon in Arizona. From there we drove to Zion National Park in Utah. Next, a jump to Yellowstone. Then we drove up the coast, into California, and through the Redwood Forest to San Francisco, the commercial hub, arriving at 9:30 p.m., October 21st. Here Mr. and Mrs. John X. Dix of 685 East Queen Street, Topeka, Kansas joined us. Overall, I found the roads good, and some quite equal to the best.

Signature	Witness's Signature
	
Date	Date and Time
8-20-13	8/21/13

Ex parte

Handwriting/Hand printing Exemplar -- Continued

COPY

January 5, 1999

January 5, 1999

February 3, 2002

February 3, 2002

March 14, 1998

March 14, 1998

September 17, 2001

September 17, 2001

May 27, 1997

May 27, 1997

November 6, 2000

November 6, 2000

July 25, 1996

July 25, 1996

August 31, 2001

August 31, 2001

April 4, 2003

April 4, 2003

October 8, 2002

October 8, 2002

June 16, 2000

June 16, 2000

December 5, 1998

December 5, 1998

Monday

Monday

Tuesday

Tuesday

Wednesday

Wednesday

Thursday

Thursday

Friday

Friday

Saturday

Saturday

Sunday

Sunday

Mon.

Mon.

Tues.

Tues.

Wed.

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Thurs.

Thurs.

Fri.

Fri.

Sat.

Sat.

Sun.

Sun.

In numeric form, write the following amounts

\$8386

8386

\$5124 and 76/100

5124 and 76/100

\$714.00

714.00

\$3,964 and 26/XX

3964 and 26/XX

\$15,000.00

15000.00

\$2,678. and 91/00

2678 and 91/00

\$76289.00

76289.00

\$36,489 & xx/100

36489 & xx/100

\$4685.

4685

\$42,375 and 00/00

42375 and 00/00

\$12345.67

12345.67

\$2,747. & 65/100

2747 & 65/100

\$72,964.36

72964.36

\$51,333 and XX/00

51333 and XX/00

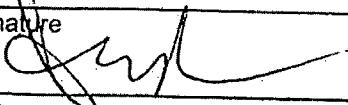
\$100,000.00

100000.00

\$596,899 & no/100

596899 & no/100

Signature



Witness's Signature



Date

8-26-13

Date and Time

8/26/13

Ex Parte

~~COPY~~

Handwriting/Hand printing Exemplar -- Continued

Write/print the following words and numbers:

One

One

Two

Two

Three

Three

Four

Four

Five

Five

Six

Six

Seven

Seven

Eight

Eight

Nine

Nine

Ten

Ten

Eleven

Eleven

Twelve

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Thirteen

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Twenty four

Twenty Two

Twenty Two

Thirty three

Thirty Three

Thirty Five

Thirty Five

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Forty six

Forty Eight

Forty Eight

Fifty two

Fifty two

Fifty One

Fifty One

Sixty one

Sixty one

Sixty Three

Sixty Three

Seventy five

Seventy five

Seventy

Seventy

Eighty three

Eighty three

Eighty four

Eighty Four

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Ninety six

Ninety Nine

Ninety Nine

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One hundred

Two Hundred

Two Hundred

Eleven thousand

Eleven thousand

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Three million

Six hundred forty seven thousand

Six hundred forty seven thousand

Seven hundred ninety two thousand

Seven hundred ninety two thousand

Fifty Eight Thousand Dollars

Fifty Eight Thousand Dollars

One hundred thousand dollars

One hundred thousand dollars

Signature

Witness's Signature

Date

8-26-13

Date and Time

8/26/13

Ex parte

~~COPY~~

Handwriting/Hand printing Exemplar -- Continued

100% Financial Security Service
2001 South Kentwood Boulevard
Kansas City, Missouri 64999 - 0102

100% Financial Security Service
2001 South Kentwood Boulevard
Kansas City, Missouri 64999-0102

North Heights Day Care Center
1976 Highland Corporate Avenue
Holtsville, New York 11742 - 0002

North Heights Day Care Center
1976 Highland Corporate Avenue
Holtsville, New York 11742-0002

Vasquez McKinney, President
8348 Michael Brookhaven Court
Fresno, California 93888

Vasquez McKinney, President
8348 Michael Brookhaven Court
Fresno, California 93888

Main Drive Priority Loans
7658 East Campbell Street
Memphis, Tennessee 37501

Main Drive Priority Loans
7658 East Campbell Street
Memphis, Tennessee 37501
Sterling West @ daughter.mail.com

Felicia Annette Rodriguez
2244 Bradley Field Parkway
Philadelphia, Pennsylvania 19255

Felicia Annette Rodriguez
2244 Bradley Field Parkway
Philadelphia, Pennsylvania 19255

Husband & Wife Catering Service
54th & 3rd at Southfield Square
Cincinnati, Ohio 45999

Husband & Wife Catering Service
54th & 3rd at Southfield Square
Cincinnati, Ohio 45999

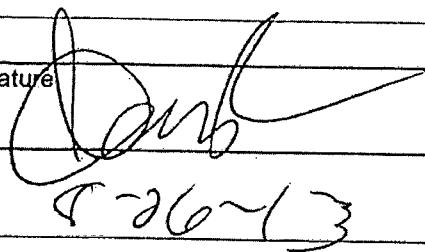
Dollar Bills Savings + Loan
5529 Ogden Andover Lane
Atlanta, GA 39901

Dollar Bills Savings + Loan
5529 Ogden Andover Lane
Atlanta, GA 39901

Nick Burkett, Sales Assistant
7589 Medical Place Suite #432
C/O Post Office Box 1693
Austin, Texas 73301

Nick Burkett, Sales Assistant
7589 Medical Place Suite #432
C/O Post Office Box 1693
Austin, Texas 73301

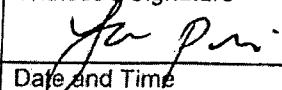
Signature



Date

5-26-13

Witness's Signature



Date and Time

8/26/13

Axparte **COPY**
Handwriting/Hand printing Exemplar -- Continued

Pay To	Date	Check No.
<i>Mary Olson</i>	<i>8-26-13</i>	<i>222</i>
<i>One hundred dollar</i>		<i>\$ 100.00</i>
For	Signature	<i>D. S. S.</i>
		Dollars

Form W-4 Department of the Treasury Internal Revenue Service	Employee's Withholding Allowance Certificate ► For Privacy Act and Paperwork Reduction Act Notice, see reverse.		
1 Type or print your first name and middle initial <i>Mary</i>	Last Name <i>Pearson</i>	2 Your social security number <i>548 39 3942</i>	
Home address (number and street or rural route) <i>25151 La Crosse</i>	3 Marital Status <i>Single</i>	<input type="checkbox"/> Single <input type="checkbox"/> Married <input type="checkbox"/> Married, but withhold at a higher Single rate.	
City or town, state, and Zip code <i>Layton, Utah, 84040</i>	Note: If married, but legally separated, or spouse is a nonresident alien, check the Single box		
Under penalties of perjury, I certify that I am entitled to the number of withholding allowances claimed on this certificate or, if claiming exemption from withholding that I am entitled to claim the exempt status.			
Employee's signature <i>Mary Pearson</i>	Date ► <i>8-26</i> , 20 <i>13</i>		
8 Employer's name and address (Employer: Complete 8, 9, and 10 only if sending to IRS)	9 Office code	10 Employer identification number	

Form 1040 Department of the Treasury – Internal Revenue Service U.S. Individual Income Tax Return	For the year Jan.-Dec. 31, 2001, or other tax year beginning, 2001, ending 2001, OMB No. 1545-0074		
Label	Your first name and initial <i>Mary</i>	Last Name <i>Pearson</i>	Your social security number <i>548 39 3942</i>
Use IRS label, otherwise	If a joint return, spouse's first name and initial <i>Mary</i>	Last Name	Spouse's social security number <i>1 1</i>
Please print or type.	Present home address (number and street or rural route) <i>25151 La Crosse</i>	Apartment Number	
	City, town or post office, state, and ZIP code <i>Layton, Utah, 84040</i>		

Dependents: (1) First name	Last name	Dependent's Soc. Sec. Number	Dependent's Relationship to You
Signature <i>Mary Pearson</i>	Witness's Signature <i>Yates</i>		
Date <i>8-26-13</i>	Date and Time <i>8/26/13</i>		

Ex parte

COPY

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Am 8-26-0 *for* 9/26/13

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Am 8-26-13 *for* 9/26/13

Ex parte

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Ex parte

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PLW

Fax 82613

Re: P- 812613

Ex parte

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Marie A. Wilson

Am 8-26-13

Am 8/26/13

Marie Wilson

Am 8-26-13

Am 8/26/13

Marie Wilson

8-26-13 fm

Am 8/26/13

Ex parte

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Marie L Culbre

Am 8-26-13 Apr. 8/26/13

Marie L Culbre

Am 8-26-13 Apr. 8/26/13

Marie L Culbre

Ex parte
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Marie L. Wilkes

Am 8-26-13 YK 8/26/13

Marie L. Wilkes

Am 8-26-13 YK 8/26/13

Marie L. Wilkes

Ex parte

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Mars L. wls

MS-20-13

Jan 2013

Ex2

Page 1 of 2

Ex parte

Re: Grand Jury Testimony

From: aimatahome <aimatahome@aol.com>
To: Bill Raymond <Bill_Raymond@fd.org>
Cc: Julie Eilers <Julie_Eilers@fd.org>
Date: Mon, Jan 4, 2016 4:50 pm

~~SECRET~~ ~~CONFIDENTIAL~~

I have never agreed to plead guilty in speaking with you. When you mentioned a plea deal, I told you that I did not have enough information to make a decision, one way or the other. We decided to meet and began going over things. At that time I ended up sick, so we hadn't met. I'm not sure why you are saying that I am leaning towards a plea, I don't have enough information on my case for that decision. I am pretty straight forward with you. Not really understanding the confusion.

I wasn't even aware that the court date that was scheduled for the week after my surgery was a change of plea hearing, until the pre trial services guy told me about it being cancelled. You never told me that was a change of plea hearing. We will talk.

Freya

Happy Connecting Sent from my Sprint Samsung Galaxy S® 5

----- Original message -----
From: Bill Raymond <Bill_Raymond@fd.org>
Date: 01/04/2016 4:12 PM (GMT-05:00)
To: aimatahome@aol.com; aimatahome@aol.com
Cc: Julie Eilers <Julie_Eilers@fd.org>
Subject: Re: Grand Jury Testimony

For reasons I can better explain in person we are not entitled to Grand Jury transcripts until AFTER a witness testifies at trial. There is some provision that allows the court to order production of statements in its limited discretion but I'm not certain we will be successful here. Here, your Prosecutor has not had any transcripts/reports we have would seem inconsistent and may make her less likely to want to enter into a plea agreement with you. We can discuss this more in person. What are you hoping to gain from these transcripts? We can review all statements/reports when we meet next week. Perhaps that will help me better answer your question.

Additionally if you are no longer contemplating pleading guilty we need to know that. As you know I think that it's highly likely that you will be convicted, but it's your decision to go to trial or enter a plea. We need to begin preparing for trial in your case if you decide you want to go to trial. It's incumbent upon you to let us know that. Thank you

*This e-mail contains PRIVILEGED and CONFIDENTIAL information intended only for the use of the addressee(s) named above. If you are not the intended recipient of this e-mail, or an authorized employee or agent responsible for delivering it to the intended recipient, you are hereby notified that any dissemination or copying of this e-mail is strictly prohibited. If you have received this e-mail in error, please notify us by reply e-mail. Thank you for your cooperation.

From: aimatahome@aol.com **To:** Bill_Raymond@fd.org **Cc:** Julie_Eilers@fd.org **Date:** 01/04/2016 02:32 PM **Subject:** Re: Grand Jury Testimony

Please request copies of the transcripts ASAP. I would like to be able to review them in advance of our meeting so that I can have time to prepare. Shouldn't the transcripts be ready by now since you have previously spoken with the US attorney about them?

Tuesday and Wednesday will be fine.

Thanks in advance for your prompt attention to this matter.

-----Original Message-----

From: Bill Raymond <Bill_Raymond@fd.org> **To:** aimatahome <aimatahome@aol.com> **Cc:** Julie Eilers <Julie_Eilers@fd.org> **Sent:** Mon, Jan 4, 2016 1:24 pm **Subject:** Re: Grand Jury Testimony

Hello, As you know we cannot send you a copy of any discovery. We can make arrangements with the FPD office there for you to see it again if you would like. Additionally, assuming we get it coordinated you can read it when we get together. Additionally, we do not have any copies of Grand Jury testimony as no transcripts have been prepared. Last I had spoken to the US Attorney about this, there were not any transcripts. I can double check. We do however have statements in the discovery from all the witnesses that you can review. Thanks.

*This e-mail contains PRIVILEGED and CONFIDENTIAL information intended only for the use of the addressee(s) named above. If you are not the intended recipient of this e-mail, or an authorized employee or agent responsible for delivering it to the intended recipient, you are hereby notified that any dissemination or copying of this e-mail is strictly prohibited. If you have received this e-mail in error, please notify us by reply e-mail. Thank you for your cooperation.

From: aimatahome@aol.com
 To: bill_reymond@fd.org
 Date: 12/30/2015 12:42 AM
 Subject: Grand Jury Testimony

Ex parte

Hi Bill,
 Please send me a copy of ALL the Grand Jury Testimonies. I need it asap.

Thanks,

Freya

For reasons I can better explain in person we are not entitled to Grand Jury transcripts until AFTER a witness testifies at trial. There is some provision that allows the court to order production of statements in its limited discretion but I'm not certain we will be successful here. Here, your Prosecutor has not had any transcripts prepared in large part because we have been discussing a plea agreement with them. Making demands about Grand Jury transcripts of witnesses who's statements/reports we have would seem inconsistent and may make her less likely to want to enter into a plea agreement with you. We can discuss this more in person. What are you hoping to gain from these transcripts? We can review all statements/reports when we meet next week. Perhaps that will help me better answer your question. Additionally if you are no longer contemplating pleading guilty we need to know that. As you know I think that its highly likely that you will be convicted, but its your decision to go to trial or enter a plea. We need to begin preparing for trial in your case if you decide you want to go to trial. Its incumbent upon you to let us know that. Thank you. *This e-mail contains PRIVILEGED and CONFIDENTIAL information intended only for the use of the addressee(s) named above. If you are not the intended recipient of this e-mail, or an authorized employee or agent responsible for delivering it to the intended recipient, you are hereby notified that any dissemination or copying of this e-mail is strictly prohibited. If you have received this e-mail in error, please notify us by reply e-mail. Thank you for your cooperation. From: aimatahome@aol.com To: Bill_Raymond@fd.org Cc: Julie_Eilers@fd.org Date: 01/04/2016 02:32 PM Subject: Re: Grand Jury Testimony Please request copies of the transcripts ASAP. I would like to be able to review them in advance of our meeting so that I can have time to prepare, Shouldn't the transcripts be ready by now since you have previously spoken with the US attorney about them? Tuesday and Wednesday will be fine. Thanks in advance for your prompt attention to this matter. -----Original Message----- From: Bill Raymond <Bill_Raymond@fd.org> To: aimatahome@aol.com Cc: Julie Eilers <Julie_Eilers@fd.org> Sent: Mon, Jan 4, 2016 1:24 pm Subject: Re: Grand Jury Testimony Hello. As you know we cannot send you a copy of any discovery. We can make arrangements with the FPD office there for you to see it again if you would like. Additionally, assuming we get it coordinated you can read it when we get together. Additionally, we do not have any copies of Grand Jury testimony as no transcripts have been prepared. Last I had spoken to the US Attorney about this, there were not any transcripts. I can double check. We do however have statements in the discovery from all the witnesses that you can review. Thanks. *This e-mail contains PRIVILEGED and CONFIDENTIAL information intended only for the use of the addressee(s) named above. If you are not the intended recipient of this e-mail, or an authorized employee or agent responsible for delivering it to the intended recipient, you are hereby notified that any dissemination or copying of this e-mail is strictly prohibited. If you have received this e-mail in error, please notify us by reply e-mail. Thank you for your cooperation. From: aimatahome@aol.com To: bill_reymond@fd.org Date: 12/30/2015 12:42 AM Subject: Grand Jury Testimony Hi Bill, Please send me a copy of ALL the Grand Jury Testimonies. I need it asap. Thanks, Freya

Re: Pre Trial Officer Called

From: Bill Raymond <Bill_Raymond@fd.org>
To: aimatahome <aimatahome@aol.com>
Date: Mon, Jan 25, 2016 3:01 pm

I'm in court. There is no hearing tomorrow. Just hasn't been removed from docket yet. I will call later

Sent from my iPhone

On Jan 25, 2016, at 1:52 PM, aimatahome@aol.com wrote:

Bill , my pre trial officer just called and said something about a hearing tomorrow and wanted to know my travel plans. I wasn't aware that I was suppose to be there for a hearing tomorrow. Would you please give me an update as to what's going on.

Freya

Ex parte

~~Ex2~~

Page 1 of 1

(Trial)

From: almalahome <almalahome@aol.com>
To: bill_raymond <bill_raymond@fd.org>
Date: Fri, Feb 5, 2016 2:57 am

~~K~~

Ex parte

Hi Bill, My trial is coming up Monday and I haven't heard anything from you. Please advise

Thank You

Freya



From: almalahome <aimalahome@aol.com>
To: bill_raymond <bill_raymond@fd.org>
Date: Mon, Feb 8, 2016 11:38 am

Ex parte

Bill,

I received your voicemail and I have to say, I'm getting real tired of your attitude towards me, and the condescending way in which you speak to me.

If you were able to get the trial date extended, great. When you found out the new date from the Court, what is the problem with just simply shooting me an email saying, hey, I was able to get the trial date extended until, (whatever date that you received), just giving you an update, and I will talk to you later. Simple. I never get that simple courtesy from you. I am not getting the simple courtesy and communication here that should be between a Lawyer and his client. For the record, after that condescending 51 sec message that you left on Friday, you still haven't told me when my new court date is. You said all of that extra stuff, instead of just answering my question, by saying that it had been continued and to when. Simple.

This is a bad situation, and no matter how many times I speak to you about this lack of communication, and being excluded, you make excuses. You like to paint a picture that I am being unreasonable, and I am not. I expect good representation from my attorney, I expect good communication, I expect to know what you are filing and when you are filing it. I expect to know immediately, when my court date has changed, and to when. I expect a decent response if I ask a question. I expect to be included in the plan for my own case. These are things that ANYONE should expect from their attorney, and I am disturbed that you don't seem to feel like I should expect them. You seem to be annoyed that I speak up about not receiving them.

You need to realize right now, that you and your investigator are not going to bully me, pressure me, or force me into doing something that I don't want to do. Whether you think it is in my best interest or not. I have to be free to make the final decision on what happens in my life, because I alone have to deal with the consequences of that decision. I have told you that I will consider every aspect of this case, including but not limited to Plea bargain, trial, and whatever else is on the table. But, I will need to see the merits of this case before I make a decision. I want to cover every possible aspect of this case. You seem to be holding back actually investigating this case and responding to my questions and concerns, and in my opinion its almost as if you are saying, investigating is a waste of time. You continually pressure me to take a Plea, and I am really disturbed by your pressure and lack of action in putting together a proper defense for me.

When I spoke to you on Jan 15, you explained a few things.

1. You said that you would TRY and get a continuance, but that you didn't think that it would be approved, and if it was approved it would probably only be extended to March. You also said, even though those were your thoughts, that you would definitely request longer.
2. You also said that you felt like I needed to see a Dr. and asked me if it was ok. I said that I did not have a problem with that. You said that you would speak to the FD office here and let me know further details. No problem, I have been patiently waiting.

You DID NOT tell me on the 15th that you had already spoken to the Prosecutors about continuing my trial. You said that you would be requesting a continuance, not that the Judge had approved one. So, why did your message say that you told me at that time, that you spoke to them and the trial would be continued. I wasn't aware that it could be continued without the Judges approval. So, it was reasonable for me to expect an update of the approval of the continuance from the court, and the new date from you, once you actually received it.

Your message said that I requested you to continue my trial date, and I have a problem with that analysis as well. Bill, you have not interviewed one witness, nor have we fully discussed my case and came up with a plan. So the reason that the trial needed to be continued is because you really aren't prepared to fight this case. How could you be, when the ONLY thing that you have done is to go over the Prosecutions evidence.

I just want to completely go over my case and come up with a plan, whether it is to plea or go to trial. The problem is, although you came here for a day and a half, it was not enough time to read 900 pages, go over them, and come up with a plan. You keep saying we don't need to go over the witness statements because you asked me about my history with them. Bill, one does not have to do with the other, I can tell you our history, but what does that have to do with what they have said in their statements, what's true and what's not in those statements are important. You don't seem to think so. I question your methods and judgment here. What Defense attorney does not want to review witness statements with the defendant? You told me that I can't see the forest for the trees. I am trying to tell you, that we will look at the trees as well as the forest. I am not stuck in one particular way of viewing my case Bill over another. We have not gone over one area of my case completely and came up with a plan. You just seem to be winging it. You simply keep saying that you are ready, and you seem to think that I should be ok with that, I am not.

You told me that you were ready for trial back in August 2015 months before we even sat down to go over my case. We sat down Jan 12 2016. How can that be? How can you be ready and I have not had an input, we haven't discussed the plan. No witnesses have been interviewed, no defense witnesses sought. Before you say that we have gone over it over the phone, I caution you, we have talked minimally in the last year. So, it puzzles me how you can tell me that you are confident that I have a good grasp on my case. You say you told me things that you did not, and you say I told you things that I did not. Your case load is heavy, and you have a lot of individual cases and events to remember, but, you won't even consider that sometimes we have not discussed things that you say we have. You won't even consider that maybe you made a mistake. I only have this 1 case, and I know exactly what we discuss. I'm not confused, I know what we talk about.

I feel excluded from my own case. You keep taking liberties and making decisions that I have not had an input in, and I am not ok with that. I am unaware of exactly what you are doing and when you are doing it. You seem to feel as though I should trust you, in fact, Julie actually said that, when you two were here. Bill, I don't know you or Julie, and what you have shown me has not given me a reason to have the confidence that you would like me to have in you. I am an average citizen with decent intelligence. So, if my attorney is telling me that he is ready for MY trial, and he has yet to speak to me in detail, he has yet to meet with me in person, and have failed to tell me exactly what the plan is for trial, I am going to be a bit concerned.

You as the attorney, should put a plan together and then we review it together. Your only plan seems to be to address issues for sentencing. What about actually defending me before hand? What is the plan for that? It feels like if I don't do what you want, which is take a plea, then you refuse to represent me properly. That's not right.

From now on Bill, please don't file any more documents, motions, or anything else on my behalf, without 1st sending it to me for my approval. My approval will be returned to you in an email. I want a copy of ANY and all correspondence going to or coming from the court, the Prosecutor, or anywhere else pertaining to my case. Please forward me ALL correspondence that has already been received and made pursuant to my case immediately please.

My phone is having problems and won't be fixed until the part comes in on Wednesday. You can reach me by email until then. If you need to talk, you can call anytime after Wednesday 2-10-16, afternoon, it should be repaired.

Freya

CxJ

Ex parte

I received Julies email

From: aimatahome <aimatahome@aol.com>
To: bill_raymond <bill_raymond@fd.org>
Date: Wed, Mar 16, 2016 8:18 pm

Bill,

I appreciate the Discovery being sent. This lack of responding to my questions and concerns regarding my case is not ok. You keep ignoring my request to put a plan together regarding my case. You keep ignoring my emails when I explain to you what the problem is. You just ignore all of my concerns about our lack of communication, and I am not ok with this behavior. I don't know what kind of attorney that you are, although from other people I have heard good things. The problem is, that although I have heard good things, I have not experienced any of them from you. I communicate the issues and you send me to a psychologist to get information on our lack of communication. Then you get the information, which is the same thing that I have said repeatedly, and you still don't address the problem. I get it, you are use to obtaining Plea Deals for your clients. I am just not going to be forced into one. And it is not right for you to refuse to actually investigate my case because I don't want to be forced into a Plea Deal. You tell me on one hand that I am not interested in the discovery that you sent to the Atlanta office. I responded by saying that I don't know what to look for, and you ignore that. You send more evidence, and refuse to go over the first evidence with me. You keep asking me to review the evidence and then won't tell me what I am looking for, nor will you answer my questions regarding what I read. What am I supposed to do? I need to go over my case with my attorney.

The other thing, Julie is not my attorney, she is a person on your team. I am really tired of her speaking for you when I ask you a question. I told you that when you were here, and she intervened again and said that she is able to speak for you because she has known you for over 15 years. You just sat there and let her get away with that. You are the attorney not Julie. I need to have communication with you. When you speak to me you use the word "WE" all the time. Ordinarily its no big deal, until we tends to never include just me and my attorney. I would prefer that you come alone on your trip this time. I would like us to work on my case as attorney client without the rude, smart mouth of your investigator. I have had enough of her mouth, attitude, and constant need to take over when I am talking to you. I want to be a part of my case, and I intend to work on it. I am no further ahead with information from you as when it started. No plan in place, no Prosecution discovery even attempted to be challenged. Nothing but constant reassurance that you are ready for trial. You and I spoke last week and you asked me the significance of the date 2-14-11 and why I asked you for my bank statements from that time, you also said that you were not aware of the accusation in the indictment about me allegedly having more than \$60 in the bank and I found that strange that not only were you not aware of the date, but you were also unaware of the details of the False statement charge. And yet, I am supposed to feel confident that you are ready for trial. I am not.

I don't know if this is just that one case that you don't like or what, but it is clear that you don't intend to fight for me, you seem to prefer to fight with me instead. I want a lawyer to fight for me, and talk to me about my case. You don't seem to want that. The bad part is, you will probably ignore this email too. I keep telling you the problem, and you keep ignoring it.

I would like the questions that I sent over on Friday and well before to be answered. Please answer the questions. I would like to also get the documents that I requested, to be sent. Please send them. I keep asking questions trying to help my case and I can't seem to get the questions answered. You say I am not interested, and then refuse to give me information when I ask. I am in a no win situation with this behavior from you. Why is it so hard to just answer my questions about my case?

I will review the discovery. Please don't have Julie email me anymore. I have never even discussed the things that she is saying in the email with her or you, and she can't speak for everything that you and I have discussed. The only thing that you ever told me was that I could not have a copy of the evidence and I told you ok. All the information in her email was never relayed to me at all, but, I know, you will say yes you did. All the email needed to say was that the information was here and where to go view it. I will just deal with you from now on, and maybe we can fix this problem. I can't take anymore of her mouth, I simply won't.

Also, I had a problem with you releasing private information between you and I to the Doctor without first discussing it with me. I agreed to talk to her, but at no time did you tell me that you would be sending her our private discussions and things. You told me that meeting with her was for competency and a possible mitigation issues, and somehow our communication problems got thrown in there by you. Please don't release my information to anyone without discussing it with me first.

This situation needs to get better, and it has to start with discussing the problem, not you just saying you are sorry I feel that way, now lets move on. Like you did when you were here. That's not going to cut it Bill. You can't say that you want to fix the communication problem or that you have tried to fix it, and then never actually discuss the problem. This passive aggressive thing that you do, showing that you are upset, without actually saying it, has to change. Say what you feel, ask what you want to know, because Bill, I am going to do both of those things. I asked you about your experience with handling a fraud and tax case, and you got offended, which caused our last blow up. That is strange to me why you would get upset, when the reality is, from your own admission that you have not handled either of those type of cases in the last 4-5 years. Why would you be offended by that question, when it is an important and reasonable one, considering the fact that those are my charges.

Bill, I don't want to have an email discussion of this situation, I would like to discuss it with just you and I. My attorney and I having a private discussion, no one else's involvement. That is something that I don't seem to get with you. Its like you and Julie try to double team me, and there will be no win to that situation, I won't be bullied. I am just frustrated with this situation, and at this point it seems like every little thing is irritating, and I don't want to feel like this. I just want to be able to discuss my case. I am use to saying how I feel, hearing how the other person feels, and dealing with it. I don't do passive aggressive well. I thought I would try one more time to communicate the problem, in hopes that it can be fixed.

Freya

70 Response from B, 11

Exhibit 2

Ex parte

Bills Office Raymond Call Log

Date	Incoming or Outgoing	Who Called	Number Called to or received From	Minutes on call	Time
11-7-14	incoming	Bills Office	816-471-8282	19min	10:35am
11-13-14	Incoming	Bills Office	816-471-5292	8min	9:54am
02-3-15	Outgoing	Freya to Bill	816-471-1054	12min	5:39pm
03-5-15	Outgoing	Freya to Bill	816-471-8282	30min	11am
05-12-15	Outgoing	Freya to Bill	816-471-8282	1min	2:57pm
06-25-15	Incoming	Bills Office	816-471-1054	30min	4:53pm
09-11-15	Outgoing	Freya to Bill	816-471-8282	1min	3:22pm
09-11-15	Outgoing	Freya to Bill	816-471-8282	1min	5:37pm
9-14-15	Incoming	Bills Office	816-471-5690	2min	5:15pm
09-16-15	Outgoing	Freya to Bill	816-471-1054	47min	10:50am
09-23-15	Incoming	Bills Office	816-471-1054	27min	3:52pm
09-23-15	Incoming	Bills Office	816-471-1054	5min	4:34pm
10-01-15	Incoming	Bills Office	816-471-1054	8min	5:54pm
10-08-15	Incoming	Bills Office	816-471-1054	13min	11:52am
10-19-15	incoming	Bills Office	816-471-1054	11min	5:39pm
11-09-15	incoming	Bills Office	816-471-1054	9min Hospital	11:10am
12-01-15	incoming	Bills Office	816-471-1054	9min	3:55pm
12-04-15	incoming	Bills Office	816-471-1054	2min	12:52pm
TOTAL CALLS	18 CALLS	Calls From Nov 2014 – Dec 2015	Case Assigned Oct 31 2014	4HRS 21 MINS	
01-11-16	incoming	Bills Office	816-471-1054	32min	4:41pm
01-11-16	incoming	Bills Office	816-471-1054	1min	5:12pm
01-11-16	Outgoing	Freya to Bill	816-471-1054	2min	5:13pm
01-12-16	Outgoing	Freya to Julie	816-916-6143	2min	4:39pm

Exporte 642

Ex2

ex parte

Re: Grand Jury Testimony

From: aimatahome <aimatahome@aol.com>
 To: Bill_Raymond <Bill_Raymond@fd.org>
 Cc: Julie_Eilers <Julie_Eilers@fd.org>
 Date: Mon, Jan 4, 2016 3:32 pm

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Tuesday and Wednesday will be fine

Thanks in advance for your prompt attention to this matter.

-----Original Message-----

From: Bill Raymond <Bill_Raymond@fd.org>
 To: aimatahome <aimatahome@aol.com>
 Cc: Julie_Eilers <Julie_Eilers@fd.org>
 Sent: Mon, Jan 4, 2016 1:24 pm
 Subject: Re: Grand Jury Testimony

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From: aimatahome@aol.com
 To: Bill_Raymond@fd.org
 Date: 12/30/2015 12:42 AM
 Subject: Grand Jury Testimony

Hi Bill,
 Please send me a copy of ALL the Grand Jury Testimonies. I need it asap.

Thanks,

Freya

E X H I B I T 3

Ex 3

Your Honor,

17-1438
U.S. v. Freya Pearson

ex parte

I have had my appeal fully briefed since July 19, 2017. I am no longer represented by Counsel as of January 19, 2018. I have requested an attorney to be assigned and this Court denied my request. I need help to preserve my rights. My previous Counsel did not want to add some things, because as he himself stated, due to his fear of damaging his relationship with the Prosecutor.

It is true that I requested my attorney to waive Oral Arguments. I want you to know, that my request was not because I did not want Oral arguments, it was because my Attorney had revealed to me his feelings, regarding preserving his relationship with the Prosecutor and not being a real adversary. I read, that Oral Arguments can really help, but in the alternative, a badly argued Oral Argument, can really hurt your case. I had to decide whether to allow him to argue badly, and/or partially, or not at all, and hope that you have enough information in the record to clear me and reverse my convictions. I was scared that he would hurt me more, so I chose not at all. What should I have done?

I have spent quite a while, with an Attorney that was more concerned about his career, than properly defending me, he stated he had to "watch what he did to the Prosecutor so as not to affect his future cases". I did not have my attorney's loyalty in defending me, I am paying with my freedom. I felt as if my Attorney would find alternate ways to defend me, and would ignore things that made sense in Defense strategy. My Attorney had a Divided Loyalty, he refused to address anything that would discredit the Prosecutor and hurt their relationship.

I need a new Attorney. Please give me one. I am not sure how to get my issues addressed in my appeal

Here are some attorney issues that I would like to make a part of my appeal to be addressed, I don't want to lose my rights:

1. When I was complaining about him not addressing the Prosecutors Misconduct he sent me an email telling me that he had to watch what he did to the Prosecutor, so as to not affect his future cases. I wish he had told me that BEFORE the trial so that I could have asked for an Attorney without this conflict of interest regarding his career.
2. Refused to address the Perjury and subornation of Perjury in front of the Grand Jury by the Prosecutor and IRS case Agent Heather Brittain-Dahmer. The Grand Jury found their lie material because after the 2 people testified, the ONLY question that the Grand Jury had was regarding the LIE that the Prosecutor and case agent told them, even though they were unaware that they were lied to. It is the only testimony that they questioned, regarding the fabrication of the loan agreement and me refusing to complete the Handwriting exemplar.
3. Allowed the Prosecutor to get away with lying to the Court (In Writing) regarding the severance request. He fought about severance, but he did not accuse the Prosecutor of misconduct, or really challenge the issue. He kind of let it go. She lied, and he had to know there was no evidence supporting her accusation, because he had the Discovery with everyone's statements.
4. Allowed the IRS case Agent to testify WITHOUT being asked questions. He objected, but when she kept doing it, he let it go. I asked him to object and he refused, he was very passive when it came to calling the Prosecutor out on her bad behavior. So the jury was subjected to whatever she chose to say and however she chose to say it, because she was not subjected to the sometimes burden of having to answer questions.
5. Allowed the Prosecutor to continually lie to the jury and say things that were not true, and did not get the information corrected. example: the Prosecutor kept telling the jury that there was NO running water at the home in Kansas City, which was the subject of count 9, even though the landlord testified that there was running water. She took the information that the water was not in my name, to say that there was NO running water, even though the testimony said the opposite. That never got corrected to the jury. None of this was relevant, just like the Prosecutor kept saying that "the money was spent, in St. Louis, where she lived", the Prosecutor just hoped that the mention of this would impugn me in the eyes of the jury. Clearly it did. The Prosecutor should have to do more than make a case off of innuendo and suspicion.
6. Allowed without objection for the Prosecutor to use count 9 as a means to inflame the jury's emotions. Count 9 was a separate count, but because the severance was denied, it allowed the Prosecutor to use that to inflame the jury's emotions regarding, what she called welfare fraud. My count 9 was false statements, but she used that count to constantly talk about the

concept of welfare fraud, me having a second home, etc. things that had nothing to do with any of the counts. It allowed the focus to be about where I lived instead of the counts charged.

7. Did not address the fact that the jury only took 40 minutes to deliberate, fill out 9 forms, read the rules, review the charges, and discuss the case. That time frame was impossible, to have lawfully addressed the issues in this 9 count indictment.

8. Did not even try to get the Indictment dismissed, even though I sent him my own dismissal already written up when I he was assigned to me.

9. Allowed the Prosecutor to release the amounts of my Tax Returns to the Jury in her closing arguments with NO objection. In violation of (IRC 6103 (b))The Prosecutor knew better than that, she did not have a Court Order allowing that information to be disclosed. She told them those amounts in order to promote her welfare arguments.

10. Failed to address the fact, that at all of the events that were in the indictment that the Prosecutor alleged I participated in, Ms. Wilson was there with me. I was accused of going to Vegas, Ms. Wilson was with me, I was accused of going to the local casinos, again Ms. Wilson was with me, I was accused of going to eat, again Ms. Wilson was with me a lot of times.

11. Did not really address the fact that there was no acts to conceal in the actual Indictment, nor was any Duty to speak addressed in the Indictment, which would have been an element of a "Wire Fraud by omission" charge. There could not have been an act to conceal, because the evidence proves, that Ms. Wilson was with me at the majority of the activities that I was accused of doing. But, the Prosecutor still did not mention any in the Indictment.

12. Refused to address the fact that the Prosecutor told the Grand Jury that wires were sent to me personally. Not 1 wire was sent to me personally, they were sent to a Corporation and the Prosecutor did not argue that the corporate veil was pierced. "Nothing can be implied it must be stated".

13. Did not address how I could have a Tax Evasion charge when NO money was sent to me. Prosecutor did not present any evidence to the jury, that money was sent to me. She presented documentation that money was sent to a Corporation. The Corporation may arguably have a tax liability, but nothing was shown to the jury saying that I did. She did not present any argument on the subject for the jury to consider. "Nothing can be inferred, it must be stated."

14. Did not object to the restitution amount regarding any credits that I had paid back to Ms. Wilson, as well as the amount assessed by the IRS. The IRS did a Tax paper in my name, with their own adjustments, not including my actual allowed deductions, that should have been included. Count 9 was for 1 year but he allowed restitution for 4.

15. Refused to request the transcripts from the evidentiary hearing, where the Prosecutor told the Magistrate Judge, that she had Bank Video Surveillance. He was not my Attorney at that time, so he was not there, and needed the transcript to prove what I was telling him. I told him what the Prosecutor told the Judge and when my Attorney requested the Bank Video Surveillance from the Prosecutor, she lied and told him that she did not have any. Now, she either lied to the Magistrate Judge in Court, or she lied to my Attorney, both are unacceptable. We needed that video because at Trial Ms. Wilson lied about the lady at UMB bank covering up the wire transfer form and she could not see what she was signing. Ms. Wilson lied to the court and the Jury. My Attorney did not want to get the Prosecutor in trouble for lying, AGAIN. (SEE EMAIL to 1st Atty Bill Raymond, I asked him in 2016 about the Bank Video Surveillance)

16. Allowed the Prosecution to get away with privately talking to the ONLY Black juror in the entire jury pool. The Prosecution apologized to the Juror for the murder of his mother, and then shook his hand, the Juror was thanking him, and the Prosecution said some other things, but I could not hear everything.

17. Allowed the Prosecutor to tell the Jury in her closing remarks, "Don't let her off on a technicality". She was referring to my count 9. She was addressing the fact that she never asked me 1 of the questions, that she accused me of lying about in count 9, and that her key witness, the Director of the Housing Authority, had to concede, that I did not lie to the other questions that they did ask me. The Prosecutor kept saying, basically, that even though they did not ask me the actual questions, that they would have wanted to know the information. I was charged with lying, and she was telling the jury to ignore that I did not lie (even though that is the charge), and to convict me because they would have wanted to know the additional info. My Attorney did not object, even though I pointed it out to him, as soon as she said it.

18. Refused to try and get the statement that I made to the IRS thrown out, even though I called the Treasury Inspector General in the beginning of the statement, and told them that I did not want to be there, and "TIGTA" told me that I had no choice. All of that was caught on the recorded statement. I also, don't recall being asked if they could record me. I was upset that I was being

Ex 3

forced to be there, so I am not sure if they asked me about recording or not, but, the statement itself was not voluntary. He should have asked for it to be thrown out.

19. Did not address Money Laundering in any meaningful way, it hurt me. Statute "1957" was not written for the way this Prosecutor used it. She accused me of transferring money from the business savings to the business checking, under the same name, 2 attached accounts, at the same bank. That is not what the Money Laundering Statute is for, that is abuse of the Statute. I understand "1956" and "1957", but, Congress did not create 1957 for simply transferring money from 2 linked accounts with the same name, and nothing more. Also, I did not affect Interstate Commerce with those transactions.

20. Did not argue that the Wire Fraud charge did not affect Interstate Commerce. The transfers went from United Missouri Bank (UMB) in Missouri, to Bank Of America in St. Louis, Missouri. He did not require the Prosecutor to argue that point. Affecting Interstate Commerce is a element. Nothing was presented to the jury about me affecting Interstate Commerce for the jury to consider. The Prosecutor made several points regarding me living in St. Louis MO, so how could the jury reasonably conclude that I affected Interstate Commerce.

21. Did not Impeach the IRS Agent on the stand about her lies to the Grand Jury. What Defense Attorney would not take a chance to discredit the case agent, if they can. Her being proven a liar would have hurt her credibility with the Jury.

22. Did not make the Prosecutor show bank statements to prove what was in the bank on Count 9. How could the Jury convict me of lying about how much was in the bank, without seeing bank records? None were shown to the jury for the bank account she said. The jury convicted me of lying about receiving interest pmts, when no account was shown to them proving that I received any. The Jury gave the Gov leeway without requiring them to prove their case. Talking to the juror helped.

23. Allowed the Prosecutor to create their own Wire Fraud by Omission Statute. I don't see another case with this charge in ANY Circuit.

24. Allowed the IRS Agent to testify for the FBI without objection in Count 9. Is the IRS a Federal Agency? Are they legally authorized to testify for the FBI, a Federal Agency. This was not an "approved" joint investigation. Count 9 was the FBI only.

Prosecutor Crimes that I don't want to lose the right to address:

1. 18 USCS 1623: False declarations before Grand Jury or Court- Prosecutor Mahoney lied to the Grand Jury and to the Court in the Severance issue. She told the grand Jury that I refused to complete the Handwriting exemplar although she knew that I had completed it ENTIRELY as ordered.

3 of 7

Ex 3

2. 18 USCS 371: Conspiracy- Prosecutor Mahoney and Agent Heather Brittain-Dahmer planned their lies. I am sure they went over the lies ahead of time, for the Grand Jury. Prosecutor Mahoney asked the leading questions, and Agent Dahmer answered with the lies. Then they both painted a fabricated picture, that I forged the loan agreement.

3. 26 USCS 6103: Confidentiality & Disclosure of Returns- Prosecutor is aware that it is a violation of the law to release the amounts of confidential returns without a Court Order. My charges did not allow her to release such personal information. She did so to inflame the Jury. It worked.

4. 18 USC 1503: Influencing a Juror(Obstruction)- The Prosecution spoke to a Juror AFTER the Judge had told everyone NOT to. Prosecution is aware that they are not allowed to talk to Jurors privately. They made an Ally in the Jury room.

5. 5 USC 3331: Violation of Oath Of Office- Prosecutor Mahoney is aware that she "SWORE" to uphold the Constitution, Operate within the Law, and be truthful. Lying to the Grand Jury, Fabricating Evidence, Violating Brady by Lying about evidence and refusing to turn it over, Lying to the Court, are ALL Law violations, some are Constitutional violations, and they ALL violate her Oath Of Office.

6. 18 USCS 1343: Wire Fraud- The Prosecutor violated Brady and the law by sending an email to my Attorney and lying about having evidence that she told the Magistrate Judge that she had. Payments were made to the FBI lab for the Handwriting Expert to fly into town. She had to pay for the handwriting analysis, to verify the signatures, for the document that NO ONE was disputing the signatures on.

7. 18 USC 1001: False Statements: The Prosecutor signed the Indictment stating that everything was true and correct, even though she knew that she had lied to the Grand Jury to get the Indictment. She lied to the Federal Court in the Severance paperwork.

8. 18 USCS 1341: Mail Fraud- The Prosecutor mailed several documents to help facilitate her crimes.

9. 18 USC 1512: Tampering with a Witness- Agent Dahmer was a witness and she conspired with her to falsify her testimony. Prosecutor Mahoney, led the questions that caused the lies.

10. 18 USC 641: Embezzlement- Prosecutor used Government funds to facilitate her scheme after lying to the Grand Jury to obtain an Indictment using false testimony.

11. Brady Violation- Prosecutor Mahoney was asked about turning over the Bank Video Surveillance that she told the Magistrate Judge she had, she then lied and refused to turn it over to the Defense when asked.

12. I am not sure where this falls in the law, but Prosecutor Mahoney released a Full copy of my Credit application on pacer, with a copy of my drivers license, and supporting income documentation for EVERYONE to see. Putting me in jeopardy of becoming an Identity Theft Victim.

I hope that I did this right. I do not know how to address the Prosecutorial Misconduct issues properly, as well as the Lack of Loyalty from my Attorney. I would like this to preserve my rights to address these issues in my appeal. There is case law that supports my arguments, and I have some to give you.

Prosecutor Mahoney spent much of this trial questioning the reasonability of Ms. Wilson's decisions. I was tried because the Prosecutor refused to accept Ms. Wilson's decisions, and decided to become her debt collector, instead of requiring her to use the Civil Courts. Ms. Wilson has complained about every financial decision that she has made, and I am the only one the Prosecutor has taken to court. Ms. Wilson accused a UMB bank employee of covering up the Wire Transfer form that she freely signed, so she could not see what she was signing, the Prosecutor let that go. She accused John Hancock of taking her money, the Prosecutor let that go. She accused me of not paying her back, "Not of lying to her", but of not paying her back. When is Ms. Wilson going to have to stand by the decisions that she is freely making? Why is the Prosecutor in this Civil Matter?

The Magistrate Judge stated in my Severance Denial Order that "It belies the Courts Imagination that I wouldn't have said..." what the Prosecutor accused me of saying, about being a successful businessperson. Your Honors, the record speaks for itself,

Ex3

and it reflects, that I DID NOT say "anything" about being a successful businessperson, so why did the Court let the Prosecutor get away with lying to them. If no one said it, then the Prosecutor had to make it up. Why was I punished anyway, by allowing my Counts to remain joined, based off of the Prosecutors lies. The Prosecutor lied so that she could do just what she did, and use Count 9 to inflame the jury's emotions about the welfare system. The Court trusted what the Prosecutor said and she lied to them, NO ONE seems to have an issue with that, except me.

At my sentencing Ms. Wilson started crying, and told the Judge, that because I took her money, that she could not buy a grave stone for her sons grave. Your Honor, her son died BEFORE she won the lottery in 2008, and BEFORE she blew 3/4 of her money from 2008-Jan 2010, (the Financial planner from UMB bank testified that he did not want to be her financial planner anymore because she was blowing her money). I did not meet Ms. Wilson until Jan 2010, so if she wanted to buy her son a grave stone, she could have, but she chose not to. I was NOT the reason that he does not have a grave stone. Her son does not have a grave stone, simply because she chose not to buy him one. The Prosecutor knew that she was lying to the Court, her Oath required her to tell the Court.

Ms. Wilson even blew up on the last day of trial, when my Attorney mentioned her spending \$11,000 at the casino in his closing arguments. She was yelling out from the courtroom, "so what, its my money". The Agents had to tell her to be quiet.

Ms. Wilson does what she wants to with her money, and she likes to alter agreements after they are made, as the evidence shows. She gets the benefits, then when it starts to cost her, as financial agreements sometimes do, she yells foul.

The Prosecutor is trying to make Ms. Wilson out to be someone that she is not. If you notice Your Honor, in the beginning of the questioning of Ms. Wilson at trial, the Prosecutor asked her, "So, you wanted to share this money with your children didn't you, Ms. Wilson replied NO, but I bought them what they wanted". That is not true either, Ms. Wilson won \$2.4 million and the only thing that she bought her 2 children was, she bought 1 a "used" car and a bedroom set (that she wanted back), and the 2nd one, she bought her a \$120,000 house next door to hers, and she tried to get me to get that back too. That is how we met, she was asking me (a Realtor), to find a way to get the house back from her daughter, she was mad at her, so she wanted to take the daughters name off of the house, and put hers on it. (My attorney should have addressed that on the stand) Ms. Wilson met me and attempted to do ill will, against her own children, she is not who the prosecutor is trying to make her.

This Judge sentenced me to the TOP of the guidelines, I have lived my whole life not being in trouble. That was pretty harsh for a first time case. The Judge talked about all the moving parts of this case, and said this was the worse case she had ever seen in her 5 years of being a Judge. I don't mean to be disrespectful, but if this is the worse case that she has seen, then she must not be assigned very many Federal cases. Because this case was created by the Prosecutor, she was allowed to connect situations that had nothing to do with each other, without question. This case had all the moving parts the Judge said, because the Prosecutor made them up, and moved them together, that is why it seemed so unreal, because it was. Prosecutor was allowed to say whatever sounded good, lie to the Court, and to do whatever she wanted, to inflame everyone's emotions. Everyone seems to have trusted the Prosecutor, and gave her a lot of leeway to "MAKE UP" her case, instead of realizing that she was lying about a lot of it.

The Judge said herself, when they were discussing the Jury instructions, that this was a fraud by concealment case. I did not lie to, or hide anything from Ms. Wilson. Why am I here for defaulting on a loan? The Judge said that it was not a Misrepresentation case, and then turned right around and gave a Jury instruction for Misrepresentation. That made no sense at all. This is the behavior from the Court that I am talking about.

I am charged with "Fraud By Omission", because Prosecutor says I did not tell Ms. Wilson that I would be gambling, shopping, and spending money, even though she was there with me, while gambling, shopping, and spending money. I do not understand that. Although the Prosecutor made a big deal about gambling, by her own figures, the gambling amount, was LESS than 20% of the funds, and I do not agree with her figures, but lets just use them for this point. She made a big issue of LESS than 20%, she did not tell the 20% part, she made people think that most of the proceeds were spent gambling. That is not right either, deception is what that is, and our Prosecutors should not be allowed to deceive, just to win a case.

The Judge also denied my JOA, and said that according to her notes, and her recollection, the IRS case agents never said any of the things in trial that we accused them of saying in the JOA, and then she said, but if they made a "fleeting" comment, I deem it non-prejudicial. First thing, the transcripts proved that the Judge was wrong, and the case agents said "everything" that we accused them of in the JOA, and then some. Next question that I have is, how can you deem a comment non-prejudicial, if you don't know what it is?

The Judge referred to me making lulling payments (probably because that is what the Prosecutor said). I do not see how that applies. We had a loan agreement, and it required me to make monthly payments, between the 1st and the 5th of every month, of which "I did", and the Prosecutor herself had the proof that I did, in the discovery evidence. So, how would on time

ex 3x

contractual payments, for a year and a half, be characterized as lulling payments, just because the Prosecutor says so. She says ANYTHING out of her mouth, and it is frustrating that she gets away with it.

These type of statements that are not based off of any evidence, or the evidence is contrary to the statements, are a violation of my rights, and to hold these untruthful statements against me is wrong.

My Atty had a divided interest, he was at odds with being loyal to me, and preserving his relationship with the Prosecutor. The Prosecutors Misconduct was constant, it was allowed, and at times it seemed to be condoned. She has committed criminal acts without accountability. She is still unaccountable.

I was not able to fairly defend myself. I was stopped from all sides. I was so happy to have been appointed the 2nd Atty John Justin Johnson, because he was doing more than Federal Defender Bill Raymond, that I did not realize at the time, that Atty Johnson was just as bad. I don't know which one of them was worst, the one that refused to investigate or fight for me at all, if I didn't take a Plea Deal (Bill Raymond), or the one who pretended to fight for me, but was more interested in preserving his relationship with the Prosecutor, to enhance his career, so he refused to address Prosecutorial Misconduct. I would have to say, both equally were damaging.

Either way, I was put in a position where I had to deal with a 2nd In-effective Court appointed Attorney. The Magistrate Judge told me when she relieved Bill Raymond, that I had to get along with my 2nd Attorney. I was so excited to get a 2nd Attorney, that I did not realize what she was saying/impling. Bill Raymond was the problem, not me. I had tapes (that the Judge refused to hear), email proof, then in Court, Bill Raymond did exactly what I accused him of, right in front of her, and the Judge was clearly agitated by it. I assume she did not want to hear the tapes, because she would have had to call him In-effective, instead of just replacing him, the tapes would have made it hard to give him the pass that she gave him. In-effective is the title that he earned, and if anyone questions that, we can just play the tapes of his In-effective behavior.

Bill Raymond setup a Change Of Plea Hearing, without me saying I even wanted to change my Plea. He decided that himself. Ending the chance of me possibly being offered a better Plea. These are the things that these Court Appointed Attorneys are doing to us.

I had nothing to do with these 2 Attorneys behavior, and no Judge should order, that a Defendant has to get along with Attorneys, that are not properly defending them. But they do.

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Ex 3

Having Effective Assistance of Counsel is a Right, but it is a right that is not very respected in our Judicial System. If a Defendant speaks up against deficient representation, then it is looked upon as an adversarial thing to do, instead of as a Plea for help in obtaining Effective Assistance of Counsel. If these CJA Attorneys and Federal Defenders are held accountable when their representation is deficient, instead of the Courts giving them a pass, they would give better representation, because they would have no choice.

Your Honor, did you notice that the Prosecutor has fought me on EVERY document that was filed in my case, UNTIL, I filed those documents addressing her Misconduct. She went silent and did not say a word. That is because the record speaks for itself, and she couldn't possibly have a defense to her behavior that the record would not contradict. As long as I had Attorney John Justin Johnson she was safe from being exposed, she did not think that anything would be brought to the Courts attention.

Motion to the Court to Rule in my Case, and to

My Request to this Honorable Court:

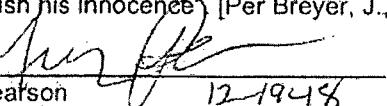
1. Please reverse my Convictions.
2. Please give me a new Attorney to help me.
3. Please let me out on Bond Pending your decision.
4. Please address the Prosecutorial Misconduct.
5. Please Subpoena the recorded calls between me and my Attorney, from Alderson FPC, the dates are 6-5-2017, 6-13-2017, and 8-9-2017. So that I can prove to you that my Attorney said, "he has to watch what he does to the Prosecutor, so it doesn't affect his future cases", when I was asking him about all the Prosecutorial Misconduct that needed to be addressed. You can hear it for yourself from his own mouth. I do not have a way to Subpoena them myself. I need help.
6. Please address the Deficiency in the Federal Defenders Office, and in the CJA program.
7. Please Rule on my case.

(Perjured Testimony "is at war with Justice" because it can cause a Court to render a "Judgment not resting on truth":) (In Re Michael, 326 US 224 (1945))

Napue v. Illinois, 360 U.S. 264, 269,79 S. Ct. 1173, 3 L. Ed. 2d 1217 (1959) (Due Process prohibits the state's "knowing use of false evidence", because such use violates "any concept of ordered Liberty.")

"Prejudice is presumed when counsel is burdened by an actual conflict of interest," for one reason because "it is difficult to measure the precise effect on the defense of representation corrupted by conflicting interests." (Strickland, 466 U.S. at 692; see also Cuyler, 446 U.S. at 345-50)

"Even the intelligent and educated layman has small and sometimes no skill in the science of law. If charged with crime, he is incapable, generally, of determining for himself whether the indictment is good or bad. He is unfamiliar with the rules of evidence. Left without the aid of counsel he may be put on trial without a proper charge, and convicted upon incompetent evidence, or evidence irrelevant to the issue or otherwise inadmissible. He lacks both skill and knowledge adequately to prepare his defense, even though he have a perfect one. He requires the guiding hand of counsel at every step in the proceedings against him. Without it, though he be not guilty, he faces the danger of conviction because he does not know how to establish his innocence" [Per Breyer, J., and Roberts, Ch. J., and Ginsburg and Sotomayor. JJ.] Kaley V. US


Freya Pearson

12-1948

7 of 7

TO:
SUBJECT: 8th Circuit
DATE: 01/09/2019 10:45:42 AM

Cx3

MOTION TO SEAL THE PREVIOUS MOTION FILED FOR APPOINTMENT OF COUNSEL, RELEASE PENDING APPEAL, REVERSE OF CONVICTIONS, AND TO ADDRESS PROSECUTORIAL MISCONDUCT, SUBPOENA RECORDED CALLS BETWEEN APPELLATE AND COUNSEL, TO ADDRESS THE DEFICIENCY IN THE FEDERAL DEFENDERS OFFICE

Defendant is requesting the previous filed Motion to be sealed from the public. The Motion was filed on 1-4-19. Defendant has a lot of personal information in the Motion regarding her Attorney that is private. Please seal the Motion.


Freya Pearson

17-1438

U.S. v. Freya Pearson

RECEIVED
JAN 17 2019
U.S. COURT OF APPEALS
EIGHTH CIRCUIT

Ex 3

UNITED STATES COURT OF APPEALS
FOR THE EIGHTH CIRCUIT

No: 17-1438

United States of America

Appellee

v.

Freya D. Pearson

Appellant

Appeal from U.S. District Court for the Western District of Missouri - Kansas City
(4:14-cr-00306-BP-1)

ORDER

Appellant's motion for leave to file previous motion filed on December 21, 2018 is hereby granted, pending further order of the court.

January 25, 2019

Order Entered Under Rule 27A(a):
Clerk, U.S. Court of Appeals, Eighth Circuit.

/s/ Michael E. Gans

EXHIBIT 4

IN THE UNITED STATES COURT OF APPEALS
FOR THE EIGHTH CIRCUIT

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.) Case No. 17-1438
)
FREYA D. PEARSON,)
)
Defendant.)

**DEFENDANT FREYA D. PEARSON'S EMERGENCY MOTION
FOR RELEASE ON BOND PENDING APPEAL**

COMES NOW Defendant Freya D. Pearson, by and through her attorney, and pursuant to FRAP 9, 18 U.S.C. § 3143, and Federal Rule of Criminal Procedure 38(b)(1), hereby moves this Honorable Court for an order permitting her to remain free on bond pending appeal of the conviction and sentence in the above-captioned case. Ms. Pearson requests an expedited ruling on this motion, given that she is scheduled to self-surrender on May 30, 2017. In support of her motion, Defendant states as follows:

1. After a jury trial, Ms. Pearson was found guilty on all counts of an indictment charging her with wire fraud (Counts One through Three); engaging in a monetary transaction in property derived from wire fraud (Counts Four through Seven); tax evasion (Count Eight); and false statements (Count Nine).

2. The Court sentenced Ms. Pearson to 60 months imprisonment, to be served concurrently, on all counts. The Court ordered that Ms. Pearson would be permitted to self-surrender on May 30, 2017, to the Marshals Service.

3. Ms. Pearson moved the District Court for an order permitting her to remain free on bond pending appeal of her conviction. (Doc. 128). The District Court denied the motion (Doc. 131), stating in pertinent part:

Defendant has not raised a substantial question of law or fact that is likely to result in reversal, an order for a new trial, or a sentence without imprisonment. “[A] defendant who wishes to be released on bail after the imposition of a sentence including a term of imprisonment must . . . show that the question presented by the appeal is substantial, in the sense that it is a close question or one that could go either way.” *United States v. Powell*, 761 F.2d 1227, 1233–34 (8th Cir. 1985). It is not sufficient to show that reasonable judges could differ or that the issue is fairly debatable or not frivolous. *Id.* at 1234. Here, Defendant argues that the evidence was insufficient as to all nine counts, that Count IX should have been severed for trial, that IRS agents testified improperly, and that there was instructional error. Defendant raised the same arguments in her motion for acquittal or in the alternative, for a new trial. (Doc. 96.) For the same reasons stated in the Court’s order denying

the motion for acquittal, (Doc. 111), the Court does not find that Defendant has shown that her appeal raises a substantial question of law or fact likely to result in reversal, a new trial, or a sentence without imprisonment.

4. Ms. Pearson hereby renews her request for bond pending appeal of her conviction and sentence before this Honorable Court. Ms. Pearson has demonstrated that she is not likely to flee, and poses no danger to the safety of any other person or the community if permitted to remain free on bond pending appeal. In addition, the appeal of Ms. Pearson's conviction and sentence will not be for delay, but will be for the purpose of obtaining a swift review of these proceedings. The issues in Ms. Pearson's appeal raise substantial questions of law or fact likely to result in reversal or an order for new trial.

5. 18 U.S.C. § 3143(b)(1) provides in relevant part:

[T]he judicial officer shall order that a person who has been found guilty of an offense and sentenced to a term of imprisonment, and who has filed an appeal... be detained, unless the judicial officer finds –

- (A) by clear and convincing evidence that the person is not likely to flee or pose a danger to the safety of any other person or the community if released under section 3142(b) or (c) of this title; and
- (B) that the appeal is not for the purpose of delay and raises a substantial question of law or fact likely to result in –
 - (i) reversal, [or]
 - (ii) an order for a new trial...

If the judicial officer makes such findings, such judicial officer shall order the release of the person in accordance with section 3142(b) or (c) of this title...

6. Ms. Pearson has demonstrated that she is not a risk to flee or a danger to the community.

7. Moreover, Ms. Pearson respectfully submits that her appeal is not for purposes of delay and will raise at least one substantial issue of law and fact likely to result in reversal or an order for a new trial. Moreover, Ms. Pearson's arguments on appeal are not merely "repeated" from her motions for judgment of acquittal or new trial, but rather have been fleshed out with citations to the transcript of trial, and expanded with citations to additional authority. To illustrate, in her recently submitted Brief of Appellant, Ms. Pearson raised seven issues, each of which raise substantial questions of law or fact likely to result in reversal of her convictions, or an order for new trial.

8. First, the District Court erred in permitting IRS CID agents Henry Herron and Heather Dahmer to testify, over Appellant's objections, to expressions of opinion regarding Appellant's "fraudulent" intent or taxable income in connection with a loan agreement with Marva Wilson, the alleged victim. It is error under Rule 704(b) to permit such testimony. The transcript of trial – which was unavailable at the time that the District Court overruled Appellant's motion for new trial – demonstrates that Agents Herron and Dahmer repeatedly testified concerning

Appellant's culpable mental state using the language of the statute of conviction. (Brief of Appellant at pp. 22-34). To illustrate, Agent Herron stated repeatedly that (a) Agent Brittain was within her jurisdiction to investigate Ms. Pearson because "the actual fraud that was committed" (Tr. 383); (b) the loan agreement between Ms. Wilson and Ms. Pearson was "obtained through fraud or by somehow deceiving the victim" (Tr. 384); (c) the wire transfers from Ms. Wilson to Recidivism at Work were considered income under the Internal Revenue Code because it was "criminal income" (Tr. 387) and a loan "obtained by fraud"; and (d) under the bankruptcy code, there was income, assets, and liabilities which "should have been disclosed" on Ms. Pearson's bankruptcy petition. (Tr. 405; Tr. 410-11). Similarly, Agent Dahmer testified, over Appellant's objection, that "illegally acquired proceeds or income are still taxable" (Tr. 457-58), and that the money that Appellant received from Wilson was taxable "because it was fraudulently obtained." (Tr. 461-62). This testimony was a direct violation of Rule 704(b), and reversible error. *See, e.g., United States v. Scop, 846 F.2d 135, 140 (2d Cir. 1987); United States v. Liner, 435 F.3d 920, 924 (8th Cir. 2006)* (affirming admission of agent's opinion testimony, but observing that "[h]ere, although [the case agent] implied that Liner's program was fraudulent [with testimony concerning the existence of some of the twelve indices of fraudulent high-yield investment schemes], he did not directly address Liner's intent to defraud."); *United States v. Hawley, 562 F.Supp.2d 1017, 1041 (N.D. Iowa*

2008) (In False Claims Act case arising from allegedly fraudulent applications for crop insurance, expert testimony proffered by the government was inadmissible to the extent that evidence purported to define legal terms and duties, or merely told jury what result to reach.)

When the District Court addressed Pearson's claims of error regarding the inappropriate testimony of the agents in ruling on Pearson's Motion for New Trial, the Court said this:

“First, Defendant challenges Agent Herron’s testimony that Agent Dahmer was within her jurisdiction to investigate Defendant because “there was actual fraud being committed.” (Doc. 96, p. 28.) The Court’s recollection, aided by its notes, reveals that Agent Herron testified to statements he made in response to Defendant’s complaint during a telephone conversation that Agent Dahmer was improperly investigating a matter not related to income tax. Agent Herron informed Defendant that agents with the IRS investigate other financial crimes in addition to income tax evasion, such as fraud and money laundering. Agent Herron’s testimony did not suggest that Defendant engaged in fraud. Instead, Agent Herron merely discussed the nature of the investigation and his conversation with Defendant. In the event that Agent Herron made such a specific

statement, the Court does not recall Defendant objecting and concludes that Defendant was not prejudiced by this fleeting comment.

Second, Defendant claims Agent Herron testified that the loan agreement between Ms. Wilson and Defendant was “fraudulent.” The Court’s recollection, aided by its notes, reveals that Agent Herron used the words “fraud” or “fraudulent” to describe the type of investigation and did not testify that Defendant’s actions were fraudulent. Thus, Agent Herron was not expressing an opinion on the ultimate issue or about Defendant’s intent.

Third, Defendant alleges Agent Herron testified that that the wire transfers from Ms. Wilson to the RAW account were considered income under the Internal Revenue Code because it was “illegally obtained income” and a “fraudulently obtained loan.” The Court’s recollection, aided by its notes, reveals that Agent Herron testified more generally that if a loan is obtained by fraud, then it is illegally obtained income, which is taxable. Agent Herron did not express an opinion on whether the transfers in this case were fraudulent.

(Doc. 111).

But, based on the actual transcripts, the Court was mistaken as to what the CID Agents testified to, in relying on its notes and recollection, when ruling on the Motion for New Trial. Defense counsel made several objections to this improper Testimony, as the transcripts reflect, and the transcripts show that Agents Herron and Brittain testified concerning their opinions that the loan agreement and transfers were fraudulent, and essentially drew legal conclusions that were extremely prejudicial to Pearson, which is a direct violation of Rule 704 (b) and reversible error.

9. Second, the evidence was insufficient to sustain convictions on all counts of the indictment in this case. Concerning the wire fraud counts, there was no evidence that Appellant had a fiduciary or statutory duty to disclose the information she was alleged to have failed to disclose to the victim. (Brief of Appellant, pp. 42-45). The scheme or artifice to defraud described in the Indictment is that Defendant “materially omitted to disclose to Wilson that she would use the money to gamble and for her own personal expenses.” (Doc. 1, p. 2, ¶ 4). The Jury Instructions submitted to the jury described the alleged scheme as “the defendant had Marva Wilson transfer money … without telling Wilson that the defendant would use the money for personal expenditures.” (Doc. 93, pp. 25-27). Thus, the Government charged Appellant and proceeded to trial on a theory that Defendant

committed “fraud by silence.” Ms. Wilson’s testimony confirmed this theory, in that she did not testify concerning any affirmative misrepresentation made by Ms. Pearson (Tr. 30, ln. 12-14), but rather only testified concerning the fact that Pearson “didn’t tell her” that she planned to use the money for gambling, cars, or other personal expenses. (Tr. 307, ln. 15-22). (Ms. Wilson did, however, admit that she went gambling with Pearson in Las Vegas and Kansas City. (Tr. 333, ln. 19 through Tr. 335, ln. 6).) The indictment, however, does not allege that Defendant had a fiduciary, statutory, or other independent legal duty to disclose material information, and the Government has adduced no evidence of such duty. Further, the Indictment does not allege – and the Government has produced no proof – that Defendant engaged in any affirmative act of concealment designed to conceal or suppress from Wilson the allegedly “material fact” that defendant would use the money to gamble or for personal expenditures. Indeed, Wilson testified that she and Pearson went gambling together on several occasions. In the absence of allegations or proof of either a legal duty to disclose, or an act of concealment, there was insufficient evidence to convict Appellant of Counts One through Three. Moreover, because the evidence was insufficient on the wire fraud charges, the money laundering charges must also fail. (Brief of Appellant at pp. 45-46).

10. There was also insufficient evidence that Appellant knowingly evaded any income tax obligation. (*Id.* at pp. 46-48). The evidence at trial proved that Ms

Pearson essentially begged the CID agents in writing, to tell her if she had a tax liability, and they never did. Ms Pearson only found out that there was a tax liability owed when she was arrested. Therefore, the proof at trial did not sustain all elements of the charge, which requires “willfulness” as well as an “attempt to evade.” The evidence showed that Pearson asked on at least three occasions, in writing, whether or not she had a tax liability so that she could take care of it, with no response from the IRS informing her of a deficiency.

11. Because the evidence at trial showed that the allegedly false statements in Count 9 either weren’t made, or that such statements were “literally true,” as a matter of law, the jury could not conclude that Appellant made any false statements. (*Id.* at pp. 48-52).

12. Third, Counts One through Eight of the indictment were improperly joined for trial with Count Nine under Fed. R. Crim. P. 8(a) and 14(a). For all practical purposes, the trial of this case proved to be two separate trials involving two largely unrelated investigations. The jury was forced to parse through two analytically divergent universes of evidence, law and instructions, with the result being unfair prejudice to the Defendant, confusing the issues, and misleading the jury. To illustrate, the Government argued that joinder was proper under Rule 8(a) because Pearson’s offenses are of the same or similar character, that is, financial fraud. Pearson’s offenses are also based on the same acts or transactions, in that the

money she received from Wilson disqualified her from receiving federal housing benefits, while her receipt of federal housing benefits and claimed homelessness belied her stories to Wilson and detectives that she was a successful businesswoman. (Doc. 51 at pp. 4-5). But, there was no testimony from either Wilson or any law enforcement agent that Pearson held herself out to be a successful businessperson. Indeed, Wilson didn't have the impression that Pearson had any sort of financial or legal expertise. (Tr. 298, ln. 6-8). The lack of any such testimony specifically refutes the Government's argument in support of joinder. Ms. Pearson was severely prejudiced by the joinder of the Wilson Counts and the Weston Counts, because as discussed above, evidence regarding each count group was not interrelated or relevant to the other. As such, there was a substantial risk that "the jury improperly may use evidence of one offense to infer that the offenses are interrelated and improperly view evidence that [she] committed one offense as demonstrating [her] propensity to commit [the other] offense." *United States v. Curry*, 2016 U.S. Dist. LEXIS 90746, *9 (D. South Dakota, July 13, 2016) (citing *United States v. Payton*, 636 F.3d 1027, 1037 (8th Cir. 2011)). Most importantly, however, Ms. Pearson's Fifth Amendment privilege suffered a chilling effect because the Wilson Counts and Weston Counts were tried together. Indeed, while she may have elected to testify on her own behalf as to the Wilson Counts, she decided to exercise her rights under the Fifth Amendment as to the Weston Counts.

13. Fourth, the District Court erred in declining to give Appellant's proposed jury instruction concerning his theory of defense – "literal truth" – to the false statement charge in Count Nine. (Brief of Appellant at p. 63).

14. Fifth, the District Court erred in failing to sustain Appellant's objection to Instruction No.'s 20 through 22, that the verdict directing instructions on wire fraud should contain an additional element, that "the defendant had a fiduciary or statutory duty to disclose, independent of any duty imposed by contract." Failure to do so constituted error requiring a new trial. (Brief of Appellant at p. 65).

15. Sixth, the indictment failed to state a claim, because it omitted any facts demonstrating "active concealment" or a "fiduciary or statutory duty to disclose" as a fourth element of the offense of wire fraud by omission. (Brief of Appellant at p. 67).

16. In the District Court, the Government opposed Pearson's request for bond pending appeal, citing an alleged violation of her pretrial release conditions which never resulted in a revocation by the District Court, and upon which the District Court never conducted a hearing, because Pearson's Pretrial Services Officer recommended that Ms. Pearson be continued on bond with some modified conditions. Ms. Pearson denied the allegations at the time they were made. The Court set a hearing to hear evidence on those violations, but because the pretrial services officer in Georgia did not want to proceed with revocation, arrangements

were made whereby Ms. Pearson consented to the release of various financial records as an additional condition of her release. Had this matter proceeded to a hearing on the bond violations, the pretrial services officer in Georgia would have been Pearson's primary witness.

17. As to the allegation by the Government that Ms. Pearson made false statements concerning her address and prior address, Ms. Pearson would have presented evidence that her prior address was not false, and that she has gone to great lengths to use a P.O. Box address on all official paperwork – including with pretrial services and probation – to protect herself from a stalker in Georgia. There was no deliberate falsification – indeed, the Pretrial Services Officer in Georgia knew about this arrangement.

18. As for the allegation that Ms. Pearson falsified her income and address on a credit application, Ms. Pearson was prepared to present evidence that her income was correctly reported on the application, via testimony of the broker through whom she was employed. Also, she was prepared to present evidence that she informed the car dealer of the situation with her stalker, and asked for a suggestion of how to proceed. Ms. Pearson would also present evidence that she was preapproved through Capital One for financing a vehicle when she went to the car dealer and had been issued an approval letter, but ultimately decided not to purchase

the vehicle due to the uncertainty of her future with this case. There was no loan fraud.

19. All told, Ms. Pearson has been compliant with Pretrial Services, and her supervising officer was supportive of her in ensuring that she was continued on bond. Obviously, Pretrial Services does not view Pearson as a threat to the community or otherwise noncompliant, or the officer would not have been willing to recommend continuing her bond.

20. Moreover, in opposing the motion for bond pending appeal in the District Court below, the Government did not present any substantive arguments in opposition to the seven issues raised in Pearson's Brief of Appellant, but rather argues that because the Motion for New Trial and/or Judgment of Acquittal was denied by the District Court, the motion for bond should also be denied. But, the Government's detailed written arguments in opposition to Pearson's motion for new trial in the Court below only highlights that these issues are substantial questions of law and fact, and that the issues present "close questions that could go either way."

21. Ms. Pearson respectfully submits that the claims of error she intends to raise on appeal are likely to result in her conviction and sentences being vacated, and on that basis, the Eighth Circuit will likely order a new trial, or enter a judgment of acquittal.

22. Accordingly, the Court should grant this motion for bond pending appeal, and stay all orders concerning monetary penalties.

Respectfully submitted,

JOHNSTON LAW FIRM LLC

By:

/s/ J. Justin Johnston
Johnston Law Firm LLC
811 Grand Blvd. #101
Kansas City, Missouri 64106
Telephone: (816) 739-4538
jjj@johnstonlawkc.com

Certificate of Service

I hereby certify that on May 16th, 2017, I electronically filed the foregoing with the Clerk of the Court for the United States Court of Appeals for the Eighth Circuit by using the CM/ECF system. I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

/s/ J. Justin Johnston
Counsel for Appellant

CERTIFICATE OF COMPLIANCE WITH TYPE-VOLUME LIMIT, TYPEFACE REQUIREMENTS, AND TYPE-STYLE REQUIREMENTS

I hereby certify that this motion complies with the type-volume limitation of Fed. R. App. P. 27(d)(2)(A) because this motion contains 3444 words.

I further certify that this motion complies with the typeface requirements of Fed. R. App. P. 27(1)(E) and 32(a)(5) and the type style requirements of Fed. R. App. P. 32(a)(6) because this motion has been prepared in a proportionally spaced typeface using Microsoft Word, in 14-point Times New Roman font.

/s/ J. Justin Johnston
Counsel for Appellant

Dated: May 16th, 2017

**UNITED STATES COURT OF APPEALS
FOR THE EIGHTH CIRCUIT**

No: 17-1438

United States of America

Appellee

v.

Freya D. Pearson

Appellant

Appeal from U.S. District Court for the Western District of Missouri - Kansas City
(4:14-cr-00306-BP-1)

ORDER

A motion for release on bond pending appeal has been filed in this case. Counsel for the appellee is directed to file a response to the motion. The response is due May 23, 2017.

May 16, 2017

Order Entered Under Rule 27A(a):
Clerk, U.S. Court of Appeals, Eighth Circuit.

/s/ Michael E. Gans

UNITED STATES COURT OF APPEALS
FOR THE EIGHTH CIRCUIT

No: 17-1438

United States of America

Appellee

v.

Freya D. Pearson

Appellant

Appeal from U.S. District Court for the Western District of Missouri - Kansas City
(4:14-cr-00306-BP-1)

ORDER

Appellant's motion for release on bond pending appeal has been considered and is denied.

May 25, 2017

Order Entered at the Direction of the Court:
Clerk, U.S. Court of Appeals, Eighth Circuit.

/s/ Michael E. Gans

EXHIBIT 5

**IN THE
UNITED STATES COURT OF APPEALS
FOR THE EIGHTH CIRCUIT**

**UNITED STATES OF AMERICA,)
)
)
 Appellee,)
)
)
 v.) No. 17-1438
)
**FREYA PEARSON,)
)
)
 Appellant.)****

**GOVERNMENT'S REONSE IN OPPOSITION TO APPELLANT'S
MOTION FOR RELEASE ON BOND PENDING APPEAL**

The appellee, the United States of America, is filing this response in opposition to appellant Freya Pearson's motion for bond pending appeal. Pearson fails to meet the requirement of 18 U.S.C. § 3143(b)(1)(B), because she raises no substantial question of law or fact likely to result in a reversal, an order for new trial, nor a sentence without imprisonment.

I. Background and Bond Violation

On October 27, 2016, after a four-day trial, a jury convicted the appellant, Freya Pearson, of all nine counts in the indictment: Counts 1 through 3 charged Pearson with wire fraud in violation of 18 U.S.C. § 1343; Counts 4 through 7 charged Pearson with money laundering in violation of 18 U.S.C. § 1957; Count 8 charged Pearson with tax evasion in violation of 26 U.S.C. § 7201; and Count 9 charged Pearson with making false statements in violation of 18 U.S.C. § 1001. On

February 22, 2017, the Honorable Beth Phillips, United States District Court judge for the Western District of Missouri, imposed sentences of 60 months' imprisonment on all counts, to run concurrently, and ordered that Pearson self-surrender for service of her sentence May 30, 2017.

On the first day of trial, October 24, 2016, the district court first addressed a reported pre-trial violation by Pearson that she had made false statements in a loan application to purchase a 2016 Dodge Journey. (Tr. 9.) The defense at that time stipulated to the facts in the summary of the violation with a proffer that the loan had been denied. (Tr. 10.) When the court questioned Pearson directly, Pearson stated that she was a licensed Realtor in two states but not working in real estate at the time. (Tr. 12.) Pearson's attorney then stated that Pearson was not sure what loan information was inconsistent with her pretrial records. (Tr. 13.) The district court tabled the matter until after the trial. (Tr. 13-14.)

At sentencing, the Government argued in its sentencing memorandum that the facts constituting the bond violation showed that Pearson was a continuing threat to the public. (DCD 111, p. 10, Exhibits A and B.) The violation alleged that on September 15, 2016, Pearson made false statements on a credit application at Honda of Conyers, Georgia (attached as Exhibit A to this response), in order to purchase a 2016 Dodge Journey. On the application, Pearson listed a false address, 176 Jackson Street, while the PSR listed Pearson's address as 2308 Hi Roc Road

Northeast, Conyers, Georgia. (PSR 3.) On the application, Pearson listed her prior address as 5308 S. Victoria Ave., Los Angeles, and that she had lived there 20 years. (Ex. A, pp. 3, 6.) However, the evidence at trial showed Pearson lived in Kansas City, Missouri, St. Louis, Missouri, and 25151 La Estrada Drive, Laguna Niguel, California within the past six years. (PSR 6-7, ¶¶ 13-15, 17.)

On her credit application, Pearson listed her employment as Lee Staples Realty, her monthly income as \$4,000, and other monthly income (Supplemental Security income) as \$1,000. However, Lee Staples Realty submitted a statement to the United States Probation Office, attached to this response as Exhibit B, that Pearson's job was commission based, and that she had only two real estate closings since August 2015, totaling \$11,432.90, which was not monthly income, but if it were, would be less than \$1,000 per month. (DCD 111.)

Pearson did not respond to these allegations in her sentencing memorandum or at sentencing, instead arguing for a lenient sentence because she was a single mother and had been abused as a child. (DCD 113.) The district court found at sentencing that Pearson had made the false statements, but continued Pearson on bond so that her daughter could finish the school year at her current school and thus allowed Pearson a longer period than normal in which to self-surrender.

Pearson now states in her motion to this Court, that she had an arrangement with the Probation Office to use a post office box on all official paperwork.

(Pearson Motion for Bond Pending Appeal, p. 13.) However, none of the addresses claimed by Pearson in either the loan application or PSR were post office boxes, nor was this explanation given previously. She also claims in her motion that she was prepared to present testimony from her broker about her income, yet her broker had already issued a statement detailing her “employment” and two sales in the past year.

(Pearson Motion for Bond Pending Appeal, p. 13.) Just as with the fraud scheme for which the jury convicted her, Pearson has multiple, evolving stories to attempt to explain her conduct.

On February 27, 2017, Pearson filed a notice of appeal. This Court docketed the matter as Case No. 17-1438. Pearson filed her brief on May 2, 2017. She filed a motion before the district court requesting an appeal bond on May 4, 2017. (DCD 128.) The district court denied Pearson’s motion on May 9, 2017. (DCD 131.) On May 16, 2017, Pearson filed the instant motion.

II. Argument

The statute authorizing bail pending appeal, 18 U.S.C. § 3143(b)(1), creates a presumption against bail for a person found guilty and sentenced, but outlines an exception that requires the satisfaction of a two-prong test:

The judicial officer shall order that a person who has been found guilty of an offense and sentenced to a term of imprisonment, and who has filed an appeal . . . be detained unless the judicial officer finds –

- (A) by clear and convincing evidence that the person is not likely to flee or pose a danger to the safety of any other person

or the community if released under section 3142(b) or (c) of this title; and

(B) that the appeal is not for the purpose of delay and raises a substantial question of law or fact likely to result in –

- (i) reversal,
- (ii) an order for new trial,
- (iii) a sentence that does not include a term of imprisonment, or
- (iv) a reduced sentence to a term of imprisonment less than the total of the time already served plus the expected duration of the appeal process.

If the judicial officer makes such findings, such judicial officer shall order the release of the person in accordance with section 3142(b) or (c) of this title . . .

Pearson has not met her burden of proving that she is not likely to flee nor present a danger to the safety of the community, as she had a significant bond violation involving continued fraudulent conduct while on pre-trial release as detailed above. But even assuming, solely for the sake of argument, that she could meet the first prong, she fails to meet the second prong – that her appeal raises a substantial question of law or fact likely to result in a reversal or new trial.

The Bail Reform Act of 1984 made it much more difficult for a convicted criminal defendant to obtain release on bond pending appeal. *United States v. Powell*, 761 F.2d 1227, 1231 (8th Cir. 1985). A defendant who wishes to be released on bail after the imposition of a sentence including a term of imprisonment must show that the question presented by the appeal is substantial, in the sense that

it is a close question or one that could very well be decided the other way on appeal. *Id.* at 1233-34. The defendant must show not “simply that reasonable judges could differ” – but that there is a question “so integral to the merits of the conviction that it is more probable than not that the reversal or a new trial will occur if the question is decided in the defendant’s favor.” *United States v. Marshall*, 78 F.3d 365, 366 (8th Cir. 1996) (quoting *Powell*, 761 F.2d at 1234). See also *United States v. Engelmann*, 985 F.Supp.2d 1042, 1051 (S.D. Ia. 2013) (defendant failed to demonstrate it was more probable than not that the Court of Appeals would reverse or order a new trial).

In support of her argument that her appeal raises substantial questions, Pearson cites portions of her brief where she argues that the evidence was insufficient as to all nine counts, that her counts should have been severed for trial, that law enforcement agents testified improperly, and that there was instructional error. Significantly, her arguments mirror the arguments she made in her motion for acquittal or in the alternative, for a new trial. (DCD 96.) Pearson repeated those arguments in her reply suggestions in support of her motion for new trial. (DCD 105.) The district court rejected Pearson’s arguments and denied her motion for acquittal or for new trial. (DCD 111.)

Pearson now raises the same arguments for at least the third time – although some arguments, such as that her counts should have been severed for trial, have

been raised at least five times. (DCD 48, 55, 96, 105, 128, 130.) Although Pearson claimed in her reply to her first motion for appeal bond that the arguments made in her brief were not merely “repeated” (DCD 130, p. 3), the district court found otherwise in denying her motion:

Defendant raised the same arguments in her motion for acquittal or in the alternative, for a new trial. (D.E. 96.) For the same reasons stated in the Court order denying the motion for acquittal, (Doc. 111), the Court does not find that Defendant has shown that her appeal raises a substantial question of law or fact likely to result in reversal, a new trial, or a sentence without imprisonment.

(DCD 131.)

Pearson cites no substantial question of law or fact from her trial likely to result in reversal. Nor does she present questions so integral to the merits of all nine counts that more likely than not would result in reversal of a new trial. Pearson fails to meet her burden on either prong and her request for appeal bond should be denied.

Finally, “[i]f defendants convicted of white-collar crimes are released as a matter of course pending appeal, the deterrent effect of expeditious sentencing is undermined.” *United States v. Brand*, No. CR 15-346-3, 2016 WL 7826698, at *4 (E.D. Pa. Dec. 20, 2016).

III. Conclusion

Since Pearson does not meet the stringent requirements for obtaining bond pending appeal, this Court should deny Pearson's motion.

Respectfully submitted,

THOMAS M. LARSON
Acting United States Attorney

By */s/ Kathleen D. Mahoney*

KATHLEEN D. MAHONEY
Assistant United States Attorney

Charles Evans Whittaker Courthouse
400 East Ninth Street, Suite 5510
Kansas City, Missouri 64106
Telephone: (816) 426-3122

Attorneys for Appellee

CERTIFICATE OF COMPLIANCE

I hereby certify, pursuant to Fed. R. App. P. 32(a)(7)(C), that this motion complies with the type-volume limitations in Fed. R. App. P. 32(a)(7)(B) and contains 1949 words. This motion was prepared using Microsoft Word 2016 software. In making this certification I have relied upon the word-count feature of Microsoft Word 2016. Furthermore, this motion has been determined to be virus-free in compliance with Eighth Circuit Rule 28A(h).

/s/ Kathleen D. Mahoney

Kathleen D. Mahoney
Assistant United States Attorney

CERTIFICATE OF SERVICE

I hereby certify that on May 23, 2017, the foregoing was electronically filed with the Clerk of the Court for the United States Court of Appeals for the Eighth Circuit by using the CM/ECF system. A copy will be served on participants in the case by the CM/ECF system or by U.S. Mail, postage prepaid.

J. Justin Johnston
Johnston Law Firm LLC
811 Grand Blvd., Suite 101
Kansas City, MO 64106
Attorney for Appellant

/s/ Kathleen D. Mahoney

Kathleen D. Mahoney
Assistant United States Attorney

Application Decision Information History

Customer Name: Freya, Pearson

Customer Folder ID: 160913122452334

Application ID: 1898370654

Decision	Lender	Date/Time (GMT)	Product	Amount	Term	Buy Rate	Customer Rate	Vehicle
Counteroffer	Capitalone	9/15/2016 9:24:26 PM	Retail	\$17,410	72	24.99%		Used 2016 DODGE JOURNEY
Stipulations:								
Ssn Must Be Verified With Relationship Manager Prior To Contracting								
Counteroffer	Capitalone	9/15/2016 11:21:41 PM	Retail	\$17,410	72	24.99%		Used 2016 DODGE JOURNEY
Stipulations:								
Ssn Must Be Verified With Relationship Manager Prior To Contracting								

Honda Of Conyers

Customer FREYA PEARSON

RedFlags Results

Customer Information	
FREYA PEARSON	
176 JACKSON STREET MONTICELLO, GA 31064	
SS# ***-**-	
ID Verification Summary	
Red flags Score	50
Fraud Risk	N/A
Status	Incomplete. A high level of risk exists.
Date	09/13/2016 08:40:44
ID Verification Detail	
<ul style="list-style-type: none">• No verifiable match found on the address provided by the consumer• Inquiry address does not match to primary data source.• Phone number not validated• Inquiry address is not associated with this consumer's name• Input address did not match to any of the addresses contained in the primary data source• Inquiry telephone number may belong to a mobile phone• No fraud or active duty alert found.• First name is validated• Last name is validated• Date of Birth is validated• Social Security Number is validated• Identity located on primary data source	

Dealer Name: Honda Of Conyers

Dealer Phone #: 770-922-5292
Dealer Fax #: 770-922-8990

PLEASE PRINT - INCOMPLETE APPLICATIONS WILL NOT BE PROCESSED.

INSTRUCTIONS:

You may apply for credit in your name alone, whether or not you are married.

(1) Please indicate whether you are applying for Individual Credit Joint Credit Community Property State Business Application

(2) If you are applying for individual credit in your name and relying on your own income or assets and not the income or assets of another person as the basis of repayment of the credit requested, complete only Section A.

(3) If you are applying for joint credit with another person, complete sections A and B. We intend to apply for joint credit.

Applicant

Co-Applicant

* If you are married and live in a community property state, please complete Section A about yourself and Section B about your spouse. You must sign this application. Your spouse must sign this application only if s/he wishes to be a Co-Applicant.

A: APPLICANT INFORMATION

Last Name PEARSON	First Name FREYA	Middle Initial D	Social Security Number		Birth Date
Address 176 JACKSON ST ST	Apt # / Suite #	P.O. Box	Rural Route	City MONTICELLO	GA 31064
Home Phone * (314) 267-5303	Cell Phone *	Residential Status <input type="checkbox"/> Homeowner <input type="checkbox"/> Rent <input checked="" type="checkbox"/> Family <input type="checkbox"/> Other	Time at Address 0 Yrs. 1 Mos.	Rent/Mtg. Pmt. \$ 0.00	
E-Mail Address		Driver's License No.		Driver's License State	Time at Previous Address Yrs. Mos.
Previous Full Address (if less than 2 years) 5308 SOUTH VIC AV AV		Apt # / Suite #	P.O. Box	Rural Route	City LOS ANGELS
Employer Name LEE STAPLES REALTY		Employment Type <input checked="" type="checkbox"/> Employed <input type="checkbox"/> Unemployed <input type="checkbox"/> Self-employed <input type="checkbox"/> Military <input type="checkbox"/> Retired <input type="checkbox"/> Student <input type="checkbox"/> Other			
Salary 4,000.00	Salary Type <input type="checkbox"/> Weekly <input type="checkbox"/> Bi-Weekly <input checked="" type="checkbox"/> Monthly <input type="checkbox"/> Annually	Occupation REALTOR		Length of Employment 2 Yrs. 0 Mos.	Work Phone Number * (770) 483-7779
Previous Employer Name		Previous Employment Type <input type="checkbox"/> Employed <input type="checkbox"/> Unemployed <input type="checkbox"/> Self-employed <input type="checkbox"/> Military <input type="checkbox"/> Retired <input type="checkbox"/> Student <input type="checkbox"/> Other			
Previous Occupation		Length of Employment Yrs. Mos.	Previous Work Phone Number		
Alimony, child support, or separate maintenance income need not be revealed if you do not choose to have it considered as a basis for repaying this obligation.					
Other Income (Monthly) 1,323.00	Source of Other Income SSI	By signing, you certify that the income entered on this Credit Application is accurate. <input checked="" type="checkbox"/>			

Comments

AGREEMENT

You understand and agree that you are applying for credit by providing the information to complete and submit this credit application. We may keep this application and any other application submitted to us and information about you whether or not the application is approved. You certify that the information on the application and in any other application submitted to us, is true and complete. You understand that false statements may subject you to criminal penalties. The words "you," "your" and "yours" mean each person submitting this application. The words "we," "us," "our" and "ours" as used below refer to us, the dealer, and to the financial institution(s) selected to receive your application. You authorize us to submit this application and any other application submitted in connection with the proposed transaction to the financial institutions disclosed to you by us the dealers; in addition, in accordance with the Fair Credit Reporting Act, you authorize that such financial institutions may submit your applications to other financial institutions for the purpose of fulfilling your request to apply for credit. This application will be reviewed by such financial institutions on behalf of themselves and us the dealer. You agree that we may obtain a consumer credit report periodically from one or more consumer reporting agencies (credit bureaus) in connection with the proposed transaction and any update, renewal, refinancing, modification or extension of that transaction. You also agree that we or any affiliate of ours may obtain one or more consumer credit reports on you at any time whatsoever. If you ask, you will be told whether a credit report was requested, and if so, the name and address of any credit bureau from which we or our affiliate obtained your credit report. You agree that we may verify your employment, pay, assets and debts, and that anyone receiving a copy of this is authorized to provide us with such information. You further authorize us to gather whatever credit and employment history we consider necessary and appropriate in evaluating this application and any other applications submitted in connection with the proposed transaction. You understand that we will rely on the information in this credit application in making our decision. We may monitor and record telephone calls regarding your account for quality assurance, compliance, training, or similar purposes.

You consent to receive autodialed, prerecorded and artificial voice calls and text messages for servicing and collection purposes from us at the telephone number(s) provided in this credit application, including any cell phone numbers. The consent applies to the dealer, who is the originating creditor in this transaction, as well as any assignee who may purchase your credit contract. You agree that this consent applies regardless of whether you agree to receive telemarketing/sales calls and text messages as provided below.

I consent to receive autodialed, pre-recorded and artificial voice telemarketing and sales calls and text messages from or on behalf of dealer (or any financing source to which dealer assigns my contract) at the telephone number(s) provided in this credit application, including any cell phone numbers. I understand that this consent is not a condition of purchase or credit.

Initial to consent here _____

This application may be submitted to the following financial institutions [Name(s) and Address(es)] _____

BY SIGNING BELOW, YOU CERTIFY THAT YOU HAVE READ AND AGREE TO THE TERMS AND DISCLOSURES ON THE PAGES OF THIS APPLICATION.

X

APPLICANT'S SIGNATURE

DATE

Honda Of Conyers

Customer FREYA PEARSON

OFAC Verification Results

Customer Information	
FREYA PEARSON	
176 JACKSON STREET	
MONTICELLO, GA 31064	
SS# ****-**-	
OFAC Verification Results	
Date	09/13/2016 08:40:44
Status	Complete
OFAC Detail	
No Match on OFAC	

Out-of-Wallet Results

Customer Information

FREYA PEARSON
176 JACKSON STREET
MONTICELLO, GA 31064
SS# ***-**-

Response : Customer correctly answered 4 out of 4 questions .

Date : 09/15/2016 04:11:16

Result : Complete

PLEASE PRINT — INCOMPLETE APPLICATIONS WILL NOT BE PROCESSED.

INSTRUCTIONS:

You may apply for credit in your name alone, whether or not you are married. Please indicate whether you are applying Individually, or With another person. Indicate your marital status here only if:

- a) you live in a community property state (AZ, CA, ID, LA, NM, NV, TX, WA, WI), or
- b) it is a joint application, or c) this is an application for secured credit.

MARRIED UNMARRIED SEPARATED

(3) We intend to apply for joint credit

Applicant Initials Co-Applicant Initials

(4) If you are applying for credit with another person, please complete all sections.

(5) If you are married and live in a community property state, or any property that will secure this credit is located within a community property state, please provide information about your spouse in the "Co-Applicant" section (even if this application is in your name alone).

Will Applicant(s) be principal driver/operator? YES NO.

The vehicle being applied for will be used primarily for: (check one)

Personal, family or household use. Business, commercial, or agricultural purposes, or you are an organization or governmental entity.

APPLICANT INFORMATION

Last Name Barson	First Name Freddy	Middle	Birthdate	Social Security No.
Address (Residence) 176 Jackson St.	City Monticello	State CA	Zip 31064	How Long: 1 Yrs. 1 Mos.
Home Phone (314) 247-5303	Cell Phone () -	Mailing Address (if different from Home Address) P.O. Box 724251		City Atlanta
Residential Status: <input type="checkbox"/> Own <input checked="" type="checkbox"/> Rent <input type="checkbox"/> Buying <input type="checkbox"/> Parents <input type="checkbox"/> Other				State GA
Previous Full Address (if less than 3 years) 530 N. S. 11th Ave. A-C		How Long: 20 Yrs. 0 Mos.		Zip 31139
EMPLOYMENT and INCOME INFORMATION: Note - Alimony, child support, or separate maintenance income need not be revealed if you do not choose to have it considered as a basis for repaying this obligation.				
Employer Name / <input type="checkbox"/> Self-Employed Leo St. Plus Realty		Monthly Income: \$ 4,000	Length of Employment	Occupation Realtor
		Other Income: \$ 1000	1 Yrs. 1 Mos.	
Source: SS				
Current Work Phone Number (710) 483-7779		Previous Employer Name (if less than 3 years) KW	Length of Employment	Occupation Realtor
			4 Yrs. 0 Mos.	

CO-APPLICANT INFORMATION - This Person is a: Spouse Joint Applicant Co-signer/Guarantor Non-Applicant Spouse

Last Name	First Name	Middle	Birthdate	Social Security No.
less (if different than Applicant's)		City	State	Zip
Home Phone () -	Cell Phone () -	Mailing Address (if different from Home Address)		How Long: Yrs. 0 Mos.
Residential Status: <input type="checkbox"/> Own <input type="checkbox"/> Rent <input type="checkbox"/> Buying <input type="checkbox"/> Parents <input type="checkbox"/> Other				Drivers License No.
Previous Full Address (if less than 3 years)		How Long: Yrs. 0 Mos.		E-Mail Address:
EMPLOYMENT and INCOME INFORMATION: Note - Alimony, child support, or separate maintenance income need not be revealed if you do not choose to have it considered as a basis for repaying this obligation.				
Employer Name / <input type="checkbox"/> Self-Employed		Monthly Income: \$	Length of Employment	Occupation
		Other Income: \$	Yrs. 0 Mos.	
Source:				
Current Work Phone Number () -		Previous Employer Name (if less than 3 years)	Length of Employment	Occupation
			Yrs. 0 Mos.	

CREDIT and DEBT INFORMATION: If you are married and live in a community property state, or any property that will secure this credit is located in such, the Seller/Lessor and AHFC will assume that all assets and income are community property and all debts are community obligations, unless you indicate otherwise on this application.

Bank Reference: _____ Account No.: _____ Checking Savings
Type of Loan: Mortgage Payment: \$ _____ Balance: \$ _____ Creditor: _____
 Auto Payment: \$ _____ Balance: \$ _____ Creditor: _____

Has any party to this application been the subject, or subject to bankruptcy proceedings? Yes No Explain, if yes: _____

Has any party to this application ever obtained credit under a different name? Yes No If so, what name? _____

Had a vehicle repossessed? Yes No If so, explain: _____

References

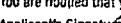
Nearest relative not living with you:

Name	Address	Phone () -	Relationship to Applicant
2 additional references:			
Name	Address	Phone () -	Relationship to Applicant
		() -	

Please read and sign below: By your signature below, you certify that you have completed this application to obtain credit, and that all information provided by you for this application is true, correct and complete. You understand and agree that this application and related credit information will be forwarded to AHFC (or other financial institution if shown below), and AHFC may be asked to buy the retail installment contract or lease involved in this transaction. You authorize AHFC to share the results of any credit report, credit investigation, or employment investigation (including the information contained in this application) with the Dealer named below and any other person assisting you in obtaining an extension of credit. You also authorize the Dealer to receive copies of such reports and investigations to: (1) assist you in a loan/extension of credit and (2) search for financing with third party lenders on your behalf. You authorize the Seller/Lessor, AHFC and any affiliate, agent, service provider or assignee of AHFC (collectively "We", "us" and "Our") to make inquiries and obtain information about you as We deem appropriate, including obtaining credit reports, contacting your credit references and/or your employer, investigating your credit and employment history, and contacting any person or department about your driving record. You also authorize Us to provide credit information about this transaction to others for the purpose of initiating, monitoring, and servicing your account, and for other legally permissible purposes. You authorize Us to give a copy of this application to anyone who has agreed to pay debts incurred on the basis of this application. If you provided your e-mail address on this application, you agree that any communications and correspondence to you from any of the parties to this transaction may be effected by e-mail. You agree that if an account is created for you, all of the following will also apply: (a) AHFC may monitor and record telephone calls regarding servicing or collecting your account, as the law allows; (b) you expressly consent to AHFC using prerecorded/artificial voice messages, text messages and/or automatic dialing equipment in the future, or it obtains from another source, even if the number is for a mobile telephone and/or Us using the number results in charges to you.

AHFC means and includes American Honda Finance Corporation and Honda Lease Trust, 20800 Madrona Avenue, Torrance, CA 90503

You are notified that your application may be submitted to (Name and Address required): _____

Applicant's Signature: 

Date: _____

Co-Applicant's Signature: _____

Date: _____

DEALER SECTION

Dealer Name		Dealer #:	Dealer Contact Person:	
Honda Customer: <input type="checkbox"/> Yes <input type="checkbox"/> No	Year	Make	Model #	
AHFC Customer: <input type="checkbox"/> Yes <input type="checkbox"/> No			MSRP	
Loyalty: <input type="checkbox"/> Yes <input type="checkbox"/> No	Term:	Income	Estimated Payments	Cap. Cost Red.
			\$	Adj. Cap. Cost
Sales Program: <input type="checkbox"/> New <input type="checkbox"/> Used <input type="checkbox"/> Certified		Cash Price:	Sales Tax:	Cash Down: Trade-In Amount Amount Financed



FEDERAL NOTICES

IMPORTANT INFORMATION ABOUT PROCEDURES FOR OPENING A NEW ACCOUNT If applicable to your credit transaction, to help the government fight the funding of terrorism and money laundering activities, Federal law requires financial institutions to obtain, verify, and record information that identifies each person who opens an account. What this means for you: When you open an account, you will be asked for your name, address, date of birth, and other information to identify you. You may also be asked to see your driver's license or other identifying documents.

STATE NOTICES

California Residents: An applicant, if married, may apply for a separate account.

Maine and Tennessee Residents: You must have physical damage insurance covering loss or damage to the vehicle for the term of the contract. For a lease, you must also have the liability insurance as described in the lease. You may purchase required insurance through any insurance agent or broker and from any insurance company that is reasonably acceptable to us. You are not required to deal with any of our affiliates when choosing an agent, broker or insurer. Your choice of a particular insurance agent, broker or insurer will not affect our credit decision, so long as the insurance provides adequate coverage with an insurer who meets our reasonable requirements.

New Hampshire Residents: If you are applying for a balloon payment contract, you are entitled, if you ask, to receive a written estimate of the monthly payment amount for refinancing the balloon payment in accord with the creditor's existing refinance programs. You would be entitled to receive the estimate before you enter into a balloon payment contract. A balloon contract is an installment sales contract with a final scheduled payment that is at least twice the amount of one of the earlier scheduled equal periodic installment payments.

New York Residents: In connection with your application for credit, a consumer report may be obtained from a consumer reporting agency (credit bureau). If credit is extended, the party or parties extending credit or holding such credit may order additional consumer reports in connection with any update, renewal or extension of the credit. If you ask, you will be told whether a consumer report was requested and, if so, the name and address of any consumer reporting agency (credit bureau) from which such credit report was obtained.

Ohio Residents: Ohio laws against discrimination require that all creditors make credit equally available to all creditworthy customers and that credit reporting agencies maintain separate credit histories on each individual upon request. The Ohio Civil Rights Commission administers compliance with this law.

Rhode Island Residents: Consumer reports may be requested in connection with this application. Buyer has the right of free choice in selecting an insurer to provide insurance required in connection with this transaction subject to our reasonable approval in accordance with applicable law.

Vermont Residents: You authorize us and any financial institution with which this credit application is shared, and each of their respective employees or agents, to obtain and verify information about you (including one or more credit reports, information about your employment and banking and credit relationships) that they may deem necessary or appropriate in evaluating your credit application. If your credit application is approved and credit is granted, you also authorize the parties granting credit or holding your account, and their respective employees and agents, to obtain additional credit reports and other information about you in connection with reviewing the account, increasing the available credit on the account (if applicable), taking collection on the account, or for any other legitimate purpose.

Married Wisconsin Residents: No provision of any marital property agreement, any unilateral statement under Wis. Stat § 766.59 or any court decree under § 766.70 applied to marital property adversely affects our interest unless you furnish a copy of the agreement, statement, or court decree or we have actual knowledge of such adverse provision before credit is granted. If you are making this credit application individually and not jointly with your spouse, complete Section A about yourself and Section B about your non-applicant spouse. Your non-applicant spouse should not sign the credit application if you are applying for individual credit.

DEALER SECTION								
Dealer # 278785	Vehicle Type Used	Mileage 22186	Product Type Retail	Stock Number	Source	Certified Pre Owned <input type="checkbox"/>		
Year 2016	Make DODGE	Model JOURNEY	Trim FWD 4DR SXT				VIN	
Term 72	Cash Selling Price 20,200.00	Sales Tax 1,384.00	T & L 87.00	Cash Down 500.00	Front-End Fees 599.00	Rebate	Net Trade	Acq Fee
Accident/Health Ins. 0.00		Credit Life Insurance 0.00		Gap	Service Plan 0.00		Back-End Fees	Unpaid Balance 21,770.00
MSRP 17,475.00		Invoice/Wholesale Value NADA	Wholesale Source NADA	Retail Value 20,225.00	Retail Source NADA	Estimated Payment		Requested APR
Vehicle Bookout <input type="checkbox"/>		Bookout Date	Lender Program					
Vehicle Options POWER SEATS, LUGGAGE RACK, ALLOY WHEELS								

TRADE-IN Information								
Year	Make	Model	Trim					
Lienholder			Monthly Payment					

O PROB 14D (Rev. 2/01)		UNITED STATES DISTRICT COURT FEDERAL PROBATION SYSTEM		DATE 11/17/16	
REQUEST FOR EMPLOYMENT DATA					
NAME AND ADDRESS OF PROBATION OFFICE Charles Evans Whittaker Courthouse 400 E. 9th Street Room 4510 Kansas City, MO 64106			TELEPHONE NO. (816) 512-1314	The person identified below is under investigation by this office. The information requested is needed to complete this investigation. Your cooperation will be greatly appreciated.	
			FAX NO. (816) 512-1313	Please return this form within three day, either via the enclosed envelope, fax or email.	
<input type="checkbox"/> Lee Staples Reality Attn: Human Resources 1000 Iris Drive, Suite B Conyers, GA 30094			Joseph R. Lampert U.S. Probation Officer Joe_Lampert@mow.uscourts.gov		
NAME OF PERSON BEING INVESTIGATED (Last - First - Middle) PEARSON, FREYA D.					
ALSO KNOWN AS Pearson, Freya Delicia;					
DATE OF BIRTH	PLACE OF BIRTH Los Angeles, CA, U.S.		SOCIAL SECURITY NUMBER	SEX Female	
RACE	FATHER'S NAME		MOTHER'S NAME		
Black or African American					
CLAIMS PREVIOUS EMPLOYMENT IN 2016. PLEASE EXPEDITE THIS INFORMATION. PLEASE NOTE: WE DO NOT HAVE FUNDS TO PAY FOR RECORDS. THANK YOU.					
INFORMATION DESIRED					
WAS THIS PERSON EVER IN YOUR EMPLOY?	IF "YES," GIVE DATE STARTED	DATE LEFT	SALARY OR WAGE		
<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	AUGUST 2015		INDEPENDENT Contractor		
POSITIONS HELD <i>Real Estate Agent</i>					
REASON FOR TERMINATING EMPLOYMENT			WAS THIS PERSON'S SALARY ATTACHED?		
			<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO	
			WOULD YOU CONSIDER RE-EMPLOYING THIS PERSON?		
			<input type="checkbox"/> YES	<input type="checkbox"/> NO	
REMARKS (Concerning this person's attendance, ability, industry, reliability, and different times employed by your organization.) <i>Freya was licensed in August 2015. However, she did not start work until mid July 2016. She has had 2 closings and made \$11,432.90.</i>					
SIGNATURE OF OFFICIAL <i>John</i>	TITLE President		DATE 11/22/2016		

EXHIBIT 6

IN THE UNITED STATES COURT OF APPEALS
FOR THE EIGHTH CIRCUIT

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.) Case No. 17-1438
)
FREYA D. PEARSON,)
)
Defendant.)

**APPELLANT'S REPLY TO GOVERNMENT'S OPPOSITION TO
MOTION FOR RELEASE ON BOND PENDING APPEAL**

COMES NOW Defendant Freya D. Pearson, by and through her attorney, and offers the following reply to the Government's opposition to her motion for release on bond pending appeal:

1. The Government uses the bulk of its response arguing that Pearson committed a bond violation – an argument upon which a hearing was never conducted in the District Court, because the pretrial services officer supervising Ms. Pearson decided that she was not a danger to the community, and that a bond revocation was not appropriate or required. Ms. Pearson stayed out on pretrial release from October through the current date without further incident. It is specious for the Government to now claim that Ms. Pearson presents a danger to the community.

2. The initial report of bond violation was submitted in October 2016, shortly before trial. The District Court addressed the bond violation on the first day of trial, and asked Ms Pearson if she agreed with the allegations. Ms Pearson did not agree, and a bond violation hearing was set shortly thereafter. In the meantime, as Appellant prepared for the bond hearing, her Pretrial Services Officer in Georgia was instrumental in finding an alternative to revoking Ms Pearson's bond. He suggested that Ms Pearson's bond be modified, and the District Court signed the bond modification. The hearing date was then changed to January 20, 2017. On Jan 12, 2017, the court received an email from the AUSA prosecuting this case stating that she had "just heard from the probation officers that they do not believe we need a hearing at this point as the modification of conditions, combined with the oversight they will now be able to exercise addresses the violation. So, short answer, we believe the hearing can be cancelled."

3. Therefore, as recently as January, the Government believed that a revocation was not necessary, and the probation officers believed that a revocation was not necessary. But now, the Government cites the unadjudicated alleged bond violation as a basis for denying Appellant bond pending appeal.

4. Appellant would note for the Court that had this matter proceeded to a hearing on the alleged bond violation, she would have presented evidence that she filled out a loan application to purchase a vehicle, and was pre-approved. On that

application Appellant put an address, a previous address, and a mailing address. The previous address is one of the family homes that Ms. Pearson grew up in, and still receives mail to this day. The mailing address is correct and current to this day. Ms Pearson informed the dealership that she did not want to publicize her current address because of an issue involving a stalker, and was told that she could use the address of a friend, which she did. Appellant found a vehicle that she liked, but then changed her mind regarding the purchase, due to the uncertainty of the disposition of the case pending before this Court.

5. Ms. Pearson would have presented evidence that she revealed the fact that she had a stalker to Pretrial Services and the Probation Office. Contrary to what the government says, the stalking situation is not a new issue.

6. The Government also argues that there was a stipulation that Appellant's loan had been denied. That is also incorrect. Appellant would have presented evidence that she had a pre-approval from Capital One Auto Finance when she went to the car dealership. Appellant was also approved at the car dealer through their financing sources. Appellant would have provided the testimony, and supporting documentation had a bond violation hearing been held. But, because there was no violation hearing, Ms. Pearson was not heard, and was not able to provide a defense.

7. Third, the government argues, that Ms Pearson stated that she did not work in real estate. That is also incorrect. In fact, the Government itself provided documentation in its response to this Court from Appellant's place of employment. The Government is confusing two different issues. Appellant had been licensed in real estate since August 2014, but did not start working in Real Estate until June 2016. The bond violation stated that Appellant had not reported her employment, and Appellant was responding to that issue in particular, stating that she was licensed, but not working in real estate during the time that she was accused of having not reported her employment.

8. Fourth, the District Court had been provided a letter from Appellant's employer breaking down her income, and stating that her average monthly income was \$5100. The application showed an income of \$4000. The Government is attempting to average Ms Pearson's income over an extended 12 month period, and refer to that as a "falsehood," but MS Pearson had not been working for 12 months. Based on when she started working, she had a monthly average of \$5100. The average income of a Georgia real estate agent is \$67,000.

9. Fifth, the Government accuses the defense of not responding to the bond violation allegation when it was mentioned by the Government in their sentencing memorandum. There was no need for Appellant to respond to a bond

violation that had been resolved, and did not require a hearing. The violation was investigated by probation and found to have not required anything further.

10. Sixth, the government stated that the District Court at sentencing found that Appellant made false statements. But, there had never been a hearing on the allegations in the bond violation report, so the District could not have made a determination as to whether any false statements had been made without any presentation of evidence. Moreover, the District Court did not make a "finding" that Appellant made a false statement, but rather mentioned a concern regarding the alleged bond violation. But, as has been said, Appellant has not been given a hearing on the matter to even speak, present evidence, or defend against this accusation.

11. Ms. Pearson stands on the arguments made in her motion concerning the strength of her contentions of error on appeal, and that they are likely to result in a new trial or judgment of acquittal. The Government did virtually nothing to refute these assignments of error, other than to note that such claims had been rejected by the District Court, which is true of any case that is presented to this Court on appeal.

12. Accordingly, the Court should grant this motion for bond pending appeal, and stay all orders concerning monetary penalties.

Respectfully submitted,

JOHNSTON LAW FIRM LLC

By:

/s/ J. Justin Johnston
Johnston Law Firm LLC
811 Grand Blvd. #101
Kansas City, Missouri 64106
Telephone: (816) 739-4538
jjj@johnstonlawkc.com

Certificate of Service

I hereby certify that on May 24th, 2017, I electronically filed the foregoing with the Clerk of the Court for the United States Court of Appeals for the Eighth Circuit by using the CM/ECF system. I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

/s/ J. Justin Johnston
Counsel for Appellant

CERTIFICATE OF COMPLIANCE WITH TYPE-VOLUME LIMIT, TYPEFACE REQUIREMENTS, AND TYPE-STYLE REQUIREMENTS

I hereby certify that this motion complies with the type-volume limitation of Fed. R. App. P. 27(d)(2)(A) because this motion contains 1311 words.

I further certify that this motion complies with the typeface requirements of Fed. R. App. P. 27(1)(E) and 32(a)(5) and the type style requirements of Fed. R. App. P. 32(a)(6) because this motion has been prepared in a proportionally spaced typeface using Microsoft Word, in 14-point Times New Roman font.

/s/ J. Justin Johnston
Counsel for Appellant

Dated: May 16th, 2017

5/23/2017

AOL Mail - Message View

< 27 Results for **joe_lampert**

Re: Release forms for PSI

From: Joe_Lampert <Joe_Lampert@mow.uscourts.gov>
To: aimatahome <aimatahome@aol.com>
Cc: jjj <jjj@johnstonlawkc.com>
Date: Tue, Nov 15, 2016 12:14 pm

No problem—I can update the forms and re-send.

Thanks,

Joe Lampert
U.S. Probation Officer
United States Probation & Pretrial Services
Western District of Missouri - Kansas City
Office: (816) 512-1314

From: aimatahome@aol.com
To: Joe_Lampert@mow.uscourts.gov
Cc: jjj@johnstonlawkc.com
Date: 11/15/2016 11:08 AM
Subject: Re: Release forms for PSI

Joe, the only issue that I have is that I don't give out my personal address because of a stalking situation. Please use my Po Box on these forms. My address has been kept very private for our safety.

Thanks Freya

—Original Message—

From: Joe_Lampert <Joe_Lampert@mow.uscourts.gov>
To: aimatahome <aimatahome@aol.com>
Cc: Justin Johnston <jjj@johnstonlawkc.com>
Sent: Tue, Nov 15, 2016 11:00 am
Subject: Release forms for PSI

Ms. Pearson,

Attached is a pdf file containing the release forms my office will need in conducting the presentence investigation. The forms are pre-filled with your information and just require printing and a signature and date. Please review, print, and sign each form (you can ignore the military records form since that does not apply) in a timely manner. If you wish to mail them back, I can provide you with our mailing address. However, scanning them and emailing them back to me is fine—just please be sure the scans are of a good quality.

Thank you,

Joe Lampert
U.S. Probation Officer
United States Probation & Pretrial Services
Western District of Missouri - Kansas City
Office: (816) 512-1314



LEE STAPLES REALTY, INC.

P.O. Box 205, Conyers, GA 30012 • (770) 483-7779 • Fax (770) 929-0498 • www.leestaplesrealty.com

To Judge,

10-22-2016

Freya Pearson obtained her Real Estate License in August 2015. She placed her license with Lee Staples Realty at that time. The Real Estate Commission requires an active license to be placed with a Broker. Freya did not begin working in Real estate until Approximately July 2016. I believe she was busy with some health issues and legal issues that prevented her from working. She has had 2 closings since she began in July, and Averaged \$5000 per month from those closings. After the past due and current fees she took home less.

Client 1 contract was signed on July 19-2016 and closed 9-19-16. Client 2 contract was signed 9-23-2016 and closed 9-30-2016. Client 3 contract was signed 9-23-2016 and has not closed due to financing issues for the client, the contract was cancelled.

Freya is a great Realtor and can do good business. She has stopped working to prepare for her court dates. I look forward to her returning, as she can be a great asset and has the potential and drive to close many deals. A very hard worker.

If you have any questions please don't hesitate to call me. 770 377 3605 cell or 770 483 7779 office.
Charles@leestaplesrealty.com .

Sincerely,

A handwritten signature in black ink, appearing to read 'Charles Staples'.

Charles Staples

Real Estate Agent Salaries in Georgia

Salary estimated from 261 employees, users, and past and present job advertisements on Indeed in the past 12 months. Last updated: May 17, 2017

Location

Georgia

Average in Georgia

\$67,940 per year
▼6% Below national average

Most Reported

\$14,000	Salary Distribution	\$175,000
----------	---------------------	-----------

Salaries are also available in hourly, daily and weekly

Popular Companies

Average Salary

Salary Distribution

Most Reported

Real Estate U

6 salaries reported

Real Estate U Jobs - Reviews - Salaries

\$4,000 per week

\$280	\$4,000
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Optimus Real Estate Brokers Inc.-

6 salaries reported

Optimus Real Estate Brokers Inc.- Jobs - Reviews - Salaries

\$124,838 per year

\$14,000	\$200,000
----------	-----------

Optimus Real Estate Brokers, Inc.

10 salaries reported

Optimus Real Estate Brokers, Inc. Jobs - Reviews - Salaries

\$117,714 per year

\$14,000	\$200,000
----------	-----------

Houzzit

6 salaries reported

Houzzit Jobs - Reviews - Salaries

\$100,000 per year

\$14,000	\$200,000
----------	-----------

Optimus Real Estate Brokers

5 salaries reported

Optimus Real Estate Brokers Jobs - Reviews - Salaries

\$100,000 per year

\$14,000	\$200,000
----------	-----------

rbp llc

5 salaries reported

rbp llc Jobs - Reviews - Salaries

\$100,000 per year

\$14,000	\$200,000
----------	-----------

Keller Williams Realty

36 salaries reported

Keller Williams Realty Jobs - Reviews - Salaries

\$90,360 per year

\$14,000	\$200,000
----------	-----------

Houses ATL

12 salaries reported

Houses ATL Jobs - Reviews - Salaries

\$80,360 per year

\$14,000	\$200,000
----------	-----------

realtyedge

11 salaries reported

realtyedge Jobs - Reviews - Salaries

\$65,987 per year

\$14,000	\$200,000
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Coldwell Banker

8 salaries reported

Coldwell Banker Jobs - Reviews - Salaries

\$59,630 per year

\$14,000	\$200,000
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Real Estate Agent job openings

Real Estate Agent

Keller Williams
Atlanta, GA
Easily Apply - 14 days ago

Sales Agent New Construction

KM Homes
Atlanta, GA
Easily Apply - 4 days ago

Real Estate Agent

Keller Williams
Atlanta, GA
30+ days ago

Real Estate Agent

Keller Williams
Atlanta, GA
30+ days ago

Real Estate Agent

Keller Williams
Atlanta, GA
30+ days ago

Real Estate Agent

Keller Williams
Atlanta, GA
30+ days ago

Real Estate Agent jobs in Georgia

How much does a Real Estate Agent in Georgia make?

The average Real Estate Agent salary in Georgia is approximately \$67,940, which is 6% below the national average.

Salary information comes from 261 data points collected directly from employees, users, and past and present job advertisements on Indeed in the past 12 months.

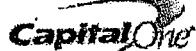
Please note that all salary figures are approximations based upon third party submissions to Indeed. These figures are given to the Indeed users for the purpose of generalized comparison only. Minimum wage may differ by jurisdiction and you should consult the employer for actual salary figures.

Salaries > Real Estate Agent > Georgia

[Jobs](#) - [Browse Companies](#) - [Salaries](#) - [Trends](#) - [Forums](#) - [Browse Jobs](#) - [Tools](#) - [API](#) - [About](#) - [Help Center](#)
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-----Original Message-----

From: loancenter <loancenter@capitalone.com>
To: APPLICANT <aimatahome@aol.com>
Sent: Thu, Aug 25, 2016 09:10 PM
Subject: Congratulations! You're pre-qualified with Capital One



[Add us to your address book](#)
[Help prevent fraud](#)

Capital One Auto Finance
7933 Preston Rd
Plano, TX 75024

08/25/2016
Reference #: 126222182

Dear Freya Pearson,
Congratulations! You're pre-qualified for auto-financing from Capital One Auto Finance®.
To help speed up your experience at the dealer, here is a list of documents that will be requested in order to use your Auto Navigator pre-qualification. If you choose to upload the documents before visiting an eligible dealer, we will review them and update your offer. We'll let you know once we have reviewed your documents so you know what documents you may still need to take to the dealer.

- **PROOF OF INCOME** - Provide proof of all income sources you submitted dated within the past 60 days. Generally, a copy of your most recent computer-generated paystub with year-to-date income is sufficient.

For additional information on required documents or how to submit them, please click [here](#) to log in. Your Auto Navigator Pre-qualification will expire on 09/24/2016.

What's next?

- If you want, upload your requested documents online to save time at the dealer
- **Compare your options** - know the Annual Percentage Rate (APR) and estimated monthly payment for the vehicle you want
- **Visit an eligible dealer** - take your Auto Navigator Financing Certificate to any of the eligible dealers.
- **Complete your financing** - complete your financing by filling out a credit application and signing a retail installment contract at the dealer. Remember, your offer could change if the information you submitted when requesting a pre-qualification offer is different from the information you provide at the dealer or if you change vehicles. Your final financing terms will depend on the vehicle, Amount Financed and term length you choose.

Sincerely,

Capital One Auto Finance®

To quickly connect you to an agent, please select a number based on your state:

State	Phone
AZ / NV / NC / SC / TX:	1.888.571.6598
All Other States:	1.800.689.1789
All Faxes:	1.800.390.5145

Important Information from Capital One

<https://mail.aol.com/webmail-std/en-us/basic#>

United States District Court

Western District of Missouri

United States of America
vs
Freya Pearson

Case No. 14-00306-CR-W-BP

CONSENT AND ORDER TO MODIFY CONDITIONS OF RELEASE

I, Freya Pearson, have discussed with David Mitchell, U.S. Pretrial Officer, the modification of my release as follows:

The defendant shall make a full and complete disclosure of finances and submit to an audit of financial documents, at the request of the Pretrial Services Officer.

As directed by the Pretrial Services Officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics, and shall permit the Pretrial Services Officer to make such notifications and confirm the defendant's compliance with such notification.

I consent to this modification of my release conditions and agree to abide by this modification.

Freya Pearson

II-17-16
Date

D. M. Mitchell

11-17-16

[x] The above modification of conditions of release is ordered, to be effective on 12/13/16

[] The above modification of conditions of release is not ordered.

/s/ Beth Phillips
Honorable Beth Phillips
U.S. District Judge

12/13/2017
Date

EXHIBIT 7

UNITED STATES OF AMERICA,

exhibit 7

Plaintiff,

NO. 17-1438

V.

FREYA D. PEARSON

Defendant,

DEFENDANT FREYA D. PEARSON'S "EMERGENCY" MOTION
FOR RELEASE ON BOND PENDING APPEAL

COMES NOW Defendant Freya D. Pearson, pro se hereby moves this Honorable Court for an order to be released on bond pending appeal of the conviction and sentence in the above-captioned case.

Ms. Pearson requests an expedited ruling on this motion, given that she has served 22 months of the sentence, and has provided strong grounds that a reversal of her convictions is likely. In support of her motion, Defendant has filed a lengthy Statement of facts on 12-21-18, and she also states the following:

1. My indictment was undeniably "Tainted" by false and fabricated evidence. Not only did the Prosecutor and IRS Case Agent lie to the Grand Jury, by telling them that I refused to complete the handwriting exemplar, by refusing to sign Ms. Wilson's name, they took it a step further. They needed the Grand Jury to believe that the loan agreement was forged, otherwise, this was just a defaulted loan, which is a civil matter. It is hard to make the excuse that they simply misspoke, because the lie was followed by a "In furtherance" step, meaning; they created a false and fabricated scenario to "Further" their lie.

2. It is clear from the Grand Jury's only question, that the Prosecutorial Misconduct had an effect on the Grand Jury's decision to indict. The Grand Jury asked the second witness if she had actually seen the loan agreement. She had not. Grand Juries have confidence that the Prosecutors obligations to be truthful will be faithfully observed, because of this confidence, the Prosecutors and the Case Agents presentation of false and fabricated evidence and testimony carried much weight against me, when they should have properly carried none. It seems that the "Misconduct" substantially influenced the decision to indict, at a minimum, there is grave doubt that the decision to indict, was free from such substantial influence, which means that the "Misconduct" was not harmless.

3. The prosecution admitted to the Judge that they did indeed speak privately to a Juror. Considering the fact that Jurors already have certain confidence in the prosecution team, the subtext that the prosecution chose to show compassion and empathy on, only magnified that confidence and it is not a far stretch to believe that the situation was discussed among the other Jurors. The Prosecutors caring and empathetic gestures to the Jury carried weight in trusting the prosecution, when it should have carried none.

4. The prosecutor never produced bank statements to determine whether or not I lied about having \$60 in the bank on Count 9. They also never produced any document whatsoever to prove that I received any interest payments. The Jury simply took their "word", which they are not allowed to do, which furthers my previous argument about having made an ally in the Jury. USC 1001 requires a lie to be told, how do you decide that with no evidence presented. They conceded never to have asked me, where I live.

5. Count 8 Tax Evasion has a "willful" element. I sent 3 emails to the IRS asking if I had a tax liability, so that I could take care of it. The case Agent not only refused to answer me, but she told me that they would no longer answer emails, they would only talk. Seems as though they did not want a paper trail. How can the willful element be satisfied, if I was trying to address the issue, and they clearly refused to. I don't know what else I should have done. I did not see me having a tax liability, so if they did, why not tell me, so it could have been addressed.

6. My Atty has admitted on tape and emails that he had to watch what he did to the prosecution, so as to not affect his future cases. He has admitted to the "Divided Loyalty". I just wish he had told me before trial. What else does this Count need, aside from his own words? Prosecutorial Misconduct was condoned & allowed to the detriment of my defense and Constitutional Rights.

It seems clear that the Eighth Circuit does not want to rule on my case. What isn't clear is why, I am not an Attorney so I don't understand the 20th delay on a "Direct Appeal", with no Motions or Hearings holding the ruling up.

The false & fabricated testimony and evidence handed me before and not just during my trial, because it was used to help indict me.

(Exhibit 7)

I have presented more than a sufficient amount of evidence to this Court to warrant a reversal of my convictions. Once I presented the evidence regarding the false and fabricated testimony and evidence, then the burden should have shifted to the prosecution, to show beyond a reasonable doubt, that the false and fabricated testimony and evidence was harmless. This Court has given the prosecutor 3 opportunities to do so, and they have declined them "all". My charges & convictions should be reversed.

Docket #3) and the evidence submitted regarding the "Tainted" Indictment should have imposed upon the Court a duty to inquire further. Why is this Court condoning Prosecutorial Misconduct so blatant, and why is the Court "Protecting" these "Officers of the Court" from suffering any consequences from their unlawful behavior, instead of correcting their behavior? There is NO Honor in this behavior.

I Pray this Honorable Court!

1. Release me on Bond Pending Appeal (Emergency Request)
2. Do an in Camera inspection of the Grand Jury transcripts to show that Perjured Testimony, False & Fabricated testimony from the Case Agent, the subordination of Perjury by the Prosecutor, Caused the Grand Jury to give weight, to Perjured and False testimony.
3. Provide Defendant with a copy of the Grand Jury transcript.
4. To Rule on my Direct Appeal
5. Add these arguments to my Appeal

Darfer
Freya Pearson

3-19-19

RECEIVED

MAR 25 2019

U.S. COURT OF APPEALS
EIGHTH CIRCUIT

EXHIBIT 8

197438

"Ex Parte"

To: Appellate Court (8th circuit)
From: Freya Pearson
Re: Prosecutorial Misconduct & Motion to Reconsider Bond Pending Appeal Permission
Date: October 5, 2017

I am Freya Pearson, I have a case presently in your Court. I am writing to preserve my rights to raise Prosecutorial Misconduct in my case. I do not want to forfeit my rights to raise these issues. I have addressed these issues with my Attorney Justin Johnston, However, he has elected to protect the Prosecutor from Prosecutorial Misconduct issues, even at the expense of my rights being violated, as well as being careful not to disrupt his career in dealing with the Prosecutor so as not to hamper his future cases, as he says. My Attorney has stated on several occasions that he has to preserve his relationship with the Prosecutor, because of the affect that this type of accusation could have on his future cases. He has also refused to respond to my emails, and my family text messages for the last couple months, and has been lacking in communication since my appeal started. I have sent him an email regarding him representing me, with no response. My best interest doesn't seem to be represented by anyone at this time, so I will represent myself. The following issues of Prosecutorial Misconduct are what I would like to address to this Honorable Court:

1. Perjury in front of the Grand Jury- The Prosecutor and Case Agent Heather Brittain committed perjury in front of the Grand Jury. They lied to the Grand Jury by telling them that I refuse to complete a Handwriting Exemplar that was ordered by them to determine if the signatures on the loan agreement between Ms Wilson and Myself were ours. I completed the entire Exemplar in full, although they told the Grand Jury that I did not. They then went further and painted a picture to the Grand jury that I forged the loan agreement between Ms Wilson and Myself by signing Ms Wilson's name. When in fact the Prosecutorial team knew or should have known that Ms Wilson had given a statement to the Kansas City Police Department stating that she "herself" signed the agreement. Especially since the KC Police report was part of the Prosecutions Discovery.

The Grand Jury found the Prosecutors lie "Material", because they asked the 2nd witness Shelonda Nelson if she had actually seen the loan agreement. Ms Nelson answered by saying that she was told by both me and Ms Wilson that it was a loan. The Grand Jury asked its question again, but did you actually see the agreement? Ms Nelson answered "No".

The Perjury issue was raised in an Ex parte letter to the District Court on May 6, 2016, Docket # 30. The proper functioning of our system of Law requires prosecutors to be truthful no matter what. "A Lie is a Lie, no matter what its subject". Berger v United States, 295 U.S. 78,88,55 S.ct 629,79 L. Ed 1314 (1935) (Noting that a Prosecutors interest in a criminal Prosecution is not that [she] shall win a case, but that Justice shall be done). The Prosecutor used and solicited false testimony in front of the Grand Jury to secure an Indictment.

This issue was raised to my Attorney. The nexus of the Wire Fraud Charge rested with the loan agreement. The District Court Errored when it failed to investigate and use its Supervisory Powers to dismiss the indictment when they were made aware of the misconduct, especially when I was not represented by Counsel around that time. The independence of the Grand Jury in making its decision to indict was tainted.

I am very limited in resources at FPC Alderson. I don't have access to additional documents that support my claim while in here. Please read the detailed explanation in the Ex parte Letter of what the actual statements were, as well as the attachments of evidence to support my claim. I am charged per minute to put legal work together, and my documents are not accessible.

2. Video Surveillance- The Prosecutor admitted to having Bank Video Surveillance at an Evidentiary Hearing with my 1st Atty. Atty Raymond was replaced by John Justin Johnston. Atty Johnston requested the Video Surveillance from the Prosecutor at my request, and received an email stating that there was none. I requested that my Atty ask for the transcripts and the Magistrate Courts Notes regarding the Video Surveillance and he did not. This Video was particularly important, because at trial Ms Wilson testified that the bank Employee Ms Sartain put her hand over the Wire Transfer document so that she could not see what she was signing, she even demonstrated how by using a Kleenex box in the Court room. Bank Video would have been valuable to discredit Ms Wilson's testimony. The Evidentiary Hearing transcripts, as well as the Magistrates Court notes would have proved the existence of the video surveillance.

"Ex Parte"

3. "Don't Let Her off on a Technicality" Closing remarks- The Prosecutor in her closing remarks told the Jury, "Don't let her off on a technicality". Those technicalities that the Prosecutor references are our Laws. A Prosecutor should not urge a Jury to convict for reasons other than evidence; arguments intended to inflame the Jurors emotions or implying that the Jury's decision could help solve a Social problem are inappropriate." These statements Prejudicially affected my Substantial Rights and deprived me of a fair trial. This behavior clearly inflamed the Jurors emotions. The Jury did not require the Prosecutor to provide proof of its Charges.

4. Bastian Issue, and Inappropriate Juror Contact- The Prosecutorial team had an inappropriate conversation with the ONLY Black juror in the entire Jury Pool. I pointed it out to my Attorney who brought it to the Courts attention, but, the issue should have been resolved by a New Jury Pool being selected. This behavior Prejudiced me, by not having a jury of my peers, as well as the Prosecutorial team showing sympathy and shaking the jurors hand and discussing and apologizing for his mothers death. After the display of sympathy for his murdered mother, the Prosecution more likely than not, received the benefit of the doubt. The Attorney should have moved the Court for a Mistrial.

I am also requesting permission to file a "Motion to Reconsider Bond Pending Appeal". The arguments raised in this letter as well as the arguments raised in my final "Reply Brief" raise several Substantial questions of Law and facts likely to result in reversal, a new trial, or a sentence without imprisonment.

Also, I am in need of Medical Care that is not being provided at FPC Alderson. There are several Congressional inquires currently pending against FPC Alderson for depriving inmates of proper Medical Care. I have several New medical conditions that are in need of immediate care, evaluation, and treatment. I can provide my own immediate medical care at home, while my Appeal is pending.

I received my medical records on 9-14-17, and I must say, I was a bit taken back by what I read. Through my medical records, and ONLY through my medical records have I discovered that I have the below medical conditions, the Medical Staff here at FPC Alderson has yet to inform me of any of these ailments, nor have I been sent to see a Cardiologist to be evaluated and treated:

1. Mild Aortic Ectasia (test results 7-17-17)- Which is defined as an enlargement of the aorta that is mild in degree. This condition is associated with aortic aneurysm. This is because, if the aneurysm is greater than 1.5 times a normal aorta size, it is known as an aneurysm. This condition should be "closely" monitored using imaging to help track its status. If symptoms are present or if there are other problems, surgery may be recommended for repair. (I have yet to see a Cardiologist or even be told about this condition)

2. Cardiomegaly (test results 7-17-17)- Enlargement of the heart. The right treatment depends on the underlying condition. The preferred first line of treatment is medication.

3. EKG Notes (7-25-17)- Minor inferior depolarization disturbance- Irregular rhythm at electrical impulses in inferior (II, III, aVF) leads.

4. EKG Notes (7-25-17)- Ischemia- lack of blood flow and some heart disease due to blocked coronary vessels can be assumed.

5. EKG Notes (7-25-17)- LVO Overload- there is left ventricle hypertrophy and enlargement at left ventricle.

6. Osgood-Schlatters Disease- (test results 6-23-17)- Also known as apophysitis of the tibial tubercle, is inflammation of the patellar ligament at the tibial tuberosity. It is characterized as a painful bump just below the knee that is worse with activity and better with rest. The terrain at this compound is not letting this heal)

7. Hallux Valgus- Forfoot Deformity

8. Calcaneal Spur (test results 7-17-17)- Caused by the foot being exposed to repeated damage, causing deposits to pile up on each other, causing a spur shaped deformity. (The terrain here is very hard on the body)

9. Phlebolith (test results 8-4-17)- small local usually rounded calcification within a vein.

I am very disturbed to be finding out about these conditions through my medical records. I am more disturbed that I am not being treated for them. I am a hemophiliac, and with Mild Aortic Ectasia the aneurysm can cause dissection, meaning the

"Ex Parte"

tearing of the artery wall. If this happens, I could have severe internal bleeding if I don't clot, not to mention the strong possibility of a stroke, abdominal pain, and a Heart Attack.

I don't know the status of any of these conditions right now. I have been to sick call for pain, shortness of breath, numbness, fatigue, and they still have not mentioned my Heart Conditions. I brought them up after I received the medical records, and they were dismissed. They determine how to treat your conditions based on budget around here, not medical need, and I don't want to be a victim of my Heart and Kidneys being neglected because of anyone's budget; when I can go home and provide medical treatment.

I have been sick for the last 2 months with Kidney pain, the ultrasound that I finally received showed, Rt Hydronephrosis, which is fluid in the Kidney, and possible blockage is causing the fluid, also "increased echogenicity in the liver consistent with fatty infiltration", and "calcified granulomas in my spleen".

I would like to address an issue that the Prosecutor argued in her opposition to me having bond pending appeal, regarding a violation. The Prosecutor does not always tell what's truthful, she makes inaccurate statements, even when knowing the truth, and she argues things in a way that she knows will not give an accurate picture. She painted a picture that I did not purchase a vehicle because I could not get approved at the dealership. My attorney did not make the issue of what happened very clear. I was approved through Capital One for auto financing before I even went to the dealership, I was also approved at the dealership for a car loan. I provided the current income from my employer as I had been regularly providing to my Pre Trial Officers. I had explained to my Pre Trial Officer about the Stalking situation that I was dealing with at the time. I had a Police report filed, after the individual that was stalking me had tricked the Sheriffs Department into finding out where I lived through a Court Order. The individual was a Politician, but was not re-elected after all of this bad behavior was made public. After the Chief Judge of the County found out that he was tricked into issuing that Court order he was not happy, he said he never would have issued the order, had he known that it was for me, apparently he signed an order without a name on it. The Chief Judge was aware of the situation, and I had filed for a restraining order as well. So, I went out of my way, to keep my address private due to this situation. The Prosecutor made a big deal regarding the address used on the application, as if it was for fraud, but, I informed the car dealer briefly regarding the situation and asked for a recommendation of how to proceed. Capital One was fine, because I have 3 Capital One Credit Cards, all in good standing. So, there was no fraud as the Prosecutor has tried to create out of this situation. Just me trying to stay safe. I had also informed Pre Trial about it.

need to get
I am to get immediate medical treatment. I have raised substantial questions of law and facts likely to result in reversal, a new trial, or a sentence without imprisonment. I have raised Prosecutorial Misconduct which should have been addressed well before now. My rights have been trampled on by my Attorney, as well as an overzealous IRS Case agent and Prosecutor. This is the case agents very first case that went to trial, and she along with the Prosecutor chose to violate the law just to get it there, and that is not how our legal system is supposed to work. Please help me to correct this injustice.



Freya Pealsoh

ex 8

Ex parte

TRULINCS 27182045 - PEARSON, FREYA D - Unit: ALD-A-D

FROM: 27182045
TO: Johnston, Justin
SUBJECT: RE: RE: Hey
DATE: 06/30/2017 11:13:10 AM

I understand that I am not your only client. All I asked was what you thought about what she wrote... You don't have to remind me of how busy you are, and about your job. I am in Prison, and because of you and Kate mutually agreeing to all of these extensions, I have to spend extra time in here. You act like I am on the street and am free to do whatever I want. Your non chalant treatment of the fact that I am in Prison is disturbing. If you were in Prison waiting on someone to help you and/or respond to you, then you would want them to be thoughtful of where you are and not prolong the agony that you and your children are going through. Now, not only is the Prosecutor prolonging my time in here, now my attorney is doing the same thing. Every delay is another day in this hell hole. I have been sexually harassed by a guard and am dealing with that issue, through OIG and SIS, and several other things, even though I am following the rules and doing what I am supposed to, I was still mistreated. I should not be sexually harassed and have to fight just to be treated with respect. So, Justin, in your casual non chalant extension of my time in this hell hole, I thank you for extending the torture that I am suffering. And I know, you will be saying that its not your fault. You and Kate just have to extend my time. Enjoy your vacation, it must be nice...

Freya

-----Johnston, Justin on 6/30/2017 9:51 AM wrote:

>

Freya, the government's brief is filed. I plan to mail you a copy, but I will cut and paste the text into emails, because you are so anxious about it.

I haven't communicated with you because Corrlinks is a separate login for me, and your emails don't just shoot directly into my inbox. When I check Corrlinks about once a week, I see that I have nine messages from you. I haven't checked in with you because I don't have anything to report. The brief was just filed two days ago, and I have been busy in depositions.

I have no control whatsoever over when oral argument gets set, or if it gets set at all. That is up to the court.

The reply brief was scheduled to be due on July 5th, but I am leaving on a long-planned vacation for 8 days. I asked for and received an extension until July 19th. I think you know this, but you aren't my only client. I have a busy docket to manage, and I have to take down time to stay sane in a high pressure job.

Stand by for further emails containing the text of the brief.

FREYA D PEARSON on 6/29/2017 1:36:34 PM wrote

Hey Justin, whats going on?? I have not heard anything from you.... I need an update please... Also, please don't schedule our oral arguments far out, My kids are having issues and they need me now Justin. Kate is going to try and extend that date way out so I can stay in here, don't let her...My baby is in her last 2 years and is having trouble where she is at. Please don't let Kate prolong this anymore.

Why aren't you responding to me? You know I was waiting on Tuesday for the answer...

U

United States of America,
Plaintiff,

v.

Case No. 17-1438

FREYA D. PEARSON,
Defendant,

DEFENDANT FREYA D. PEARSON'S REQUEST FOR PERMISSION TO FILE A MOTION TO RECONSIDER BOND PENDING APPEAL AND AN EMERGENCY MOTION FOR BOND PENDING APPEAL

COMES NOW Defendant Freya D. Pearson hereby moves this Honorable Court for permission to file a Motion to Reconsider Bond pending appeal, and for an order permitting Ms Pearson to be released on Bond pending appeal of the conviction and sentence in the above-captioned case. In support of my motion, I state the following:

The Appellate Court denied the Motion for Bond pending appeal in May 2017. The Court was not aware of the issues surrounding the Prosecutors behavior at that time. I would like to incorporate the issues addressed in the communication between me and the Court, and I would like to incorporate the arguments from the first Motion for bond pending appeal as well as the final Reply Brief filed by Pearson on July 19, 2017.

Pearson has demonstrated that that she is not likely to flee, and poses no danger to the safety of any other person or the community if permitted to be released on bond pending appeal. The appeal of her conviction and sentence is not for delay, but is for the purpose of obtaining a review of the proceedings. The issues in her appeal and in her communication with the Court raise substantial questions of Law or fact likely to result in reversal, or an order for new trial.

The Governments wide-ranging argument in support of affirming Pearson's conviction for False Statements fails to focus on the narrow charges which were submitted to the Jury in support of such convictions.

False Statements- Here the indictment alleges and the Jury instructions require proof that she made three very specific statements. 1) "that she had only \$60 in bank accounts, when in fact, on February 14, 2011, she had at least \$3200 in bank accounts controlled by her; 2) that she lived in Kansas City, Missouri, when in fact, she moved to the St.Louis metropolitan area; and 3) that she had no other income, when in fact she received interest income from her Bank of America RAW account number 5535."

First, concerning the balances contained in any RAW bank accounts, the Government failed to present any direct evidence, exhibits or testimony showing what the balance was in accounts controlled by Pearson on the precise date of February 14, 2011. Given this lack of evidence presented directly to the Jury, there was not only insufficient evidence that Pearson made a false statement, but there was also insufficient evidence for the Jury to consider whether such statement was material on the date charged.

Similarly, there was not testimony or evidence submitted to the Jury of what amount of interest income was derived from the Bank Of America RAW savings account number 5535, again showing not only a lack of proof of a false statement, but also lack of proof of materiality, which is an essential element for the Jury to consider.

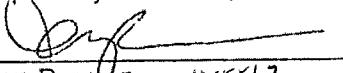
And Finally, the government argues that Pearson answered a question that her address was "5503 NW 82nd Terrace, Kansas City, MO 64151." But the testimony at trial was that this particular form, the form 50058, cannot supply the foundation for a charge of false statements against me, because according to the testimony of Cindy Neely-White, this form was not prepared by Ms Pearson. Rather, Ms Neely-White testified that this form was typed by Cindy Neely-White herself. Moreover, Cindy Neely-White, had no memory of any verbal conversations with Ms Pearson. Therefore the charges of false statements was not proven through evidence of any verbal statements made by Ms Pearson as to any of the three discrete

ax8

charges.

Therefore, there was insufficient evidence to convict Pearson on count nine.

Respectfully Submitted,


Freya Pearson 10-5-17

C-78

**UNITED STATES COURT OF APPEALS
FOR THE EIGHTH CIRCUIT**

No: 17-1438

United States of America

Appellee

v.

Freya D. Pearson

Appellant

Appeal from U.S. District Court for the Western District of Missouri - Kansas City
(4:14-cr-00306-BP-1)

ORDER

Appellant's motion for leave to file a motion for reconsideration of the court's May 25, 2017 order denying her motion for release pending appeal is denied. Appellant is represented by appointed counsel and motions must be filed by counsel. Appellant has also filed a document entitled "Prosecutorial Misconduct and Motion to Reconsider Bond Pending Appeal Permission." Appellant does not have permission to file her own pro se brief on the merits, and the document is stricken.

October 20, 2017

Order Entered Under Rule 27A(a):
Clerk, U.S. Court of Appeals, Eighth Circuit.

/s/ Michael E. Gans