

TRULINCS 27459180 - BRADDOCK, DUSTIN RAY - Unit: MIL-A-A

FROM: 27459180

TO:

SUBJECT: APPENDIX A

DATE: 06/15/2023 04:49:10 PM

APPENDIX A

Fifth Circuit Court of Appeals Judgement

United States Court of Appeals
for the Fifth Circuit

No. 22-50207

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

DUSTIN RAY BRADDOCK,

Defendant—Appellant.

Appeal from the United States District Court
for the Western District of Texas
USDC No. 7:21-CV-175

ON MOTION FOR RECONSIDERATION
AND REHEARING EN BANC

UNPUBLISHED ORDER

Before HIGGINBOTHAM, DUNCAN, and WILSON, *Circuit Judges*.

PER CURIAM:

The motion for reconsideration is DENIED. Because no member of the panel or judge in regular active service requested that the court be polled on rehearing en banc (FED. R. APP. P. 35 and 5TH CIR. R. 35), the petition for rehearing en banc is DENIED.

United States Court of Appeals
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TRULINCS 27459180 - BRADDOCK, DUSTIN RAY - Unit: MIL-A-A

FROM: 27459180

TO:

SUBJECT: APPENDIX B

DATE: 06/15/2023 04:49:00 PM

APPENDIX B

Judgement and Commitment District Court- Midland Tx

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
MIDLAND-ODESSA DIVISION

UNITED STATES OF AMERICA

v.

Case Number: 7:18-CR-00260(1) DC
USM Number: 27459-180

DUSTIN RAY BRADDOCK

Alias(es):

AKA Ray Braddock,; AKA Ray Dustin Braddock,; AKA

Dusty Braddock,;

Defendant.

JUDGMENT IN A CRIMINAL CASE
(For Offenses Committed On or After November 1, 1987)

The defendant, Dustin Ray Braddock, was represented by Allen R. Stroder.

The defendant pled guilty to Count(s) 1, of the Superseding Indictment on August 26, 2020. Accordingly, the defendant is adjudged guilty of such Count(s), involving the following offense(s):

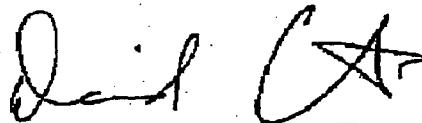
<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Offense Ended</u>	<u>Count(s)</u>
21 U.S.C. § 846, 21 U.S.C. § 841(b)(1)(A) and 21 U.S.C. § 841(a)(1)	Conspiracy to Distribute and Possess with Intent to Distribute Fifty Grams or More of Actual Methamphetamine	June 27, 2018	1

As pronounced on August 26, 2020, the defendant is sentenced as provided in pages 2 through 6 of this Judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

On motion of the United States, the Court has dismissed all remaining counts with prejudice.

It is further ordered that the defendant shall notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this Judgment are fully paid. If ordered to pay restitution, the defendant shall notify the Court and United States Attorney of any material change in the defendant's economic circumstances.

Signed this 2nd day of September, 2020.



David Counts
United States District Judge

DEFENDANT: DUSTIN RAY BRADDOCK
CASE NUMBER: 7:18-CR-00260(1) DC

IMPRISONMENT

The defendant is hereby committed to the custody of the Federal Bureau of Prisons to be imprisoned for a term of **One Hundred Twenty (120) months** with credit for time served while in custody for this federal offense pursuant to 18 U.S.C. § 3585(b).

The Court makes the following recommendations to the Bureau of Prisons:

That if eligible, the defendant participate in the 500 Hour Intensive Drug Abuse Education Program.

That the defendant participate in the Bureau of Prisons' Education Program while incarcerated.

That the defendant serve this sentence at F.C.I. Bastrop.

The defendant shall remain in custody pending service of sentence.

RETURN

I have executed this judgment as follows:

Defendant delivered on _____ to _____
at _____ with a certified copy of the Judgment.

United States Marshal

DEFENDANT: DUSTIN RAY BRADDOCK
CASE NUMBER: 7:18-CR-00260(1) DC

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of **Five (5) years**.

While on supervised release, the defendant shall comply with the mandatory, standard and if applicable, the special conditions that have been adopted by this Court and shall comply with the following additional conditions:

The defendant shall submit his or her person, property, house, residence, vehicle, papers, computers (as defined in 18 U.S.C. § 1030(e)(1)), other electronic communications or data storage devices or media, or office, to a search conducted by a United States probation officer. Failure to submit to a search may be grounds for revocation of release. The defendant shall warn any other occupants that the premises may be subject to searches pursuant to this condition. The probation officer may conduct a search under this condition only when reasonable suspicion exists that the defendant has violated a condition of supervision and that the areas to be searched contain evidence of this violation. Any search shall be conducted at a reasonable time and in a reasonable manner.

DEFENDANT: DUSTIN RAY BRADDOCK
CASE NUMBER: 7:18-CR-00260(1) DC

CONDITIONS OF SUPERVISED RELEASE
(As Amended November 28, 2016)

It is ORDERED that the Conditions of Probation and Supervised Release applicable to each defendant committed to probation or supervised release in any division of the Western District of Texas, are adopted as follows:

Mandatory Conditions:

- [1] The defendant shall not commit another federal, state, or local crime during the term of supervision.
- [2] The defendant shall not unlawfully possess a controlled substance.
- [3] The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release on probation or supervised release and at least two periodic drug tests thereafter (as determined by the court), but the condition stated in this paragraph may be ameliorated or suspended by the court if the defendant's presentence report or other reliable sentencing information indicates low risk of future substance abuse by the defendant.
- [4] The defendant shall cooperate in the collection of DNA as instructed by the probation officer, if the collection of such a sample is authorized pursuant to section 3 of the DNA Analysis Backlog Elimination Act of 2000 (42 U.S.C. § 14135a).
- [5] If applicable, the defendant shall comply with the requirements of the Sex Offender Registration and Notification Act (34 U.S.C. § 20901, et. seq.) as instructed by the probation officer, the Bureau of Prisons, or any state sex offender registration agency in which the defendant resides, works, is a student, or was convicted of a qualifying offense.
- [6] If convicted of a domestic violence crime as defined in 18 U.S.C. § 3561(b), the defendant shall participate in an approved program for domestic violence.
- [7] If the judgment imposes a fine or restitution, it is a condition of supervision that the defendant pay in accordance with the Schedule of Payments sheet of the judgment.
- [8] The defendant shall pay the assessment imposed in accordance with 18 U.S.C. § 3013.
- [9] The defendant shall notify the court of any material change in the defendant's economic circumstances that might affect the defendant's ability to pay restitution, fines or special assessments.

Standard Conditions:

- [1] The defendant shall report to the probation office in the federal judicial district where he or she is authorized to reside within 72 hours of release from imprisonment, unless the probation officer instructs the defendant to report to a different probation office or within a different time frame.
- [2] After initially reporting to the probation office, the defendant will receive instructions from the court or the probation officer about how and when to report to the probation officer, and the defendant shall report to the probation officer as instructed.
- [3] The defendant shall not knowingly leave the federal judicial district where he or she is authorized to reside without first getting permission from the court or the probation officer.
- [4] The defendant shall answer truthfully the questions asked by the probation officer.

DEFENDANT: DUSTIN RAY BRADDOCK
CASE NUMBER: 7:18-CR-00260(1) DC

- [5] The defendant shall live at a place approved by the probation officer. If the defendant plans to change where he or she lives or anything about his or her living arrangements (such as the people the defendant lives with), the defendant shall notify the probation officer at least 10 days before the change. If notifying the probation officer in advance is not possible due to unanticipated circumstances, the defendant shall notify the probation officer within 72 hours of becoming aware of a change or expected change.
- [6] The defendant shall allow the probation officer to visit the defendant at any time at his or her home or elsewhere, and the defendant shall permit the probation officer to take any items prohibited by the conditions of the defendant's supervision that are observed in plain view.
- [7] The defendant shall work full time (at least 30 hours per week) at a lawful type of employment, unless the probation officer excuses the defendant from doing so. If the defendant does not have full-time employment, he or she shall try to find full-time employment, unless the probation officer excuses the defendant from doing so. If the defendant plans to change where the defendant works or anything about his or her work (such as the position or job responsibilities), the defendant shall notify the probation officer at least 10 days before the change. If notifying the probation officer at least 10 days in advance is not possible due to unanticipated circumstances, the defendant shall notify the probation officer within 72 hours of becoming aware of a change or expected change.
- [8] The defendant shall not communicate or interact with someone the defendant knows is engaged in criminal activity. If the defendant knows someone has been convicted of a felony, the defendant shall not knowingly communicate or interact with that person without first getting the permission of the probation officer.
- [9] If the defendant is arrested or questioned by a law enforcement officer, the defendant shall notify the probation officer within 72 hours.
- [10] The defendant shall not own, possess, or have access to a firearm, ammunition, destructive device, or dangerous weapon (i.e., anything that was designed, or was modified, for the specific purpose of causing bodily injury or death to another person such as nunchakus or tasers).
- [11] The defendant shall not act or make any agreement with a law enforcement agency to act as a confidential human source or informant without first getting the permission of the court.
- [12] If the probation officer determines that the defendant poses a risk to another person (including an organization), the probation officer may require the defendant to notify the person about the risk and the defendant shall comply with that instruction. The probation officer may contact the person and confirm that the defendant has notified the person about the risk.
- [13] The defendant shall follow the instructions of the probation officer related to the conditions of supervision.
- [14] If the judgment imposes other criminal monetary penalties, it is a condition of supervision that the defendant pay such penalties in accordance with the Schedule of Payments sheet of the judgment.
- [15] If the judgment imposes a fine, special assessment, restitution, or other criminal monetary penalties, it is a condition of supervision that the defendant shall provide the probation officer access to any requested financial information.
- [16] If the judgment imposes a fine, special assessment, restitution, or other criminal monetary penalties, it is a condition of supervision that the defendant shall not incur any new credit charges or open additional lines of credit without the approval of the probation officer, unless the defendant is in compliance with the payment schedule.
- [17] If the defendant is excluded, deported, or removed upon release on probation or supervised release, the term of supervision shall be a non-reporting term of probation or supervised release. The defendant shall not illegally re-enter the United States. If the defendant is released from confinement or not deported, or lawfully re-enters the United States during the term of probation or supervised release, the defendant shall immediately report in person to the nearest U.S. Probation Office.

DEFENDANT: DUSTIN RAY BRADDOCK
CASE NUMBER: 7:18-CR-00260(1) DC

CRIMINAL MONETARY PENALTIES/ SCHEDULE

The defendant shall pay the following total criminal monetary penalties in accordance with the schedule of payments set forth. Unless the Court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during the period of imprisonment. Criminal Monetary Penalties, except those payments made through Federal Bureau of Prisons' Inmate Financial Responsibility Program shall be paid through the Clerk, United States District Court, 200 E. Wall St. Room 222, Midland, TX 79701.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

	<u>Assessment</u>	<u>Restitution</u>	<u>Fine</u>	<u>AVAA Assessment*</u>	<u>JVTA Assessment**</u>
TOTAL:	\$100.00	\$0.00	\$0.00	\$0.00	\$0.00

Special Assessment

It is ordered that the defendant shall pay to the United States a special assessment of \$100.00.

Fine

The fine is waived because of the defendant's inability to pay.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column above. However, pursuant to 18 U.S.C. § 3664(i), all non-federal victims must be paid before the United States is paid.

If the fine is not paid, the court may sentence the defendant to any sentence which might have been originally imposed. See 18 U.S.C. §3614.

The defendant shall pay interest on any fine or restitution of more than \$2,500.00, unless the fine or restitution is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. §3612(f). All payment options may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. §3612(g).

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) fine interest, (6) community restitution, (7) JVTA Assessment, (8) penalties, and (9) costs, including cost of prosecution and court costs.

* Amy, Vicky, and Andy Child Pornography Victim Assistance Act of 2018, Pub. L. No. 115-299.

** Justice for Victims of Trafficking Act of 2015, Pub. L. No. 114-22.

*** Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13.

TRULINCS 27459180 - BRADDOCK, DUSTIN RAY - Unit: MIL-A-A

FROM: 27459180

TO:

SUBJECT: APPENDIX C

DATE: 06/15/2023 04:48:52 PM

APPENDIX C

Sworn Affidavit Highlighting Government Agents Malfeasance

TRULINCS 27459180 - BRADDOCK, DUSTIN RAY - Unit: MIL-A-A

FROM: 27459180

TO:

SUBJECT: Harassment Record Affidavit

DATE: 06/15/2023 04:49:46 PM

HARASSMENT RECORD AFFIDAVIT

" APPENDIX C "

March, 2014, Sometime at or around the middle of the month, Two FBI Agents, Josh "Last Name unknown", and Agent Randy Vest, came to my house at 9338 w 26th st Odessa Tx, at around 10 am. They made remarks about my going to attend the sentencing of Kevin' Birdy' Rickman, and threatened me with Federal Retaliatory Charges if anyone testifying at Kevin's sentencing is retaliated on or harmed in anyway,, I stood in awe of this as I did not understand why they felt the need to threaten me....

On or about March or April 2014, while at the federal court house in Midland Tx. The same two FBI agents whom came to my home the week or two before. Pulled myself and Kevin's brother Marc Rickman aside during a recess of Kevin's sentencing and repeated the same stern threats of federal charges if anyone is threatened or harmed that was testifying at this sentencing. We let them know the same regards as before that we were only there in support of our loved one, my mother and wife were also present for his hearing...

June 4, 2014, Texas Department of Public Safety, Criminal Investigation's Division (DPS-CID) Special Agents beat on my door at 9338 w 26th st Odessa Tx, at around 6:30am. When I answered the door I was greeted by approximately 10 Agents with guns drawn in tactical gear. Pulled Wife and I both out. Were rude, indecent and demanding, even threatened to shoot my dog. Had no known contact of anyone they were in search of. They had no Warrant. Wife and I both felt disrespected, bullied, harassed and humiliated as we were not even dressed.

May 28, 2015, The same TX 'DPS' CID Agents beat on door at 9338 w 26th st Odessa Tx, at around 6:00am, until I answered the door. Approximately 8-10 Agents in tactical gear with assaults' weapons drawn demanded Angela and I both come out. Asked who was inside. Once again threatened to kill my dog, agents were rude, demanding, obnoxious. Had no Warrant, no known contact with whom they asked about. Felt harassed, and intimidated.

December 24, 2015, At around 11:00am Undercover Odessa Police 'OPD' forcefully beat on my door at 9338 w 26th st Odessa Tx. When I opened the door I was pulled out at gun point, well over 12 agents in tactical gear surrounded my home. I was handcuffed and led across the alley and agents started searching my property. Asked about individual I had not seen and had not been at my address. Officers harassed my wife. I felt intimated and it was at this point I started Journaling these unmerited visits.

On or about April, 2016, at around 10:00pm, I was pulled over by undercover Ector County Sheriff ' ECSO' Abel Sanchez, as I was pulling into my alley way to go to my home. He asked about my relation to Heather Cox, who was detained by the U.S. Marshals, since I lived on a separate lot on her families property. I told him of the unjust encounters I had with the DPS and other Agencies the past 2 yrs.. Sanchez, imparted, that "to them I'm a shot caller and it is all due to my tattoos'...

On or about May of 2016, Bobby Jenkins, whom I rent my trailer space from informed me, her granddaughter Heather Cox, had imparted to her that the FBI were asking her questions about me. As if though I was involved with her federal case. Ms. Jenkins was not aware of whom the agent conducting the interview was...

On or about May of 2016, after having been informed of the FBI Agent asking about me. I attempted to reach the FBI office and ask why so much scrutiny. The Agent whom received my call, informed me I would have to know the agent by name in order to ask to speak someone....

On or about May, 2016, around 2:00pm, I got hold of the same FBI Agent I spoke to the week prior ' Randy Vest' Told him I had nothing to do with Ms. Cox's case and knew nothing of it. Agent asked me if I would be willing to come to Midland for a interview. I agreed only on the occasion I be accompanied with an attorney. Agent Vest, replied that would not be necessary that they would not be interested in interviewing me if a attorney was present. He then inquired of a alleged Chop Shop at Shaun Glazes property. Told him I know of no such activity...

On or about June, 2016, while at Shaun Glazes, 11 Mesa Cr Address in Odessa Tx. Outside the property fence while working on a dirt bike. Undercover ECSO Abel Sanchez, rolled up and started asking questions about the dirt bike. Whom it belonged to. I mentioned to him about the FBI Agents asking me to go down to be interviewed. Told him I did not know why so much scrutiny into me by these agents and agencies...

On or about June 28, 2016, at around 3:00pm. I turned the corner of 11 Mesa Cr Odessa Tx and right then TX DPS CID agents and the Odessa Swat team came from all sides and had weapons drawn and tried yanking me out of truck. Truck was sill in gear. I was stuck in seat belt. I was afraid to reach for the seat belt thinking I would be accidentally or purposely shot in the mistake that it would been justified in the notion or belief I were possibly reaching for a weapon. All I could think is they would shoot me to no consequence. (I do have access to the DVR recording of said incident). CID agents harassed me about ABT and eventually allowed me to leave only after agreeing to allow agents to Video my tattoos...

On or about January 19, 2017, Tonya Glaze and Craig Timpson, went to Midland DPS impound yard after she was notified by TX DPS CID Special Agent Chris Harry Goodman, to come and retrieve her husbands Harley. Directly upon leaving Craig was pulled over by Midland Police Detective Trent Sellers, he searched them and made remarks about me, meth and my alleged role in the ABT...

On or about February 17, 2017, I had a missed call at around 10:00am. It was from the phone number FBI agent Randy Vest had previously spoke to me on. I called it back and was told it was now Agent Brandon Fords number that he took over Randy Vest field position. He asked me about a individual I had not seen in a few weeks and then asked me which property I was staying at, Angus or west 26th st. He asked me what 'Norm' thought about being ran in on last night by ECSO. I told him I did not know nothing about it, He then asked me if I thought he was stupid. He told me he is now the Agent over street crimes and gangs...

On or about February, 2018, Jason McCollough, and Balania Basham, were busted at a 7-11 Convenience store in Odessa Tx. They were found in possession of meth and were detained by DEA Agents and took to the Ector County Jail for interviews. They were both repeatedly asked questions about me, the ABT and meth distribution. Both Jason and Balania were very forth coming and formal in telling me this, as they both wandered why they were asked about me....

On or about April, 2018, I ran into 'Jason McCollough, at the local Kent Kwick, convenient store located at Roundup in West Odessa, TX. He told me his lawyer said the U.S. Attorney's Office called and told him they want all ABT off the streets. Jason told me he had not been sleeping well at night as he believed he was going to be picked up soon by the Feds...

On or around May 2018, Craig Timpson, sent me snap shots to my cell phone, of text messages between Jason McCollough, and a CID detective. Jason was begging the detective to "not place warrants on him that he would be giving them a bust. And that he knew key players and had connects in Dallas. The detective replied no, that was not enough and he needed more. Jason begged and mentioned the amount of the bust he provided, the Detective said no that was not enough he wanted more at least a ounce, and he was going to place the warrant'... I saved the snap shots and provided them to my attorney... See attachment 3 to appendix E .

On or about May 24, 2018, Craig Timpson, was pulled over after leaving his side job by ECSO and TX DPS CID, He was placed under arrest, his truck was searched and agents went to the jail and questioned him and his involvement with me and the ABT. There was no contraband found and Timpson made bail...

On about June 27, 2018, Craig Timpson, was leaving his job construction site and again pulled over by TX DPS CID Agents. They took he and his girlfriend to Melissa Preston's west Odessa Address where DEA and TX DPS CID and other agencies were conducting a raid. These Agents asked Craig several questions about me and alleged ties to the ABT and meth use. After several hours both Craig and his girlfriend were allowed to leave. But not before giving Craig the instructions to call them every Wednesday...

On or about July, 2018, Craig Timpson, voluntarily went to Midland Tx, to be interviewed by DEA agents and TX DPS CID. As before they asked him several questions about me and the ABT. Asked him if I had guns and mentioned my separating from my wife. And my having a new relationship and son... He told agents he has never known me to have firearms and to his knowledge I was in fact clean from drugs...

On or about October 18, 2018, while stopping to check my property at 9338 w 26th st Odessa Tx. At around 10:30am I noticed a sheriffs deputy coming east from the west alley entrance, at same time I noticed several unmarked vehicles coming north from south alley. Within a few moments the property was swarming with Undercover TX DPS CID agents. SA Goodman, asked me about a Gabe's Casing truck which was parked at another tenants lot. I told him I hadn't been here I only stopped to check on my 5th Wheel travel trailer. MPD Detective Trent Sellers, pulled up and said ' what's up Static' I said who are you? he replied arrogantly ' I'm the police'.. I told DPS Agent Goodman I would like to speak to him before he left. He and Agent John Ramos, came and I imparted to Goodman I had just had a son and I did not want them coming to my home anymore in show of force the way the have repeatedly done in the past. That I was not involved with the ABT and I would not be entertaining any prison

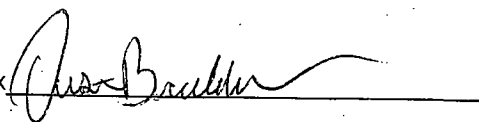
TRULINCS 27459180 - BRADDOCK, DUSTIN RAY - Unit: MIL-A-A

attire and in fact would soon be removing all the old tattoos. That I did not want my son growing up drawing swastikas. It was important for me to see he has a different life.. Goodman, hesitantly shook my hand and then they departed just as suddenly as they showed up...

Only for me to be pulled from bed November 16, 2018, by he and several other agents at gun point on sealed indictment. Even after having watched my home for two days, knowing only myself and Jeannie and our 4 month old son were inside the home. Never once have I shown these agents or agency's any dis-contempt when they have came to my house all the times they had even as violated and intimidated and fearful as they have made my wife and I feel. I still never shown any type of disregard, for them to bust door off the hinges rush inside with guns drawn at 6:00 am. The only difference this time is they arrested me. After they had I felt like it was a bad dream, I even recall asking one of the agents ' If this was real or was I dreaming'...

Sworn Under USC 1746 and the penalty of perjury, to be true and accurate to the best of my limited ability to investigate.

Sworn this 30 Day of June 2023 x



Dustin Ray Braddock
Reg#27459-180
F.C.I. Milan
P.O.Box 1000
Milan, M1 48160

FROM: 27459180

TO:

SUBJECT: Declaration of Dustin Ray Braddock

DATE: 06/16/2023 06:38:45 AM

DECLARATION OF DUSTIN RAY BRADDOCK

" APPENDIX C "

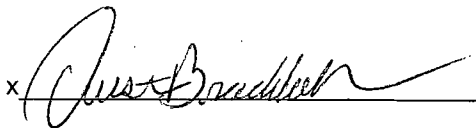
There is many things I have suffered at the cost of these Tx DPS Agents and other agencies that work close beside them. The harassment all started after the first visit from the FBI before Kevin Rickman was sentenced to life in the United States District Court in Midland Tx in 2014. All this documentation is true and accurate to the absolute best of my knowledge and ability. Even though its said the TX DPS-CID work directly for the governor, I do not believe anyone to be above the law, and are allowed to manipulate legal loop holes in the federal justice system to achieve a dismal agenda at any desire they deem fit. If this documentation does not prove discriminatory harassment and weaponizing of the federal indictment process and color of law, I simply do not know what does. And be it the very same agents by name, that have repeatedly done so. All this harassment started well before any DEA investigation into anyone involved or allegedly involved in the indictments on this case, and well predates any time span covered or claimed on the indictments. I had lived in fear I would someday lose my life to these agents, I can not describe in words how it feels to be awoke at random times of the dead of night to forceful beats on the door, only to open to a dozen assaults' rifles aimed at you and your spouse for no reason. One time is damaging, 3 or 4 is truly traumatizing. I honestly believed they would one day accidentally shoot me and cost me my life. Now in a big sense I suppose they have... Due to those feelings, I kept a personal journal that was confiscated upon search of my home this day of my arrest.

In this Declaration I, Dustin Ray Braddock, are submitting on this writ's appendix, I have not included every detail and instance that involve these agents and agencies. There have been other instances where the ECSO have pulled over my wife and harassed her about my alleged affiliation to the ABT and firearms and drugs. A few of these instances I took offense too and therefore called the ECSO and asked to speak to Rank. There are more situations like this, and I provided my attorney of record a complete documentation prior to trial. Although I'm aware State and Federal Authorities are separate Sovereignities, all the harassments correlate back to the FBI and DPS CID. Starting when I stood in support of Kevin Rickman in 2014 as his family friend. Not long after Rickman receiving the life sentence. I had words on social media with what I believed to be an FBI Agent, with the profile name 'Texas Possum'. We were in dispute over Rickman's life sentence... We ended up both in agreement that the Rickman court was unfair. What was so profound and unsettling about this conversation was 'Texas Possums' statement in verbatim,, ""After closer look into the matter, I totally see and understand your frustration. What is sad is his appointed counsel did not withdraw his plea once those allegations started surfacing, so they could not use against him at his sentencing""... Again that is verbatim. Now come to pass some 5 years later, after my mistrial June 4, 2019, only for me to be appointed this same attorney. "Attorney, Allen R. Stroder"...

While this may be unrelated I feel I should note that in the summer of 2017, when FBI were conducting a child predator sting in the Midland/Odessa Tx Area, through social media platforms. I believe I received uninvited private messages from their fake profile. This happened again in the early fall of 2018. What led me to believe it was agents targeting and harassing me is because in both instances it aired on the local news how FBI Agents and other local Agencies led co-operated sting's via social media. Why I would be targeted for such made no sense to me, unless it was agents desperate malice and intent to place me behind bars at any cost for any type of case or charge they could muster that carries a lengthily sentence... Since I had absolutely no interest in these messages. I deleted them after curtly dismissing whoever was IN boxing. By chance it is kept on record whom these agents attempt to target these operations I, whole heartedly feel it would be fruitful if investigated, and would only add to how much scrutiny I have undergone the will of these authorities. Then to sit in solitary confinement 2 years and have to deal with the anxiety and unfairness of numerous jury trials and or attempts at trial. While these very same TX DPS CID agents sit staring holes through me, during my trials, along side of a Ector County Youth Probation Administrative Officer 'Parent' of a witness against me, " Melissa Preston" who made a deal with the government and gave conflicting testimony as to that documented by the case agent's report that was based off the arrest video of Preston. Its no wonder I feel framed, harassed and made a scapegoat to the dismal desire of more than one crooked sovereignty... At the close of the Federal Governments case in chief July 30, 2019, AUSA stated to the jury, " There is no conspiracy to get Braddock"... Although, with all things considered and recorded it would appear to be exactly that...

Sworn Under USC 1746 and the penalty of perjury, to be true and accurate to the absolute best of my knowledge.

Sworn this 30 Day of June 2023

x 

Dustin Ray Braddock

TRULINCS 27459180 - BRADDOCK, DUSTIN RAY - Unit: MIL-A-A

Reg # 27459-180
F.C.I. Milan
P.O. Box 1000
Milan, Mi 48160

TRULINCS 27459180 - BRADDOCK, DUSTIN RAY - Unit: MIL-A-A

FROM: 27459180

TO:

SUBJECT: APPENDIX D

DATE: 06/15/2023 04:48:45 PM

APPENDIX D

Defects in Indictment, Malicious and Vindictive Prosecution and Prejudicial Brady Violations

FROM: 27459180

TO:

SUBJECT: Affidavit Over Guilt Plea

DATE: 06/16/2023 06:44:44 AM

" APPENDIX D "

AFFIDAVIT DETAILING THE REASON FOR MY GUILT PLEA

I, Dustin Ray Braddock, duly make the following affidavit in the regard these be the true substance to why I agreed to plead guilty, just mere days prior to having a 3rd Jury trial. What I impart here may not hold any weight or precedent to anyone in the world on the opposite side of the scale. No one else in the world may know or understand how this process truly felt, and there very well may be no case law correlating or giving detail to such. Though its in honest truth I state these are the things that caused me the most anxiety and led me to believe my trial would be everything but fair or impartial, and which ultimately led to my plea of guilt.

I noted several times to my attorney Mr. Allen R. Stroder, I felt my trial date was prejudicial. I was truly afraid to go through trial on the date of August 31 2020, with half the governments witnesses being law enforcement agents. The sister communities of Midland/Odessa were reflecting on the horrible mass shooting from this very day the year before. Honoring all local law enforcement. Even praising one of its state troopers, and rightfully so, for his heroic efforts as well as being one of the victims the perpetrator shot. State Trooper being another Division of the TX DPS, which were very much a part of my trial. I feel it is also worth mentioning, a postal service worker was shot and killed by the perpetrator that same day, and naturally the United States Court House is in the main Post Office in Midland Tx.

The next element that caused heavy anxiety and had a coercive effect was knowing my loved ones were not going to be allowed in the court room while I'm tried. That had a huge impact with why I plead guilty. I needed to feel the support of my loved ones there, my life were in the trough of a unbalanced scale. Then knowing we believed to caught juror 10 at my last trial being alerted by the extra state agents when the court gave its mere presence instruction to the jury. Along with the huge difference in the types of juror's summonsed between the first and second trial. I was afraid to be in there by myself fighting to keep from getting a sentence of a potential 30 years.

The next factor that weighed heavy on my mind was the previous trial transcript Doc#330, did not transcribe correctly and was astronomical to the word spoke on stand. It was obvious this court personnel have either honed into perfection subtle ways to alter things that make for huge calculations of relevant conduct on the guidelines for sentencing, or by chance these were honest misinterpretations of what was spoke then it would be at no ones cost other than decades of my life. After all, at appellate review its transcripts that are read not audio recordings played. So rather what's transcribed is accurate to what was spoke on stand or not, if the transcript match's the PSR recommendation and the sentence, Then that would of been the chisel for my head stone.

I were afraid to go through another trial with Allen Stroder as my attorney. Reading the transcript does not bring a accurate mental picture of his performance in front of the jury. It was like night and day when in the court room, as compared to our in person client/attorney visits, or even on phone, Stroder seemed assertive and witty. Though in court he was clumsy and forgetful and scattered. I was never able to shake the thought that it was all theatrics. I were not afraid of a conviction, the government had long proven how pernicious they were willing to be in order to win. What I feared was Stroder hurriedly pointing out everything that would overturn at appellate level, the same as I felt he did after the conviction of the second trial, and give the district court the opportunity to mask any mistakes and redo it over again until I was locked in without anything to claim on appeal. I do not believe Stroder was fighting to prove my innocence, or point out in my defense Government Corruption, misfeasance or sophistry. I simply never felt Stroder was fighting to vindicate me. I was not comfortable or trusting enough after all was said and done to carry on with his representation. I feel all the fighting done in my case, I done myself, and I were mentally, spiritually, and even physically drained and exhausted by the time the District Judge engaged me into plea negotiations. See Doc#398 in its entirety.

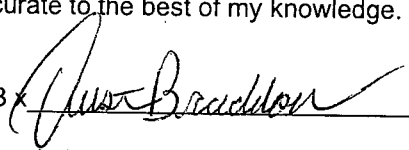
I felt the court did everything it could after the mistrial to make my court as unfair and one sided as possible. The appointment of Stroder, the repeated continuances predating the pandemic, the trial date being set on the one year anniversary to the mass shooting. The use of two new prosecutors after the mistrial. I do not believe the district judge was impartial to my case. I believe his stance echoed support for the prosecution and they're conviction rate in his court room. I believe it's something that was said at my first trial that caused them to lean me towards agreeing to the mistrial. Not to ensure my rights to counsel, but more so to prevent something that was obvious to them from coming out any further so they still had the opportunity to hide and restructure and gain they're conviction. All the while using the grounds for the mistrial to become its

benefactor's.

I believe my voicing these concerns to the magistrate court August 20, 2020, had everything to do with them wanting me to plead guilty, and why the District Judge himself got involved in the plea negotiations. The record is clear of how many times I voiced my concerns to the Magistrate Judge verses the District Judge, I, like any defendant fighting for his rights were intimidated by the district judge, and feared upsetting the one who held my life in his hands.

Sworn Under USC 1746 and the penalty of perjury to be true and accurate to the best of my knowledge.

Sworn this 30 Day of June 2023

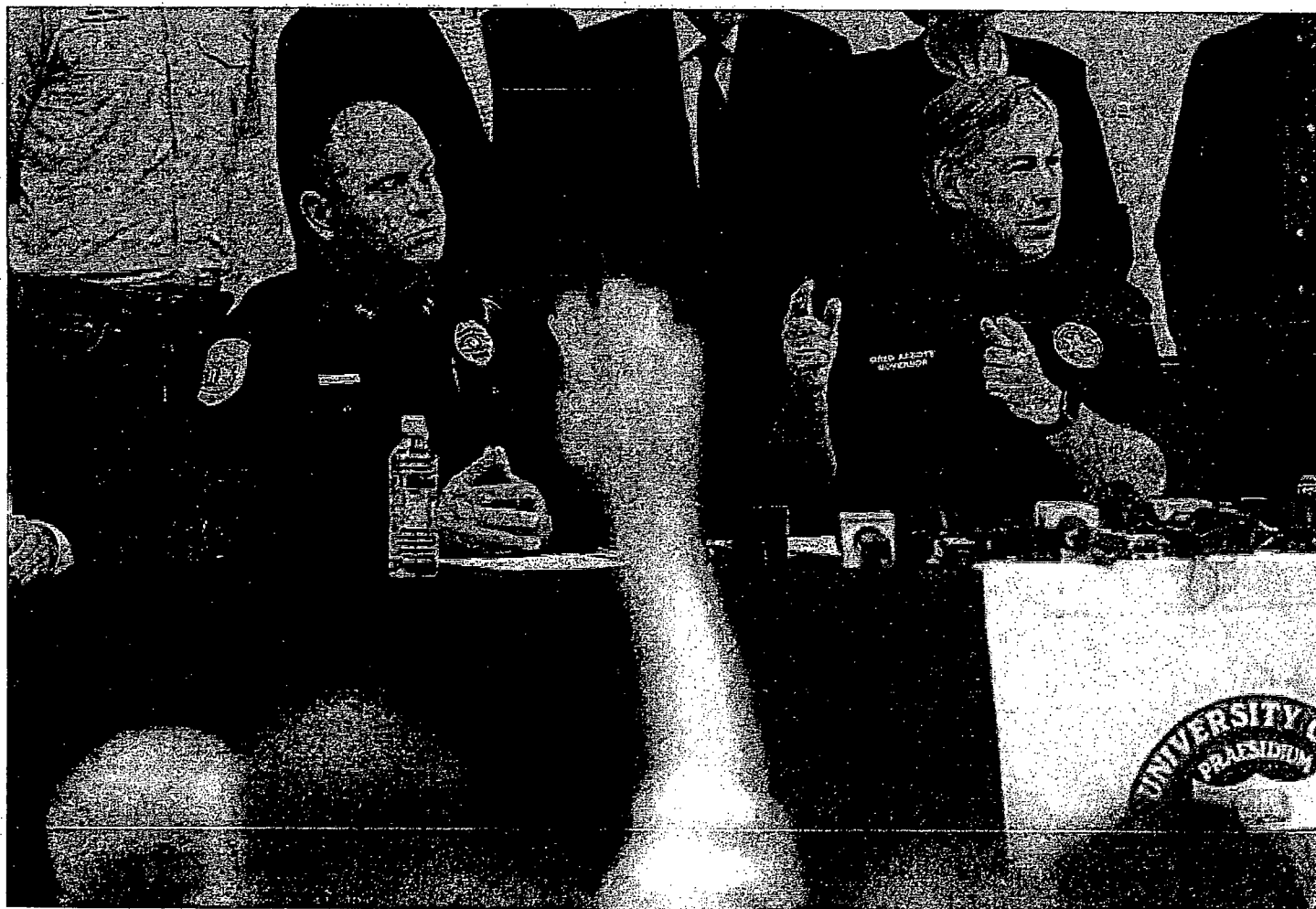


Dustin Ray Braddock
Reg# 27459-180
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Death toll in Midland-Odessa mass shooting climbs to eight, including the shooter

Officials say the shooting began with a traffic stop in which the gunman shot a state trooper. Police say the gunman acted alone and was shot to death outside a crowded movie theater.

BY ACACIA CORONADO AND ALEX SAMUELS AUG. 31, 2019 UPDATED: SEPT. 1, 2019

[COPY LINK](#)

Gov. Greg Abbott appeared at a Sunday press conference with Odessa's police chief a day after a mass shooting in Midland and Odessa. Colin Murphey/ San Angelo Standard-Times/USA TODAY NETWORK via REUTERS

*Correction appended

Attachment B1

ADVERTISEMENT

Moment of silence held for those lost in August 31 mass shooting



Join us today at 3 p.m. for a Special Report, as we mark the one-year anniversary of the Labor Day weekend mass shooting.

By William Russell

Published: Aug. 31, 2020 at 9:02 AM MDT



ODESSA, Texas (KOSA) - The City of Odessa will be holding a moment of silence at 3 p.m. on Monday to remember the 32 victims who were hurt and killed in last year's mass shooting.

At that time all Odessa Fire Rescue fire trucks will be pulled out of their station and have their lights on.

This will last 32 seconds.

Leilah Hernandez, 15, Joe Griffith, 40, Mary Granados, 29, Edwin PPeregrino, 25, Rodolfo Arco, 57, Kameron Brown, 30, and Raul Garcia, 35, were lost in the shooting.

CONTI

Attachment B-2

The following victims were injured:

Nathan Hernandez, 18, Marc Gonzales, 38, Zachary Owens, Midland Police Department Officer, Timmoth Beard, 55, James Santana, Odessa Police Department Officer, Glenda Dempsy, 62, Marco Corral, 62, Coy Edge, 53, Joseph Glide, 60, Anderson Davis, 17-month-old, Daniel Munoz, 28, Robert Cavasoz, 38, Maria Boado, 27, Efe Obayagbona, 45, Bradley Grimsley, 64, Chuck Pryor, Texas Department of Public Safety Trooper, Timmothy Hardaway, 54, Quadri Fatai, 41, Jesus Alvidrez, 2, Lilia Diaz, 46, Krystal Lee, 36, and Larry Shores, 34.

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Seniors who could use extra money are now getting these 24 useful benefits in 2023.

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Why millions of Americans have stopped buying their glasses at the optometrist

The crazy truth about glasses that has shaken the industry and changed how we'll buy glasses from now on.

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Attachment C-1

57 MINUTES

Odessa police officer shot twice remembers Aug. 31 shooting

Corporal Santana was shot twice, once in his hand and his thigh.

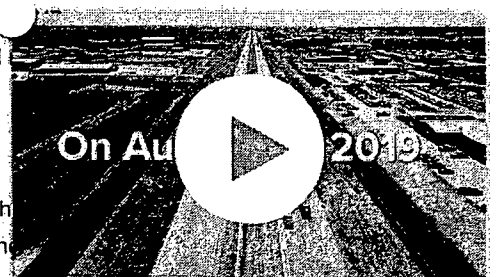
Author: Tatum Guinn (News West 9)
Published: 11:31 AM CDT August 31, 2020
Updated: 11:31 AM CDT August 31, 2020



ODESSA, Texas — No matter where you were or what you were doing, the date August 31 makes all West Texans pause. The events of that day rocked our community and changed more than two dozen families forever.

We all carry that day with us in our own way — quite literally for Cpl. James Santana.

"It's strange how a matter of seconds can change you forever. Something can take something away or give you something you didn't have before. It's with you for the rest of your life," he



said.

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Attachment C-2

Cpl. Santana is one of the victims of the mobile mass shooting. He was shot twice while responding to calls of victims on Aug. 31st – once in the hand and in his thigh.

"There are still those black spots where bullet fragments are left," he says looking down at his hand. "It still aches. They said that'll take a while, probably years to go away. Sometimes it still gets stiff and sometimes it pops and hurts and I just have to take care of it."

He has spent the last year rehabbing his injuries and returned to duty full-time, only now as a detective. Cpl. Santana only recently began opening up about what happened to him on Aug 31st. He shared his story with NewsWest 9.

He was on duty that day. It was a Saturday.

"I was headed to another call when we got a report from dispatch that a trooper had been shot in Midland on I-20," he said. "I was going north on East Loop 338 at the time, I knew I wasn't too far away. I turned around and headed east on I-20 when dispatch said there was another victim along I-20."

He soon drove up on one of the victims who had been shot in the leg.

"I'm staying there doing what I can to help him. Dispatch said the shooter was back on the north loop. So, I tell the ambulance, he's headed this way, do what you can and get him out of here," Santana said.

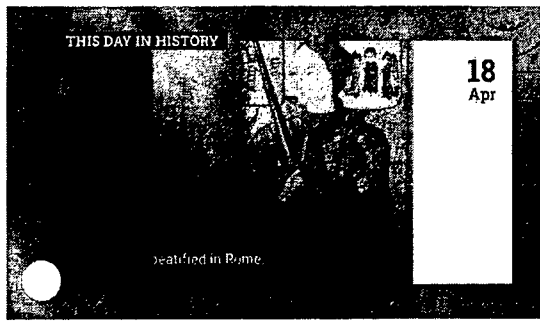
He and a few other officers held that scene to wait for a gold sedan driven by the suspected shooter – it never came.

"That's when victim, after victim, after victim started coming out," he said. "I said that we needed to go. From there, I was responding to victim, after victim, after victim on the east side of the city."

In the middle of the chaos, information came out that the shooter was at Cinergy and shots had been fired.

"We got to Cinergy and there was nothing there, so we start to leave," he said. "I headed west on Dr. Emmitt Headly, the street behind Cinergy. I was looking at my computer screen for details of another victim and two bullets came through my door. It just happened so fast."





Attachment C-3

This Day in History

Recap of important historical events that took place on that day.

Ads By Connatix

Santana says he immediately knew who had shot him.

"I saw a white minivan coming up, it didn't register at all that it could've possibly been him. So when the bullets started hitting my door, I thought, 'Oh no'....I thought I was done," Santana said.

He wasn't done. While injured, he jumped into action to help a fellow officer, also shot.

"Honestly, my first thought wasn't myself. I knew that Owens behind me was hurt. I didn't know how bad but I turned and he was covered in blood. I tried running, well I hobbled as fast as I could," Santana said.

At one point, Santana said he planned on driving himself to the hospital but his sergeant stopped him. He was sent to the hospital in an ambulance with another gunshot victim. His injuries required surgery – he was released several days later to applause from co-workers and hospital staff.

He says beyond the physical scars, working through the emotional pain has been a journey he did not expect.

"For a long time I felt a lot of shame for not stopping him," he said. "I feel like it's my job, my responsibility to stop him...but instead, he got past me."

Though today, Santana views that day differently. He knows he played an important role on Aug 31st.

"Him shooting me and Officer Owens alerted everyone else. He was moving fast. We passed each other and by the time he shot me, a few seconds later they stopped him at the Cinergy."

He says that day changed everything for him – especially how he views police work.

"When people call police, it's not good. A majority of our interactions with people aren't positive. But now, I've been making it a point to see the good, find the good."

While he carries physical pieces of that day with him, Santana believes our community's strength is what defines Aug 31st, not evil.

"This is us as a community legitimately rising up and overcoming something he tried to do. We're all here to talk about it. He's not."



Attachment C-4

You can watch the full video of Corporal Santana's interview here.

Related Articles

The Family Resiliency Center of the Permian Basin brings hope on August 31, anniversary of the mobile mass shooting

Honoring Permian Basin mass shooting victims

Odessa Chamber Victim's Fund gives over \$1M to families of mass shooting

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Attachment D

12
2016 Motorcycle Ride to Dallas, All Alleged Evidence Based upon Hearsay

1
2017 Cell Tower Pings of McWhorter & Freeman in Abilene TX

2
2017 Arrest of McWhorter

2
2017 TX DPS CJO SA Goodman Applies for phone Tap

3
2017 TX District Court Judge Grants Tap Warrant

4
2017 Phone Tap Ends

8
2017 DEA Investigation into ONEAL Leads to Preston

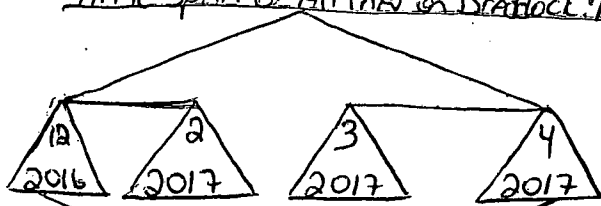
6
2018 Preston & Freeman Busted conspiracy ends

7
2018 7 persons indicted "MO18-CR-183"

11
2018 4 persons indicted "MO18-CR-260"

11
2018 Arrest and Both DEA and State Search Warrants

Time span of all info on Braddock: McWhorter



State Agencies Evidence

Start of DEA investigation

5
2017

9 persons of interest

6
2018

Conspiracy Entry - Bust of Prison: Freeman

7
2018

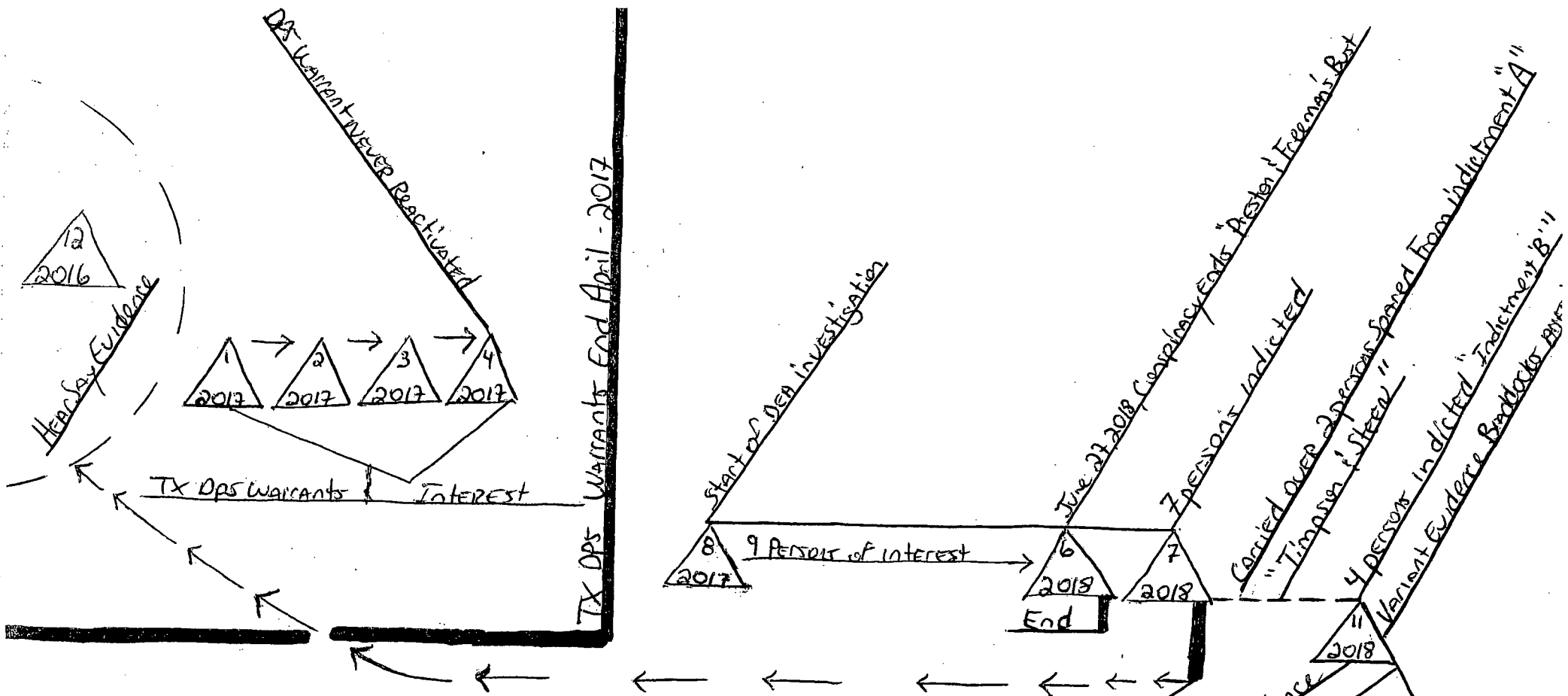
7 persons indicted

Made Time span on indictment: cover State Agents state information

Fetch: AUSA, Brought state Agent who gathered over as Expert witness "CISA Goodman"

Carried over the two persons spared from 2018
Indictment A, to Jander Braddock: McWhorter

month
YEAR



Made Time Span on indictments cover Time frame on all Hearsay Evidence and TX DPS state information gathered via Goodman Phone Tap Warrant March / April - 2017. — AUSA / Case Agent Futch Brought DPS Agent Goodman over as the Expert witness

Used Case Agent Futch Alleged Evidence On Timmons & Steen in order to Join with Braddock and McWhorter to indictment B with Hearsay Evidence involving Braddock

month
Year

Indictment A 7-25-2018

CRIMINAL NO.
INDICTMENT

NO18CR-183

[Vio: 21 U.S.C. § 846 -
Conspiracy]

JESUS GUERRA
SCOTT ERIC FREEMAN
MELISSA KAYANN PRESTON
CHARLES BRANDON O'NEAL
JASON BRENT McCULLOUGH
BALAINA RENEE BASHAM
AND
ROBERT JOHN BRAZEAL

8-2017 - 6-2018, 9 persons part of DEA Case Agent
Futch' investigation. 2 persons purposely withheld
from indictment, "Timpson and Steen"

CRAIG ALLEN TIMPSON,
TAMARA SUE STEEN,
a.k.a. TAMARA SUE ROBBINS,

DUSTIN RAY BRADDOCK,
NORMAN DEAN McWHORTER,

Indictment B 11-14-2018

CRIMINAL NO.
INDICTMENT

NO18CR-260

[Vio: 21 U.S.C. § 846 -
Conspiracy;

DUSTIN RAY BRADDOCK,
NORMAN DEAN McWHORTER,
CRAIG ALLEN TIMPSON,
AND
TAMARA SUE STEEN,
a.k.a. TAMARA SUE ROBBINS,

To Joinder Braddock and McWhorter
to Indictment Based on Hearsay. By
presenting Evidence to Grand Jury From His
investigation involving Timpson & Steen
and they're Alleged participation through
out Case Agents 8-2017 - 6-2018 field
surveillance of the persons of Indictment A

TRULINCS 27459180 - BRADDOCK, DUSTIN RAY - Unit: MIL-A-A

FROM: 27459180

TO:

SUBJECT: APPENDIX E

DATE: 06/15/2023 04:48:37 PM

APPENDIX E

Cumulative Violations by Braddock's Three Trial Attorney's

TRULINCS 27459180 - BRADDOCK, DUSTIN RAY - Unit: MIL-A-A

FROM: 27459180

TO:

SUBJECT: Richard Alvarado

DATE: 06/15/2023 04:48:20 PM

APPENDIX E

1) Counsel Richard Alvarado

FROM: 27459180

TO:

SUBJECT: Richard Alvarado's ineffectiveness

DATE: 06/16/2023 06:47:02 AM

DECLARATION of RICHARD ALVARADO's INEFFECTIVENESS

"APPENDIX E "

... The first words spoken to Braddock by Mr. Richard Alvarado, "Alvarado" were ' you have a very extensive criminal history"... Braddock was struck by that since he had one previous felony of which were over 14 years old. Braddock immediately imparted to Alvarado he believed to been framed by TX DPS Agents and repeatedly asked him to move the court on such, though Alvarado made no effort in order to try and acquire Brady Evidence or see if any Brady Materials did in fact exist. Or in the least if what Braddock had suffered at the expense of the TX DPS Agents was Flagrant. Braddock made mention to the court at Status Conference January 16, 2019, Doc#82, of the journal he kept to document the unwarranted encounters with these TX DPS Agents, and 'other's', that was confiscated during the search of his house when he were arrested November 16, 2018. See transcript of Doc#82 page 6 line's 18-25 and page 7 line's 1-13... Due to the believed misconduct of these TX DPS Agents being so repeated and outrageous, and Alvarado not moving the court on such made for a instant lack of trust in his representation. As any attorney going to bat for his client would of moved for a Bill of Particulars and Brady Materials at earliest opportunity...

When Braddock, boldly noted to the court January 16 2019, Alvarado told the court that if Braddock does retain his own attorney, he would turn over all notes he has",. Although the word Note is not transcribed. see transcript of Doc#82 page 5 line 25 and page 6 line's 1-4... After retaining his new attorney, the government suddenly started mentioning Braddock's harassment record of the encounter's with these TX DPS Agents and others known and unknown, as if this were to Braddock's undoing...

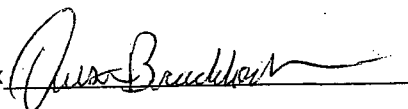
Due to the complexity of the case and the lack of information from the Federal Case Agent's own investigation involving Braddock, through out the course of his involvement with the operations of the investigation and the obvious overlap of the TX DPS's investigation, it is believed there were Brady Materials that exist that would significantly hinder the governments case against Braddock, if not exonerate him completely. Alvarado should have been adamant about finding if this were true and motioning the court to try and retrieve these materials or in the event these materials were stumbled upon through the course of Alvarado's own investigation of the discovery he should of made sure the government were not able to hide from Braddock's new retained Attorney. If in deed this were part of the (NOTE's) he surrendered upon the substitution of his representation. Notes on exculpatory evidence, such as the arrest interview video of Melissa Preston...(See Appendix E about Defense Attorney Robert V. Garcia Jr, not being provided with the video, and the DVD the government did provide was blank)... This is the Video DEA Case Agent Matthew Futch based his report off of. Although this significantly differed from

what Preston testified to being true on stand before the jury, even to the extreme to testifying what the Agent wrote in his report to be wrote down wrong...See Doc# 331 page 24 line's 16-24...

Therefore: Either Richard Alvarado did not turn over all exculpatory evidences to Robert Garcia Jr, or the notes he mentioned to turning over if substituted, were turned over to the prosecution instead of the defense, giving the government the ability to hide or get rid of completely. Which entirely makes the representation offered by Richard Alvarado fall below the standard of being effective and is not believed to be satisfactory to an accused 6th amendment right's to counsel...

Sworn under USC 1746 and the penalty of perjury to be true and accurate to the best of my knowledge.

Sworn this 30 Day of June 2023 x



Dustin Ray Braddock
Reg# 27459-180
F.C.I. Milan
P.O.Box 1000
Milan, Mi 48160

TRULINCS 27459180 - BRADDOCK, DUSTIN RAY - Unit: MIL-A-A

FROM: 27459180

TO:

SUBJECT: Robert Garcia Jr

DATE: 06/15/2023 04:48:26 PM

APPENDIX E

2) Counsel Robert V. Garcia Jr

FROM: 27459180

TO:

SUBJECT: Robert Victor Garcia Jr's ineffectiveness

DATE: 06/16/2023 06:41:54 AM

DECLARATION of ROBERT V. GARCIA Jr's INEFFECTIVENESS

" APPENDIX E "

Up until Braddock had Robert V. Garcia Jr "Garcia" paid in full he repeatedly mentioned how contradictory the Governments Discovery and agents reports and warrants were. Questioned why the search of Braddocks home upon his arrest November 16 2018, long after the alleged Conspiracy had ended. Mentioned to Braddock his alleged role in the ABT does not matter, and is not a federal crime. Although once Garcia was paid in full he started mentioning the conspiracy involved a astronomical 30 kilos of meth...

At trial June 3 2019, Garcia asked Braddock whom Mr. Preston was, as he sat prosecution side of court room with his Texas Deputy Star Concho on display, amongst the extra TX DPS agent spectators... Braddock had not a clue and assumed he was another Agent, that held personal interest as he sat staring holes through Braddock. Garcia, then imparted that he was " 'Jones Preston, a Ector County Youth Probation Administrative Officer, 'Melissa Preston's Father', a friend of mine"... His next comment was he had represented Melissa before in 2010 on a gun charge... And due to that there is a conflict of interest and that he would ask her if she would be comfortable with him cross examining her. Before recessing this day, one of Garcia's last comments were she was fine by it...

What's profound about this is prior to this revelation of the Conflict, the AUSA asked for recess at 3:30 pm until the following day, stating ' they're next witness ' Melissa Preston' would be on stand a minimum of a few hours". So its seems as though Garcia, and the government had already figured this out and played some theatrics into the setting. It seems every officer of the court knew what was going on, all except, for Braddock. Its also quite peculiar the government would ask for recess until the following day, over a possible lengthily testimony, when it was clarified to the jurist at the start of trial that it had the potential to last well into the evenings for up to a possible 3 days... In even more recent times the government itself relied on this factor in its Objection to the Motion for New Trial. See Doc# 285 page 12 of 14...

At pretrial conference before the district court May 29, 2019 Doc# 166, Garcia, made a stance on the government not providing the defense with proper arrest interview video of Preston, and the DVD they did provide was blank. Garcia never mentioned he reviewed the correct video between this day and the first day of trial June 3, 2019. Though prior to declaring the mistrial June 4, 2019, the district judge vouched for Garcia viewing the video. See Doc# 420 page 5 line's 7-9...

Prior to the District Judge declaring the mistrial June 4, 2019, he instructed Braddock of only two options. 1) Agree to continue with Garcia as his attorney, knowing he would not cross examine Preston to his full potential. 2) Agree to a

mistrial... Ultimately there was a third option as well, which the District Judge informed Braddock he would appoint him an attorney for the specific purpose of consulting him over the "Garcia Conflict" See Doc# 420 page 9 line's 1-7...

Its been questioned why Garcia, whom being retained did not motion the court asking for co-counsel for the lone reason of cross examining Preston... Instead the court declared mistrial for what would turn out to be approximately 30 minutes of perjured testimony. And obviously use the mistrial to the advantage and narrow down the number of potential jurors and types of jurors summonsed...

After the declaring of mistrial, Garcia, grabbed note pads not only the one in front of himself but also the one provided to Braddock and started hurriedly scribbling all kinds of notes on them. Obviously in attempt to try and cover any ineffectiveness he may have administered...

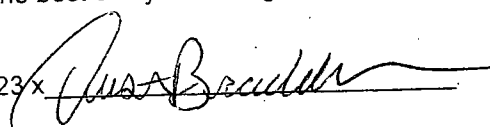
Braddock, found it peculiar how the court sustained most all of Garcia's objections this trial as though possibly helping him seem most effective. It may be worth noting that a few months after the mistrial, Braddock's fiance Jeannie Tracy, received a letter from the law office of Mr. Garcia, stating she had a court appearance in October 2019, over a civil custody battle... Braddock and Ms Tracy, had plans of using only one attorney for all current and future family affairs, so she had spoken to Garcia during the course of his representation of Braddock about her custody woe, though never officially retained him. Braddock, believe's Mr. Garcia done this in another attempt to keep from having a grievance filed with the state bar...

By the date of the first trial Garcia had represented Braddock over 4 months. It should have well been known prior to trial and accepting retainment fee and payment from Braddock, who all was involved in the case, and he should well have known one of his friends 'Jones Preston' daughter was one of the criminal defendants and potential witnesses for the government...

Therefore: Since Garcia did not motion the court to, or bring in co-counsel once the 'Garcia Conflict' was apparent instead recommended a mistrial and allowed for it, its obvious he did not have the best interest of his client in mind or the monetary cost of this trial and the cost on tax payers for another. Which only, offered the Government the opportunity to cover up, restructure and reformatize they're case and put Braddock out several more months jailed in isolation cell. Its not believed this is satisfactory to an accused 6th amendment rights, and was not effective assistance of counsel...

Sworn under USC 1746 and the penalty of perjury to be true and accurate to the best of my knowledge.

Sworn this 30 Day of June 2023 x


Dustin Ray Braddock
Reg# 27459-180
F.C.I. Milan
P.O. Box 1000
Milan, MI 48160

TRULINCS 27459180 - BRADDOCK, DUSTIN RAY - Unit: MIL-A-A

FROM: 27459180

TO:

SUBJECT: Allen Stroder

DATE: 06/15/2023 04:48:13 PM

APPENDIX E

3) Counsel Allen R. Stroder

FROM: 27459180

TO:

SUBJECT: Allen R. Stroder's Ineffectiveness

DATE: 06/15/2023 04:50:04 PM

DECLARATION of ALLEN R. STRODER's INEFFECTIVENESS

" APPENDIX E "

Due to gaps in the investigation in the discovery's the time frame of Tx DPS Agents warrant activated through March and April 2017 when compared to Federal Agents testimony at the first trial, and never reactivating phone tap warrant during the course of the DEA investigation from August 2017 -through late, June of 2018, Braddock asked repeatedly for Stroder to investigate the veracity of this warrant gained by Tx DPS CID SA Goodman, that predated the Case Agent DEA Agent Futch' investigatory efforts into anyone involved or allegedly involved in the alleged conspiracy. It was not this alleged evidence gathered that started or led to the DEA Agents investigation and it did not spark Federal interest. see Trial transcript Doc# 226 page 38 line's 15-24. It was based upon Braddock's interpretation of case law that the alleged fruits gathered this TX DPS Agents phone tap warrant in March and April 2017 were Clearly not inevitable discovery, as well as gained on pretextual information this TX DPS agent had long entered into a TX DPS Data base on his own accord at least 8 months prior to going to a Texas District Court Judge, this time, with the claim the information came from a 'CI', see exhibit 10 of Doc#397 page 13. Therefore Braddock, made several request to Stroder to file a motion of fairness in disclosure of evidence. When Braddock's wish went unheeded and even ignored Braddock then made record to the court on 8-20-2020, at status conference, Doc#359, with same request and illustrating why said request held merit... It was after this hearing that Stroder, was dead set on getting Braddock to plead guilty, even to the point of coming in and out the attorney/client consultation room every 3 or 4 minutes over a 6 hour period at pretrial conference Doc #377 asking Braddock if he signed the plea agreement. Stroder appeared to be very anxious about seeing to it Braddock plead guilty. Even talked with door cracked so the US Marshals on other side could hear Stroder tell Braddock ' Your making a big big mistake, big mistake". It was obvious something Braddock had said to the record just 6 days prior had gotten the attention of someone. In Braddock's naivete he assumed after making record his attorney would see to it the Court hold a hearing on the matters, or in the least the Court would do so in its own integrity...

Stroder, never attempted to show interest in the matters believed to prove a botch in the discovery's evidences and the indictment. Braddock, had long provided Stroder with the documentation to show repeated acts of harassment by very same state agents involved with the prosecution of the case, See Appendix C, which Braddock believed to show DPS CID Agents premeditation to arrest and indict Braddock. All to no avail... Braddock, even provided Stroder with diagrams he drew of the separate investigations and the overlap of such, see 'Attachment D' to Appendix D', in order to try to simplify what Braddock, believed and still believes Stroder neglected or possibly avoided intentionally...

As noted in Braddock's Expansion brief Doc# 397 to his original 2255 motion, Stroder, showed up to trial without his own Texas Federal Court Rule book, even forgot the case law and frame work for the directed verdict he moved for. Even misplaced the written statement one of the Governments witnesses wrote in defense of Braddock. see transcript of trial, Doc# 330 page 80, line 15. See also page 79 lines 22-25, through line 2 on page 80' for a description of statement. In the arrest interview video of this witness, it was CID agents themselves who pointed out who Braddock was in a photograph after he wrongfully identified him. Only for him to become a Government witness for trial... Stroder never made record of that or clarified for the Court...All of these things would surly matter to anyone retaining counsel. Anyone retaining counsel and these instances occurred would not been pleased to the monetary expense and the lack of preparedness. Had Stroder been retained and these instances occurred, his representation would of been terminated immediately... Though hence be Braddock was financially impaired, and devastated after the mistrial and withdraw of his retained attorney Robert V. Garcia Jr., Braddock was backed into a corner and unable to force his hand.

In over 14 months of Stroder's representation of Braddock, not once had Stroder showed up with the discovery and gone over with him. Stroder's only interest it seemed was the first trial and not so much so that he paid any attention to the Case Agents testimony about the lack of warrants and investigatory efforts ever engaged on Braddock...see Trial transcript Doc#226 pages 41-47.

Stroder seemed most effective after the trial on pointing out things that would over turn on appeal than he ever did about defending on allegations and the indictment against Braddock, which in turn only awarded the Government another chance at sealing up they're case...Any motion that had to do with opposing the indictment or allegations against Braddock, were not well decorated and even misplaced and misspelled names on such. see Exhibit's 11-12 on Doc#397 pages 14 and 15. Although any motion that had to do with something that would over turn the conviction at appellate level Stroders motions and case law were effective. see Doc# 304 and 316, So seems as though Stroder was selective with his effectiveness, which once again only gave the government another chance to hide and perfect...

Stroder, knew Braddock had been detained isolation cell over 18 months and still never attempted to move the court on letting Braddock out of isolation. Stroder, would repeatedly tell him, things like "watch your phone calls, the Government now has another recording they are going to use at trial"... When Braddock would ask what could he have said that even some what implicates him as guilty and that anxiety was getting to him, Stroder would shrug it off. It was like Stroder was purposely planting fear and anxiety. At that point, Braddock, started documenting all his calls so that he could counter any attempt the Government could possibly try and manipulate. Braddock then provided documentation to Stroder though he showed no interest and at that, the threats of more recordings stopped...

Stroder's cross examination of case agent Futch, were based on variance information from November 16 2018 'see trial

transcript Doc#330 pages 55-56', that was highly prejudicial and outside scope of the indictments January 2016 -June 27, 2018 time span. With the Governments entire redirect examination of case agent Futch they swallowed the bait Stroder set. see Doc#330 pages 59-65. Any attorney adamantly fighting to preserve his clients rights and testing the integrity of the prosecutions case would have objected to variance information instead of allowing it to fatally taint the minds of the Jury... Not only did Stroder allow this to go and even entertain it further he also allowed the jury to form a opinion on speculation of the variance information, since the residue in the one baggie, 'see exhibit 7 on Doc# 397 line 7', was never field tested to be proven anything beyond a rock like substance... Braddock, believed to of caught 'juror 10' being alerted by the extra TX DPS Agents that were spectating the trial in support of they're team member. What was so profound about said juror was the fact he was one of only two Oil and Gas related workers which were less likely to strike at voir dire, with the majority of the potential Jurist this second trial being from state offices such as Child Protective Services, Medical Staff, School teachers, and law office paralegals. Seems odd for this area with the boom at said time in the oil and gas industry, that these were the only types of juror's summonsed. Braddock, even received word few days after his conviction that said juror had relayed to an outside source he had helped convict a innocent man. Braddock immediately imparted this information to Stroder, and the contact from where it were sourced, though he failed to investigate...

Braddock, documented in his supplemental brief to his 2255 Doc# 397, how when reviewing the transcripts of the second trial Doc#'s 330-331, in preparation of his up and coming third trial, he noticed the transcript was different than what was spoke on stand. See Exhibit 13 on Doc#397 page 16. When Braddock pointed out to Stroder, he blatantly replied 'I'm not going to accuse the court of that'... Although his own recollection of the testimony proves this true, based off the objection to the PSR he filed on behalf of Braddock, See Exhibit 12 on Doc#397 page 15... Naturally, the PSR was prepared months before the said trial transcript was filed... In more recent times Braddock noticed even his sentencing transcript is not verbatim to the conversation between he and the District Judge, as Braddock recalls parts of conversation that are not even documented on Doc# 398...

As Braddock has repeatedly stated he asked Stroder from the start of his representation in many a letter to him, which he still has copies of, to review the warrants in the discovery and asked him to motion for the grand jury transcripts as well. Because it was apparent something was odd about the time frame on the indictment and of alleged evidence gathered by TX DPS February 2017- April 2017. Any alleged evidence predating the time frame of a conservative, January 2017 is based completely on hearsay. Its believed this Hearsay evidence was presented to the Federal Grand Jury to gain the Indictment's of July 25,2018 and November 14,2018, by making the time span on the indictment's cover any grey areas in the Case Agents investigation and may very well constitute a improper joinder and a botch in the federal investigation

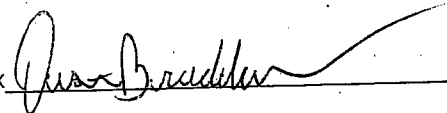
performed by DEA Case Agent Futch... Stroder never investigated, Braddock, even provided Stroder with text message snap shots between Defendant Jason McCullough and a CID detective where McCullough admits to being the one with the Dallas Tx connects talking about setting people up, begging this detective to not place warrants on him and, his connect coming to Odessa to deliver large amounts of Meth. See Attachment 3 to Appendix E. It's only obvious Braddock is not responsible for brokering this conspiracy or even a part of it. What seems most fitting based upon TX DPS Agent Goodman's recent awards around the same time of Braddock's indictment, See Goodman's CV Doc#'s 144-2 and 371-2. Along with recalling all the harassment from these TX DPS Agent's, is they used the DEA Agent to manipulate the federal indictment process and weaponize it in order to bring in they're stale warrant's and alleged evidences, for the purpose to place Braddock behind bars for personal achievement and recognition...

Braddock had mentioned to Stroder numerous times his trial date being prejudicial due to it being set on the one year anniversary of the mass shooting from August 31 2019. See Attachment ^{A-C} to Appendix D. Stroder never attempted to motion the court in response of that. Braddock has exhausted himself on Stroder being ineffective during the plea process, and being aligned and participant to the District Courts improper participation in the plea negotiations and coercion. See Motion for COA and supplements to COA... Its Braddock's stance Stroder was anything but effective, and in no way would he ever believe the courts appointment of Stroder is satisfactory for an accused 6th amendment right to counsel...

Therefore: Either Stroder's investigation and or interpretation of the facts, lack of preparedness for trial, and cross examination's make him totally ineffective to the indictments charge or as previously mentioned in the motion for COA and supplements, was in collusion with the court from day one of his CJA appointment...

Sworn under USC 1746 and the penalty of perjury to be true and accurate to the absolute best of my knowledge.

Sworn this 30 Day of June 2023 x



Dustin Ray Braddock
Reg# 27459-180
F.C.I. Milan
P.O.Box 1000
Milan, Mi 48160

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
MIDLAND-ODESSA DIVISION**

Attachment 1

DUSTIN BRADDOCK

V.

UNITED STATES OF AMERICA

)
)
)
)
)

NO. 7:21-CV-00175

NO. 7:18—CR-260

DECLARATION OF ALLEN R. STRODER

1. My name is Allen R. Stroder. I represented **DUSTIN BRADDOCK** in the above cause.
2. Braddock had only one mistrial . When represented by his second attorney, Bob Garcia, a government witness turned out to be a former client. The next trial resulted in a guilty verdict. A presentence report was prepared recommending a sentence guideline range of 292-365 months. Before sentencing, the court granted defendant's motion for new trial based on a jury note.
3. I did not pressure Braddock to plead guilty. He asked my opinion as to the upcoming outcome. I advised that I believed a jury would find him guilty, based on the prior result, state of the evidence and his reluctance to take the stand and deny his involvement in the charged conspiracy.
4. The court held a status conference on August 2, 2020 for a trial set for August 31, 2020. I had filed a motion for continuance based on my exposure at the office to Covid-19.

5. Braddock had been willing to plead to 5 years thru his representation by Richard Alvarado, Bob Garcia, and me. The government was unwilling to offer the 5 years. After speaking with Braddock on August 26, he appeared to be reconsidering his plea. I contacted the government and asked what they would be willing to do for a plea. The government offered to recommend a non-binding 10-year sentence. At Braddock's insistence, the government finally offered a binding 10-year sentence. However, after the government obtained authorization from San Antonio for a binding recommendation, Braddock backed out.

6. The status conference hearing was resumed, for an announcement that we were still going to trial. During the hearing, Braddock again changed his mind, and without further counsel, agreed to plea to a binding 10-year sentence and plea agreement.

7. At no time was pressure applied to force him to plead guilty. I was fully prepared to go to trial.

8. I am unaware of any 11 (c)(1) violation.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on December 9, 2021.


Allen R. Stroder

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
MIDLAND-ODESSA DIVISION**

Attachment 2

UNITED STATES OF AMERICA § CRIMINAL NO. 7:18-CR-00260-DC
 §
 §
DUSTIN RAY BRADDOCK §

**DEFENDANT DUSTIN RAY BRADDOCK'S UNOPPOSED MOTION FOR
CONTINUANCE OF TRIAL**

Defendant, **DUSTIN RAY BRADDOCK** by and through his attorney
Allen R. Stroder, hereby files this Motion for Continuance from its
present setting for August 31, 2020 and shows the following:

1. Counsel has this date learned that the receptionist in this office has contracted Covid-19. It is a small office with contact inevitable.
2. Once the adversarial judicial process has been initiated, the Sixth Amendment of the United States Constitution guarantees defendants the right to have counsel present at all critical stages of criminal proceedings. Both the trial itself and the post-indictment period before trial constitute "critical stages." *Kirby v. Illinois*, 406 U.S. 682, 688 (1972) (stating the right to counsel attaches "at or after the time adversary judicial proceedings have been initiated against him"). When defendants suffer the impairment of counsel by a state-created barrier, they need not show that the inadequate performance affected the outcome; they

need only show that such barriers affected counsel's performance. *Perry v. Leeke*, 488 U.S. 272 (1989) (recognizing that while most claims of ineffectiveness require a showing prejudice, "direct governmental interference with the right to counsel is a different matter."). And in some circumstances, the effective performance of counsel is so unlikely as to amount to the functional equivalent of a complete denial of counsel. *United States v. Cronin*, 466 U.S. 648 (1984).

3. Counsel's exposure to Covid-19 will compromise Defendant's right to counsel by interfering with safe contact both in preparation and conduct of the trial.

Counsel will be unable to safely confer with Defendant to prepare for the case without possibly exposing Defendant and other detainees, in maters and personnel in the Ward County facility where he is being held.

4. The safe conduct of the trial would be compromised by not only limiting Defendant's access to his attorney but by exposing court personnel as well as prospective and selected jurors.

5. Trial during the current pandemic is problematic in the first instance for the following additional non-exhaustive list of reasons:

(a) The trial attorneys would find it impossible to maintain the necessary sustained focus in the current environment. In the middle of a deadly pandemic, every step an attorney takes, every pen the lawyer picks up, every

person that wants to converse, and every cough the lawyer hears, could mean infection with a deadly virus. And the lawyer will also be seriously concerned about who will be exposed to the virus when the lawyer leaves court each day. Preserving Defendant's rights, moreover, will require some effort to put on the record at least the most serious occasions of such distractions.

(b) Defendant possesses an unqualified right to consult with the attorney throughout trial. *See Geders v. United States*, 425 U.S. 80 (1976). The current setting burdens this right in several ways, however. Traditional attorney-client consultations cannot be safely conducted at short distances: six feet of separation offers no guarantee of personal safety from the virus, and conversations at shorter distances pose even greater dangers. Imposing any meaningful distance decreases the efficacy of the consultation diminishes. Discussions had with people several feet apart are not private, which is contrary to the Sixth Amendment's requirements for criminal defendants. *See Weatherford v. Bursey*, 429 U.S. 545, 554 n. 4 (1977). And because such conversations cannot be conducted safely, privately, *and* effectively, they will inevitably be conducted less frequently. The Court could conceivably recess the trial each time the defendant and counsel wished to confer, to permit a private conversation. This would exact a massive toll on the trial's efficiency, however, and likely generate frustration and resentment by jurors toward Defendant. Further, it would call heightened attention to Defendant's

conferences with counsel and increase the risk that the jury draws factual inferences of guilt from Defendant's behavior at counsel table. The Court could conceivably recess the trial each time the defendant and counsel wished to confer, to permit a private conversation. This would exact a massive toll on the trial's efficiency, however, and likely generate frustration and resentment by jurors toward Defendant. Further, it would call heightened attention to Defendant's conferences with counsel and increase the risk that the jury draws factual inferences of guilt from Defendant's behavior at counsel table. Defendant's consultation with counsel, like any conduct at counsel table generally, constitute improper bases for conviction. *See United States v. McDonald*, 620 F.2d 559,564 (5th Cir. 1980); *United States v. Mendoza*, 522 F.3d 482,491 (5th Cir. 2008).

(c) Trial during a pandemic would deprive Defendant of a fair cross section of the community in violation of the Sixth Amendment. *Berghuis v. Smith*, 559 U.S. 314, 319 (2010). The issuance of a summons for jury duty on will likely skew the venire by large margins along multiple cognizable groups, due to risk factors and fear of the pandemic.

6. This motion is not made for purposes of delay but that justice may be done.

Attorney's Office for the Western District of Texas Midland/Odessa Division.

All of the other Co-Defendants have entered guilty pleas.

WHEREFORE, PREMISES CONSIDERED, Defendant prays that the Court enter its order continuing this cause until some future date, or, in the alternative, sets this motion for hearing.

Respectfully submitted,

/s/ Allen R. Stroder
ALLEN R. STRODER
Attorney at Law
6010 Hwy. 191, Ste. 230
Odessa, Texas 79762
(432) 550-0473
(432) 368-4287 FAX
State Bar No. 19407500
allenstroder@cableone.net

Certificate of Service

I hereby certify that on August 24, 2020 I filed this document with the Clerk using the CM/ECF filing system, which will cause a copy of the document to be delivered to the following:

Shane Chriesman
Monica R. Morrison
Assistant United States Attorneys
400 West Illinois, Suite 1200
Midland, Texas 79701

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
MIDLAND-ODESSA DIVISION**

UNITED STATES OF AMERICA § CRIMINAL NO. 7:18-CR-00260-DC
 §
 §
DUSTIN RAY BRADDOCK §

**DEFENDANT DUSTIN RAY BRADDOCK'S UNOPPOSED MOTION FOR
CONTINUANCE**

HAVING CONSIDERED Defendant Dustin Braddock's Unopposed Motion
for Continuance of Trial, the court is of the opinion it should be granted.

IT IS THERE FOR ORDERED the August 31, 2020 trial setting is
continued until further order of the court.

Date

Hon. David Counts

FROM: 27459180

TO:

SUBJECT: Affidavit of letter's to Stroder

DATE: 06/15/2023 04:51:08 PM

"APPENDIX E"

AFFIDAVIT of LETTER'S sent to ATTORNEY ALLEN R. STRODER

I, Dustin Ray Braddock, state the following excerpts are from letters I mailed my attorney Mr. Allen R. Stroder. I do have in my possession copies of the letters in entirety. I make this Affidavit out of courtesy for Court Personnel, with they're reading comfort in mind so not to overwhelm the court with a myriad of messy pages scribbled in my handwriting. It's my attempt to keep this Writ and Appendix to Writ as short and to point as possible, due to that I have not included each and every detail or letter that I shared with Attorney Allen R. Stroder, I'm only submitting what I believe hold the most relevance, redundant unanswered questions, and repeated issues, I had throughout the course of his representation. Upon request of the Court I have no qualms submitting the original letters that these sections and abbreviations were redacted from. These words taken from the letters are in no way different from what Mr. Stroder would have on file other than being just that, summarized sections and abbreviations of the actual letter's he received from me...

Respectfully,

Dustin Ray Braddock x

7-04-2019- To Stroder, " my next concern is the indictment and the transcripts from the Grand Jury. The prosecution used evidence of people already indicted ' spill over' to manipulate or smoke screen indicting me. I'd really appreciate you taking the time to get those transcripts". " I also want to know the reason the state agents warranted my phone records in 2-2017, well prior to any DEA investigation that started June of 2017. Another important prejudicial fact I'll note I'd appreciate you taking the time to consider is the interview Scott Freeman gave 6-28-2018, he clearly identified me as someone else, and the agents corrected him and told him who I was". " Now Freeman is looking to testify against me, so I'd like you to file a motion and have that evidence played in trial and back up with the affidavit Freeman wrote on my behalf ". "I also want to be made aware these same DPS Agents have been harassing me for several years and this is purely an attempt to frame me. The prosecution has been doing malicious acts and even placing that inmate with the Rule 35, Mitchel Nelson around non-testifying Co-defendants in Haskell. As well as made up false allegations of me having Timpson's girlfriend threatened. All in order to coerce Timpson to cooperate against me". " Mr. Stroder that's not justice and you as my attorney should defend me and investigate what I say. I also believe Piper Morgan withdrew the day of Timpson's sentencing in a ploy her and Mrs White schemed in order to put off Timpson's sentencing in hopes and desperation to manipulate him with outrageous guidelines goading him to give false information on me". " Mr. Stroder you been doing this long enough you can see bullshit when its that. This Government is trying to frame me and I once was naive but after \$ 15,000 and another \$800 on law books I'm anything but. Please fight for me Mr. Stroder". "I'm sure they are not very pleased with the facts and mistrial and my unwillingness to be bullied or pressured into 10-15 years of my life, when I'm not guilty of conspiring with these people". " my wife and family have read enough on court reporter to know your very well familiar with this circuits schemes and ways so please don't shy from leveling with them". " We do ask that after you have looked all the way into this case both inside and out that if you aren't 100% comfortable representing me to the best of your ability and uncorrupted oath to seek justice on my behalf, that you let me know and make it known". " This Agent Has been on me since 2014 'Goodman'. And its obvious I'm the reason they extended the time frame on the indictment. And its obvious both he and the previous prosecutor were out to get me as if I were some high profile aryan drug dealer. I got record to prove such and witnesses that are non felons to back that up. Please investigate what I say, my previous 2 attorney's blew me off like I was a idiot. It's not them being framed a scapegoat it's me, I don't ask a miracle Mr. Stroder, but I deserve true justice and fair scales". " DEA Agent Futch told me my indictment was superseding. How else could I be charged. Please look into it there is a big lapse, they used Preston's investigation to spill over on to mine by bringing 3 people who should been on indictment with her over to indict me. You can see by the phone warrant's and time frames by the investigation there is a flaw, I just don't know how to explain it or what I'm trying to find in law books Allen"...

FROM: 27459180

TO:

SUBJECT: Affidavit of Letters to Stroder

DATE: 06/15/2023 04:51:36 PM

7-08-2019- To Stroder, "In the interview report you'll find Jason McCullough and his girlfriend were activated as informants for DEA Agent Futch. This is some snap shots between the two". And most importantly for it proves what all the evidence proves but keeps being disguised and subtly overlooked that McCullough is responsible for brokering the conspiracy". "But yet the government is trying to convict me for exact same charge of brokering"...

10-21-2019- To Stroder "Allen, its hard to make sense of these figures in your formal letter referencing my PSI, I'm aware that's mostly in part to government strategy. Its quite hard and frustrating to try and decipher what's added government manipulation as so much of these figures contradict each other, prove different from trial, and of course prove different from the truth. The truth being why I went to trial". " Mr. Stroder forgive me if I seem condescending when I note its difficult to try to object to these elements when its nerve wrecking to to try to make out rather government taints or type o's and errors on your part in this PSR reference letter". " Allen I need to ask you find it important to be thorough and diligent in your motions and formal letters dealing with my case. Ill note respectfully that in every motion as well as in this PSR reference letter, you've misplaced words, and even misplaced or added unrelated names. As your more aware then I, I don't need to mention how this government is fond and known to be skilled at their ways of twisting reports and documents to better serve they're purposes". " So please Mr Allen Stroder, don't shrug me off, fight to make each attempt for them to stick to the facts from trial. Because in God's honest truth even that is perverted". "Thank You"...

11-18-2019- To Stroder, " Allen on phone and even in person when its me and you, you seem well attentive and assertive, though in the court room, its like you get flustered or have anxiety. Please Allen be willing to fully exhaust all elements on cross". " Please Allen do not be timid to ask that girl (Preston) on stand if she told people she had protection because her father is a law man. That is the property in Gardendale she was moving too and why, and the government knows for fact that Freeman delivered to her there. If that girls dad cant sit through 3 jury trials staring holes through me with his badge showing for the jury to see. Then you as my attorney should be damn sure to ask her if her little plan and her fathers employment is working"...

11-25-2019- To Stroder, " Allen them CID Agents bent rules and manipulated warrants and procedures. That's obvious by the search warrant for my 9338 address. Them Agents warranted my phone text well before they knew of a conspiracy or DEA Futch's Investigation into Preston. And my text to Preston did not kick off the DEA investigation. Them CID Agents held them messages and then manipulated the federal investigation. Allen I know in my heart that there is something being missed. Please go back and carefully overlook the warrants phone text. And see the gap before indictment and notice how not once during the 12 month DEA Futch Investigation did they ever reactivate. Look Closely at this diagram I've drawn and then check the warrants". "I can't make sense of how they can warrant evidence for different purpose and not use it and then go back and use it for federal case without the federal agent ever reactivating warrant and then testifying to evidence he did not gather, or existed before CID knew of a conspiracy. Then there never being any reason why CID had grounds to warrant my text. Had they been warranted after 6-2017 once Futch was involved then I'd understand. But my text were not warranted for federal interest, once they were warranted they never brought federal interest". "Then to know the ways them CID DPS officers don't follow policy to rights and proper procedure, really makes me question how legal is they're warrants. Once again Allen, I'm not talking about warrants from after 6-2017. I'm talking about warrants before, that gathered the evidence Futch Testified to on stand". " I'm not trying to waste your time. I see your more into fighting technicalities in legal matters than you are at dealing with testimonies and the monotony. That's why I'm busy doing my best to see absolutely no stone is left unturned. Warrants are before 6-2017 and then After 11-14-2018"...

12-08-2019- To Stroder, " With the government's stall and excuses why the Preston Video never was given for viewing, and then her redacted statement, on top of her testimony denying previous statements. Allows me to question whether or not the Government made a new video and withheld the original. Preston did not have shaved head at time she was arrested. So if in the video its shaved then the government definitely did way with the original recorded interview. Preston had curly bushy short hair that stuck out sides of her cap at time she and Freeman were arrested. Preston shaved her head once in jail. The witnesses can prove that including the governments own witness Freeman. Or the picture from Marshal registry photo when booked at Court house or E.C.C.C.". "Allen, I do not mean to get on your nerves with so many letters and etc. But your my attorney and this is my life and until we get justice or you withdraw, I plan to fight. This is bullshit and they know it, I put nothing past them folks. Latawn wanted to go out with a bang on last prosecuting case. And now Shane and Monica are just as desperate for conviction"...

1-31-2020 - (Notes Hand Delivered at a Client/Attorney Visit)- " No evidence on me through the course of DEA Agent Futch' investigation. No warrants for phone records, or taps, no surveillance, no pings, but they cover themselves for the gap by

indictment time span". "Testimonies about baggies found upon arrest is variance and DEA Warrant/ Seizure sheet do not show baggies found or does warrant make mention of Drugs. DPS Warrant mentions drugs and seizure sheet shows one baggie but not at the address warranted". " First trial the potential juror's was different, the people seemed to be more random judging by they're professions as the second, of 85% being legal workers, Teachers, Medical Staff. 25 of the 50 had prior jury experience. 12 of the 25 having prior grand jury experience". " Being more assertive on Cross and not so anxious to sit down. Not forgetful this time, having to drive back to Odessa for law Definition and Texas federal court rule book like last time" ...

2-09-2020- To Stroder, " Before my trial I want to sit down with you not in a rush and with all the discovery and testimony from both prior trials. All the text messages and etc. I know there is absolutely no substitution to preparation. I want to be prepared strategically and want to know what your plan is". " I want to go over all the text messages and questions you'd structure if I were to take the stand. And what your planning to do about the perjured witness and agents report?". " Allen I respect your wisdom, I deserve your best, and I hope for even better. The last trial afterwards, my relatives questioned if you had memory problems, because it seemed several times as though you would get lost or side tracked and when you do it alienates the jury and the court fed off of it. I refuse to give up to a perverted justice, and I have a lot of support encouraging me that will be there". " I've admitted I'm not proud of who I been, I don't like these tattoo's from 20 years ago either, and hadn't for a long time, but none of that should hold bearing and justify what these authority abusing CID Agents are attempting. I want to go over all discovery, text, testimonies, warrants and predict, practice, and structure. Please give me that"...

2-19-2020- To Stroder, "Wanted to send this report from 6-29-2016, that CID Agent Goodman had prepared in another case. I've mentioned how the Agents stated to individuals I was rank for the ABT well prior to this same Agents claim in February 2017 a 'CI' told him that and that made for grounds to obtain phone tap warrants. Richard Alvarado told me there was 865 pages of my text. Bob Garcia, told me the warrants were from March and April 2017, and questioned the validity. 865 pages seems a lot more than 60 days worth. DEA Agent Futch, testified the very first trial 6-3-2019, that never during the course of his investigation did he activate warrants, pings, pen registers, or visual surveillance on me nor did he see me in the surveillance he did have in place on Preston. The 2nd Trial, the prosecution namely Monica Morrison, non-chalantly manipulated the presentation to the jury as though they had pings, trace registers and etc. Though the indictment noted time span for the conspiracy covers this time in this report, it does show how the info SA Goodman claims reason for Feb 2017, March and April 2017 to validate his phone warrants based upon CI info , is well predetermined. Then for CID to randomly get search warrant some 21 months later makes me question is the info they allege from Feb 2017, would be stale Nov 16 2018". "Also I seen the unopposed motion for continuance and wondered why you'd not oppose it or at least talk to me before having not done so? November 14, the judge asked if we'd be ready December 2, he asked both government and defense. Both agreed with noted all witnesses were still close except one 'Preston' Though judging from 6-3-2019 trial, having a necessary witness for trial that was out of state here for trial on short notice was no problem by fact the marshals flew and had Aldridge here from Alabama by Mondays trial. This took place between May 29 and June 2 2019. I'm aware the court stalled granting the new trial December 2 and January 6 and possibly even February 3, most likely due to holidays and jury being less likely to convict around holiday season. I've been in seg since the day arrested, why we wouldn't oppose this continuance". " Another thing I mentioned in the past and do so again, a member in the audience of my support system both days of our July 29-30 2019 trial. Observed the same thing I did, and that was when Judge was charging the jury a odd repetitious noise sounded, when the mere presence instruction was being read, and the juror I've noted on drawn diagram began looking, not even non-chalantly to the prosecution audience nodding and writing in his notes. This Juror saw that I noticed him and up until this point this juror had been biting his nails and not even paying attention the entire trial. After the charge started being given then he started smirking at me and looking to other juror's. I never gave it much thought until my supportive friend David Dennis, came back from work telling Jeannie and co how that same juror was bragging in oil field how they convicted a innocent man. Allen this is not a lie or far fetched imagination. And with a careful ear and volume of recording up from when Judge gave charge you will notice what I'm talking about. Especially if you have access to the video recording". " 30 yrs of my life ride on the fairness of my trial. I and my relatives know what we saw and heard. and David knows what he saw and was told that only corroborates. I also recall this Juror being one of the only 2 common oil field workers on the jury poll. who'd of thought huh. Allen I'm sorry if this case is a headache, and more monotony than paid for a appointed case. I'm sorry if most my letters and etc are irrelevant and frustrating". "This is far from fair and they know it, and you of all people should not question how pernicious the government is and the shady stunts prone to pull to get a conviction, hell look at the PSR report they made out of this"...

TRULINCS 27459180 - BRADDOCK, DUSTIN RAY - Unit: MIL-A-A

FROM: 27459180

TO:

SUBJECT: Affidavit of Letters to Stroder

DATE: 06/15/2023 04:50:57 PM

3-17-2020- To Stroder, " Allen its very hard to not talk on phone with not knowing what them people can use to manipulate to they're purposes. I've been in segregation cell for 16 months with lil to no human contact, and the phone is. my life line to my support and encouragement. It seems as though they can twist anything since being, I know nothing I've said holds guilt to what other grown people were doing on they're own accord". "Allen, I don't have clue what I could of said that they want to try to use as guilt. Even the most irrelevant of person could be manipulated by his own words by a desperate prosecution. And anyone one earth after being lied about, bullied, ripped from bed and new born baby, thrown into segregation cell for a year and a half, would start to feel intimidated and discouraged"...

5-17-2020- To Stroder, " Also if you recall last July I told you about how I was told before my trial that some Gangster Disciple named 'Money' went around telling people he was my nephew or relative and was placed in housing with McCullough and assaulted him. Very odd, seems as few people who've known me all my life were there and know for fact this 'Money' dude aint related to me! I'm sure it was some foul shit the government arranged in hopes to gain testimony"...

6-17-2020- To Stroder, " Writing in regards to a couple things that been weighing on my mind. I start this one in hopes its received well and no matter the contents not offending, as I've honestly never intended to be read that way. Allen why do you not speak with me before making decisions? I'm exhausted from the anxiety awaiting 3 trials has brought. I can not help but wander why you'd rather drag me back through all of this instead of getting the case away from the district court, the constant scrutiny, monotony, and pride of the court and prosecutors and into the appeals court. The Anxiety and single cell and feelings like agents breathing down back, manipulating my phone calls and etc would get the best of any client, hell superman or a irrelevant bystander would feel overwhelmed. You never spoke to me before you filed for new trial. After you learned of the ex parte notes, you simply filed, and once Jeannie noticed on pacer and called you did you call me. Now its dragged on and on. I know the continuances from March and April were due to pandemic, and you called me. And even though courts were ordered closed by main Judge in San Antonio until 6-30-2020. I do not know why you'd not talk to me in May before not opposing the special setting's motion. Now conveniently my date is set for a dismal August 31 2020. The one year anniversary of the tragic local mass shooting, that was unlike anything we've been through in this area, that as well gained national attention. I'm sure in the governments pride, a jury poll after pandemic would be prone to compassion. But a poll after 30 days of being reminded of the evil from August 31 2019, a jury would possibly be more easily persuaded to convict. Allen, I'm sorry if I bother you or if my concerns are insulting. I've only tried to be diligent and open to you with things. I feel you should not get defensive or offended when I question you with my concerns. Please try and place yourself in my shoes. I do not write the judge who appointed you or C.A.A.P. I come directly to you". "You know you never called them on the speculation with they're claim of the baggies with meth residue, when I were arrested. They never even confiscated, damn sure didn't give field test, so that was pure speculation, not to mention outside the indictment time span. The government did not give defense a witness list until morning of the first trial. Yet in May while they're telling the court they want a 100 day continuance, your telling them who you plan to call giving them a 100 days to dig and dig on our witnesses. Its almost as though your giving them exactly what they want without realizing it". "The government and Marshals had Aldridge here from FCI Aliceville Alabama with 4 days for first trial, I'm sure a 4 hr flight or so. I don't know FCI Danbury Ct to be much further in distance than that. Although because Preston was there government ask for continuance 17 days before trial docket that was set for March 2 2020. I guess when it comes to they're witnesses preparation and time matter. That's not right and I ask you as my attorney to point this stuff out". "I know your busy and my case is not your only one, but I ask you to fight for me and not let them have they're way". "Allen, not only on this PSR objection, but even during trial you call McCullough, McCollock". "I know DEA and DPS are separate investigations though it's not DEA warrants that gathered my text. And I Journaled how Goodman and co have harassed me. You say its separate, but why don't you file a motion in fairness of disclosure. Allen I don't want you to do anything your not willing to do, but I deserve defense from all angles". "I'm sure most your federal cases you do just make all the decisions, well for my case I ask to be in the loop before any decision is made". "If your still going to represent me once this letter is ended, I ask you to file the fairness in disclosure of evidence, as well as make known to the court about the August 31 date". "And I ask to know what you plan to do to win". "I've never seen anyone's attorney make errors like these". "If you plan to fight and are prepared then let's do it, though if you just going with the flow and shooting from the hip and not empathetic, then request a hearing and tell the court you wish to withdraw. Tell them you thought it only fair I get a new trial, but it's dragged on and you feel it be best if they appoint someone new while there is plenty of time. Its up to you Allen. I told you my concerns I feel they are valid, I'm not running you down, and mean no disrespect. I only want to trust this time has been used to prepare and not for they're advantage. I never mentioned to you before now that a few days after Kevin Rickman receiving that life sentence in 2014. I was on Facebook and had words with what I believed to be a undercover agent with the profile name Texas Possum. We exchanged remarks and he made regards to my choice of grammar. Though what always stood out to me Allen, was his reply to me in verbatim, 'after closer look into the matter, I can totally see and understand your frustration, what's sad is his appointed counsel did not withdraw his plea

once those allegations started surfacing, so they could not use against him'. Allen that is again in verbatim, and in all truth after I stood beside Kevin as his close family friend that is when the FBI and DPS started harassing me". So I'll close this one with the Question should we continue with you as my attorney? Or is it possible I may have a better outcome with someone new? "...

7-05-2020- To Stroder, " Allen I know we discussed the stacked jury ordeal and you did not believe they done so. Allen I know what I saw that day when Counts was charging the jury, and I know the noise I heard before hand". "There's no way in hell Allen, that in the middle of that economy a random poll would pull only Paralegals, teachers, medical staff, legal workers and only 2 oil field workers, not to mention the info that was passed to my friend David, after the trial". " Allen up to that point I have 6 previous hours spent sitting in that court room with Bob. Then another 8 hours in Counts court room with you. That's roughly 14 hours and never once during them 14 hours did I hear the odd noise that is obviously intentional as I and my loved ones caught when the judge read the mere presence part. Allen its all there what motive would be, new prosecutor, new district seat for Judge, and already a mistrial, a weak case, perjured witness, and the extra CID agents sitting in alerting to Juror". " The video of the jury being charged would prove what I'm saying Allen". " Next time you have the chance and hour or two to spare, I'd like us to go over the text messages and Discovery"...

8-16-2020- To Stroder, " Also before trial, I expect you and I to go over both trial's transcripts and the discovery. As I know they manipulated how Chief Agent presented his testimony from first trial, where he boldly stated he had never pinged warranted, tapped, trace register, or visually observed me his entire 12 month surveillance on Preston and Co. I know that is important, and was manipulated in its presentation at our trial, on how government opened his testimony. It was very blatant if you look at the first trial transcripts"...

8-20-2020- To Stroder, "I know I had a right to speak up, and I know if i didn't than chances are I'd of never got another chance. I know that was a lot of words to read in two minutes. Hopefully the recorder was able to keep up. This is a true copy of what I read from. Allen I know the text messages Goodman warranted that Futch testified to are fruit of the poisonous tree. Not a single one of any of these warrants are not flawed. Even the U.S. Magistrate warrant is flawed, as no description is given and five house's sit on that 2.2 acres of land at 6441 w. 29th, and all use the same address. If I'm to be framed in 30 years, than I'm not not going to voice my concerns. I give damn who don't like me at this point". " I don't know what kind of leeway if any you plan to leave for appeal if I'm convicted, so it was of importance I let it known about the warrants and what I know I seen and heard with Juror 10 last time. I hope your not upset"...

9-09-2020- To Stroder, "I did not like pleading out to this case. Because I know the investigation is botched where DEA Agent Futch is concerned. I know they manipulated the grand jury evidence with CID to gain the indictment. I feel like after the very first trial or before the trial there should have been a motion to dismiss, especially after it was apparent how testimony was presented. I know my voicing to the court August 20,2020, my having concerns with the investigation, the prior two testimonies from Futch, and my mentioning the motion in fairness of disclosure of evidence had everything to do with them all a sudden dropping the enhancement and coming down to the mandatory minimum". " Allen I never wanted 10 years, 10 years is why I, well along with innocence and refusal to be bullied, why I chose trial all way back with Richard and Bob. I never wanted to settle for anything more then 5 years. But after almost 2 years in a single cell, two unfair trials, misconstrued and exaggerated facts, 6 months with no visit from loved ones due to COVID 19, a miscarried pregnancy, I was well tired of the monotony. After we told the court ready for trial the morning of August 26, 2020, Winkler County picked me up then half way out of town they called us back to court. I was not comfortable or made confident with the way you kept repeatedly coming in and out the attorney/client room every two minutes to see if I signed or not. It seemed you were more about they're want then mine. I even recall how I felt as you stood with the door cracked as they waited beyond the other side hearing what you and I debated over all they shady things in they're 3 different plea agreements attempted, that I kept refusing. I had the impression as anyone would that if you were more about defending my best interest you'd of been on top of the things I kept pointing out, and I still missed them 2 paragraphs on page 4! It was obvious you wanted this case off your desk and load, as did I at this point. I no longer felt comfortable going through another trial like this". "Over a year you represented me and not once had you brought my full discovery and us gone over it together. Even when I asked several times. The August 31 date was prejudicial period! My loved ones were not going to be allowed in court room, instead would view from monitor down stairs, that's not very encouraging when facing 30 years, especially when we know last time we caught a juror being alerted by state agents in court room supporting the prosecution. Each Jury poll got smaller in number every trial. They stacked odds against me. Would of looked real good them seeing only Marshals beside and behind me. I did not accept plea out of guilt or good deal. I done so out of fear and wisdom. To them truth does not matter, I no longer had faith in the system, prosecution integrity, or lack of, or the defense"...

TRULINCS 27459180 - BRADDOCK, DUSTIN RAY - Unit: MIL-A-A

FROM: 27459180

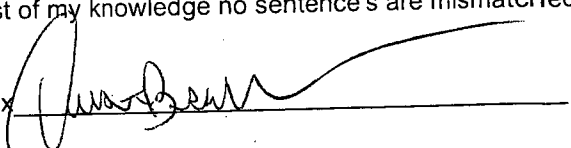
TO:

SUBJECT: Affidavit of Letters to Stroder

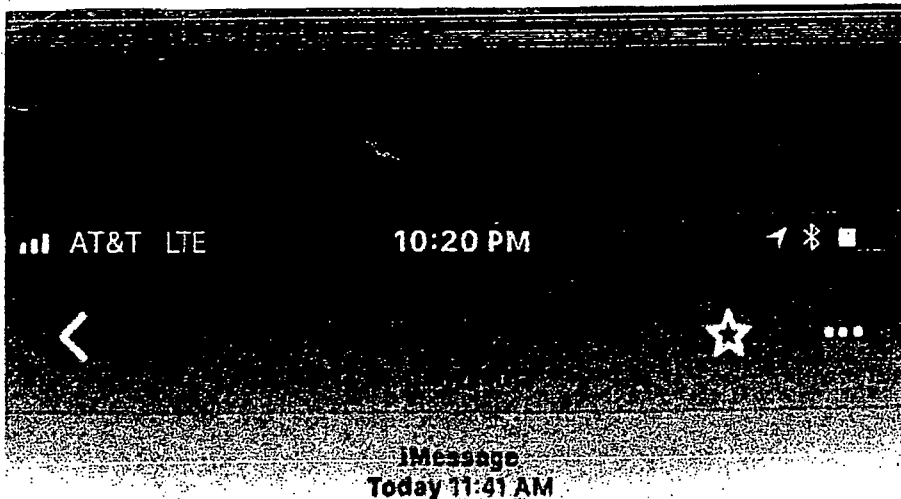
DATE: 06/16/2023 06:43:19 AM

Sworn Under USC 1746 and the penalty of perjury to be true and accurate sections and excerpts from actual letters I mailed or hand delivered to Attorney Allen R. Stroder. All Quotation marks " " signify the start and ends to actual group's of sentences in the order they were written in the original letter's. To the best of my knowledge no sentence's are mismatched when compared to the original documents.

Sworn this 30 Day of June 2023 x

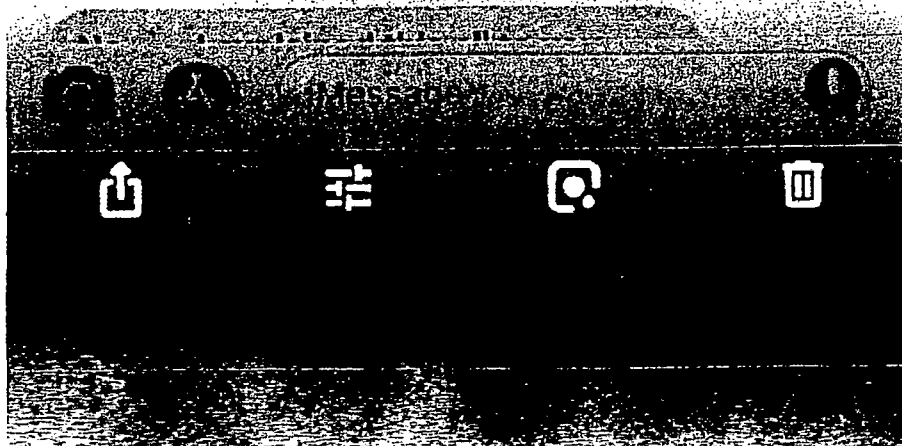


Dustin Ray Braddock
Reg# 27459-180
F.C.I. Milan
P.O.Box 1000
Anthony, Mi 48160



Meeting on 1788 is not going to work. He needs to come to midland. If u need more time to work on that like sometime tomorrow night then we will allow that. 1788 is not going to work.

Ok ok you win. You can give me location and I'll just tell him. Going to call him right now and let him know I'll let him know where it's going to be and make sure it's ok. Cool? I need to be able trust you as well as I need you to trust me. I was told yesterday to set it up in midland and y'all simply conduct traffic stop. And that the other one could follow later on. I did that. Please quit treating me like I'm dirt sir. I'm asking you to please meet me at 1:00 as planned to set it up for say 2:00 or very close to it. You can give location and I'll let him know where. I need for you to please call me.



AT&T LTE

10:19 PM



No I explained this all to you yesterday. The safety of my team is my first my priority. Devolving scenarios where we make it appear like you are not involved is my second priority.

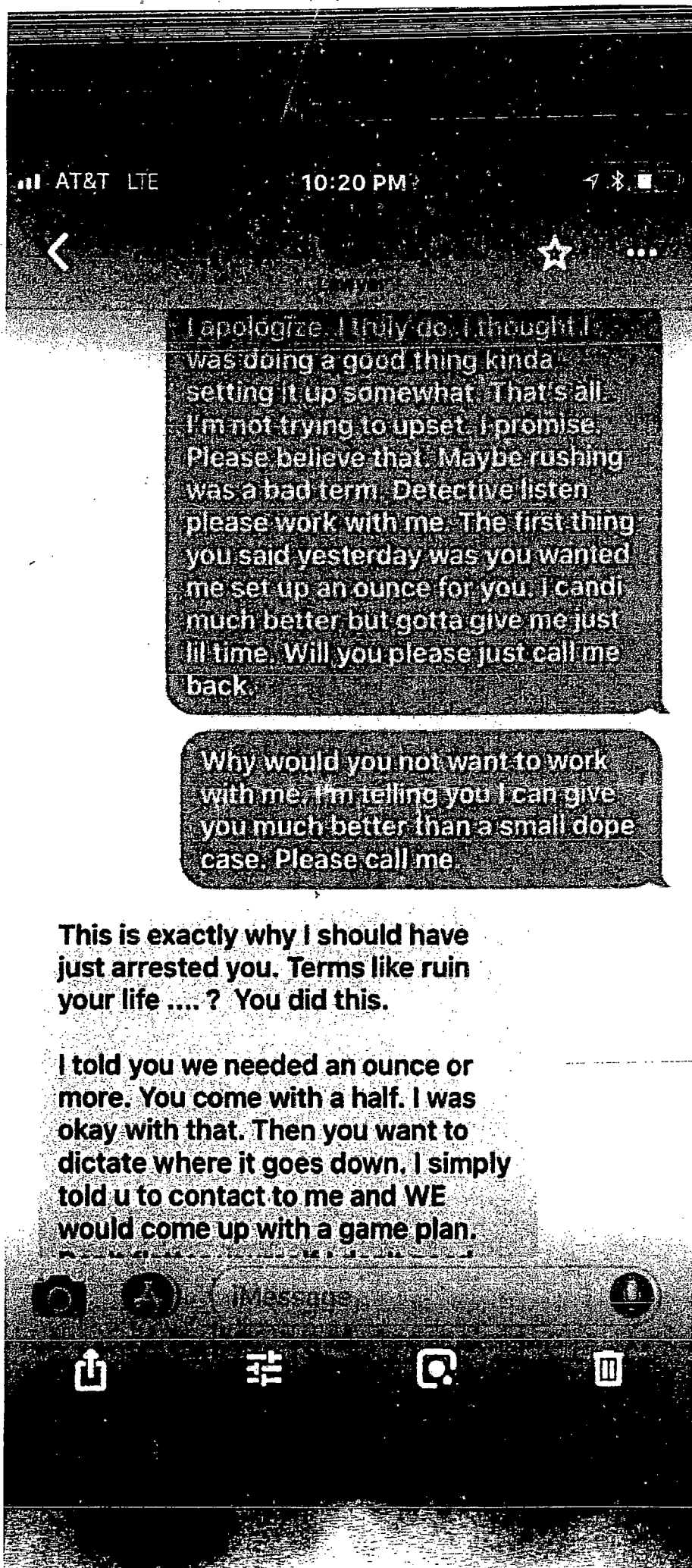
I simply told you to call me today and we would come up with a location. You couldn't even do that. U tried to take it upon yourself. It doesn't work like that at all. According to you u have a plug in Dallas and could get them to come to Midland blah blah.

Cancel the deal with him. I will activate 3 warrants for you tomorrow and you will need to turn yourself in.

Look I need you to please do this. I'm not at all trying to do anything to upset you. I have access to plenty of very useful knowledge at me due to my current living situation. I guarantee I can deliver something way better than this anyway if you



63



I apologize. I truly do. I thought I was doing a good thing kinda setting it up somewhat. That's all. I'm not trying to upset. I promise. Please believe that. Maybe rushing was a bad term. Detective listen please work with me. The first thing you said yesterday was you wanted me set up an ounce for you. I can do much better but gotta give me just lil time. Will you please just call me back.

Why would you not want to work with me. I'm telling you I can give you much better than a small dope case. Please call me.

This is exactly why I should have just arrested you. Terms like ruin your life ? You did this.

I told you we needed an ounce or more. You come with a half. I was okay with that. Then you want to dictate where it goes down. I simply told u to contact to me and WE would come up with a game plan.

AT&T LTE

10:20 PM



Again I apologize sir. And I did get myself into this I understand. I'm just saying that I can do as asked. Didn't mean to mess up by kinda settling it up. I apologize. I will do it your way. I am plugged in sir is all. I'm saying. And I can get you something good setup but just allow me the opportunity to do it. We do it your way etc. I thought I was doing good. I mean that. But I truly apologize. If you will allow me another chance I will deliver. My word on that. I would like to discuss it with you it will be worth your while. I know couple key players in this area. If you'll please give me lil time I will get you one. And I assure you it will be well worth the wait. Believe me. I'm not just bullshitting you.

Only reason I don't fuck with them is cuz I choose not to. Anyways I did my begging. Please simply speak with me before making move on me.

That's enough texting. I really don't



Messages



5

AT&T LTE

10:20 PM



my begging. Please simply speak
with me before making move on me.

**That's enough texting. I really don't
even read all that to be honest.**

Well you should. You clearly don't
believe what telling you but I used to
do pretty big things on these
streets. I can give you what you
want if just speak to me. Give me lil
time and I'll deliver. That case
against me can be filed anytime. We
both know it. I guarantee you it be
worth it. Just call me when you have
a second. All I'm asking.

Ok so canceled that for today. Look
I'm telling you I can get you
something way better anyways. But
just need for you to work with me. I
realize I'm the one in the bad spot
and I would appreciate the
opportunity. All I'm asking. Please
contact me before filing any cases
on me. I assure you it be worth it.

Delivered

